

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2019-29

**AN ORDINANCE PROVIDING FOR THE EXTENSION OF A SITE LEASE
FOR THE OPERATION OF WIRELESS COMMUNICATION ANTENNAS
AND RELATED FACILITIES AT 880 BLOOMFIELD AVENUE, VERONA, NJ
TO NEW CINGULAR WIRELESS PCS, LLC D/B/A AT&T MOBILITY**

WHEREAS, the Township of Verona wishes to lease space at the lattice radio tower located at 880 Bloomfield Avenue, Verona, New Jersey for the operation of wireless communication antennas, equipment and related facilities; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:12-14(a)* the Township has advertised for sealed bids for the lease of the aforementioned space; and

WHEREAS, as a result of the advertisement for bids the Township received four (4) sealed proposals from the following telecommunication companies:

New Cingular Wireless PCS, LLC
d/b/a AT&T Mobility,
Sprint Spectrum, L.P.,
T-Mobile Northeast LLC, and
New York SMSA Limited Partnership
d/b/a Verizon Wireless.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Verona in the County of Essex, State of New Jersey, as follows:

SECTION 1. In accordance with the provisions of *N.J.S.A. 40A:12-14(a)*, the Township of Verona shall continue to lease space at the lattice radio tower located at 880 Bloomfield Avenue, Verona, New Jersey to New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility for an term of five additional terms of five (5) years commencing on December 1, 2022. The specifications prepared for the bid are incorporated herein by reference and are made a part of the Lease Agreement.

SECTION 2. The rent to be paid by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility to the Township for the first five (5) year term shall be \$43,071 per year. On the anniversary of the lease amendment, and every year thereafter, there shall be a yearly increase of rent by either two percent (2%) or Consumer Price Index (CPI), whichever is greater. The CPI series published by the United States Department of Labor, Bureau of Labor Statistics to be used shall be the Consumer Price Index for All Urban Consumers (CPI-U), New York-Newark-Jersey City, All items less food and energy, 12-month percentage changes for the month preceding the lease amendment.

SECTION 3. The Township Manager and Township Clerk are hereby authorized to execute any and all documents for the lease of the space to New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility.

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.



ATTEST:

Jennifer Kiernan
JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE VERONA-CEDAR GROVE TIMES, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE STAR LEDGER ISSUE OF SEPTEMBER 27, 2019 AND IN THE OCTOBER 11, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: September 23, 2019
PUBLIC HEARING: October 7, 2019
EFFECTIVE DATE: October 18, 2019