

**RESOLUTION 112 - 2010
RESOLUTION AUTHORIZING EXECUTION
OF RIGHT-OF-WAY AGREEMENT WITH
FIBER TECHNOLOGIES
NETWORKS, L.L.C.**

WHEREAS, Fiber Technologies Networks, L.L.C. ("Fibertech"), a New York Limited Liability Company, with offices at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services in the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBPU") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Borough to occupy public rights-of-way within the Borough for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the municipality and the public, particularly including non-residential users, for the Borough to grant municipal consent to Fibertech to occupy the public rights-of-way within the municipality for this purpose; and

WHEREAS, the grant of this consent is and shall be conditional upon Fibertech's continued compliance with all existing and future ordinances of the Borough and it's entering into a written agreement with the Borough to, inter alia, indemnify and hold the Borough harmless as to all claims and liability resulting from any injury or damages which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodbury Heights as follows:

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the municipality for the purpose of the construction,

installation, operation, repair, maintenance and replacement of a telecommunication system for a period of fifty (50) years from the effective date hereof;

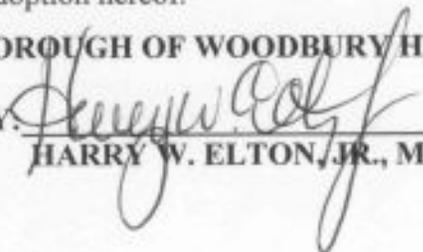
2. The within permission is conditioned upon Fibertech enduring into an attached agreement with the municipality and providing liability and property damage insurance coverages in a form and terms approved by the Borough Solicitor;

3. The Mayor and Clerk are hereby authorized to execute the attached Agreement;

4. A copy of this Resolution and executed Agreement shall be filed in the Office of the Clerk forthwith after the adoption hereof.

BOROUGH OF WOODBURY HEIGHTS

BY:



HARRY W. ELTON, JR., MAYOR

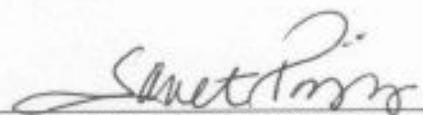
ATTEST:



JANET PIZZI, BOROUGH CLERK

NOTICE

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at a Regular Meeting held on the 20th day of October, 2010.



JANET PIZZI, BOROUGH CLERK