

April 26, 2022

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2022-129

**RESOLUTION APPROVING A CONSENT LETTER WITH CROWN CASTLE,
AS AGENT FOR STC FIVE, LLC, SUCCESSOR TO SPRINT SPECTRUM, L.P., FOR
ITS SUBLESSEE, AT&T MOBILITY, TO MAKE 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, 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 March 18, 2022, Crown Castle, as agent for STC Five, LLC, submitted to the Borough a request for its sublessee, AT&T Mobility, to make certain modifications to its cellular equipment located upon the subject properties, 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 AT&T Mobility for approval; and

WHEREAS, after review of the modifications proposed by AT&T Mobility, the Borough Engineer did not have any objections to the proposed cellular equipment modifications; and

WHEREAS, after review of same, the Borough Attorney finds that the proposed modifications comply with the terms and conditions of the Lease Agreement;

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 its sublessee, AT&T Mobility, to make certain modifications to its cellular equipment located upon the subject properties, in accordance with the Consent Letter and Plans submitted by AT&T Mobility; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Consent Letter, which Consent Letter and Plans are 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 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 April 26, 2022 Council Meeting.

Erica Kostyz
ERICA KOSTYZ, RMC, CMR
Municipal Clerk