

RESOLUTION

WHEREAS, in 2004, the Federal Communications Commission ("FCC") reconfigured the 800 MHz band to eliminate interference between public safety and other communication systems operating in the band; and

WHEREAS, as part of this reconfiguration, the FCC made spectrum available for licensing exclusively to public safety and critical infrastructure industry applicants; and

WHEREAS, on January 29, 2009, on behalf of the Township, frequency coordinators PCIA—The Wireless Infrastructure Association ("PCIA"), applied through the Universal Licensing System to modify the Township's license by adding frequency pairs 854/809.3125 MHz and 854/809.3375 MHz (the "Frequencies"); and

WHEREAS, in March 2009, New York City and New Jersey Transit filed objections to West Orange's application to add frequencies; and

WHEREAS, on April 11, 2013, the FCC rendered its Memorandum Opinion and Order Proposing Modification ("Opinion"), which proposes the deletion of the Frequencies from the Township's license; and

WHEREAS, if there is no protest of the Opinion filed by May 13, 2013, the FCC will order the modification of the Township's license to delete the Frequencies; and

WHEREAS, the Frequencies are valuable critical insofar as the Township uses them for purposes of radio communication between Police Department personnel, and for other public safety and emergency communication purposes; and

WHEREAS, Alan S. Tilles, Esq. ("Mr. Tilles") of Shulman, Rogers, Gandal, Pordy & Ecker, P.A. ("Shulman Rogers") is an attorney who specializes in these matters generally and is knowledgeable about the Township's particular case pending before the FCC. A copy of his engagement letter is annexed hereto as Exhibit "A "; and

WHEREAS, the Township's Law Department recommends the allocation of funds to

retain Mr. Tilles as special counsel to protest the Opinion, in order to retain ownership of the Frequencies;

NOW, BE IT HEREBY RESOLVED that the Township Council of the Township of West Orange hereby authorizes the retention of Mr. Tilles of Shulman Rogers as the Township's special counsel at a rate of \$450 per hour, not to exceed \$5,000, for the purpose of appealing the Opinion, and related matters; and be it further

RESOLVED, that a copy of this Resolution shall be made available to the public and published in accordance with applicable law.

Karen J. Carnevale
Township Clerk

Victor Cirilo
Council President

Adopted: May 7, 2013

I hereby certify funds are available from: _____
Account No.

John O. Gross, Chief Financial Officer