

EXHIBIT L

**MINUTES
TOWNSHIP OF PENNSAUKEN
TOWNSHIP COMMITTEE MEETING
June 1, 2016 (5:30PM)**

A Meeting of the Pennsauken Township Committee was held on Wednesday, June 1, 2016 in the Caucus Room at the Pennsauken Township Municipal Building, 5605 N. Crescent Blvd. Pennsauken, NJ 08110.

The Meeting came to order at 5:30 PM by Mayor Kneib who called for roll call which was recorded as such:

PRESENT: Committeeman John Figueroa, Committeewoman Betsy McBride, Committeeman Killion and Mayor John Kneib

ABSENT: Deputy Mayor Taylor

Present were Township Administrator Edward Grochowski, Municipal Attorney Michael Joyce, Township Clerk, Gene Padalino, Deputy Clerk Pamela Scott-Forman, Larry Cardwell and Terry Carr from the office of Economic Development

Roll call was followed by the Pledge to the Flag and a moment of silence.

Mayor Kneib announced that the Meeting was being held in compliance with the "Senator Byron M. Baer Open Public Meetings Act".

RESOLUTION(s)- Public May Comment -The Following Resolution(s) will be considered individually

2016:189

RESOLUTION APPOINTING CLASS II SPECIAL LAW ENFORCEMENT OFFICERS WITHIN THE TOWNSHIP OF PENNSAUKEN

BE IT RESOLVED by the Township Committee of the Township of Pennsauken in the County of Camden and the State of New Jersey, that the following be appointed a Class II Special Law Enforcement Officer for the Township of Pennsauken as recommended by the Chief of the Pennsauken Police Department.

**MICHAEL BASILEO
JAMES SANDERS**

BE IT FURTHER RESOLVED that certified copies of this Resolution will be forwarded by the Township Clerk to Ron Crane-Chief Financial Officer, Chief John Coffey, Public Safety and Barbara Corbett, Human Resources.

Administrator Grochowski stated this is a resolution for typical Class II Officers and these two individuals have completed their training and placed on the rolls for availability when needed.

No one from the public wished to comment

Name	Motion	Second	Aye	Nay	Abstain	Absent
<i>Figueroa</i>	√		√			
<i>Killion</i>			√			
<i>McBride</i>		√	√			
<i>Taylor</i>						√
<i>Kneib</i>			√			

2016:190

RESOLUTION OF THE TOWNSHIP OF PENNSAUKEN AUTHORIZING CROSS RIVER FIBER LLC TO INSTALL FIBER OPTIC CABLE ON POLES IN THE MUNICIPAL RIGHT OF WAY

WHEREAS, Cross River Fiber L.L.C. (hereinafter referred to as "Cross River") is a privately held company organized under the laws of the State of Delaware, with principal offices located at 33 Wood Avenue South, Suite 600, Iselin, New Jersey 08830; and

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to install fiber optic technology on existing utility poles within the Public Rights-of-Way within the Township of Pennsauken to provide resold and facilities-based local exchange and interexchange telecommunications services; and

WHEREAS, Cross River, has been approved by the New Jersey Board of Public Utilities (hereinafter referred to as "BPU") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval under Docket Number TE12400297 dated June 18, 2012. Pursuant to said Order, Cross River has requested approval to install telecommunications facilities in Municipal rights-of-way in the Township of Pennsauken (hereinafter referred to as "Township"); and

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

WHEREAS, Section 253 of the Federal Communications Act (47 U.S.C. 253) provides that a municipal entity may not prohibit the activities proposed by Cross River but may place reasonable conditions on the manner by which those activities occur; and

WHEREAS, N.J.S.A. 54:30A-124 prohibits the Municipality from imposing 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 Cross River in connection with the Municipality's permission and consent granted herein. The Township reserves its right to impose any such fees, taxes, levies or assessments on a non-discriminatory basis as may be authorized by law during the Term of this Agreement, provided, Cross River reserves the right to terminate this Agreement and within a reasonable period after its written notice of termination to the Township remove its Facilities from the Municipality Rights-of-Way in the event that the Township seeks to impose or imposes any such fees, taxes, levies or assessments; and

WHEREAS, Cross River wishes to locate, place, attach, install, operate, control and maintain fiber optic equipment within the Township within the public right-of-way on existing utility poles.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSAUKEN AS FOLLOWS:

1. Permission and authority are hereby granted to Cross River to install fiber optic technology on existing utility poles located in the public right-of-way in the Township in order to provide telecommunications services to the public, and to operate, maintain and repair said facilities, subject to the following:

- A. The facilities shall be installed onto utility poles in the public right-of-way.
- B. Cross River, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
- C. Cross River, its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements for the use of the public right-of way.
- D. Cross River, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- E. Such permission be and is hereby given upon the condition and provision that Cross River, its successors and assigns, not only indemnify and save harmless the Township, its officers, agents and servants, from any claims arising from or in any way connected to the acts or omissions of Cross River in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out

of gross negligence or willful misconduct on the part of the Township.

- F. Cross River, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, as its interests may appear, in the amount of at least \$5,000,000, in any combination of primary and excess or umbrella coverages, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an additional insured shall be filed with the Township Clerk prior to the installation of any facilities. On prior notice to Cross River, the Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided such change is implemented uniformly for all similarly situated carriers. Cross River shall endeavor to ensure that said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- G. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way Cross River, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.
- H. The Township makes no warranties or representations regarding the fitness, suitability or availability of Township's public right-of-way for Cross River's telecommunications facilities and any performance of work, costs incurred or service provided by Cross River shall be at its sole risk and cost. Nothing in this Resolution shall affect the Township's authority to add, vacate or abandon public right-of-way, and the Township makes no warranties or representations, express or implied, regarding the availability of any added, vacated or abandoned public right-of-way for any telecommunications facilities.
- I. Such permission be and is hereby given upon the condition that Cross River shall obtain prior to commencing the installation of any telecommunications facilities, all applicable permits which may be required by the Township. Additionally, prior to granting of any permits, any costs incurred for professional review of or drafting of resolutions shall be reimbursed to the Township. This shall also include, but not be limited to, compensating the Township for any personnel, including police and fire inspectors, and Department of Public Works personnel for any expenses incurred in the supervision, traffic control, maintenance or repair occasioned by the installation or maintenance of Cross River facilities.
- J. Cross River shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation of maintenance of said plant.
- K. Upon request of the Township, and when notified by the Township of other work, construction, installation or repairs occurring therein, Cross River may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public right-of-way, and Cross River may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruption and disturbances in the public right-of-way.
- L. Neither the Township nor Cross River shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this resolution.
- M. The permission and authority hereby granted shall be for a period of fifteen (15) years. Such permission and authority shall be automatically extended for additional periods of five (5) years

each; provided, however, that either party may cancel such permission and authority effective at the end of the currently effective term with a minimum of one (1) year's prior written notice to the other.

- N. Nothing herein shall be construed to abrogate the rights of any other governmental unit, including but not limited to the County of Camden, the State of New Jersey, and the federal government respecting such unit's rights of way located within Pennsauken Township.
- O. Prior to commencing any telecommunications service related activity, Cross River shall provide written certification to the Township that it has complied with the aforesaid BPU Order requiring filing a tariff with the BPU.

PUBLIC COMMENTS:

Lonnie Monaco of Homestead Ave asked for what competition, as in whom this resolution was for

Township Attorney Michael Joyce was asked to respond; he did stating this is to provide access to other companies already approved by the BPU.

Name	Motion	Second	Aye	Nay	Abstain	Absent
<u>Figueroa</u>			√			
<u>Killion</u>	√		√			
<u>McBride</u>		√	√			
<u>Taylor</u>						√
<u>Kneib</u>			√			

CONFERENCE /ITEMS OF DISCUSSION-

Discussion of Businesses in Redevelopment Areas

Mr. Cardwell spoke on behalf of the office and stated

Direct Doors LLC – 7150 Westfield Ave. (across from World Harvest, this building used to house the voting machines for the County) the company plans to purchase this 27,210 square foot property to sell (to contractors) residential and commercial garage doors plus garage door openers.

They had previously purchased a building on John Tipton Boulevard and where approached by Purato's to purchase the building from them.

Committee spoke in reference to the number of dumpsters and commented that they need to have an enclosure such as fencing.

Mr. Carr commented they would have two dumpsters one for wood and the other for metal.

Mayor and Committee stated the enclosure will need to be a requirement of the Certificate of Occupancy application; and with that they would give their approval to move forward.

Mayor Kneib opened the floor to the public for comment

PUBLIC COMMENT

Lonnie Monaco of Homestead Avenue questioned the work not completed between Carson school and the "PIT" which he considers the property line. He commented that tree saplings

EXHIBIT M

**RESOLUTION OF THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF MOUNT
OLIVE APPROVING RIGHT-OF-WAY USE TO PEG BANDWIDTH NJ, LLC AND
AUTHORIZING THE EXECUTION OF A RIGHT OF WAY USE AGREEMENT BETWEEN
THE TOWNSHIP OF MOUNT OLIVE AND PEG BANDWIDTH NJ, LLC**

WHEREAS, PEG Bandwidth NJ, LLC, seeks to obtain a right of way use agreement with the Township of Mt. Olive pursuant to N.J.S.A. 48:17-10 et seq. which would allow it to install its fiber optic cables on poles owned by Verizon and other public telephone and electric utilities and in an underground conduit already installed in the public right of way; and

WHEREAS, PEG Bandwidth NJ, LLC is a telecommunications service provider authorized by the New Jersey Board of Public Utilities to do business as a local exchange company in the State of New Jersey; and

WHEREAS, N.J.S.A. 48:3-19 requires PEG Bandwidth NJ, LLC to obtain the consent of the Township of Mt. Olive for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124 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 the in the best interests of the Township of Mount Olive and its citizens to grant consent to PEG Bandwidth NJ, LLC; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of allowing it to install its fiber optic cables on poles owned by Verizon and other public telephone and electric utilities and in an underground conduit already installed in the public right of way subject to the terms and conditions of the attached Use Agreement with PEG Bandwidth NJ, LLC.

NOW THEREFORE BE IT RESOLVED by the Township of Mount Olive, in the County of Morris and State of New Jersey, that the Township is hereby authorized to grant PEG Bandwidth NJ, LLC a non-exclusive use of the public right of ways for the purposes of allowing it to install its fiber optic cables on poles owned by Verizon and other public telephone and electric utilities and in an underground conduit already installed in the public right of way and that the Mayor and Clerk are authorized to execute said Use Agreement

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

TOWNSHIP OF MOUNT OLIVE

John Mania, Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on November 12, 2014.

Lisa Lashway, Township Clerk

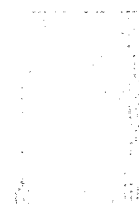


EXHIBIT N



283 King George Road
Warren, New Jersey 07059

December 20, 2016

Township of Bernards
ATTN: Denise Szabo, Township Clerk / Assistant Township Administrator
1 Collyer Lane
Basking Ridge, NJ 07920

Dear Ms. Szabo:

Verizon Wireless is in the process of planning to upgrade and enhance its network for 2017 by deploying small network nodes in the public right-of-way. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is the first level of permission that Verizon Wireless seeks. Verizon Wireless would like to receive non-site specific consent granting permission to locate and operate in the right-of-way in the Township of Bernards by attaching to existing and new utility poles, and would later obtain any required site specific permits for each node through the building departments. As such, Verizon Wireless is requesting consent from the Township Committee of the Township of Bernards to use facilities lawfully erected in the public right-of-way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Township Committee.

To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Township Committee and relevant statutes for reference.

By way of the above, Verizon Wireless hereby submits this application for authorization by the Township Committee of the Township of Bernards to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.



Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Township Committee and to discuss this proposal with officials of the Township of Bernards.

Questions about this proposal can be directed to Kathryn Windsor at (816) 351-6208 or kwindsor@tilsonotech.com. Notices regarding this proposal and hearing date should be sent electronically to kwindsor@tilsonotech.com or by mail to:

Tilson
ATTN: Kathryn Windsor
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By: 

Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 12/20/16



Fact Sheet

What is Verizon Wireless Planning in the Township of Bernards?

Verizon Wireless is deploying small network nodes in the municipal and county rights-of-way in New Jersey, which enables it to increase coverage and network data capacity. Small network nodes are a low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, approximately 20-inches wide and 55-inches tall, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. These network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas. They are also an important part of Verizon Wireless' capacity focused mobile network. These small network nodes will help provide residents, commuters, and emergency responders in the Township of Bernards access to the next generation of wireless networks, and a roadmap toward upcoming emerging wireless technologies like 5G.

Small network nodes are typically deployed in areas that have some existing Verizon Wireless service, but where the coverage needs to be augmented. Capacity may also be exhausted at various times due to high demand when there are many users performing high-data usage functions (streaming video, uploading files, sending photos, using GPS, etc.). This sector exhaust is likely to increase as the technology used by network subscribers on multiple devices becomes exponentially more sophisticated. Without reliable coverage or when sector exhaust occurs Verizon Wireless network users will have insufficient network access, leading to dropped calls, a potential degradation of 911 services, and the inability to access applications, email, internet and GPS, all of which have potential impacts on public safety.

Small network nodes can be used to offload data capacity from the existing sites, freeing them up for others trying to make phone calls and use data anywhere within their radio frequency footprint. They can also be used to augment coverage from the existing macro network. In this way small network nodes complement macro sites, but are not a substitute for them. Small network nodes are located near street level where they can serve high traffic areas such as outdoor recreation facilities, homes, heavily-traveled roadways and intersections. The functional distance of a small network node is dictated by line of sight, and is limited by its low power.

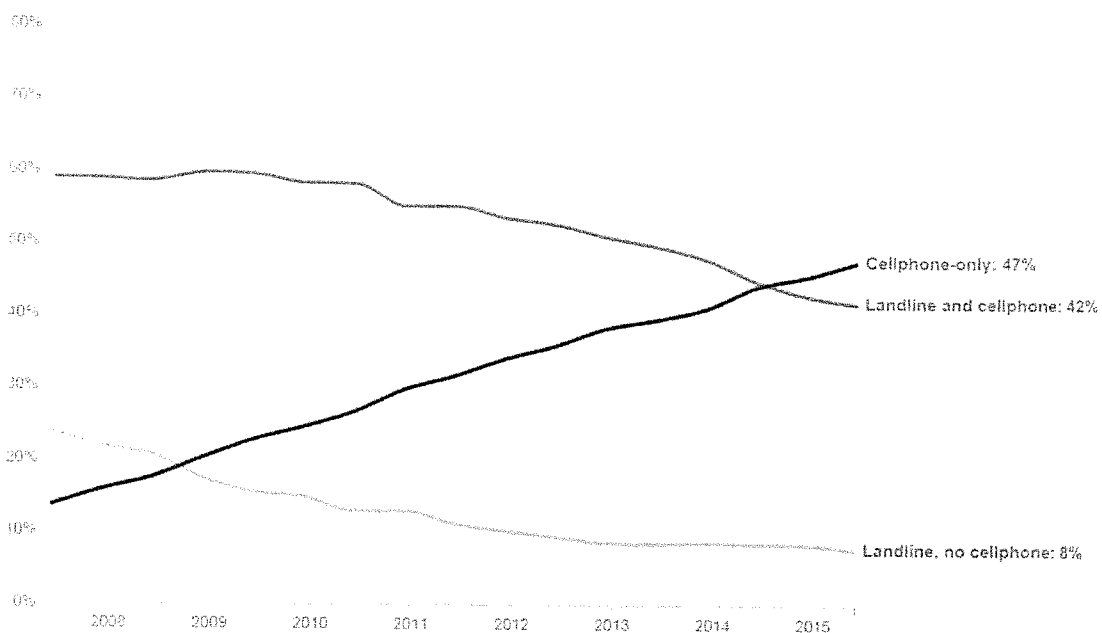
The consent that Verizon Wireless is seeking from the Township of Bernards is permission to operate in the public right of way. This consent will not allow Verizon Wireless to construct nodes without site-specific review by the building department.

Why are Small Network Nodes so Important?

Small network nodes fill in coverage and capacity gaps created by both sector exhaust and by the inability of larger macro sites to fill in those small gaps. Providing network coverage and data capacity to all users in both their homes and on the road is increasingly important. Between 2014 and 2015 the number of “wireless only” homes surpassed the number of homes with both landline and cell phone connectivity.

The Rise Of The Cellphone-Only Household

Share of households, by type of phone



Source: CDC/NCHS, National Health Interview Survey

Credit: Alyson Hurt and Alma SoejunPR

Additionally, the National Highway Traffic Administration reported in February, 2016 that 76% of all 911 calls originate from a cell phone. Having a strong wireless network is not just for convenience, but is also necessary for public safety.

The use of wireless devices is increasing exponentially. In the United States there are 355 million wireless devices in use by 319 million residents (CTIA, June 2015). The demand for wireless data services has nearly doubled over the last year, and is expected to grow 650% between 2013 and 2018 (Cisco, VNI Mobile Forecast Highlights, 2013-2018). The increased use of smart phones, tablets, health monitors and other wireless devices in everyday life relies on the Verizon Wireless Network. Small cell networks will add coverage and capacity and improve in-building coverage, voice quality, reliability and data speeds for the Township of Bernards residents, businesses, first responders and visitors using the Verizon Wireless Network. Having adequate coverage has become a necessity of daily life and for public safety.

Are Small Network Nodes Safe?

The FCC, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration and the Occupational Safety and Health Administration, has developed safety standards designed to protect against adverse health effects. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to radio frequency (RF) biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.”

The FCC provides information about the safety of RF emissions from wireless base stations on its website at: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>. In general, due to their small size, low wattage and limited coverage, emissions from small network nodes are a small fraction of FCC-permitted levels in any publicly accessible area.

Where are Small Network Nodes Placed?

Small Network Nodes are most often attached to wood utility poles in the public right-of-way. Verizon Wireless always looks to attach to existing utility poles as a first option, however, due to utility company restrictions, only a small percentage of existing utility poles meet the requirements for attachment. In situations where, because of utility company requirements, Verizon Wireless cannot attach to existing wood utility poles they will request that a public utility set a new pole for their use. The pole will be set in the public right-of-way, and will be of the same size and type that the public utility is permitted to set in the area so as not to be out of character with the current infrastructure.

In locations where there are no existing wooden utility poles, such as downtown areas or newer subdivisions with underground utilities, Verizon Wireless will not place new wooden poles, and would instead seek to have placed new or replacement stealth fixtures that integrate the small network node equipment into a streetlight structure. This would be a different phase of the development and Verizon Wireless would approach the municipality with a new proposal for this type of development.

Photographic representations of all of the above-referenced small network node deployment types are provided on the following pages.

Verizon Wireless Small Network Node on Existing Wood Utility Pole



Verizon Wireless Small Network Node on a New Wood Utility Pole



What is Verizon Wireless seeking from the Township of Bernards?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

Can the Township of Bernards Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the municipality may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

What Sort of Fee is Allowable?

The Township of Bernards may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

What is Verizon Wireless **NOT** seeking to do in the Township of Bernards?

Verizon Wireless is aware that many wireless service providers and other telecommunications infrastructure providers are also seeking consent from municipalities in New Jersey to install wireless transmitting equipment in the public rights of way. Understanding the visual sensitivities of residents and Township leaders, Verizon Wireless is committed to first, using existing infrastructure, and second, only installing new infrastructure when necessary, and ensuring that any new infrastructure is in character with the existing streetscape. Additionally, Verizon Wireless will not install new wood poles that are substantially taller (10%) than existing utility poles, or install utility poles made of steel or other non-wood material in an area with existing wood utility poles.

Verizon Wireless is seeking this consent exclusively for their own equipment to provide services to customers using the Verizon Wireless network. The consent from the municipality will not be used by Verizon Wireless to construct infrastructure to be leased to others.

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
BERNARDS**

No. _____

Date of Adoption _____

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of Bernards; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Bernards, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Bernards.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Bernards, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located

within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Bernards.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Bernards as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Township of Bernards nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Township of Bernards by the Township Committee of the Township of Bernards and attested to by the Township of Bernards Clerk who shall affix the Township of Bernards Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Township of Bernards by parties that have the lawful right to maintain such poles.

48:3-18. Agreements, NJ ST 48:3-18

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

New Jersey Statutes Annotated
Title 48. Public Utilities (Refs & Annos)
Chapter 3. Public Utilities in General (Refs & Annos)
Article 4. Joint Use of Poles

N.J.S.A. 48:3-18

48:3-18. Agreements

Currentness

Any person municipal or otherwise, may enter into a written agreement with any other such person owning or using any poles erected under municipal consent in any street, highway or other public place for the use by the former person of the poles upon such terms and conditions as may be agreed upon by the persons.

Credits

Amended by L.1962, c. 198, § 41.

N. J. S. A. 48:3-18, NJ ST 48:3-18

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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48:3-19. Municipal consent, NJ ST 48:3-19

New Jersey Statutes Annotated Title 48. Public Utilities (Refs & Annos) Chapter 3. Public Utilities in General (Refs & Annos) Article 4. Joint Use of Poles
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N.J.S.A. 48:3-19

48:3-19. Municipal consent

Currentness

The consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place.

Credits

Amended by L.1962, c. 198, § 42.

N. J. S. A. 48:3-19, NJ ST 48:3-19

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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54:30A-124. Certain local government fees, taxes, levies or..., NJ ST 54:30A-124

New Jersey Statutes Annotated

Title 54. Taxation

Subtitle 4. Particular Taxes on Corporations and Others

Part 5. Taxation of Certain Public Utilities

Chapter 30A. Franchises and Gross Receipts Taxes (Refs & Annos)

Article 4. Transitional Energy Facility Assessment Act

N.J.S.A. 54:30A-124

54:30A-124. Certain local government fees, taxes, levies or assessments prohibited

Currentness

a. No municipal, regional, or county governmental agency may 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 energy companies subject to the provisions of P.L.1940, c. 5 (C.54:30A-49 et seq.) prior to January 1, 1998 or telecommunication companies. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. Nothing in this section shall be construed to affect the franchising process or the assessment of franchise fees with respect to the provision of cable television service in accordance with the provisions of P.L.1972, c. 186 (C.48:5A-1 et seq.).

b. Nothing in this section shall be construed to limit municipal taxation of real or personal property pursuant to R.S.54:4-1 of local exchange telephone, telegraph and messenger systems, companies, corporations or associations that were subject to tax under P.L.1940, c. 4 (C.54:30A-16 et seq.) as of April 1, 1997.

Credits

L.1997, c. 162, § 69, eff. Jan. 1, 1998.

N. J. S. A. 54:30A-124, NJ ST 54:30A-124

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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§ 253. Removal of barriers to entry, 47 USCA § 253

United States Code Annotated

Title 47. Telecommunications (Refs & Annos)

Chapter 5. Wire or Radio Communication (Refs & Annos)

Subchapter II. Common Carriers (Refs & Annos)

Part II. Development of Competitive Markets (Refs & Annos)

47 U.S.C.A. § 253

§ 253. Removal of barriers to entry

Effective: February 8, 1996

Currentness

(a) In general

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(b) State regulatory authority

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) State and local government authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b) of this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(e) Commercial mobile service providers

Nothing in this section shall affect the application of section 332(c)(3) of this title to commercial mobile service providers.

(f) Rural markets

§ 253. Removal of barriers to entry, 47 USCA § 253

It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in section 214(e)(1) of this title for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply--

(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of section 251(c)(4) of this title that effectively prevents a competitor from meeting the requirements of section 214(e)(1) of this title; and

(2) to a provider of commercial mobile services.

CREDIT(S)

(June 19, 1934, c. 652, Title II, § 253, as added Pub.L. 104-104, Title I, § 101(a), Feb. 8, 1996, 110 Stat. 70.)

47 U.S.C.A. § 253, 47 USCA § 253

Current through P.L. 114-61 (excluding P.L. 114-52, 114-54, 114-59, and 114-60) approved 10-7-2015

End of Document

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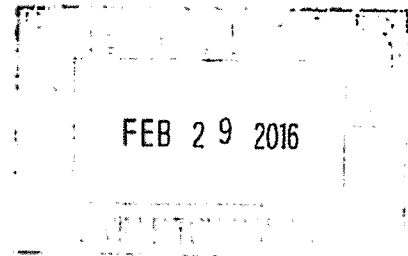
EXHIBIT O



283 King George Road
Warren, New Jersey 07059

February 25, 2016

Township of Montville
ATTN: Trudy Atkinson, Township Clerk
195 Changebridge Road
Montville, NJ 07045-9498



Dear Ms. Atkinson,

Verizon Wireless is requesting consent from the Township Committee of the Township of Montville to jointly use existing facilities lawfully erected in the public right of way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Township Committee. To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Township Committee and relevant statutes for reference.

Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Township of Montville and to discuss this proposal with officials of the Township of Montville on its behalf.

Questions about this proposal can be directed to Maureen Hopkins at (207) 749-7374, or mhopkins@tilsontech.com. Notices regarding this proposal and hearing date should be sent electronically to mhopkins@tilsontech.com, or by mail to:

Tilson
ATTN: Maureen Hopkins
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By: 

Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 02/25/16



Fact Sheet

What is Verizon Wireless Planning in the Township of Montville?

Verizon Wireless is deploying small network nodes in the municipal and county right of ways in New Jersey, which enables it to increase network data capacity. Small network node technology involves the use of antennas, two to three feet long, which are mounted on existing utility poles or light poles. Other telecommunications carriers also use this technology, which is becoming widespread. It is generally regarded as an excellent way to improve network capacity to augment more general coverage provided by existing and new tower and rooftop sites.

What is Verizon Wireless seeking from the Township of Montville?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to jointly use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

Can the Township of Montville Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the Township of Montville may not withhold approval, but it may impose reasonable conditions, such as requiring Insurance and repair to any damage caused, which have been included in the attached proposed resolution.

What Sort of Fee is Allowable?

The Township of Montville may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).



283 King George Road
Warren, New Jersey 07059

December 20, 2016

Township of Bernards
ATTN: Denise Szabo, Township Clerk / Assistant Township Administrator
1 Collyer Lane
Basking Ridge, NJ 07920

Dear Ms. Szabo:

Verizon Wireless is in the process of planning to upgrade and enhance its network for 2017 by deploying small network nodes in the public right-of-way. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is the first level of permission that Verizon Wireless seeks. Verizon Wireless would like to receive non-site specific consent granting permission to locate and operate in the right-of-way in the Township of Bernards by attaching to existing and new utility poles, and would later obtain any required site specific permits for each node through the building departments. As such, Verizon Wireless is requesting consent from the Township Committee of the Township of Bernards to use facilities lawfully erected in the public right-of-way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Township Committee.

To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Township Committee and relevant statutes for reference.

By way of the above, Verizon Wireless hereby submits this application for authorization by the Township Committee of the Township of Bernards to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.



Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Township Committee and to discuss this proposal with officials of the Township of Bernards.

Questions about this proposal can be directed to Kathryn Windsor at (816) 351-6208 or kwindsor@tilsontech.com. Notices regarding this proposal and hearing date should be sent electronically to kwindsor@tilsontech.com or by mail to:

Tilson
ATTN: Kathryn Windsor
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By: 

Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 12/20/16



Fact Sheet

What is Verizon Wireless Planning in the Township of Bernards?

Verizon Wireless is deploying small network nodes in the municipal and county rights-of-way in New Jersey, which enables it to increase coverage and network data capacity. Small network nodes are a low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, approximately 20-inches wide and 55-inches tall, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. These network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas. They are also an important part of Verizon Wireless' capacity focused mobile network. These small network nodes will help provide residents, commuters, and emergency responders in the Township of Bernards access to the next generation of wireless networks, and a roadmap toward upcoming emerging wireless technologies like 5G.

Small network nodes are typically deployed in areas that have some existing Verizon Wireless service, but where the coverage needs to be augmented. Capacity may also be exhausted at various times due to high demand when there are many users performing high-data usage functions (streaming video, uploading files, sending photos, using GPS, etc.). This sector exhaust is likely to increase as the technology used by network subscribers on multiple devices becomes exponentially more sophisticated. Without reliable coverage or when sector exhaust occurs Verizon Wireless network users will have insufficient network access, leading to dropped calls, a potential degradation of 911 services, and the inability to access applications, email, internet and GPS, all of which have potential impacts on public safety.

Small network nodes can be used to offload data capacity from the existing sites, freeing them up for others trying to make phone calls and use data anywhere within their radio frequency footprint. They can also be used to augment coverage from the existing macro network. In this way small network nodes complement macro sites, but are not a substitute for them. Small network nodes are located near street level where they can serve high traffic areas such as outdoor recreation facilities, homes, heavily-traveled roadways and intersections. The functional distance of a small network node is dictated by line of sight, and is limited by its low power.

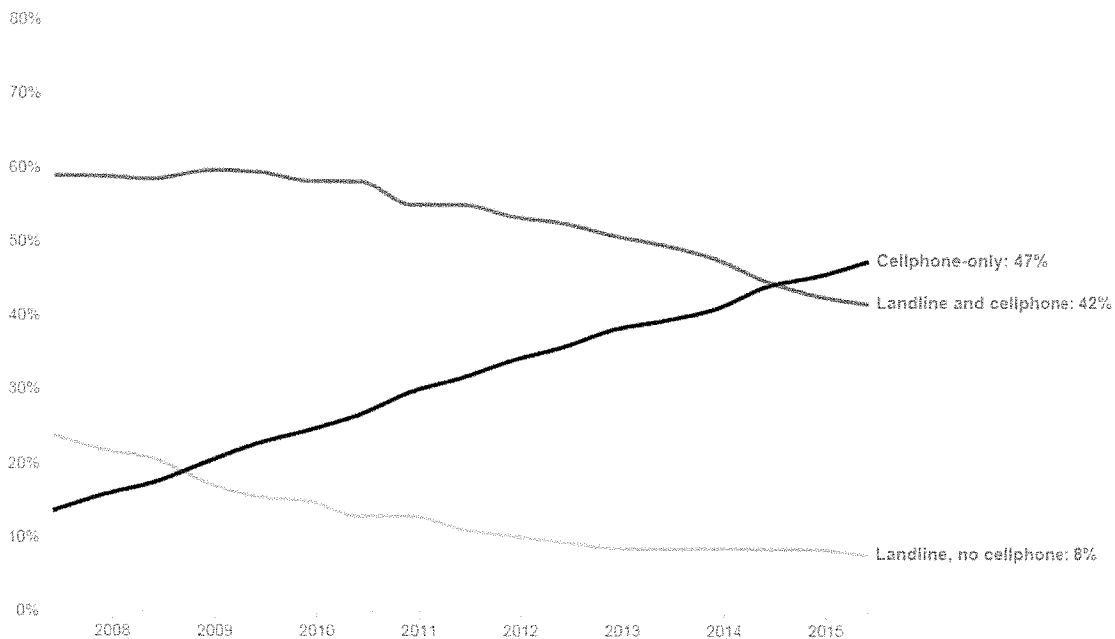
The consent that Verizon Wireless is seeking from the Township of Bernards is permission to operate in the public right of way. This consent will not allow Verizon Wireless to construct nodes without site-specific review by the building department.

Why are Small Network Nodes so Important?

Small network nodes fill in coverage and capacity gaps created by both sector exhaust and by the inability of larger macro sites to fill in those small gaps. Providing network coverage and data capacity to all users in both their homes and on the road is increasingly important. Between 2014 and 2015 the number of “wireless only” homes surpassed the number of homes with both landline and cell phone connectivity.

The Rise Of The Cellphone-Only Household

Share of households, by type of phone



Source: CDC/NCHS, National Health Interview Survey

Credit: Alyson Hurt and Alina Selyukh/NPR

Additionally, the National Highway Traffic Administration reported in February, 2016 that 76% of all 911 calls originate from a cell phone. Having a strong wireless network is not just for convenience, but is also necessary for public safety.

The use of wireless devices is increasing exponentially. In the United States there are 355 million wireless devices in use by 319 million residents (CTIA, June 2015). The demand for wireless data services has nearly doubled over the last year, and is expected to grow 650% between 2013 and 2018 (Cisco, VNI Mobile Forecast Highlights, 2013-2018). The increased use of smart phones, tablets, health monitors and other wireless devices in everyday life relies on the Verizon Wireless Network. Small cell networks will add coverage and capacity and improve in-building coverage, voice quality, reliability and data speeds for the Township of Bernards residents, businesses, first responders and visitors using the Verizon Wireless Network. Having adequate coverage has become a necessity of daily life and for public safety.

Are Small Network Nodes Safe?

The FCC, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration and the Occupational Safety and Health Administration, has developed safety standards designed to protect against adverse health effects. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to radio frequency (RF) biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.”

The FCC provides information about the safety of RF emissions from wireless base stations on its website at: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>. In general, due to their small size, low wattage and limited coverage, emissions from small network nodes are a small fraction of FCC-permitted levels in any publicly accessible area.

Where are Small Network Nodes Placed?

Small Network Nodes are most often attached to wood utility poles in the public right-of-way. Verizon Wireless always looks to attach to existing utility poles as a first option, however, due to utility company restrictions, only a small percentage of existing utility poles meet the requirements for attachment. In situations where, because of utility company requirements, Verizon Wireless cannot attach to existing wood utility poles they will request that a public utility set a new pole for their use. The pole will be set in the public right-of-way, and will be of the same size and type that the public utility is permitted to set in the area so as not to be out of character with the current infrastructure.

In locations where there are no existing wooden utility poles, such as downtown areas or newer subdivisions with underground utilities, Verizon Wireless will not place new wooden poles, and would instead seek to have placed new or replacement stealth fixtures that integrate the small network node equipment into a streetlight structure. This would be a different phase of the development and Verizon Wireless would approach the municipality with a new proposal for this type of development.

Photographic representations of all of the above-referenced small network node deployment types are provided on the following pages.

Verizon Wireless Small Network Node on Existing Wood Utility Pole



Verizon Wireless Small Network Node on a New Wood Utility Pole



What is Verizon Wireless seeking from the Township of Bernards?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

Can the Township of Bernards Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the municipality may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

What Sort of Fee is Allowable?

The Township of Bernards may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

What is Verizon Wireless **NOT** seeking to do in the Township of Bernards?

Verizon Wireless is aware that many wireless service providers and other telecommunications infrastructure providers are also seeking consent from municipalities in New Jersey to install wireless transmitting equipment in the public rights of way. Understanding the visual sensitivities of residents and Township leaders, Verizon Wireless is committed to first, using existing infrastructure, and second, only installing new infrastructure when necessary, and ensuring that any new infrastructure is in character with the existing streetscape. Additionally, Verizon Wireless will not install new wood poles that are substantially taller (10%) than existing utility poles, or install utility poles made of steel or other non-wood material in an area with existing wood utility poles.

Verizon Wireless is seeking this consent exclusively for their own equipment to provide services to customers using the Verizon Wireless network. The consent from the municipality will not be used by Verizon Wireless to construct infrastructure to be leased to others.

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
BERNARDS**

No. _____

Date of Adoption _____

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of Bernards; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Bernards, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Bernards.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Bernards, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located

**RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF MONTVILLE**

No. 2016

Date of Adoption: May 10, 2016

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Montville; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Montville, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by The Township of Montville.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Montville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in

connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Montville.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Montville as an additional insured.
- E. Verizon Wireless shall reimburse the Township of Montville in the amount of \$750.00 for legal and administrative fees incurred in the review of this request. The reimbursement shall be made within thirty (30) days of notice to Verizon Wireless of adoption of this Resolution by the Township of Montville.
- F. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- G. Notwithstanding any provision contained herein, neither the Township of Montville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- H. Prior to commencing any installation(s) or making any modification(s), Verizon Wireless shall submit a plan to the Township Engineer for his/her reasonable review and approval. Verizon Wireless agrees that it shall not commence any installation or modification until written approval from the Township Engineer is provided.
- I. This instrument shall be adopted on behalf of the Township of Montville by the Township Committee of the Township of Montville and attested to by the Township of Montville Clerk who shall affix the Township of Montville Seal thereto.
- J. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Township of Montville by parties that have the lawful right to maintain such poles.

ATTEST

TOWNSHIP OF MONTVILLE

Gertrude H. Atkinson, Township Clerk

James Sandham, Jr., Mayor

EXHIBIT P



283 King George Road
Warren, New Jersey 07059

February 13, 2017

Borough of Caldwell
ATTN: Lisa O'Neill, Deputy Clerk
Borough Hall
Provost Square
Caldwell, NJ 07006

Dear Ms. O'Neill:

Verizon Wireless is in the process of planning to upgrade and enhance its network for 2017 by deploying small network nodes in the public right-of-way. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is the first level of permission that Verizon Wireless seeks. Verizon Wireless would like to receive non-site specific consent granting permission to locate and operate in the right-of-way in the Borough of Caldwell by attaching to existing and new utility poles, and would later obtain any required site specific permits for each node through the building departments. As such, Verizon Wireless is requesting consent from the Borough Council of the Borough of Caldwell to use facilities lawfully erected in the public right-of-way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Borough Council.

To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Borough Council and relevant statutes for reference.

By way of the above, Verizon Wireless hereby submits this application for authorization by the Borough Council of the Borough of Caldwell to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.

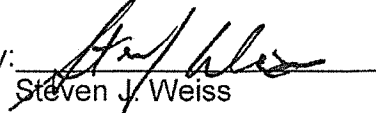


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Tilson
ATTN: Kathryn Windsor
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By: 
Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 02/13/17



Fact Sheet

What is Verizon Wireless Planning in the Borough of Caldwell?

Verizon Wireless is deploying small network nodes in the municipal and county rights-of-way in New Jersey, which enables it to increase coverage and network data capacity. Small network nodes are a low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, approximately 20-inches wide and 55-inches tall, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. These network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas. They are also an important part of Verizon Wireless' capacity focused mobile network. These small network nodes will help provide residents, commuters, and emergency responders in the Borough of Caldwell access to the next generation of wireless networks, and a roadmap toward upcoming emerging wireless technologies like 5G.

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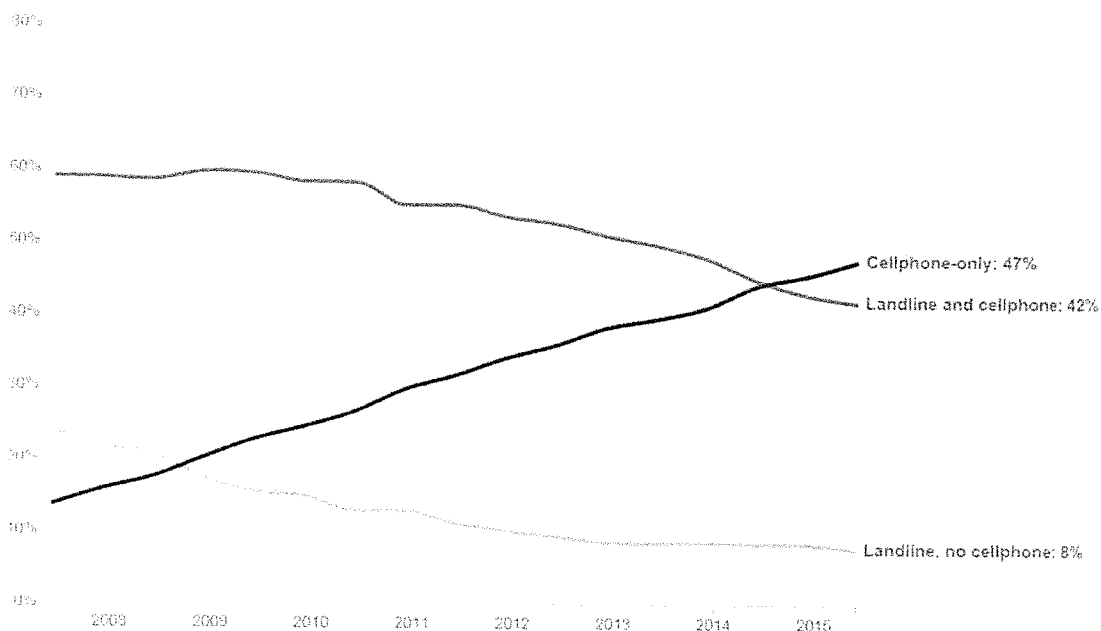
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Source: CDC/NCHS, National Health Interview Survey

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Additionally, the National Highway Traffic Administration reported in February, 2016 that 76% of all 911 calls originate from a cell phone. Having a strong wireless network is not just for convenience, but is also necessary for public safety.

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RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL

No. _____

Date of Adoption _____

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Caldwell; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Caldwell, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Caldwell.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Caldwell, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public

right-of-way, except to the extent resulting from the acts or omissions of the Borough of Caldwell.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Caldwell as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Caldwell nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Caldwell by the Borough Council of the Borough of Caldwell and attested to by the Borough of Caldwell Clerk who shall affix the Borough of Caldwell Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Caldwell by parties that have the lawful right to maintain such poles.

48:3-18. Agreements, NJ ST 48:3-18

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

New Jersey Statutes Annotated
Title 48. Public Utilities (Refs & Annos)
Chapter 3. Public Utilities in General (Refs & Annos)
Article 4. Joint Use of Poles

N.J.S.A. 48:3-18

48:3-18. Agreements

Currentness

Any person municipal or otherwise, may enter into a written agreement with any other such person owning or using any poles erected under municipal consent in any street, highway or other public place for the use by the former person of the poles upon such terms and conditions as may be agreed upon by the persons.

Credits

Amended by L.1962, c. 198, § 41.

N. J. S. A. 48:3-18, NJ ST 48:3-18

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

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48:3-19. Municipal consent, NJ ST 48:3-19

New Jersey Statutes Annotated Title 48. Public Utilities (Refs & Annos) Chapter 3. Public Utilities in General (Refs & Annos) Article 4. Joint Use of Poles
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N.J.S.A. 48:3-19

48:3-19. Municipal consent

Currentness

The consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place.

Credits

Amended by L.1962, c. 198, § 42.

N. J. S. A. 48:3-19, NJ ST 48:3-19

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54:30A-124. Certain local government fees, taxes, levies or..., NJ ST 54:30A-124

New Jersey Statutes Annotated

Title 54. Taxation

Subtitle 4. Particular Taxes on Corporations and Others

Part 5. Taxation of Certain Public Utilities

Chapter 30A. Franchises and Gross Receipts Taxes (Refs & Annos)

Article 4. Transitional Energy Facility Assessment Act

N.J.S.A. 54:30A-124

54:30A-124. Certain local government fees, taxes, levies or assessments prohibited

Currentness

a. No municipal, regional, or county governmental agency may 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 energy companies subject to the provisions of P.L.1940, c. 5 (C.54:30A-49 et seq.) prior to January 1, 1998 or telecommunication companies. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. Nothing in this section shall be construed to affect the franchising process or the assessment of franchise fees with respect to the provision of cable television service in accordance with the provisions of P.L.1972, c. 186 (C.48:5A-1 et seq.).

b. Nothing in this section shall be construed to limit municipal taxation of real or personal property pursuant to R.S.54:4-1 of local exchange telephone, telegraph and messenger systems, companies, corporations or associations that were subject to tax under P.L.1940, c. 4 (C.54:30A-16 et seq.) as of April 1, 1997.

Credits

L.1997, c. 162, § 69, eff. Jan. 1, 1998.

N. J. S. A. 54:30A-124, NJ ST 54:30A-124

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

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§ 253. Removal of barriers to entry, 47 USCA § 253

United States Code Annotated

Title 47. Telecommunications (Refs & Annos)

Chapter 5. Wire or Radio Communication (Refs & Annos)

Subchapter II. Common Carriers (Refs & Annos)

Part II. Development of Competitive Markets (Refs & Annos)

47 U.S.C.A. § 253

§ 253. Removal of barriers to entry

Effective: February 8, 1996

Currentness

(a) In general

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(b) State regulatory authority

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) State and local government authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b) of this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(e) Commercial mobile service providers

Nothing in this section shall affect the application of section 332(c)(3) of this title to commercial mobile service providers.

(f) Rural markets

§ 253. Removal of barriers to entry, 47 USCA § 253

It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in section 214(e)(1) of this title for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply--

(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of section 251(c)(4) of this title that effectively prevents a competitor from meeting the requirements of section 214(e)(1) of this title; and

(2) to a provider of commercial mobile services.

CREDIT(S)

(June 19, 1934, c. 652, Title II, § 253, as added Pub.L. 104-104, Title I, § 101(a), Feb. 8, 1996, 110 Stat. 70.)

47 U.S.C.A. § 253, 47 USCA § 253

Current through P.L. 114-61 (excluding P.L. 114-52, 114-54, 114-59, and 114-60) approved 10-7-2015

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