



# *Municipality of Princeton*

*Municipal Building  
400 Witherspoon Street  
Princeton, NJ 08540-3496*

*Department of Community Development  
Office of the Engineer  
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**ROBERT V. KISER, P.E.**  
*Director of Engineering*

## MEMORANDUM

TO: Robert Bruschi, Administrator

FROM: Robert V. Kiser, P.E., Director of Engineering

DATE: September 3, 2014

SUBJECT: **AT&T Wireless – Extension of License Agreement**

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AT&T Wireless previously entered into an agreement with Princeton to site and operate a temporary cellular antenna on wheels (“COW”) at the Valley Road Department of Public Works (DPW) site.

The Municipality is in the process of bidding for the installation of a cell facility to be installed at 400 Witherspoon Street and AT&T has expressed its interest to be a participating bidder at this location. In order to provide sufficient time for AT&T to participate in the bid process, a time extension is needed to allow the temporary “COW” to remain on the Valley Road DPW site.

In consideration of the above, it is recommended that the current license agreement with AT&T be extended to April 1, 2015 as provided for in the attached resolution. Please note that the license provides for compensation to the Municipality in the amount of \$3,000.00 per month for the use of the property.

Please contact either myself or Kevin Van Hise, Esquire of Mason Griffin Pierson if you have any questions.

Robert V. Kiser, P.E., Director of Engineering

RVK/cc

c: Linda McDermott, Municipal Clerk  
Kathy Monzo, Deputy Administrator/Director of Finance  
Trishka Waterbury Cecil, Municipal Attorney  
Kevin Van Hise, Esquire  
Sandy Webb, CFO  
Lee Solow, Planning Director  
Robert Hough, P.E., Director of Infrastructure and Operations

**RESOLUTION 2014-R  
OF THE MAYOR AND COUNCIL  
OF THE MUNICIPALITY OF PRINCETON  
COUNTY OF MERER  
STATE OF NEW JERSEY**

WHEREAS, New Jersey Cingular Wireless PCS, LLC, a/k/a AT&T Wireless (hereinafter "AT&T") formerly operated a wireless communications antenna facility atop the Princeton Hospital Building located on Witherspoon Street that was required to be removed with the redevelopment of the site; and

WHEREAS, to ensure that the communication needs of residents, businesses and visitors utilizing the AT&T network were met while Princeton evaluated the possibility of making the rooftop of the Municipal Complex and/or other public property available for license, which would reduce the proliferation of wireless antennas and/or tower facilities in the municipality, by Agreement dated December 27, 2012, Princeton granted a temporary license to AT&T to use a portion of the Department of Public Works ("DPW") property located at 2 Valley Road, for the operation of a temporary cellular antenna-on-wheels ("COW") facility (the "License"); and

WHEREAS, the License was granted for a term of one year from the date of delivery of the COW, which time has run; and

WHEREAS, since granting the License, the Municipality has made, the Municipal Complex located at 400 Witherspoon Street (the "Municipal Complex"), available by bid for the installation of new wireless telecommunications facilities; and

WHEREAS, AT&T has expressed its interest in the municipal site and has indicated its desire to be a participating bidder; and

WHEREAS, in order to provide sufficient time for AT&T to participate in the bid process and construct a replacement facility serving the area, either at the Municipal Complex, or alternatively at another site as may be determined suitable, Princeton finds it appropriate to

extend the term of the License until April 1, 2015 under the same terms and conditions as originally granted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton as follows:

1. The preamble of this Resolution is incorporated herein as if fully restated.
2. Princeton, by and through its staff and professionals, is hereby authorized and directed to enter into a First Amendment to the Temporary Antenna Site License Agreement (the "First Amendment") with New Cingular Wireless PCS, LLC, that will serve to extend the agreement until April 1, 2015 under the same terms and conditions as the December 27, 2012 Temporary Antenna Site License Agreement, for the temporary use and occupancy of a portion of the Department of Public Works property located at 2 Valley Road and designated as Lot 1 in Block 7002 on the Princeton Tax Map, for the public purpose of operating a "cellular-on-wheels" communications facility in order to maintain existing wireless services, including emergency services communications, within the municipality.
3. The Mayor and Clerk are hereby authorized and directed to sign on behalf of Princeton the First Amendment authorized herein, a copy of which is on file in the Municipal Clerk's Office, or such other substantially similar agreement, the terms and form of which shall have been reviewed and approved by the Princeton Attorney in consultation with the Princeton Administrator.
4. The Mayor, Administrator, Clerk, Engineer, Attorney, and other appropriate officers, employees and professionals are hereby authorized and directed to prepare and execute any and all documents regarding the First Amendment and undertake any and all acts necessary to accomplish the purposes hereof.

Councilperson	Absent	Present	1 <sup>st</sup>	2 <sup>nd</sup>	Yea	Nay	Abstain	Disqualified
Ms. Butler								
Mrs. Crumiller								
Ms. Howard								
Mr. Liverman								
Mr. Miller								
Mr. Simon								
Mayor Lempert								

I, Linda S. McDermott, Clerk of the Municipality of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said Municipality at a meeting held September 8, 2014.

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of said Municipality, this \_\_\_\_ day of September, 2014.

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Linda S. McDermott  
Municipal Clerk