

**TOWNSHIP OF LONG HILL  
RESOLUTION 22-211  
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY ZAYO**

**WHEREAS**, Zayo is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

**WHEREAS**, Zayo has petitioned the municipality for consent to use the public rights-of-way to place new aerial fiber optic cables via pole attachments on existing utility poles along Johnson Ave, Mountain Ave, Valley Rd, Stirling Rd and Plainfield Rd.; and

**WHEREAS**, Zayo has or will enter into agreements with the utility companies for the use of their poles; and

**WHEREAS**, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1) That the governing body does hereby grant permission and authority to Zayo, Inc. to install fiber optic cables on existing utility poles within the public right-of-way, upon the following terms and conditions:

- a) Zayo shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Zayo shall obtain any applicable permits in connection with the installation of its facilities;
- c) Zayo shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Zayo shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Zayo shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		DORSI	x			
		LAVENDER	x			
x		PISERCHIA	x			
	x	RAE	x			
		VERLEZZA	x			

I, Megan Phillips, Township Clerk of the Township of Long Hill, County of Morris, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee August 10, 2022.

  
Megan Phillips, RMC  
Township Clerk