

COMMITTEEMEMBER _____ OFFERED THE FOLLOWING
RESOLUTION AND MOVED ITS ADOPTION:

RESOLUTION 2017-44
RESOLUTION DENYING VERIZON WIRELESS USE OF MUNICIPAL
RIGHT-OF-WAYS FOR DEPLOYMENT OF SMALL NETWORK NODES

WHEREAS, Verizon Wireless, by letter of December 10, 2016, requested consent from Shrewsbury Township to locate and operate in the municipal right-of-way, small network nodes, that according to Verizon Wireless would be located and operated by attaching the same to existing and new utility poles; and

WHEREAS, N.J.S.A. 40A:3-19 requires consent of the municipality for such requested placement in the municipal right-of-way; and

WHEREAS, the Federal Telecommunications Act (TCA) 47 U.S.C., Section 253, provides for certain Federal Authority to allow access to the public right-of-way for telecommunications providers, but Federal Law does not preempt local municipal regulation and land use controls, and Section 332 (47 U.S.C. Section 332) observes certain authority with limitations with regard to local municipalities in determining and regulating the placement of telecommunications provider's equipment in the municipal right-of-way; and

WHEREAS, Shrewsbury Township does not prohibit wireless service, nor does it unreasonably discriminate among providers of functionally equivalent services, but the Township does follow administrative requirements of local government in this area, pursuant to 47 U.S.C., Section 332 in that the Township had a public hearing at a regular meeting of the Township Committee concerning this request, have raised concern, as it has in the past, that Shrewsbury Township has the unique situation of multiple ownership of the utility poles, some of which are owned by the Township, some by various utility companies, but all of which are in poor condition and further use may be dangerous and detrimental to the citizens of Shrewsbury Township; and

WHEREAS, the existing utility pole situation in Shrewsbury Township is further complicated by attempts by Shrewsbury Township to allow for the acquisition of all utility poles by one or more utility companies, which would be complicated by use of said utility poles in the right-of-way by wireless providers and facility developers; and

WHEREAS, the Township has consistently not authorized use of the right-of-way to providers and developers in the past.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Shrewsbury, County of Monmouth and State of New Jersey, for all of the aforesaid reasons, hereby denies the request of Verizon Wireless to locate and operate in the municipal right-of-way, deployment of small network nodes requested by Verizon Wireless's letter of December 10, 2016.

BE IT FURTHER RESOLVED, that Verizon Wireless shall be notified, and a copy of the within Resolution of denial shall be forwarded to their attention, upon approval of this Resolution by Denial by the Mayor and Township Committee of the Township of Shrewsbury.

Seconded by Committeemember _____ and adopted on roll call by the following votes:

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Bailly						
Puhak						
Nolan						

I hereby certify the above to be a true copy of the resolution adopted by the Township Committee at the Meeting held on February 28, 2017.

 Suzanne M. Veitengruber, RMC, CMFO
 Municipal Clerk

 Edward P. Nolan
 Mayor

Dated: February 28, 2017