

September 21, 2021

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**RESOLUTION 2021-242**

**RESOLUTION APPROVING AND AUTHORIZING A CONSENT LETTER  
WITH T-MOBILE WIRELESS FOR CERTAIN MODIFICATIONS TO EQUIPMENT  
MOUNTED UPON THE MONOPOLE TOWER LOCATED ON A PORTION  
OF THE BOROUGH'S PROPERTIES AT 725 MAIN STREET**

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**Mayor Fox** 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 725 Main Street, and identified on the Tax Map of the Borough as Block 32, Lots 16 & 20, 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**, T-Mobile Wireless is now the successor-in-interest to Sprint Spectrum, L.P. under terms of the Lease Agreement; and

**WHEREAS**, by letter dated June 7, 2021, T-Mobile 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 T-Mobile Wireless for approval; and

**WHEREAS**, after review of the modifications proposed by T-Mobile 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; and

**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 T-Mobile 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 T-Mobile Wireless).

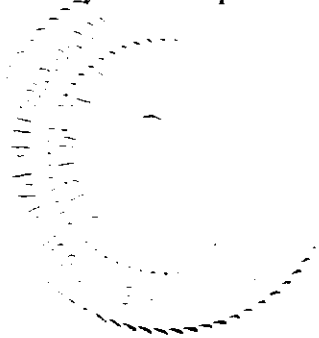
Seconded by Councilman Sexsmith and adopted upon the following vote:

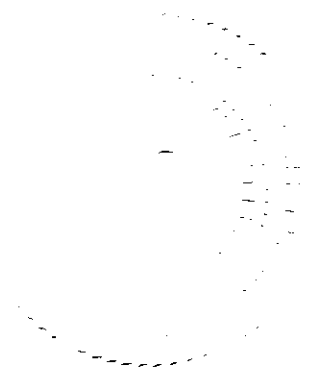
	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

**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 Governing Body at the September 21, 2021 Council Meeting.

  
ERICA KOSTYZ, RMC, OMR  
Municipal Clerk







8000 Avalon Blvd, Suite 700  
Alpharetta, GA 30009

Phone: (602) 845-1763  
Email:  
Monique.Young.Contractor@crowncastle.com  
www.crowncastle.com

September 7, 2021

VIA Email & DocuSign  
ekostyz@bradleybeachnj.gov

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, T-Mobile intends to modify its equipment at the wireless communication facility (the "Modification").

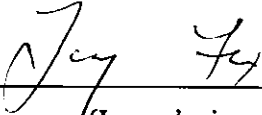
Under the Lease, Landlord's consent cannot be unreasonably withheld, conditioned or delayed. Please provide your consent **on or before October 7, 2021** by signing below and returning to Monique.Young.Contractor@crowncastle.com so that we may install T-Mobile's equipment as permitted under the Lease.

Please see the enclosed supplemental materials, as may be required by the Lease. If you have any questions concerning this request, please contact Monique Young at (602) 845-1763 or Monique.Young.Contractor@crowncastle.com

Sincerely,

Agreed and accepted 9/21/21  
(Date)

  
\_\_\_\_\_  
Monique Young  
Real Estate Specialist

  
\_\_\_\_\_  
(Lessor's signature)

Larry Fox MAYOR  
\_\_\_\_\_  
(Lessor's name and title)