

RESOLUTION NO. 55-23

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

September 28, 2023

**A Resolution Approving The Second Addendum To Lease Agreement
Between The Brick Township Municipal Utilities Authority And T-Mobile
Northeast, LLC.**

WHEREAS, the Brick Township Municipal Utilities Authority (“Authority”) entered into a Lease Agreement dated September 28, 1998, including an Addendum dated June 28, 1999 (collectively the “Lease”), whereby the Authority leased to Omnipoint Communications, Inc., now known as T-Mobile Northeast, LLC (“Lessee”) a portion of the water tower and ground space at 539 Mantoloking Road, Brick, New Jersey; and

WHEREAS, the term of the Lease expires on September 28, 2023 and the parties mutually desire to renew the Lease, memorialize such renewal period and modify the Lease in certain other respects, all on the terms and conditions contained within the Second Addendum to Lease Agreement (“Second Addendum”); and

WHEREAS, pursuant to such Second Addendum the parties desire to extend the term of the Lease, modify the rent and future rent increases, modify the provisions regarding site improvements and Authority oversight, and provide for new terms for reimbursement for the Authority’s review and oversight costs, all on the terms and conditions contained therein; and

WHEREAS, any terms and conditions of the original Lease not modified by the Second Addendum shall remain in full force and effect for all future terms; and

WHEREAS, public bidding is not required to enter into this Addendum under either the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. or the Local Lands and Building Law, N.J.S.A. 40A:12-14; and

WHEREAS, the terms and conditions of the Second Addendum have been reviewed and approved by Gary Vaccaro, Director of Compliance and Technology; and

WHEREAS, the Second Addendum has been approved and signed by Cheryl Downs, Senior Director of Strategy & Planning, T-Mobile Northeast, LLC; and

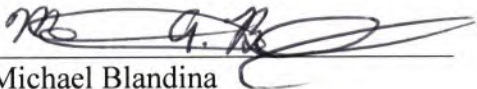
WHEREAS, the Second Addendum is subject to the review and approval of the Commissioners of the Authority; and

NOW, THEREFORE, BE IT RESOLVED this 28th day of September 2023, by the Commissioners of Brick Township Municipal Utilities Authority as follows:

1. The Authority hereby approves the Second Addendum to Lease Agreement amending and supplementing the original Lease entered by the parties dated September 28, 1998.
2. A certified copy of this Resolution shall be forwarded by the Administrator’s Secretary of Brick Utilities to the following:
 - a. Thomas C. Curtis, Chairman
 - b. Michael A. Blandina, Authority Secretary
 - c. Chris A. Theodos, P.E., P.P., C.M.E., CPWM, CFM, Executive Director
 - d. Gary Vaccaro, Director of Compliance and Technology
 - e. John Clifford, CFO
 - f. Nicholas C. Montenegro, Esq.
 - g. T-Mobile Northeast, LLC

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the 28th day of September 2023, a quorum being present and voting in the majority.



Michael Blandina
Authority Secretary