

**TOWNSHIP OF LUMBERTON**

**RESOLUTION 2016-092**

**RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER**

**WHEREAS**, Cross River Fiber LLC ("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 Lumberton 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 for the joint use of any existing utility poles; 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 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 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 attached Use Agreement with Cross River Fiber.

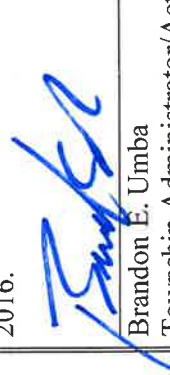
**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing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

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

Adopted: April 26, 2016

**CERTIFICATION**

I, Brandon E. Umba, Acting Municipal Clerk, hereby certify that the foregoing resolution was duly adopted by the Township Committee at its Regular Business Meeting held on the 26<sup>th</sup> day of April, 2016.



Brandon E. Umba  
Township Administrator/Acting Municipal Clerk