

**LEGAL NOTICES**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD AUTHORIZING THE LEASE OF REAL PROPERTY LOCATED OFF OF NEW PARIS ROAD (ROUTE 12) 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 Homeland Towers, LLC ("Lessee") to enter into an Option and Ground Lease Agreement for a portion of the real property located off of New Paris Road (Route 12), in the Town of New Hartford, designated as APN Tax I.D. Number 338.000-3-4 (the "Property"), for the placement of equipment, building(s) and a tower for the purpose of constructing, establishing and maintaining a "cellular" transmission tower facility for Lessee's use and that of its subtenants, licensees and customers; and

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

**WHEREAS**, in exchange for granting Lessee a 12 month option to lease the Property, Lessee shall pay the Town and option fee equal to \$100.00; and

**WHEREAS**, Lessee shall have the right to extend the option for one (1) additional twelve (12) month period by providing the Town with written notice of its intent to extend the option, which notice will be accompanied by an additional option fee payment of \$100.00, and a third one (1) year option if approved by the Town; and

**WHEREAS**, the base rent for the Property shall be \$1,400.00 per month or twenty percent (20%) of the gross income derived by Lessee from its subtenants, licensees and customers using the telecommunications facility, whichever is greater, for an initial term of 10 years; and

**WHEREAS**, the Town Board believes that the lease of the real property is in the public interest of the residents of the Town, particularly since the end result will be more efficient cellular telephone communications within the Town; and

**WHEREAS**, the Town Board preliminary classifies this action as an unlisted action under SEQRA, and deter-

**LEGAL NOTICES**

mines that it will act as the Lead Agency with respect to the environmental review of the proposed lease of the Property in accordance with SEQRA and Part 167 of the regulations implementing SEQRA; and

**WHEREAS**, the execution of the Option and Ground Lease Agreement for the Property is subject to: (1) a permissive referendum pursuant to Section 64, Subdivision 2 of the New York State Town Law; (2) the issuance of a negative declaration pursuant to SEQRA; and (3) the review and approval of the Option and Ground Lease Agreement as to form and content by the Attorney for the Town; and

**WHEREAS**, the Town Board has reviewed the Environmental Assessment Form ("EAF") prepared for this action;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of New Hartford hereby 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; and it is further

**RESOLVED**, that the Town Board determines that the Option and Ground Lease Agreement and the construction and operation of the communications tower and related facilities will have no significant adverse impacts on the environment, and hereby issues a negative declaration for the proposed Project and authorizes the Supervisor of the Town of New Hartford to execute Pages 3 and 4 of the EAF; and it is 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 does adopt this Resolution agreeing to enter into an Option and Ground Lease Agreement for the Property for not less than its fair market value; and it is 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 within ten (10) days; and it is further

**RESOLVED**, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to

**LEGAL NOTICES**

execute all documents required to complete the Option and Ground Lease Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF NEW HARTFORD, NEW YORK

/s/Gail Wolanin Young  
Town Clerk

Date: November 15, 2017  
OD: 12/21/2017

**LEGAL NOTICES**

**NOTICE OF ADOPTION TOWN OF NEW HARTFORD, NY LOCAL LAW NO. EIGHT OF 2017**

**PLEASE TAKE NOTICE** that on December 13, 2017, the New Hartford Town Board adopted Local Law No. EIGHT entitled as A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, Section 118-74 Solar energy systems, and Attachment 3.3 Schedule A. Permitted uses. Said Local Law now permits installations up to 25 kW, among other changes. A copy of said legislation is on file in the New Hartford Town Clerk's Office, 48 Genesee Street, New Hartford, NY where it is available for public inspection during regular business hours or may be viewed at [www.newhartfordtown.com](http://www.newhartfordtown.com).

Date: December 15, 2017  
Gail Wolanin Young,  
Town Clerk  
OD: 12/21/2017