

MEREDITH TOWN BOARD SPECIAL MEETING

August 27, 2008

The Special Meeting of the Meredith Town Board was held on Wednesday August 27, 2008 at the Meredith Town Hall. The following were in attendance:

Supervisor: Keitha Capouya

Council Members: Ronald Bailey
Daniel Birnbaum
Roger Hamilton

Absent: Paul Menke

Clerk: Betsy K. Clark

Townspeople: 0

The Supervisor called the meeting to order at 8:05 a.m.

The Supervisor explained the meeting is regarding a resolution subject to permissive referendum that is being requested by Verizon Wireless in their contract for leasing space on the cell tower located on Town property and negotiated by the Town of Meredith, JNS and Verizon Wireless as the posted notice for the meeting read. The Board discussed this resolution. It was asked if AT&T was requiring a similar resolution and as far as the Supervisor knows they are not. She will ask the Attorney if it is necessary. To move forward with the cell tower contract the following resolution was made:

RESOLUTION # 65 - 2008 SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, JNS Enterprises, Inc. ("JNS") has entered into a Master Management Agreement with the Town which grants JNS the right to act as agent for the Town with regard to the installation and operation of communication facilities on Town owned Property; and

WHEREAS, Cellco Partnership d/b/a Verizon Wireless (hereinafter "VERIZON WIRELESS") is a public utility engaged in the provision of personal wireless services; and

WHEREAS, VERIZON WIRELESS, through JNS, has approached the Town Board of the Town of Meredith, Delaware County, and requested permission to lease space on the proposed communications tower to be relocated by JNS as well as certain ground space sufficient for Verizon Wireless' installation and operation of a 12' x 30' equipment shelter on land owned by the municipality located at 4247 Catskill Turnpike, Meredith, Delaware County, State of New York (the "Property") together with the right to install and operate a communications facility including communications antennas, equipment, utilities and related appurtenances on the proposed tower ("Project") at the Property; and

WHEREAS, the Project is necessary to enable VERIZON WIRELESS to provide adequate and safe wireless services to the surrounding area, for emergency and non-emergency use by the general public; and

WHEREAS, the Town of Meredith, JNS and VERIZON WIRELESS have negotiated a Tower Lease Agreement which sets forth the agreement between the parties with respect to VERIZON WIRELESS' use and occupancy of the Property; and

WHEREAS, the Town Board of the Town of Meredith, Delaware County, acting as "Lead Agency" for the purposes of the New York State Environmental Quality Review Act ("SEQRA"), has carefully considered the potential environmental impacts associated with execution of the Tower Lease Agreement; and

WHEREAS, the Town Board of the Town of Meredith, Delaware County, has had the opportunity to consider whether the specific areas to be leased to VERIZON WIRELESS are required for municipal purposes; and

NEW, THEREFORE, BE IT RESOLVED AND DETERMINED, pursuant to the provisions of §64 of the Town Law, and subject to a permissive referendum, as follows:

1. After careful review and consideration, the Town Board hereby determines that authorizing the execution of the Tower Lease Agreement will not result in any significant adverse environmental impacts and hereby issues a negative declaration pursuant to the requirements of SEQRA and further authorizes the Supervisor of the Town of Meredith to complete and sign any necessary documentation confirming the issuance of such negative declaration; and

2. The provision of adequate and safe personal wireless services to areas within the Town of Meredith and the surrounding area, for emergency and non-emergency use by the general public, is hereby deemed to be in the best interests of the health, safety and general welfare of the citizens of the Town of Meredith; and

3. The specific areas proposed for leasing to VERIZON WIRELESS are not required for any municipal purposes or operations, and are hereby deemed surplus property; and

4. The Town Supervisor is authorized and directed to execute the Tower Lease Agreement and other related lease documents necessary to complete this transaction, **ALL SUBJECT TO THE PERMISSIVE REFERENDUM REQUIREMENTS CONTAINED IN TOWN LAW SECTION 90;** and

5. Subject to the Permissive Referendum requirements discussed herein below, this Resolution shall be effective immediately; and

6. Use and occupancy of the Property by VERIZON WIRELESS shall be subject to receipt of all necessary approvals and permits required by the Town land use regulations and other applicable laws, including SEQRA; and

BE IT FURTHER RESOLVED, that pursuant to §§ 82 and 90 of the Town Law, and within ten (10) days from the effective date of this Resolution, the Town Clerk

shall post and public a notice which shall (a) set forth the date of the adoption of the resolution, (b) contain an abstract of such resolution concisely setting forth the purpose and effect thereof, and (c) specify that this resolution was adopted subject to Permissive Referendum; and shall publish such notice in the Delaware County Times, a newspaper published in Delaware County having general circulation in the Town of Meredith and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Meredith a certified copy of such notice within ten (10) days after the date of the adoption of this resolution.

BE IT FURTHER RESOLVED, that the Town shall comply with all the permissive referendum requirements contained in Town Law Section 90, *et al.*

Motion by Ron Bailey, seconded by Roger Hamilton and duly put to a vote which resulted as follows:

K. Capouya - Aye
R. Bailey - Aye
D. Birnbaum - Aye
R. Hamilton - Aye
P. Menke - Absent

A motion to adjourn the regular meeting was made by Daniel Birnbaum, and seconded by Roger Hamilton. The meeting was adjourned at 8:18 a.m.

Respectfully submitted,

Betsy K. Clark
Town Clerk