

**Authorizing The Chair Of The Ulster County Legislature To Execute A Lease Agreement With Tonche Association, Inc For The Purpose Of Constructing A Public Safety Communications Tower And Operations of A Public Safety Radio System Tower For The Public Safety Radio System – Department Of Emergency Management/ Emergency Communications**

Referred to: The Law Enforcement and Public Safety Committee (Chairwoman Hansut and Legislators Clinton, Hewitt, Maloney, McCollough and Walls), The Public Works, Capital Projects and Transportation Committee (Chair Nolan and Legislators Donaldson, Kovacs, Litts, and McCollough), and The Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Chair of the Legislature, Peter Criswell, offers the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Emergency Management/Emergency Communications; and; and

WHEREAS, the County has identified a location for a new public safety radio tower to be located at Pitcairn Estates/Mt. Rd. (SBL 37. In the Town of Olive New York; and

WHEREAS, the Tonche Mountain location is critical to the overall operation of the County's public safety communication network providing links several County sites as well as critical coverage in the Route 28 corridor; and

WHEREAS, the County currently leases space near this location from Tonche Mountain Association for an existing public safety radio tower that has been deemed structurally incapable of supporting the needs of the County's emergency communication systems and will be dismantled upon the new tower becoming operational and the current lease will be canceled; and; and

WHEREAS, the design of the tower facility will allow for collocation of two cellular carriers to improve cellular coverage in the area; and

WHEREAS, the County has the negotiated a new lease with the Tonche Mountain Association that provides for base payments during the time when both lease areas are being used by the County and resumes with a payments of \$40,553.31 escalated at 2.75% per year and includes sharing of any cellular carrier revenue generated; and

WHEREAS, the new lease represents a favorable balance to the County when compared to the terms of the existing lease; and

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WHEREAS, the County of Ulster shall have the option to terminate the lease for any reason or for no reason, upon three hundred sixty-five (365) days written notice providing however that the tower would be dismantled; now, therefore, be it,

RESOLVED, that the Chair of the Ulster County Legislature is hereby authorized to execute a lease agreement and any amendments thereto, with the Tonche Mountain Association, for a five-year term with additional five year renewals for up to thirty years with payments set at the cost schedule provided in the lease agreement beginning at the start of construction of the new public safety radio tower and ending after five years unless renewed, as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22                      NOES: 0  
(Absent: Legislator Maloney)

Passed Committee: Law Enforcement and Public Safety on September 4, 2024

Passed Committee: Public Works, Capital Projects and Transportation on September 9, 2024

Passed Committee: Ways and Means on September 12, 2024

FINANCIAL IMPACT:

\$61,494.05 – 2025 ANTICIPATED APPROPRIATION DOLLARS  
\$40,553.31 – 2026 ANTICIPATED APPROPRIATION DOLLARS  
\$41,647.98 – 2027 ANTICIPATED APPROPRIATION DOLLARS  
\$42,793.30 – 2028 ANTICIPATED APPROPRIATION DOLLARS  
\$43,970.11 – 2029 ANTICIPATED APPROPRIATION DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of September in the year Two Thousand Twenty-Four, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20<sup>th</sup> Day of September in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
20<sup>th</sup> Day of September 2024.

Approved by the County Executive this  
27<sup>th</sup> Day of September 2024.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

[s] Jen Metzger  
Jen Metzger, County Executive