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**VIA EMAIL AND REGULAR MAIL**

Thomas Brizzolara, Director of Public Affairs  
Orange and Rockland Utilities, Inc.  
1 Blue Hill Plaza  
Pearl River, New York 10965

**RE: Eruv On Orange & Rockland Facilities  
Borough of Upper Saddle River, New Jersey**

Dear Mr. Brizzolara:

As you are aware, the undersigned is the attorney for the Borough of Upper Saddle River. In furtherance of my telephone conversation with you yesterday, I am advising you that the Borough requires the removal of the devices and strips placed on poles owned and maintained by Orange & Rockland Utilities, Inc. ("O&R") on certain streets within the Borough of Upper Saddle River, which are intended to denote the boundaries of an eruv.

Enclosed herewith is a copy of Ordinance No. 16-15 which is part of the Streets and Sidewalks Ordinance. Your attention is directed to Section 1 of the Ordinance, §122-17G, which prohibits the placement of items on public utility poles, except as may be authorized or required by law. It is the Borough's position that this Ordinance prohibits the placement of devices and materials which have been located on O&R's poles which are intended to denote an eruv.

In addition, applicable statutes would require municipal approval for the use by another party of utility poles within Borough rights-of-way. More particularly, *N.J.S.A. 48:3-19* expressly requires the consent of a municipality when a party seeks to use utility poles owned by another. Furthermore, *N.J.S.A. 48:17-10* prohibits the placement of or construction of any pole, conduit, wire or fixture on or upon any public road without approval of the governing body of the municipality except as to lines maintained by telegraph or telephone companies.

From the foregoing, it is clear that O&R has failed to adhere to local Ordinance, nor has it sought the necessary approvals as required by State statute. For these reasons, the Borough hereby directs that the devices and materials placed on the utility poles be immediately removed. Failure to comply with this directive will result in the Borough pursuing all available remedies to secure the removal of these devices and fixtures.

I would suggest that O&R be guided accordingly.

Very truly yours,

  
ROBERT T. REGAN

RTR:pnc

cc: Timothy P. Cawley, CEO of Orange and Rockland  
Utilities, Inc. (*Via email and regular mail*)  
Michelle Damiani, Orange and Rockland Utilities,  
Inc. (*Via email and regular mail*)  
Mayor and Council, Borough of Upper Saddle River  
Theodore Preusch, Borough Administrator