



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldwpnj.com>

Meeting: 11/05/14 07:00 PM

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**2014 RESOLUTION AUTHORIZATIONS**

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**GRANTING PERMISSION TO SUNESYS, LLC TO INSTALL  
TELECOMMUNICATIONS FACILITIES (FIBER OPTIC CABLES) OVER THE  
PUBLIC RIGHT-OF-WAY**

WHEREAS, Sunesys, LLC. Communications, Inc., 202 Titus Avenue, Warrington, PA 18976 (Sunesys, LLC.) is a public utility as defined in NJSA 45:2-13 and as such has been authorized to provide certain telecommunication services by the New Jersey Board of Public Utilities (NJBPU) and the Federal Communications Commission (FCC); and

WHEREAS, Sunesys, LLC, as a public utility and common carrier, has requested approval to install telecommunications facilities within the right-of-ways of the Township of Bloomfield; and

WHEREAS, Sunesys, LLC is seeking to lease or obtain access to poles and subsurface conduit with other utilities, particularly Verizon New Jersey, Inc., and the Township of Bloomfield requires that Sunesys, LLC obtain approval from the Mayor and Council of the Township of Bloomfield as a condition of such access; and

WHEREAS, the utility poles and subsurface conduit are located within the public right-of-ways of Liberty Street; Spruce Street and Memorial Parkway in the Township of Bloomfield and more specifically detailed on plans prepared by Sunesys, LLC, dated September 22, 2014 which are on file with the Bloomfield Township Engineering Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor & Council of the Township of Bloomfield that:

APPROVED AS TO FORM AND PROCEDURE  
ON BASIS OF FACTS SET FORTH

of Law-Township Attorney

1. Permission and authority are hereby granted to Sunesys, LLC 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 and to operate, maintain and repair said facilities, subject to the following:
  - A. The facilities shall be installed onto utility poles or within subsurface conduit in the public right-of-way.
  - B. Sunesys, LLC, 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. Sunesys, LLC, its successors and assigns, shall comply with all Federal, State and Local Laws requiring permits prior to beginning construction.
  - D. Such permission be and is hereby given upon the condition and provision that Sunesys, LLC, 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 Sunesys, LLC 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. Sunesys, LLC, 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 Sunesys, LLC, 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. Sunesys, LLC 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 Sunesys, LLC, 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 Sunesys, LLC 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. Sunesys, LLC 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 Sunesys, LLC 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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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 November 05, 2014.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Resolution						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Carlos Pomares	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						