

**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 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