



**Kearny Town Council**  
402 Kearny Avenue  
Kearny, NJ 07032  
**ADOPTED**  
**RESOLUTION 2018-307**

DOC ID: 9971

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**(\*) Resolution Authorizing EnterSolar, LLC to Encroach upon the Sidewalk within the Town Right of Way at 69-81 Sellers Street, Block 151, Lot 3 for the Purpose of Digging a Trench for the Installation of a PSE&G Utility Pole.**

**WHEREAS**, by letter dated May 11, 2018, EnterSolar, LLC requested the consent of the Mayor and Council to encroach on Town property for the purpose of installing a trench as part of construction of a new PSE&G utility pole within the sidewalk of the Sellers Street right-of-way; and

**WHEREAS**, Neglia Engineering Associates has reviewed the request and advised that there is no engineering reason why consent should not be granted; and

**WHEREAS**, the Town is willing to consent to the foregoing.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Kearny, in the County of Hudson, that:

1. The Town hereby consents to the excavation of a trench by EnterSolar related to the installation of a PSE&G utility pole within the sidewalk of the Sellers Street right-of-way at 69-81 Sellers Street.
2. The Mayor and Town Clerk be and are hereby authorized to take any and all actions necessary to complete and realize the intent and purpose of this Resolution, and to execute an agreement substantially in the form attached hereto, which agreement includes EnterSolar's agreement to indemnify, defend and hold the Town of Kearny harmless against liability for any and all claims for damage to property or injury to persons arising out of or resulting from EnterSolar's access to the Town's property.
3. This Resolution shall take effect immediately.

James Bruno

**ADOPTED: May 22, 2018**

I hereby certify that the foregoing resolution was adopted by the Council on **May 22, 2018**.

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**PATRICIA CARPENTER**  
TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Jean Doyle, Council Member
<b>SECONDER:</b>	Alberto G. Santos, Mayor
<b>AYES:</b>	Doyle, McCurrie, Eckel, Cardoso, DeCastro, Santana, Santos
<b>ABSENT:</b>	Michael Landy, Richard Konopka