

November 9, 2021

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2021-277

**RESOLUTION APPROVING AND AUTHORIZING A CONSENT LETTER
WITH AT&T MOBILITY FOR CERTAIN MODIFICATIONS TO CELLULAR
COMMUNICATIONS EQUIPMENT LOCATED ON A PORTION
OF THE BOROUGH'S PROPERTIES AT 725 MAIN STREET**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach (the "Borough") entered into a Lease with AT&T Mobility, and now through Global Signal Acquisitions, III, LLC ("Lessee"), for the lease of a 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 cellular communications equipment on a monopole cellular communications tower not to exceed 150 feet in height; and

WHEREAS, the Lease 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, the Lease 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 ... 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, Lessee submitted a request for proposed modifications to its cellular equipment located upon the subject properties pursuant to the Lease; and

WHEREAS, the Borough Engineer reviewed the proposed modifications submitted by Lessee for approval; and

WHEREAS, after review of the modifications proposed by Lessee, 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 Lessee 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 Lessee).

Seconded by Councilman Weber 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 November 9, 2021 Council Meeting.

Erica Kostyz

ERICA KOSTYZ, RMC, CMR
Municipal Clerk