

RESOLUTION 30-2017

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WOODBURY HEIGHTS AUTHORIZING VERIZON WIRELESS TO UTILIZE POLES ERECTED WITHIN THE PUBLIC RIGHT OF WAY

WHEREAS, Cellco Partnership, d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right of way pursuant to which Verizon Wireless may use such poles erected within the public right of way in Woodbury Heights; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Woodbury Heights, County of Gloucester, and State of New Jersey, as follows:

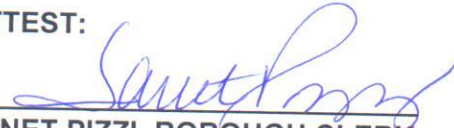
1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties and have the lawful right to maintain poles within the public right of way in Woodbury Heights, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable federal, state and local laws regarding safety requirements related to the use of the public right of way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable federal, state and local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by Woodbury Heights.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless Woodbury Heights, its officers, agents and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy of the poles located within the public right of way, except to the extent resulting from the acts or omissions of Woodbury Heights.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000.00 for injury to or death of one or more persons in any one occurrence and \$500,000.00 for damage or destruction to property in any one occurrence. Verizon Wireless shall include Woodbury Heights as an additional insured for such insurance policy.

- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither Woodbury Heights nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this Resolution.
- G. This instrument shall be adopted on behalf of Woodbury Heights by the Borough Council of the Borough of Woodbury Heights and attested to by the Woodbury Heights Clerk who shall affix the Borough of Woodbury Heights seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

BOROUGH OF WOODBURY HEIGHTS

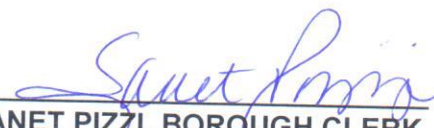
By: 
ROBBIE J. CONLEY, MAYOR

ATTEST:


JANET PIZZI, BOROUGH CLERK

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of the Resolution that was adopted by the Borough Council of the Borough of Woodbury Heights held at the Regular meeting held on the 18 day of January, 2017.


JANET PIZZI, BOROUGH CLERK

STATEMENT

This Resolution authorizes Verizon Wireless to use poles erected within the public right of way of the Borough of Woodbury Heights by parties that have the lawful right to maintain such poles.