

Authorizing The Chairman Of The Ulster County Legislature To Execute An Amendment To The License Agreement With Tonche Association, Inc. For The Operation Of An Emergency Communications Tower – Department Of Emergency Communications/Emergency Management

Referred to: The Law Enforcement and Public Safety Committee (Chairman R.A. Parete and legislators Belfiglio, Maio, Ronk, and Briggs) and the Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez)

Chairman of the Law Enforcement and Public Safety Committee Richard A. Parete and Deputy Chairman Kenneth Ronk offer the following:

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

WHEREAS, on March 19, 2002 the County of Ulster entered into an agreement (recorded in the Ulster County Clerk's Office in Liber 3331 of Deeds at Page 278) with Co-trustees Lachlan Pitcairn, Clark D. Pitcairn and M. Craig Pitcairn (the "Licensors") to access real property for the construction, maintenance and operation of a guyed radio communications tower, approximately eighty feet (80 ft.) in height, and appurtenant facilities located on a parcel (S.B.L.# 37.1-5-12.412) situated on Tonche Mountain in the Town of Olive, County of Ulster, State of New York, Section Block and Lot No. 37.1-5-12.412 (the "Agreement"); and

WHEREAS, Tonche Association, Inc. is the successor in interest to the original Licensors; and

WHEREAS, the County's Emergency Communications/Emergency Management Office desires to continue the use, maintenance and upgrade of the above referenced tower and appurtenant facilities; and

WHEREAS, the original term of this agreement was for a ten year period commencing on April 1, 2002 and ending on March 31, 2012; and

WHEREAS, the parties have agreed to amend the terms of the agreement to automatically renew for three (3) successive ten (10) year periods unless otherwise terminated; now, therefore be it

Resolution No. 257 October 16, 2012

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RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute an amendment to the License Agreement (C02-00239) with Tonche Association, Inc., for the operation of an emergency communications tower located on Tonche Mountain in the Town of Olive, as filed with the Clerk of the Legislature or as modified with the approval of the County Attorney, Counsel to the County Legislature, Chairman of the County Legislature, and the Chairman and Deputy Chairman of the Law Enforcement and Public Safety Committee;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

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

Passed Committee: Law Enforcement & Public Safety on October 2, 2012

Passed Committee: Ways and Means on October 9, 2012

FINANCIAL IMPACT:

\$21,990.19 – BUDGETED 2012 COUNTY DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 16th day of October, 2012, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 17th Day of October in the year Two Thousand and Twelve.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
17th Day of October, 2012.

Approved by the County Executive this
_____ Day of October, 2012.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Michael P. Hein, County Executive