

RESOLUTION 11-27
Commissioners of Fire District No. 1
Franklin Township • Somerset County • New Jersey
AUTHORIZING THE REMOVAL OF
ITS EXISTING TOWER LOCATED ON THE PORTION OF
THE PROPERTY IDENTIFIED AS BLOCK 525, LOT 1.03

WHEREAS, Elizabeth Avenue Volunteer Fire Company and T-Mobile Northeast, LLC, have previously entered into a certain site lease with options dated August 18, 2005; and

WHEREAS, based upon prior approvals received by T-Mobile Northeast LLC from the Franklin Township Zoning Board of Adjustment, the site lease was further amended to show that a certain lattice tower would be constructed approximately 170 feet in height on said premises; and

WHEREAS, according to said Zoning Board of Adjustment approval, before T-Mobile Northeast, LLC can construct the 170 foot lattice tower and any associated structures, the existing lattice tower located on Block 525, Lot 1.03 must be removed; and

WHEREAS, the parties to the lease agreement set forth above have approached Franklin Township Fire District No. 1 requesting of its consent for such removal of its existing lattice tower located on a portion of the aforementioned property; and

WHEREAS, in consideration of the District's consent to remove the existing tower, and consistent with the Zoning Board of Adjustment approval and minutes of the February 15, 2011 conference call between the parties (attached hereto), T-Mobile Northeast, LLC has agreed: (i) to move the District's antennas, cabling, wires and appurtenances to the new tower from the existing old tower ; (ii) to install new antennas and cable from the new tower to the new equipment shelter, provided that the Fire District supplies T-Mobile Northeast LLC with the necessary antennas and cable; and (iii) to allow the Fire District to have access to and store its necessary radio equipment in the equipment shelter to be built by T-Mobile Northeast, LLC according to approved terms and specifications which are attached hereto; and

WHEREAS, the District has reviewed the terms of the proposal and find same to be acceptable and desirable to the District; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Franklin Township Fire District No. 1, Somerset County, New Jersey, that it hereby authorizes the removal of its existing tower located on the portion of the aforementioned property of Elizabeth Avenue Volunteer Fire Company pursuant to the following conditions:

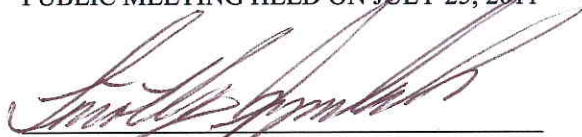
1. That T-Mobile Northeast, LLC, at their sole cost and expense, properly installs and completes the equipment room interior fit-out pursuant to the terms, conditions, specifications (attached hereto) and schedule mutually agreed upon.
2. All the work performed by T-Mobile Northeast, LLC with the construction of the tower and the associated equipment room must be done in accordance with all applicable codes and must pass inspection (including the receipt of a final certificate of occupancy) by Franklin Township Construction Officials.

3. Elizabeth Avenue Volunteer Fire Company shall allow the District reasonable access to the equipment room shelter to access its equipment for maintenance and/or repair.
4. That T-Mobile Northeast, LLC, at their sole cost and expense, shall be responsible for the disposal/removal of the existing tower, fencing, bollards and concrete pad from the Firehouse property as soon as possible after demolition of the old tower has concluded.

This resolution shall take effect immediately.

 _____ Bernard L. Pongratz, Chairman	 _____ Yes	_____ No _____ Abstain
 _____ Tim Szymborski, Clerk	 _____ Yes	_____ No _____ Abstain
 _____ Donald Bell, Treasurer	 _____ Yes	_____ No _____ Abstain
 _____ James Wickman, Commissioner	 _____ Yes	_____ No _____ Abstain
 _____ Jason Goldberg, Commissioner	 _____ Yes	_____ No _____ Abstain

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION APPROVED BY THE BOARD OF FIRE COMMISSIONERS AT ITS PUBLIC MEETING HELD ON JULY 25, 2011



 Tim Szymborski, Clerk