

December 28, 2021

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2021-316

**RESOLUTION APPROVING A CONSENT LETTER WITH CROWN CASTLE,
AS AGENT FOR STC FIVE, LLC, SUCCESSOR TO SPRINT SPECTRUM, L.P., FOR A
NEW SUBLEASE TO DISH NETWORK AND NEW EQUIPMENT TO BE MOUNTED
UPON THE MONOPOLE TOWER LOCATED ON A PORTION OF THE
BOROUGH'S PROPERTIES AT 725 MAIN STREET**

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, 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, STC Five, LLC is now the successor-in-interest to Sprint Spectrum, L.P. under terms of the Lease Agreement; and

WHEREAS, by letter dated June 10, 2021, Crown Castle, as agent for STC Five, LLC, submitted to the Borough a request for a new sublease with DISH Network for a portion of the subject premises, and new equipment to be mounted on the monopole tower at 725 Main Street, 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 DISH Network for approval; and

WHEREAS, after review of the modifications proposed by DISH Network, 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 Crown Castle, as agent for STC Five, LLC, for a new sublease with DISH Network and new equipment to be mounted on the monopole tower at 725 Main Street; and

BE IT FURTHER RESOLVED that 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 STC Five, LLC).

Seconded by Councilman _____ and adopted upon the following vote:

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

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 December 28, 2021 Council Meeting.

ERICA KOSTYZ, RMC, CMR
Municipal Clerk