

May 12, 2020

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION NO. 2020-115

**RESOLUTION APPROVING AND AUTHORIZING A CONSENT LETTER
WITH VERIZON WIRELESS FOR CERTAIN MODIFICATIONS TO EQUIPMENT
MOUNTED UPON THE MONOPOLE TOWER LOCATED ON A PORTION
OF THE BOROUGH'S PROPERTIES AT 721-723 MAIN STREET**

Mayor Engelstad offered the following Resolution and moved its adoption:

WHEREAS, on November 25, 2003, the Borough of Bradley Beach (the "Borough") entered into a Lease Agreement with Sprint Spectrum, L.P. for the lease of an approximately 1,500 square-foot portion of the Borough's real properties located at 721-723 Main Street, and identified on the Tax Map of the Borough as Block 32, Lots 21, 22, & 23, for the erection, maintenance, and operation of a monopole cellular communications tower not to exceed 150 feet in height; and

WHEREAS, the initial term of the Lease Agreement was five years, during which term, lessee was required to pay annual rent of \$24,000 to the Borough, which annual rent increases by 15% with each successive five-year renewal of the Lease Agreement; and

WHEREAS, paragraph 2(b) of the Lease Agreement provides lessee with "the right to use whatever measures it deems reasonably appropriate to construct the communications monopole and antennas, and to install its related equipment, provided that it is in compliance with all applicable laws and regulations"; and

WHEREAS, paragraph 2(f) of the Lease Agreement provides that lessee "shall have the right, at its own expense, to erect, construct or make any reasonable improvements, alterations or additions upon or to the Premises required for Lessee's use according to Lessee's Plan as shown on Exhibit B when approval is granted, as provided herein, provided Lessor agrees to such improvements, alterations or additions, Lessee shall obtain Lessor's consent, not to be unreasonably withheld or delay (and in no event delayed beyond forty-five (45) days), upon submission of new Plans to Lessor, which shall still be subject to administrative review by the Municipal Engineer and Planning Departments, provided such subsequent improvements do not interfere with Lessor's use of the Property and Premises"; and

WHEREAS, Verizon Wireless is now the successor-in-interest to Sprint Spectrum, L.P. under terms of the Lease Agreement; and

WHEREAS, by letter dated March 31, 2020, Verizon Wireless submitted a request for proposed modifications to its cellular equipment mounted on the monopole tower pursuant to paragraph 2(f) of the Lease Agreement; and

WHEREAS, as provided in paragraph 2(f) of the Lease Agreement, the Borough Engineer reviewed the proposed modifications submitted by Verizon Wireless for approval; and

WHEREAS, after review of the modifications proposed by Verizon Wireless, the Borough Engineer did not anticipate any impact(s) from the change in equipment, and determined that the proposed modifications do not interfere with the Borough's use of the subject properties;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby approve the Consent Letter with Verizon Wireless and the Mayor is hereby authorized to execute the Consent Letter, which Consent Letter is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that a copy of this Resolution, together with the executed Consent Letter, shall be forwarded to the Administrator, Clerk, CFO, Borough Engineer, and Crown Castle (as agent for Verizon Wireless).

Seconded by Councilman Sexsmith and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Engelstad	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the May 12, 2020 meeting.


ERICA KOSTYZ, RMC, CMB
Municipal Clerk



3200 Horizon Dr,
King of Prussia, PA 19406

Phone: (610) 635-3208
Email:
Samantha.Pass@crowncastle.com
www.crowncastle.com

March 31, 2020

VIA Email and FedEx

BOROUGH OF BRADLEY BEACH
701 MAIN STREET
BRADLEY BEACH, NJ 07720

Re: BU 878960 / "BOROUGH OF BRADLEY BEACH (F-2)" / 725 MAIN STREET, BRADLEY BEACH, NJ 07720 ("Site")

Lease Agreement, dated November 25, 2003, as it may have been amended and assigned ("Lease")
Consent for modifications

Dear BOROUGH OF BRADLEY BEACH,

In order to better serve the public and minimize the amount of towers in an area where this property is located, Verizon Wireless intends to modify its equipment at the wireless communication facility (the "Modification").

Please provide your consent as soon as possible by signing below and returning so that we may install Verizon Wireless's equipment as permitted under the Lease. Pursuant to Section 13(b) of the Lease, if you do not respond within 45 days, the modifications shall be deemed approved.

If you have any questions concerning this request, please contact Samantha Pass at (610) 635-3208 or Samantha.Pass@crowncastle.com

Sincerely,

Samantha Pass
Real Estate Specialist

Agreed and accepted

5/12/20

(Date)

(Lessor's signature)

5-12-20 - Magon

(Lessor's name and title)

[Enclosures]

The Foundation for a Wireless World.