

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

RESOLUTION No. 2022-121

A motion was made by Deputy Mayor McGrath; seconded by Councilwoman Holland that the following resolution be adopted:

AUTHORIZING AGREEMENT FOR 5G CONSULTANT

WHEREAS, it is necessary for the Township of Verona (the "Municipality") to retain a Consultant (the "Consultant" or "Designee") to provide municipal services with regard to the Municipality's communication carriers, carrier agreements and wireless communications facilities, in particular, the installation of next generation mobile networks in the public right-of-way as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Administration has determined and certified in writing that the value of the service may exceed \$17,500; and,

WHEREAS, the Municipality desires to appoint Hoplite Communications, LLC, with offices at 197 Route 18, Suite 3000, East Brunswick, NJ 08816, as a Consultant and Designee to provide municipal services with regard to the Municipality's communications carriers; and

WHEREAS, Consultant has provided a copy of its consulting proposal, attached hereto and incorporated herein by reference; and

WHEREAS, Hoplite Communications will serve as Consultant through December 31, 2022.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex in the State of New Jersey that Hoplite Communications be and is hereby appointed as a Consultant to the Municipality to provide municipal services with regard to the Municipality's communication carriers as set forth in its summary of services attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Consultant will provide its services to the Municipality for the term ending December 31, 2021.

BE IT FURTHER RESOLVED that Hoplite has completed and submitted a Business Entity Disclosure Certification which certifies that Hoplite has not made any reportable contributions to a political or candidate committee in the Township of Verona in the previous one year, and that the contract will prohibit the Hoplite from making any reportable contributions through the term of the contract; and

BE IT FURTHER RESOLVED that the Township Manager is authorized to enter into a professional services contract with Hoplite Communications, LLC in accordance with this Resolution.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON JUNE 27, 2022.


JENNIFER KIERNAN
MUNICIPAL CLERK



197 Route 18, Suite 3000
East Brunswick, NJ 08816
732-207-3912
Hoplitecommunications.com



5G TELECOMMUNICATIONS CONSULTING SERVICES PROPOSAL

June 23, 2022

VIA EMAIL: Jkiernan@veronanj.org

Verona Township
Bloomfield Avenue
Verona, NJ 07044

Dear Sir or Madam,

It is with great pleasure that I present this telecommunications consulting services proposal to the Township of Verona and look forward to working with the Township as your expert telecommunications consultant, including ensuring that Verona is utilizing compliant and reliable telecommunications ordinances to govern the impending 5G rollouts and to draft, revise and adjust them accordingly, as well as to ensure existing processes for macro cellular sites are compliant with frequently updated laws and regulations.

Small cell technology, including small cells, in the public rights-of-way and on private property will be widely deployed by all major carriers in the coming months in order to develop novel 5G networks. The nature and scale of the deployment will be unfamiliar to counties and municipalities and will present unique safety, aesthetic and monetization challenges.

In addition, carriers will need to maintain and upgrade their existing macro cell site facilities to keep pace with the growing demand for data and network bandwidth.

As the Township's expert telecommunications consultant, Hoplite Communications, LLC, will endeavor to resolve these challenges and ensure a safe and orderly 5G deployment in the coming days, and also ensure that existing and proposed rooftop and tower sites are in compliance with and remain in compliance with applicable laws and regulations.

Part I: Hoplite Services – No Cost to Municipality

1. Certain Hoplite legal and technical consulting services, as described in the attached Fee Schedule – No Cost to Township Items, will be no cost to the municipality.
2. Hoplite will provide these services via fees charged to the applicable wireless service provider as an objectively reasonable pass-through expense and as an objectively reasonable reflection of costs.
3. As a result, these services will be no cost to the municipality.

Hoplite Proposed Services

In order to ensure a safe and orderly 5G rollout in the Township, Hoplite proposes to offer the following small cell consulting services:

1. Small Cell Right-of-Way Ordinance: As our capstone service, Hoplite will work with the mayor, council, administrator, attorney and other interested parties to draft a customized small cell wireless ordinance that meets municipal expectations and requirements and provides for the safe and orderly deployment of small cell technology. If the Township already has such an ordinance in place, Hoplite will review same to ensure it is compliant with Federal and state regulations and recommend revisions as necessary.
2. Rights-of-Way Use Agreement Negotiation: Hoplite will represent the municipality in the drafting, negotiating, redlining and execution of agreements between municipality and wireless service provider pertaining to any use of the public right-of-way for small cell or similar wireless telecommunications facilities. This shall include any master lease or license agreement, individual site agreement, right-of-way use agreement, franchise agreement or pole attachment agreement that is required to memorialize the relationship between wireless service provider and government and outline the rights and restrictions governing wireless deployment.
3. Pole Attachment Agreement Negotiation: The Township may prefer a separate pole attachment agreement for utilization of existing Township-owned utility poles, to distinguish it from a master right-of-way agreement which specifically grants access to the public ways. Hoplite will assist the Township in drafting one or both agreements, as is preferred by the Township.
4. Carrier Deployment Plan: Hoplite will work with the municipality and each carrier to develop a safe and orderly deployment plan depicting all proposed small cell locations within the municipal boundaries and which is compliant with local laws and requirements, as well as state and federal laws, and which also meets carrier coverage and capacity requirements.
5. Review of Applications for Small Cell New Build, Expansion, Upgrade, and Maintenance. Hoplite will review and provide expert recommendations for all construction, development and land use applications. This includes, but is not limited to, including applications for zoning, planning, street opening and any other permits or approvals as required by local, state or federal law. This review will include recommendations on permit issuance as well as health and safety, traffic flow and right-of-way safety and appearance, applicable fees and other applicable requirements. This review will be conducted for each instance of construction and maintenance, including initial site installation, as well as modification, upgrade, replacement, and removal of same.
6. Construction Oversight. Hoplite will provide construction oversight to ensure approved work is completed in compliance with municipal guidelines and state and federal law, including FCC compliance, as well as in accordance to approved plans and drawings and per the terms of any right-of-way agreement.

7. Post Construction Compliance. Hoplite will inspect any and all construction, maintenance and modifications of wireless telecommunications facilities to ensure compliance with applicable right-of-way agreements, as well as the 5G small cell ordinance.

Fee Schedule – No Cost to Township

Hoplite shall provide wireless telecommunications small cell consulting services at **no cost** to the municipality per the following schedule:

<u>Description of Service</u>	<u>Township Fee</u>	<u>Carrier Fee</u>
Carrier Deployment Plan	\$0	Billed at \$350/hour
Hoplite will work with each carrier as well as the municipality to develop a safe and orderly small cell deployment plan that is compliant with Township laws and requirements, as well as state and federal laws, and which also meets carrier needs.		
Small Cell Application – New Build / Expansion / Upgrade / Maintenance – Single Site	\$0	Billed at \$350/hour
Review of development and land use applications. Review to include recommendations on health and safety, traffic flow and ROW safety and appearance, applicable fees and other applicable requirements. Per small cell node, per build or upgrade.		Per application
Franchise Agreement / Pole Attachment Agreement / Right-of-Way Agreement	\$0	Billed at \$350/hour
Draft and review franchise agreements, right-of-way agreements and pole attachment agreements with each carrier, as applicable or required, to ensure compliance with applicable laws, standards and regulations pertaining to ROW occupancy.		
Construction Oversight	\$0	Billed at \$350/hour
To ensure compliance with Township guidelines and state and federal law, including FCC compliance.		
Macro Cell Site Review- Installation and Modification	\$0	Billed at \$350/hour
Review and report preparation for any proposed installation or upgrade of wireless facilities to an existing or proposed site. Review summaries will summarize the proposed scope of work, including analysis against federal regulations such as the Eligible Facilities Request standards, and serve as a reference for the Township engineer, council land use boards and other interested personnel and officials.		

Hoplite as Designee

In resolutions, ordinances and official other documentation adopted by the Township, Hoplite may be referred to as “Designee”, “Consultant”, “5G Consultant” or simply “Hoplite”. Each of these usages and variations is intended to refer to Hoplite Communications LLC.

5G Technology Summary

To recap, 5G technology will be widely deployed in the coming months. The nature of the deployment will be unfamiliar to Verona and will present unique safety, aesthetic and monetization challenges.

In addition, current macro cell sites will continue to evolve in design and deployment patterns. Hoplite proposes to manage and resolve these challenges for the maximum benefit of the Township as well as its businesses and residents. That way, you will be well positioned as 5G deployments begin in earnest.

Very truly yours,



Peter J. Lupo, Esq.
Chief Operations Officer
Attorney at Law, New Jersey and New York
Hoplite Communications, LLC



A Service Disabled Veteran Owned Small Business