

TOWN OF HARPERSFIELD
RESOLUTION NO. 007 OF THE YEAR 2024

Councilmember Patrick F. Funk offered the following resolution and moved its adoption:

TITLE: RESOLUTION AUTHORIZING THE TOWN OF HARPERSFIELD TOWN BOARD TO AUTHORIZE THE LEASE OF REAL PROPERTY LOCATED AT 797 COLONEL HARPER ROAD AND ISSUING A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA").

WHEREAS, the Town was presented with an offer from Cellco Partnership d/b/a Verizon Wireless ("Lessee") to enter into a Land Lease Agreement ("Lease") for a portion of the real property located at 797 Colonel Harper Road in the Town of Harpersfield, Delaware County, New York, Tax Map No. 28.-2-31.1 the ("Property") owned by the Town of Harpersfield for the installation, maintenance, replacement, addition and operation of communications equipment and related utilities and appurtenances for Lessee's use; and

WHEREAS, the Town Board has confirmed that the portion of the Property proposed to be leased by Verizon Wireless (defined in the Lease as the "Premises") is not currently used by the Town and there are no plans to use such Property for Town purposes in the foreseeable future; and

WHEREAS, the Town Board has determined to lease a portion of the Property for adequate consideration of no less than fair market value without the services of a real estate broker; and

WHEREAS, the Town Board and its representatives have negotiated the terms of the Lease with Lessee; and

WHEREAS, the Town Board believes that leasing the Premises to Lessee is in the public interest of the residents of the Town, particularly since the end result will be more efficient and reliable cellular telephone communications within the Town; and

WHEREAS, the Town Board preliminary classifies this action (i.e., execution of the Lease) as an unlisted action under SEQRA, and determines that it will act as the Lead Agency with respect to the environmental review of the proposed lease of the Premises in accordance with SEQRA and Part 617 of the regulations implementing SEQRA; and

WHEREAS, the execution of the Lease for the Premises is: (1) an action under SEQRA, which requires the Town Board to issue a determination of significance prior to authorizing the execution of the Lease; and (2) subject to a permissive referendum pursuant to Section 90 et. al. of the New York State Town Law; and

WHEREAS, the Town Board has reviewed the Short Form Environmental Assessment Form (“EAF”) prepared for this action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Harpersfield determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA and that the Town Board shall act as Lead Agency for the required environmental review related to the execution of the Lease; and

BE IT FURTHER RESOLVED, that the portion of Property proposed to be leased by Lessee is surplus property that is not currently used for Town purposes, nor are there any plans to use such Property for Town purposes in the foreseeable future; and

BE IT FURTHER RESOLVED, that the Town Board determines that entering into the Lease with Cellco Partnership d/b/a Verizon Wireless will have no significant adverse impacts on the environment, and hereby issues a negative declaration for the proposed lease and authorizes the Supervisor of the Town of Harpersfield to execute Pages 3 and 4 of the EAF; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of Section 64, Subdivision 2 of the Town Law of the State of New York, the Town Board agrees to enter into the Lease with Lessee for a portion of the Property for not less than its fair market value; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute all documents required to complete the leasing of the Premises to Lessee, including the Lease, a Memorandum of Lease, and all other related and customary forms and documents; and

BE IT FURTHER RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law; and

BE IT FURTHER RESOLVED, that subsequent to complete execution of the Lease and prior to the installation and operation of its communications facility, Lessee shall be required to obtain all necessary local land use approvals required under the Town’s local laws including site plan approval from the Town of Harpersfield Planning Board.

Seconded by Councilmember Erik R. Reeve whereupon the Resolution was put to a vote and recorded as follows:

Supervisor	Lisa M. Driscoll	Aye.
Councilmember	Patrick F. Funk	Aye.
Councilmember	Erik R. Reeve	Aye.
Councilmember	Dwayne C. Hill	Aye.

Councilmember Donna VanSickell Aye.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Signed this 15th day of February, 2024

A handwritten signature in cursive script that reads "Linda E. Goss". The signature is written in black ink and is positioned above a solid horizontal line.

Linda E. Goss, Town Clerk