

**R16-72**  
**BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,**  
**STATE OF NEW JERSEY APPROVING 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 Borough of Merchantville 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 Borough of Merchantville 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 Borough of Merchantville 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 Borough of Merchantville of the Borough of Merchantville that Borough of Merchantville 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 and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

APPROVED:

ATTEST:

Edward F. Brennan  
MAYOR

Denise L. Brouse  
BOROUGH CLERK

**CERTIFICATION**

I, Denise Brouse, Municipal Clerk for the Borough of Merchantville, hereby certify this to be a true copy of a resolution approved at the council meeting held May 9, 2016.

---

May 9, 2016