



RESOLUTION
2020-003

RESOLUTION AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT WITH ATLANTIC BROADBAND (DELMAR), LLC

WHEREAS, pursuant to Title VI of the Telecommunications Act of 1934, *as amended*, the regulations of the Federal Communications Commission (hereinafter referred to as the “FCC”) and Delaware law, the Town of Townsend (the “Town”) is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing Public Rights-of-Way and properties within the Town’s jurisdiction; and

WHEREAS, Atlantic Broadband (Delmar), LLC (“Atlantic Broadband”) currently holds a franchise to operate a Cable System within the Town previously granted to Atlantic Broadband or a predecessor entity; and

WHEREAS, the aforesaid Public Rights-of-Way used by Atlantic Broadband are public properties acquired and maintained by the Town on behalf of the citizens of the Town, and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Town desires to protect and manage the aforesaid rights-of-way, establish standards of Subscriber service, maintain a technologically advanced Cable System, receive Franchise Fees for Atlantic Broadband’s use of the Town’s rights-of-ways as provided by federal law, reserve the right to request use of a public, educational and governmental channel, establish certain reporting requirements, obtain certain complimentary services, provide legal protections for the Town, and meet the current and future cable-related needs of its residents; and

WHEREAS, the Town has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

WHEREAS, the Town, has determined that the public interest would be served by granting Atlantic Broadband’s franchise according to the terms and conditions contained herein;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF TOWNSEND COUNCIL, TOWNSEND, DELAWARE: that the Town Council does hereby approve the cable franchise agreement negotiated with Atlantic Broadband including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

This Resolution shall take effect immediately upon execution by all parties and will replace the agreement which is due to expire on August 10, 2020. The Mayor of the Town of Townsend is hereby authorized to enter into, execute the Cable Franchise Agreement evidencing the Resolution without further action.

PASSED and APPROVED this _____ day of _____, 2020.

TOWN OF TOWNSEND

Thomas McDonald, Mayor

ATTEST:

Anthony S. Mangeri, Town Manager

Vote of Council	Yea	Na	Abs
Mayor McDonald			
CW E. Dugan			
CM P. Miller			
CM S. Lobdell			
CM A. Franco			