

ORDINANCE #13-26

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
ORDINANCE AUTHORIZING A RIGHTS-OF-WAY USE AGREEMENT WITH
GONETSPEED FOR THE INSTALLATION AND OPERATION OF
TELECOMMUNICATIONS FACILITIES**

WHEREAS, GoNetSpeed was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Board of Public Utilities Docket No. TE24090627 on April 23, 2025, and intends to provide telecommunication services in accordance with these Orders and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, GoNetSpeed may locate, place, attach, install, operate, repair and maintain facilities for the deployment of fiber optic cable within Public Rights-of-Way for purposes of providing telecommunications services, high-speed Internet access, phone services, and other ancillary Internet-enabled services, with the consent of the Borough; and

WHEREAS, GoNetSpeed's facilities and services will be operated and provided in compliance with Orders and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities, as well as Municipal Ordinances; and

WHEREAS, N.J.S.A. 48:3-11, *et seq.*, authorizes a municipality to consent, by ordinance, to the petition of a public utility to use public rights-of-way for the operation of public utilities for a period not exceeding fifty years ; and

WHEREAS, in addition, N.J.S.A. 48:17-10, authorizes a municipality to permit telegraph or telephone companies to construct local telephone lines along public rights-of-way within that municipality; and

WHEREAS, the Borough and GoNetSpeed have negotiated an agreement entitled Rights-of-Way Use Agreement which shall govern the terms and conditions of the Borough's consent to utilize the public rights-of-way within the Borough, a copy of which is attached hereto and made a part hereof, which Agreement has been reviewed and approved by the Borough Attorney and the representatives of GoNetSpeed; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville finds it to be in the best interest of the Borough and its citizens to promote competition in the telecommunications market, provide its citizens with high-speed Internet access, phone services, and other ancillary Internet-enabled services, and to grant consent to GoNetSpeed to utilize the public rights-of-way within the Borough for the purposes set forth herein pursuant to the terms and conditions set forth in the Rights-of-Way Use Agreement.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex and State of New Jersey as follows:

SECTION ONE.

The Borough of Sayreville hereby grants permission and authority to GoNetSpeed to own, construct, install, operate, repair and maintain telecommunications facilities and equipment on new and existing utility poles within the public rights-of-way subject to the terms and conditions set forth herein and in the Rights-of-Way Use Agreement, which Agreement is attached hereto and incorporated by reference as if more fully set forth at length herein.

SECTION TWO.

The Mayor and Borough Council are hereby authorized and directed to execute the attached Agreement with GoNetSpeed to govern the terms and conditions of the consent to utilize the public rights-of-way.

SECTION THREE.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Sayreville, the provisions hereof shall be determined to govern. All other ordinances of the Borough of Sayreville are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION FOUR.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION FIVE.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION SIX.

Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

SECTION SEVEN.

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED/APPROVED ON FIRST READING

DATED: April 27, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Recreation Committee)

ADOPTED ON SECOND READING

DATED: May 11, 2026

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Recreation Committee)

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2026.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney