

RESOLUTION APPROVING RIGHT-OF-WAY USE TO VERIZON WIRELESS

WHEREAS, New York SMSA Limited Partnership, d/b/a Verizon Wireless (“Verizon”), is a provider of commercial mobile services subject to the regulations of the New Jersey Board of Public Utilities (“BPU”) and the Federal Communications Commission (“FCC”), which authorize Verizon to provide local exchange and interexchange telecommunications services; and

WHEREAS, the BPU recognizes Verizon as a local exchange carrier that provides local telephone and associated services in its service territory in New Jersey through a telecommunications network that it owns and operates; and

WHEREAS, Verizon has represented that it has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon may jointly use such poles erected within the public right-of-way in the Borough of Highlands (the “Borough”); and

WHEREAS, Verizon proposes to provide telecommunications services in accordance with the Order and the rules and regulations of the FCC and the BPU; and

WHEREAS, Verizon intends to access and use the Borough’s public rights-of-way to locate, place, attach, install, operate and/or maintain telecommunication facilities on existing utility poles as well as new and/or existing underground conduit systems in Borough of Beach Haven’s public rights-of-way; and

WHEREAS, N.J.S.A. 48:3-19 requires Verizon to obtain the consent of the Borough for the use of any existing utility poles; and

WHEREAS, pursuant to such authority granted by the BPU and FCC, Verizon may locate, place, attach, install, operate and maintain facilities with public rights-of-way for purposes of providing telecommunications services; and

WHEREAS, the existing utility poles are owned and maintained by private telecommunications and utility providers; and

WHEREAS, Verizon shall obtain the permission of the owner(s) of said existing utility poles and provide proof of said consent and/or license to the Borough before any work is commenced; and

WHEREAS, N.J.S.A. 54:30A-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 receipt 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 the best interest of the Borough and its residents for the Borough to grant consent to Verizon to occupy and access said public rights-of-way within the Borough for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Highlands that Verizon is hereby granted a non-exclusive use of public rights-of-ways for the purposes of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the Borough's Rights-of-Way Agreement with Verizon; and

BE IT FURTHER RESOLVED that the Borough Administrator and the Borough Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution; and

BE IT FURTHER RESOLVED that once executed the referenced Rights-of-Way Agreement with Verizon shall be kept on file by the Borough Clerk; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to:

1. Bruce W. Padula, Esq., Borough Attorney
2. Timothy Hill, Borough Administrator

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
CARD			x			
REDMOND			x			
RYAN						x
WELLS		x	x			
NOLAN	x		x			
ON CONSENT AGENDA			x	YES	NO	

DATE: December 28, 2015

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of the R-15-245 adopted by the Governing Body of the Borough of Highlands on December 28, 2015.

Borough Clerk/Deputy Clerk