

**PATRICK DONNELLY
309 OCEAN AVENUE
SPRING LAKE, NEW JERSEY 07762**

August 29, 2026

VIA EMAIL

Mayor Jennifer Naughton
Borough of Spring Lake
Borough Hall
423 Warren Avenue
PO Box 638
Spring Lake, New Jersey 07762

New York SMSA Limited Partnership v. The Borough of Spring Lake et al.,
3:24-cv-10378-RK-JTQ

Madame Mayor:

We are in the process of reviewing the proposed settlement documents the Borough of Spring Lake posted on its website in New York SMSA Ltd Partnership d/b/a Verizon Wireless v. Borough of Spring Lake et al. (3:24-cv-10378-RK-JTQ). Although our review of the documents has just begun, two conclusions are obvious from even a cursory review. First, the proposed settlement is a total capitulation by the Borough to Verizon. Second, the Borough Council is getting bad legal advice and, as a result, is not discharging its duty to represent constituents.

The proposed Consent Order is shockingly one sided. It was obviously written by Verizon and its counsel. The agreement to amend Chapter 225 of the Borough's Ordinances governing Land Development, and Section 33 governing wireless telecommunications towers and facilities, is incredible. These amended Ordinances would give free rein to Verizon, and open the door to development, placement and operation of a host of new wireless facilities by every other mobile network operator, including AT&T and T-Mobile. It is also clear that the amendment to Chapter 225 is explicitly designed to foreclose the Intervenor's claims in the litigation with Verizon. In light of the Intervenor's intentional exclusion from any substantive settlement discussions between the Borough and Verizon, the Borough has demonstrated a concerted effort to undermine the Intervenor's claims.

The proposed settlement documents demonstrate absolute capitulation by the Borough. We have reviewed all of the documents relating to the proposed settlement, which give us grave concern. Yesterday, my counsel specifically requested that the Borough's attorney provide him with RF data or other documents from Verizon demonstrating the carrier's capacity/service issues in Spring Lake. The Borough's counsel did not provide those critical documents to my

attorney. The Borough's lack of transparency with even this simple data request is the ultimate in arrogance. This data strikes at the heart of Verizon's claims and should be available to all Spring Lake residents.

Frankly put, it would be hard to imagine terms that are worse for the residents of Spring Lake than the Consent Order and the amended Ordinances. How does the Council think the Borough and its residents will benefit from with this settlement? Is the Council doing this solely to avoid legal fees and related expenses? None of these proposed settlement documents serve the interests of the residents of Spring Lake.

It is now obvious that the Borough has hired the wrong counsel in connection with this litigation. It has received no documents from Verizon—at least none of which have been shared with the Intervenor—and has taken no depositions. Without the proper development of the facts by counsel for the Borough, it is impossible for the Council to make informed and responsible decisions in this litigation, especially a decision to settle on such unfavorable terms. The Council needs a skilled and experienced trial lawyer who is not afraid of Verizon and who is willing to pursue this litigation to the bitter end.

The Borough Council also needs to hire special counsel that has experience negotiating with Verizon and other mobile network operators. Verizon and its counsel negotiate with municipalities and communities every day. They have thousands of model agreements with communities. Negotiating with mobile network operators is a specialty, and all law firms are not created equal in this area. It is obvious from the terms of the proposed settlement documents that Verizon has “picked Spring Lake's pocket”, and not having an expert in this area is obvious from the face of the documents.

Lastly, when do you plan to fulfill your promise to me in your April 24, 2026 letter that “...a meaningful opportunity to comment will be provided to all Borough residents, including the Intervenor, before anything is finalized.” Certainly, this week's hastily scheduled Borough Council meeting was not a meaningful opportunity to comment on a set of proposed settlement papers that raise serious issues and questions on almost every page, including issues and questions as to sensible provisions which were not included in the initial drafts.

We remain ready and willing to engage with the Borough on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Patrick L. Donnelly". The signature is fluid and cursive, with the first name "Patrick" being more prominent and the last name "Donnelly" following in a similar style.

Patrick L. Donnelly

cc: Council President Brendan Judge
316 Brighton Avenue
Spring Lake, NJ 07762
bjudge@springlakeboro.org

Councilwoman Kathleen McDonough
514 Essex Avenue
Spring Lake, NJ 07762
kmcdonough@springlakeboro.org

Councilman Edwin Hale
216 Lorraine Avenue
Spring Lake, NJ 07762
Ehale@springlakeboro.org

Councilman Joseph Erbe
417 Morris Avenue
Spring Lake, NJ 07762
jerbe@springlakeboro.org

Councilman Matthew Sagui
17 Washington Avenue
Spring Lake, NJ 07762
msagui@springlakeboro.org

Councilwoman Syd Whalley
400 Morris Avenue
Spring Lake, NJ 07762
swhalley@springlakeboro.org

Joseph M. DeCotiis, Esq.
Benjamin Clarke, Esq.
DeCotiis, Fitzpatrick Cole & Giblin, LLP
61 S. Paramus Road
Suite 250
Paramus, NJ 07652
jdecotiis@decotiislaw.com
bclarke@decotiislaw.com