

**TOWNSHIP OF FRANKLIN
R-172-22**

**RESOLUTION APPROVING ACCESS TO THE PUBLIC RIGHT-OF-WAY USE
TO CROSS RIVER FIBER**

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Township of Franklin, Gloucester County, NJ for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Township of Franklin, Gloucester County, NJ for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) 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 the in the best interests of the Township of Franklin, Gloucester County, NJ and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor, his designee and the Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

ADOPTED, at a regular meeting of the Township Committee of the Township of Franklin on Tuesday, October 25, 2022.

Adopted: October 25, 2022

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
T. Doyle						
D. Deegan						
M. Petsch-Wilson						
H. Flaim						
J. Bruno						

ATTEST:

TOWNSHIP OF FRANKLIN

BY: _____

BY:

BARBARA FREIJOMIL, CLERK

JOHN BRUNO, MAYOR

CERTIFICATION

I, BARBARA FREIJOMIL, CLERK, of the Township of Franklin, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting of the Franklin Township Committee held on Tuesday, October 25, 2022

BARBARA FREIJOMIL, MUNICIPAL CLERK