

**BOROUGH OF HILLSDALE  
RESOLUTION 13124**

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**RESOLUTION OF THE BOROUGH OF HILLSDALE AUTHORIZING THE  
MAYOR TO EXECUTE A PROPERTY ACCESS AGREEMENT WITH  
CABLEVISION LIGHTPATH NJ, LLC FOR THE PROPERTY LOCATED AT  
383 HILLSDALE AVENUE, BOROUGH OF HILLSDALE, NEW JERSEY FOR  
THE PURPOSE OF INSTALLING FIBER OPTIC CABLE**

**WHEREAS**, the Borough of Hillsdale (hereinafter referred to as “Borough”), a municipal corporation of the State of New Jersey, having its principal place of business located at 380 Hillsdale Avenue, Borough of Hillsdale, County of Bergen, State of New Jersey; and,

**WHEREAS**, Cablevision Lightpath NJ, L.L.C, (hereinafter referred to as “Lightpath”), is a limited liability corporation, organized under the laws of the State of New York, with its principal place of business located at 200 Jericho Quagdrangle, Jericho, New York, 11753; and,

**WHEREAS**, Lightpath is duly authorized and permitted to provide local exchange and interexchange telecommunications services throughout the State of New Jersey, pursuant to an Order issued by the New Jersey Board of Public Utilities (hereinafter referred to as the “BPU”), bearing Docket Number TE7120883; and,

**WHEREAS**, Lightpath, by letter dated April 26, 2013, has requested permission of the Borough to install fiber optic cables into the building located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for an indefinite time period for the sole purpose of servicing Sprint Wireless customers; and,

**WHEREAS**, after due consideration of the matters set forth herein, it is determined to be in the best interests of the Borough and the citizens it serves to enter into a “Property Access Agreement”, as attached hereto, to permit Lightpath to utilize and occupy the building and real property located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for this very specific and limited purpose; and,

**WHEREAS**, by way of the “Property Access Agreement,” Lightpath has agreed, *inter alia*, to indemnify, defend and hold the Borough harmless as to any and all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights of way and provide policies of liability insurance coverage for both personal and property damage to the Borough, naming it as an additional insured.

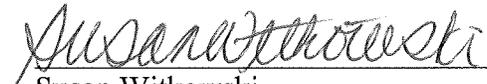
**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Hillsdale, County of Bergen and State of New Jersey hereby authorizes the Mayor and Borough Clerk to sign and/or execute on behalf of the Borough of Hillsdale, any and all such documents, including, but not limited to a “Property Access Agreement” that may come before them in furtherance of the purposes set forth herein, without the need for any further formal action of this Borough Council; and,

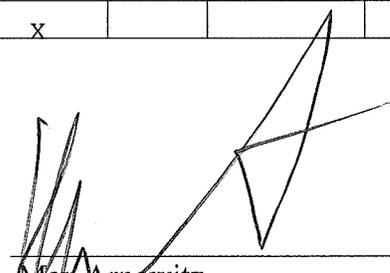
**BE IT FURTHER RESOLVED** that permission to utilize the building located at 383 Hillsdale Avenue, Borough of Hillsdale, Bergen County, New Jersey for the sole purpose of installing fiber optic cables in order to provide telecommunication services to the Borough and the citizens it serves is hereby approved, subject to the following terms and conditions:

1. Lightpath shall in all instances, fully comply with the terms and conditions set forth in the "Property Access Agreement" as if it were fully set forth at length herein.
2. The Borough of Hillsdale, in its sole discretion, can terminate the permissions granted herein and in the Property Access Agreement should Lightpath breach any of the terms and/or conditions of said Agreement.

Council member	Motion	Second	Yes	No	Absent	Abstain
DeGise, Jason			X			
Frank, Douglas			X			
Kelley, Thomas		X	X			
Looes, Chrisoula			X			
Meyerson, Lawrence	X		X			
Pizzella, Frank			X			

Adopted: June 5, 2013

  
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 Susan Witkowski  
 Municipal Clerk

  
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 Max Arnowitz  
 Mayor