

LEGAL NOTICE

TOWNSHIP OF PARSIPPANY-TROY HILLS MUNICIPAL ORDINANCES

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the following Ordinance was submitted in writing at a Meeting of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, held on **May 24, 2016** introduced and passed on first reading and the governing body will further consider the same for second reading and final passage thereof at a Meeting to be held on **June 21, 2016** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township at which time and place a Public Hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning same. A copy of this ordinance has been posted on the Bulletin Board in the Municipal Building. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

KHALED MADIN
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS MORRIS COUNTY, NEW JERSEY

ORDINANCE NO. 2016:14

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,
COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING
ORDINANCES 90:31 AND 99:18, AND AUTHORIZING THE SALE OF
LEASEHOLD INTERESTS IN AND TO BLOCK 498, LOT 23; BLOCK
136, LOT 65; BLOCK 15.8, LOT 35.01; AND BLOCK 736.1, LOT 3, AND
CHANGING THE MINIMUM BID STRUCTURE THEREFOR**

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") owns certain real property identified as all or portions of Block 498, Lot 23; Block 136, Lot 65; Block 15.8, Lot 35.01; and Block 736.1, Lot 3 on the official Township Tax Map (the "Property"); and

WHEREAS, the Township owns, operates and maintains water distribution systems, including water towers and supporting structures on the Property; and

WHEREAS, the Township Council finds that it is beneficial to rent those portions of its water towers and supporting structures not otherwise dedicated to public use to private entities supplying cellular telephone and data services to the public; and

WHEREAS, the Township Council further finds that it is in the public interest to modify and update the terms and conditions upon which leasehold interests in the Property are granted, including minimum rents, escrows and insurance requirements.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

SECTION 1. Ordinance 90:31, Authorizing the Sale of Leasehold Rights in and to Lot 23, Block 498, Lot 65, Block 136 and/or Lot 35.01, Block 15.8, is hereby repealed in its entirety.

SECTION 2. Ordinance 99:18, Authorizing the Sale of Leasehold Rights in and to Lot 23, Block 498, Lot 65, Block 136 and/or Lot 35.01, Block 15.8, by Additionally Authorizing the Sale of Leasehold Rights in and to Lot 3, Block 736.1 and/or Lot 31.01, Block 25 and by Changing the Minimum Bid Structure is hereby repealed in its entirety

SECTION 3. There is hereby authorized the sale of a leasehold interest in property identified as Block 498, Lot 23; Block 136, Lot 65; Block 15.8, Lot 35.01; and Block 736.1, Lot 3 on the official Township Tax Map, the purpose of such leasehold interest shall be to erect cellular communications antennae and construct communications equipment enclosures upon the following terms and conditions:

- A. The initial term of any lease awarded hereunder shall not exceed five (5) years, and the tenant shall have the right to renew the lease for an additional five (5) year period.
- B. The minimum basic rent for the year 2016 shall be \$50,408, and shall increase at the rate of two percent (2%) per year for every year thereafter. All rent shall be payable in equal monthly installments.
- C. Any improvements to be constructed by the tenant shall be constructed at the tenant's cost and shall be constructed in such a manner so as to not interfere with the Township's utilization of the site for water storage and distribution or related municipal uses such as public safety communication. Communications equipment enclosures shall, to the extent practicable, be placed outside of and away from any Township security fences and critical security, technical or systems areas. The Township may require the tenant to construct its own fenced enclosure for its communications equipment and place its own lock thereon.
- D. Should the tenant have to maintain, repair or replace any of its equipment installed on a Township water tower or supporting structure, or located within a Township security

fence or technical or critical area, the tenant shall, to the extent practicable, provide the Township with twenty-four (24) hours' notice. Prior to entering any area enclosed by a Township security fence or designated by the Township as a technical or critical area, the tenant shall hire an off-duty Township police officer pursuant to Township Code § 4-34 to provide security at the site during all times that the Township's facility is unlocked or open.

- E. Should the Township need to maintain, repair or replace its water tower or supporting structures, the tenant shall be given seventy-two (72) hours' notice to secure or remove all antennae and/or equipment affected by the Township's maintenance, repair or replacement. Should the tenant fail to secure or remove said equipment, the Township shall not be liable for damages to the antennae, equipment or enclosures, or for any expenses incurred by the tenant in repairing or replacing any of the antennae or equipment damages during any such maintenance, repair or replacement. This notice requirement shall not apply in the event of an emergency.
- F. The tenant shall submit to the Township a Certificate of Insurance and shall maintain the following minimum insurance coverages in amounts satisfactory to the Township during the term of its lease, and shall annually submit Certificates of Insurance to the Township to verify maintenance of the same.
 - 1. Worker's Compensation and Employer's Liability Insurance in accordance with New Jersey and federal laws and regulations.
 - 2. Broad form Comprehensive General Liability, including bodily injury liability, property damage liability, personal injury liability, contractual liability, contingent liability, broad form property damage and independent contractors coverage.
- G. The tenant shall agree to hold the Township harmless and indemnify the Township from any and all claims, including attorney's fees that may arise out of its use or maintenance of any facilities which it seeks to install on Township property.
- H. The tenant shall not commence or undertake any installation of antennae or communications equipment prior to receiving written approval from the Township Director of Water Utility as to the method by which antennae and communications equipment shall be affixed to any structure. All installations shall meet the National Electric Code, BOCA Code and, where applicable, the tenant shall obtain all federal, state and local required permits. The tenant shall be held strictly liable for any damage to Township water towers or supporting structures sustained during any installation, repair,

maintenance, replacement or removal of tenant's antennae or communications equipment.

- I. The tenant, upon execution of the lease, and in addition to any rents due or paid, shall deposit with the Township a security deposit of Fifteen Thousand United States Dollars (US\$15,000.00). The security deposit shall be kept in an interest bearing account and the Township and the tenant shall annually share in the interest equally.
- J. The bidder for the lease or leases to be offered by this Ordinance shall include with the bid the following information:
 - 1. Length of antenna, including any lightning protection.
 - 2. Antenna diameter or width.
 - 3. Antenna weight, including the weight of any flanges, brackets or supports.
 - 4. Maximum wind load of the antenna as installed.
 - 5. A complete description of the antenna mounting system, such as flange, tank leg, or tank side, along with a diagram of the mounted antenna and any communications equipment enclosure.
- K. At the time of the receipt of bids, the prospective tenant shall describe where its antennae shall be located on any water tower or supporting structure. The acceptance of the bid shall also be subject to a determination that the prospective tenant's antennae will not interfere with other nearby radio or Township public safety equipment.
- L. No leasehold interest authorized by this Ordinance shall be considered exclusive and the Township reserves the right to sell similar leasehold interests provided that the same do not interfere with each other.
- M. The Township reserves the right to accept any bid or reject all bids pursuant to governing law.

SECTION 4. The Business Administrator is hereby directed to proceed to advertise for and take public bids in accordance with the terms set forth in Section 3 of this Ordinance. N.J.S.A. 40A:12-14 and such other terms and conditions not inconsistent with this Ordinance, as the Business Administrator shall deem appropriate. The Mayor and Township Clerk are hereby authorized to execute an appropriate lease, in a form acceptable to the Township Attorney in accordance with the terms of this Ordinance.

SECTION 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 6. This Ordinance shall take effect upon passage and publication in accordance with applicable law.