

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 311 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER NJ, INC.

WHEREAS, Cross River Fiber NJ, Inc. ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Township of West Milford for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Township of West Milford for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Township and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey, that the Township is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

Adopted: December 18, 2013

Adopted this 18th day of December, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk