

R09-134
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY AUTHORIZING SUNESYS TO
INSTALL, OPERATE AND MAINTAIN FIBER OPTIC CABLE WITHIN
THE BOROUGH OF MERCHANTVILLE**

WHEREAS, Sunesys, Inc. is authorized to provide telecommunications and related services in the State of New Jersey; and

WHEREAS, pursuant to providing telecommunications and related services, Sunesys, Inc. desires to install, operate and maintain fiber optic cable within the corporate boundaries of the Borough of Merchantville; and

WHEREAS, Sunesys, Inc. proposes to locate new fiber optic cable within the Borough of Merchantville in accordance with the attached routing plan utilizing, existing utility poles, said poles being owned and maintained by PSE & G and/or Verizon; and

WHEREAS, the Borough Council of the Borough of Merchantville finds the installation of Sunesys fiber optic cable within the Borough to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of the Borough of Merchantville as follows:

1. That Sunesys is hereby granted permission to install, operate and maintain its fiber optic cable within the Borough in accordance with the routing plan previously provided to the Borough for approval.

2. That the installation, operation and maintenance of Sunesys fiber optic cable shall not interfere with the safety or convenience of persons or vehicles traveling on public streets, highways or right-of-way within the Borough.

3. That Sunesys, shall at times, indemnify and hold harmless the Borough of Merchantville and its employees from any and all actions, claims, suits or demands or costs that may be made by any person or persons, company or corporation for or by reason of any injury including death or damage to any person or thing or property whatever resulting from or associated with the installation, operation, repair, or maintenance of the fiber optic cable, conduit or associated facilities.

4. That Sunesys shall be liable to the Borough of Merchantville for any and all damages caused and sustained by the Borough for and by reason of construction, installation, repair, operation and maintenance of the fiber optic cable, conduit, or associated facilities.

5. Pursuant to and as allowed for in N.J.S.A. 54:30A-124, Sunesys shall reimburse the Borough for the Borough's recurring costs and expenses in providing actual services to administer this agreement.

The parties hereto agree that a reasonable reimbursement shall be the sum of \$1,000 payable upon receipt of this Resolution by Sunesys, and, thereafter, an annual amount of \$100 per year due and payable on the first day of March of each and every year thereafter.

The permission and authority hereby granted shall be for a period of fifteen (15) years. Such permission and authority shall be automatically extended for additional periods of five (5) years each; provided, however, that either party may cancel such permission and authority effective at the end of the currently effective term with a minimum of one (1) year's prior written notice to the other.

BE IT FURTHER RESOLVED, that should there be any deviation from either the routing or method of installation as presently proposed, Sunesys will notify the Borough of Merchantville and post a Performance Bond for the work, if said Bond is determined by the Borough to be required.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

DENISE L. BROUSE, BOROUGH CLERK

I, **DENISE L. BROUSE**, Borough Clerk for the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution of the Borough of Merchantville, at a meeting of said Borough of Merchantville on November 23, 2009, and that said Resolution was passed by a majority vote of the Borough Council of the Borough of Merchantville.

DENISE L. BROUSE, BOROUGH CLERK