

19-8  
290



Township Council  
1 Municipal Plaza  
Bloomfield, NJ 07003

Louise M. Palagano  
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 08/19/19 06:30 PM

**2019 RESOLUTION APPROVAL**

**RESOLUTION: GRANTING PERMISSION TO CROSS RIVER FIBER TO INSTALL TELECOMMUNICATIONS FACILITIES (FIBER OPTIC CABLES) OVER THE PUBLIC RIGHT-OF-WAY**

**WHEREAS**, Cross River Fiber, 461 Headquarters Plaza, Morristown, NJ 07960 under the authorization of Verizon, NJ is to provide certain telecommunication services authorized by the New Jersey Board of Public Utilities (NJBPU) and the Federal Communications Commission (FCC); and

**WHEREAS**, Verizon, as a public utility and common carrier, has requested approval for Cross River Fiber to install telecommunications facilities within the right-of-ways of the Township of Bloomfield; and

**WHEREAS**, Verizon is seeking to lease or obtain access to poles and subsurface conduit with other utilities and the Township of Bloomfield requires that Cross River Fiber, under authorization by Verizon, obtain approval from the Mayor and Council of the Township of Bloomfield as a condition of such access; and

**WHEREAS**, the utility poles are located within the public right-of-ways of Abington Avenue, North 15<sup>th</sup> Street, Bloomfield Avenue and Edison Street in the Township of Bloomfield and more specifically detailed on plans prepared by Cross River Fiber LLC, dated May 22, 2019 which are on file with the Bloomfield Township Engineering Department; and

**WHEREAS**, Bloomfield Avenue is owned and operated by the County of Essex and is therefore not part of this authorization.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township

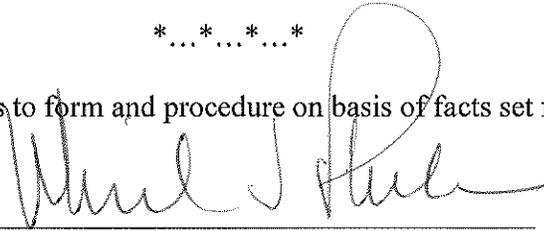
of Bloomfield that:

1. Permission and authority are hereby granted to Cross River Fiber to install telecommunications facilities on utility poles and subsurface conduit located in the public right-of-way in the Township of Bloomfield in order to provide telecommunications services to the public:
  - A. The facilities shall be installed onto utility poles in the public right-of-way.
  - B. Cross River Fiber, its successors and assigns, shall adhere to all applicable Federal, State, County and Local laws regarding safety requirements for the use of the public right-of-way.
  - C. Cross River Fiber, its successors and assigns, shall comply with all Federal, State, County and Local Laws requiring permits prior to beginning construction.
  - D. Such permission be and is hereby given upon the condition and provision that Cross River Fiber, its successor and assigns, not only indemnify and save harmless the Township of Bloomfield, its officers, agents and servants from any claims arising from or in any way connected to the acts or omissions of Cross River Fiber 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.
  - E. Cross River Fiber, 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 \$2,000,000 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 plant. On prior notice to Cross River Fiber, 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 Fiber shall endeavor to endure 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.
  - F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way Cross River Fiber, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.

- G. Such permission be and is hereby given upon the further condition that Cross River Fiber shall obtain all applicable permits which may be required by the Township, and shall comply with, bear the expenses of, all applicable Township requirements regarding traffic control and police supervision while any work in the public right-of-way is occurring.
- H. Cross River Fiber shall be responsible for repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Neither the Township nor Cross River Fiber shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this resolution.
- J. The Adoption of this resolution on behalf of the Township by the Mayor and Township Council shall be attested to by the Township Clerk who shall affix the Township Seal thereto, Said actions shall constitute the existence of public notification.
- K. 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.

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Approved as to form and procedure on basis of facts set forth.




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Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.




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Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on August 19, 2019.




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Municipal Clerk of the Township of Bloomfield

*Me V J*

Mayor of the Township of Bloomfield

✓ Vote Record – Resolution						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						