





512 E. Township Line Road  
Blue Bell, PA 19422

November 3, 2016

Borough of Stone Harbor  
ATTN: Suzanne C. Stanford, RMC, Borough Clerk  
9508 Second Avenue  
Stone Harbor, NJ 08247

Dear Ms. Stanford:

Verizon Wireless is in the process of planning to upgrade and enhance its network for 2017 by deploying small network nodes in the public right-of-way. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is the first level of permission that Verizon Wireless seeks. Verizon Wireless would like to receive non-site specific consent granting permission to locate and operate in the right-of-way in the Borough of Stone Harbor by attaching to existing and new utility poles, and would later obtain any required site specific consents for each node through the building departments. As such, Verizon Wireless is requesting consent from the Borough Council of the Borough of Stone Harbor to use facilities lawfully erected in the public right-of-way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Borough Council.

To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Borough Council and relevant statutes for reference.

By way of the above, Verizon Wireless hereby submits this application for authorization by the Borough Council of the Borough of Stone Harbor to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.

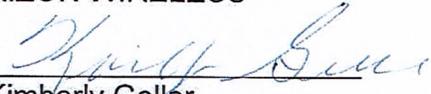


Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Borough Council and to discuss this proposal with officials of the Borough of Stone Harbor.

Questions about this proposal can be directed to William Flanagan at (732) 817-1177, or [wflanagan@tilsontech.com](mailto:wflanagan@tilsontech.com). Notices regarding this proposal and hearing date should be sent electronically to [wflanagan@tilsontech.com](mailto:wflanagan@tilsontech.com), or by mail to:

Tilson  
ATTN: William Flanagan  
5 East 1<sup>st</sup> Street, 2<sup>nd</sup> Floor  
Clifton, NJ 07011

VERIZON WIRELESS

By:   
Kimberly Geller

Engineer III Specialist, RE/REG

Date: 11/3/2016



## Fact Sheet

### What is Verizon Wireless Planning in Stone Harbor Borough?

Verizon Wireless is deploying small network nodes in the municipal and county rights-of-way in New Jersey, which enables it to increase coverage and network data capacity. Small network nodes are a low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, approximately 20-inches wide and 55-inches tall, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. These network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas. They are also an important part of Verizon Wireless' capacity focused mobile network. These small network nodes will help provide residents, commuters, and emergency responders in Stone Harbor Borough access to the next generation of wireless networks, and a roadmap toward upcoming emerging wireless technologies like 5G.

Small network nodes are typically deployed in areas that have some existing Verizon Wireless service, but where the coverage needs to be augmented. Capacity may also be exhausted at various times due to high demand when there are many users performing high-data usage functions (streaming video, uploading files, sending photos, using GPS, etc.). This sector exhaust is likely to increase as the technology used by network subscribers on multiple devices becomes exponentially more sophisticated. Without reliable coverage or when sector exhaust occurs Verizon Wireless network users will have insufficient network access, leading to dropped calls, a potential degradation of 911 services, and the inability to access applications, email, internet and GPS, all of which have potential impacts on public safety.

Small network nodes can be used to offload data capacity from the existing sites, freeing them up for others trying to make phone calls and use data anywhere within their radio frequency footprint. They can also be used to augment coverage from the existing macro network. In this way small network nodes complement macro sites, but are not a substitute for them. Small network nodes are located near street level where they can serve high traffic areas such as outdoor recreation facilities, homes, heavily-traveled roadways and intersections. The functional distance of a small network node is dictated by line of sight, and is limited by its low power.

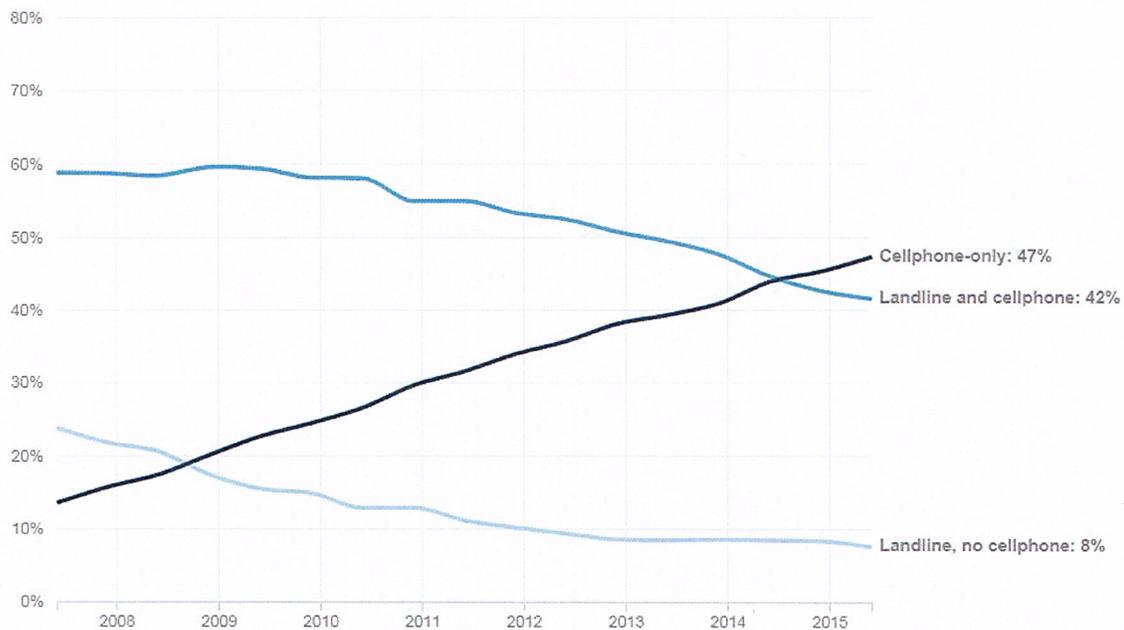
The consent that Verizon Wireless is seeking from Stone Harbor Borough is permission to operate in the public right of way. This consent will not allow Verizon Wireless to construct nodes without site-specific review by the building department.

## Why are Small Network Nodes so Important?

Small network nodes fill in coverage and capacity gaps created by both sector exhaust and by the inability of larger macro sites to fill in those small gaps. Providing network coverage and data capacity to all users in both their homes and on the road is increasingly important. Between 2014 and 2015 the number of “wireless only” homes surpassed the number of homes with both landline and cell phone connectivity.

### The Rise Of The Cellphone-Only Household

Share of households, by type of phone



Source: CDC/NCHS, National Health Interview Survey

Credit: Alyson Hurt and Alina Selyukh/NPR

Additionally, the National Highway Traffic Administration reported in February, 2016 that 76% of all 911 calls originate from a cell phone. Having a strong wireless network is not just for convenience, but is also necessary for public safety.

The use of wireless devices is increasing exponentially. In the United States there are 355 million wireless devices in use by 319 million residents (CTIA, June 2015). The demand for wireless data services has nearly doubled over the last year, and is expected to grow 650% between 2013 and 2018 (Cisco, VNI Mobile Forecast Highlights, 2013-2018). The increased use of smart phones, tablets, health monitors and other wireless devices in everyday life relies on the Verizon Wireless Network. Small cell networks will add coverage and capacity and improve in-building coverage, voice quality, reliability and data speeds for Stone Harbor Borough residents, businesses, first responders and visitors using the Verizon Wireless Network. Having adequate coverage has become a necessity of daily life and for public safety.

### Are Small Network Nodes Safe?

The FCC, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration and the Occupational Safety and Health Administration, has developed safety standards designed to protect against adverse health effects. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to radio frequency (RF) biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.”

The FCC provides information about the safety of RF emissions from wireless base stations on its website at: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>. In general, due to their small size, low wattage and limited coverage, emissions from small network nodes are a small fraction of FCC-permitted levels in any publicly accessible area.

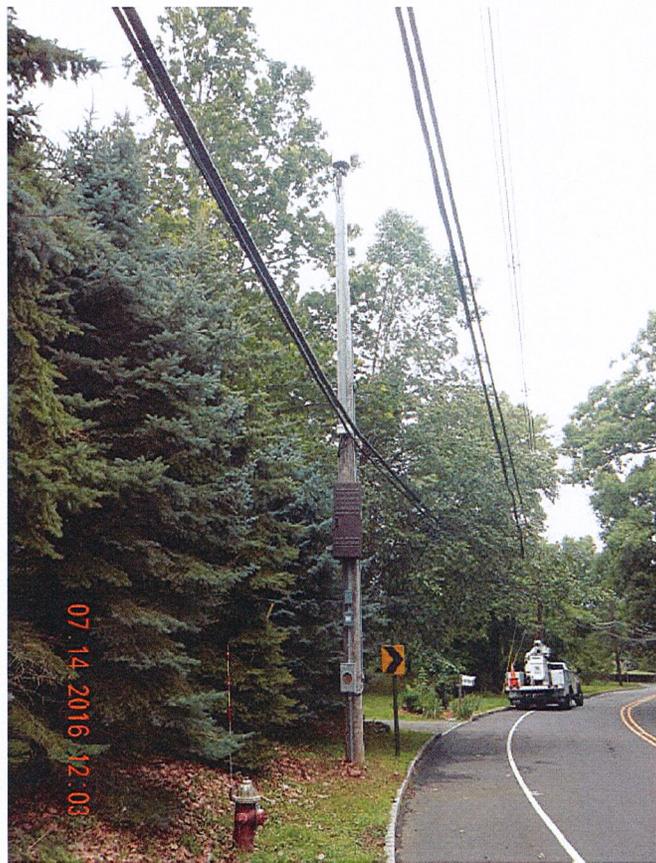
### Where are Small Network Nodes Placed?

Small Network Nodes are most often attached to wood utility poles in the public right-of-way. Verizon Wireless always looks to attach to existing utility poles as a first option, however, due to utility company restrictions, only a small percentage of existing utility poles meet the requirements for attachment. In situations where, because of utility company requirements, Verizon Wireless cannot attach to existing wood utility poles they will request that a public utility set a new pole for their use. The pole will be set in the public right-of-way, and will be of the same size and type that the public utility is permitted to set in the area so as not to be out of character with the current infrastructure.

In locations where there are no existing wooden utility poles, such as downtown areas or newer subdivisions with underground utilities, Verizon Wireless will not place new wooden poles, and would instead seek to have placed new or replacement stealth fixtures that integrate the small network node equipment into a streetlight structure. This would be a different phase of the development and Verizon Wireless would approach the municipality with a new proposal for this type of development.

Photographic representations of all of the above-referenced small network node deployment types are provided on the following pages.

## Verizon Wireless Small Network Node on Existing Wood Utility Pole



**Verizon Wireless Small Network Node on a New Wood Utility Pole**



### What is Verizon Wireless seeking from Stone Harbor Borough?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

### Can Stone Harbor Borough Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the municipality may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

### What Sort of Fee is Allowable?

Stone Harbor Borough may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

### What is Verizon Wireless **NOT** seeking to do in Stone Harbor Borough?

Verizon Wireless is aware that many wireless service providers and other telecommunications infrastructure providers are also seeking consent from municipalities in New Jersey to install wireless transmitting equipment in the public rights of way. Understanding the visual sensitivities of residents and Borough leaders, Verizon Wireless is committed to first, using existing infrastructure, and second, only installing new infrastructure when necessary, and ensuring that any new infrastructure is in character with the existing streetscape. Additionally, Verizon Wireless will not install new wood poles that are substantially taller (10%) than existing utility poles, or install utility poles made of steel or other non-wood material in an area with existing wood utility poles.

Verizon Wireless is seeking this consent exclusively for their own equipment to provide services to customers using the Verizon Wireless network. The consent from the municipality will not be used by Verizon Wireless to construct infrastructure to be leased to others.

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF STONE  
HARBOR**

No. \_\_\_\_\_

Date of Adoption \_\_\_\_\_

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Stone Harbor; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Stone Harbor, subject to the following:
  - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
  - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Stone Harbor.
  - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Stone Harbor, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located

within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Stone Harbor.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Stone Harbor as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Stone Harbor nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Stone Harbor by the Borough Council of the Borough of Stone Harbor and attested to by Borough of Stone Harbor Clerk who shall affix the Borough of Stone Harbor Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

#### STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Stone Harbor by parties that have the lawful right to maintain such poles.

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

New Jersey Statutes Annotated  
Title 48. Public Utilities (Refs & Annos)  
Chapter 3. Public Utilities in General (Refs & Annos)  
Article 4. Joint Use of Poles

N.J.S.A. 48:3-18

48:3-18. Agreements

Currentness

Any person municipal or otherwise, may enter into a written agreement with any other such person owning or using any poles erected under municipal consent in any street, highway or other public place for the use by the former person of the poles upon such terms and conditions as may be agreed upon by the persons.

**Credits**

Amended by L.1962, c. 198, § 41.

N. J. S. A. 48:3-18, NJ ST 48:3-18

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

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New Jersey Statutes Annotated  
Title 48. Public Utilities (Refs & Annos)  
Chapter 3. Public Utilities in General (Refs & Annos)  
Article 4. Joint Use of Poles

N.J.S.A. 48:3-19

48:3-19. Municipal consent

[Currentness](#)

The consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place.

**Credits**

Amended by L.1962, c. 198, § 42.

N. J. S. A. 48:3-19, NJ ST 48:3-19

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

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New Jersey Statutes Annotated

Title 54. Taxation

Subtitle 4. Particular Taxes on Corporations and Others

Part 5. Taxation of Certain Public Utilities

Chapter 30A. Franchises and Gross Receipts Taxes (Refs & Annos)

Article 4. Transitional Energy Facility Assessment Act

N.J.S.A. 54:30A-124

54:30A-124. Certain local government fees, taxes, levies or assessments prohibited

Currentness

a. No municipal, regional, or county governmental agency may impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against energy companies subject to the provisions of P.L.1940, c. 5 (C.54:30A-49 et seq.) prior to January 1, 1998 or telecommunication companies. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. Nothing in this section shall be construed to affect the franchising process or the assessment of franchise fees with respect to the provision of cable television service in accordance with the provisions of P.L.1972, c. 186 (C.48:5A-1 et seq.).

b. Nothing in this section shall be construed to limit municipal taxation of real or personal property pursuant to R.S.54:4-1 of local exchange telephone, telegraph and messenger systems, companies, corporations or associations that were subject to tax under P.L.1940, c. 4 (C.54:30A-16 et seq.) as of April 1, 1997.

**Credits**

L.1997, c. 162, § 69, eff. Jan. 1, 1998.

N. J. S. A. 54:30A-124, NJ ST 54:30A-124

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

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United States Code Annotated

Title 47. Telecommunications (Refs & Annos)

Chapter 5. Wire or Radio Communication (Refs & Annos)

Subchapter II. Common Carriers (Refs & Annos)

Part II. Development of Competitive Markets (Refs & Annos)

47 U.S.C.A. § 253

§ 253. Removal of barriers to entry

Effective: February 8, 1996

[Currentness](#)

(a) In general

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(b) State regulatory authority

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with [section 254](#) of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) State and local government authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b) of this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(e) Commercial mobile service providers

Nothing in this section shall affect the application of [section 332\(c\)\(3\)](#) of this title to commercial mobile service providers.

(f) Rural markets

**§ 253. Removal of barriers to entry, 47 USCA § 253**

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It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in [section 214\(e\)\(1\)](#) of this title for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply--

(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of [section 251\(c\)\(4\)](#) of this title that effectively prevents a competitor from meeting the requirements of [section 214\(e\)\(1\)](#) of this title; and

(2) to a provider of commercial mobile services.

**CREDIT(S)**

(June 19, 1934, c. 652, Title II, § 253, as added [Pub.L. 104-104, Title I, § 101\(a\)](#), Feb. 8, 1996, 110 Stat. 70.)

47 U.S.C.A. § 253, 47 USCA § 253

Current through P.L. 114-61 (excluding P.L. 114-52, 114-54, 114-59, and 114-60) approved 10-7-2015

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**WHEREAS**, the Borough Council of the Borough of Stone Harbor in the County of Cape May and the State of New Jersey has ordained that certain fees may be established from time-to-time by Resolution of the Borough Council; and

**WHEREAS**, the Administration and Finance Committee of Borough Council has recommended that certain fees be established by Resolution; and

**NOW, THEREFORE, BE IT RESOLVED** by Borough Council of the Borough of Stone Harbor, in the County of Cape May, duly assembled in public session this \_\_\_\_ day of December, 2016, that the following fees be set at the following levels for the year 2017:

Beach Fees	\$22.00 pre-season \$27.00 after May 31 \$12.00 weekly \$ 6.00 daily
- Newspaper Vending Permit	\$60.00
- Floating Dock Storage	\$150.00 per dock or ramp \$125.00 per dock and ramp/one owner
- Sailcraft Permit	\$250.00
- Municipal Boat Slip	\$1,700.00 slips 9-25 \$1,500.00 slips 26-79
- Boat Trailer Storage	\$125.00 per trailer
- Peddler	\$350.00
- Solicitor	\$350.00
- Vehicles on Beach	\$50.00
- Boat Ramp	\$8.00 daily/\$90.00 per season
- Business Registration	\$100.00
- Parking Permit	\$225.00
- Kayak Permit	no fee
- Taxi License	\$100.00
- Parking Meters	.25 for 15 minutes (with a 10 minute Grace Period)
	Kiosk parking lots located at the Beach and the Water Tower will remain \$ .25 for 30 minutes (no Grace Period)
	Kiosk located at Beach will have hours limited to 10 am – 5 pm
	Kiosk located at Beach (Recreation Vehicle Spaces Only) will be .50 cents per 15 minutes 10am – 5 pm (no grace period)
	The 2 -- meters next to Post Office 5 cents for 12 minutes (no Grace Period)
- Vendors	\$350.00
- Alcoholic Beverage License	\$2,500.00 \$188.00 Club
- Amusement License	\$300.00 annual (up to 3 machines) Each additional machine \$30.00
- Cat & Dog Licenses	Dogs \$4.20 neutered Dogs \$7.20 non-neutered
- Cats	Cats \$5.50 neutered Cats \$50.00 non-neutered