

EXHIBIT E

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July 18, 2017

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

Adopted 10/11/15

BOROUGH OF UPPER SADDLE RIVER

ORDINANCE #16-15

**AN ORDINANCE TO AMEND CHAPTER 122 OF THE
CODE OF THE BOROUGH OF UPPER SADDLE
RIVER ENTITLED, "STREETS AND SIDEWALKS".**

BE IT ORDAINED by the Mayor and Council of the Borough of Upper Saddle River, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 122 of the Code of the Borough of Upper Saddle River, Streets and Sidewalks, Article III, Borough Road Regulations, §122-17, Unlawful Acts, be and is hereby amended to add the following paragraph:

"G. Post or affix any sign, advertisement, notice, poster, paper, device, or other matter to any public utility pole, shade tree, lamp post, curbstone, sidewalk, or upon any public structure or building, except as may be authorized or required by law."

Section 2. Fines and Penalties.

For violation of any provision of this Ordinance, the fines and penalties shall be in accordance with §1-15 of the Borough Code.

Section 3. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the

controversy which such judgment shall be rendered.

Section 4. Inconsistent Ordinances Repealed.

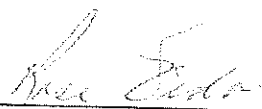
All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.



JOANNE L. MINICHETTI, Mayor



ROSE VIDO, RMC Borough Clerk

Introduced: 4/3/15
Adopted: 10/1/15
Approved: 10/1/15

From: Robert T. Regan [mailto:rtregan@rtreganlaw.com]
Sent: Friday, July 21, 2017 3:01 PM
To: Carley, John L. - Regulatory; eruvmonsey@gmail.com
Cc: Brizzolara, Tom
Subject: Borough of Upper Saddle River/ Eruv <External Sender>

EXTERNAL SENDER. Do not click on links if sender is unknown and never provide user

As you are aware, the undersigned is the attorney for the Borough of Upper Saddle River. My prior letter dated July 18, 2017 detailed that the placement of the devices and strips on utility poles intended to establish an Eruv violates Section 122-17G of the Borough Code. The Borough has consistently and uniformly enforced this Ordinance by removing items placed on utility poles contrary to this Section.

This established policy permits the Borough to remove the devices relating to the Eruv immediately. However, I have been directed by the Governing Body to advise that, as a courtesy, the Borough will withhold removing the devices until 12 noon on Wednesday July 26, 2017. If these items have not been removed by that time, the Borough will act to remove these devices, materials and items. Please be guided accordingly.

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July 24, 2017

VIA EMAIL AND REGULAR MAIL

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carleyj@coned.com

Vaad Haeruv
c/o Rabbi Yechiel Steinmetz
51 Ashel Lane
Monsey, New York 10952-2610
eruvmonsey@gmail.com

RE: Upper Saddle River Eruv

Gentlemen:

In furtherance of my email of Friday July 21, 2017, this is to confirm that the Borough of Upper Saddle River requires **removal of the eruv by 12:00 noon on Wednesday, July 26, 2017.**

The Borough would recommend that the company or firm that did the installation also do the removal. In any event, failure to have the eruv removed by that time will result in the Borough acting to have the eruv removed.

Please be guided accordingly.

Very truly yours,


ROBERT T. REGAN

RTR:pnc

cc: Mayor and Council, Borough of Upper Saddle River
Theodore Preusch, Borough Administrator