

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 11-202

**RESOLUTION AUTHORIZING MODIFICATION OF
USE AGREEMENT BETWEEN TOWNSHIP OF UPPER DEERFIELD
AND T-MOBILE NORTHEAST, LLC**

WHEREAS, the Township of Upper Deerfield entered into a use agreement with T-Mobile Northeast LLC, a Delaware Limited Liability Company, as successor to Omnipoint Communications Enterprises, L.P., for modifications to the equipment located on the Township of Upper Deerfield's water tower located at Love Lane within the Township of Upper Deerfield; and

WHEREAS, T-Mobile is desirous of adding additional antennas, coaxial cable, as well as the potential radio cabinet; and

WHEREAS, the Township Engineer of the Township of Upper Deerfield has recommended that such changes be allowed subject to condition; and

WHEREAS, the original use agreement would allow for the installation of additional equipment as requested by T-Mobile; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of authorizing the installation of additional equipment and allowing execution of a consent agreement to install the additional equipment on the Love Lane water tank (incorrectly designated by T-Mobile as being located on Silver Lake Road); and

WHEREAS, it appears that there are potential electrical grounding issues at the water tank which may be related to equipment owned by T-Mobile located on the water tank; and

WHEREAS, the Township Engineer may request an electrical grounding study be conducted by agents or representatives of T-Mobile to assure that no electrical grounding problems are related to any equipment now or hereafter placed on the water tower by T-Mobile; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of authorizing consent to amend the aforesaid agreement to allow the installation of additional equipment consisting of three additional antennas, coaxial lines, and one radio cabinet subject to an electrical ground fault study being conducted upon request of the Township Engineer;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper Deerfield that the Mayor and Clerk be and are hereby authorized to execute a consent agreement to allow the installation of an additional set of three antenna, together with coaxial cable and one additional radio cabinet; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Upper Deerfield that continued use of the water tower is subject to and conditioned upon T-Mobile conducting an electrical grounding study of the water tower, if requested by the Township Engineer of the Township of Upper Deerfield, to assure that electrical grounding problems are not related to any existing or future equipment placed upon the Love Lane water tank by T-Mobile; and

Moved By: Bruce Peterson

Seconded By: Scott Smith

VOTING

James P. Crilley
John L. Daddario
John T. O'Neill, Sr.
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held August 18, 2011

Roy J. Spoltore, Township Clerk