

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 11-234

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

WHEREAS, the Township of Upper Deerfield entered into a cellular phone use agreement with T-Mobile Northeast LLC, a Delaware Limited Liability Company, as successor to Omnipoint Communications Enterprises, L.P. (hereinafter referred to as “T-Mobile”) on September 19, 2002, which agreement would expire on September 19, 2012; and

WHEREAS, T-Mobile has requested an extension of the aforesaid agreement; and

WHEREAS, the Township Committee of the Township of Upper Deerfield has agreed to allow the continued use of the Love Lane water tower pursuant to a use agreement under the terms and conditions originally entered into together with certain changes thereto contained within an amendment to the cellular phone facility use agreement and Schedule I appended thereto; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is agreeable to amending the agreement according to the terms of the foregoing, which are incorporated herein for a period of ten years, consisting of two five year terms in return for an escalation of payments under the September 19, 2002, agreement of 18 % for the first five years and 18 % for the five year term thereafter, together with other terms and conditions set forth in the original agreement and first amendment thereto;

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 an amendment to the September 19, 2002, cellular phone facility use agreement together with Schedule I attached thereto.

Moved By: John O’Neill

Seconded By: John Daddario

VOTING

James P. Crilly
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 October 6, 2011

Roy J. Spoltore, Township Clerk