

PROPOSED LOCAL LAW NO. 6 OF 2025

COUNTY OF HAMILTON

A LOCAL LAW SUPERCEDING COUNTY LAW SECTION 215 (4) AND (6) AND
AUTHORIZING THE LEASE OF COUNTY PROPERTY TO NEW YORK RSA 2
CELLULAR PARTNERSHIP D/B/A VERIZON WIRELESS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
HAMILTON, NEW YORK, AS FOLLOWS:

Section 1. Legislation Intent and Purpose. This Local Law is enacted to amend and supercede County Law Section 215 and authorize the County of Hamilton Board of Supervisors, in the name of and on behalf of the County of Hamilton to enter a lease of the County property identified in Section 3 hereof and thereby obtain a reasonable return on property not needed for County purposes. The purpose of superceding County Law Section 215 is to avoid the need to advertise and lease a portion or all of the property identified in Section 3 hereof to the highest bidder following a public auction.

Section 2. County Law Section 215 Amended and Superseded. It is the intent of this Local Law to amend and supercede pursuant to the County's authority under the Municipal Home Rule Law the following: (a) County Law Section 215 (4), which limits leases of County property to 5 year terms, and (b) County Law Section 215 (6) which provides that property no longer necessary for public use "may be sold or leased only to the highest bidder after public advertisement".

Section 3. County Property and Lease. Hamilton County is the lessor of real property located at 2698 State Route 10 [E911 Address: 984 State Route 8], Town of Arietta, Hamilton County, New York, Tax Map Number 127.000-1-1.110 ("Tower Site") on which it is constructing a new public safety radio communications tower ("Tower Property") and NEW YORK RSA 2 CELLULAR PARTNERSHIP D/B/A VERIZON WIRELESS ("Verizon Wireless") has expressed an interested in leasing space on the tower and at the base thereof for the installation, operation and maintenance of a wireless telecommunication facility ("Facility") together with an easement for access and utilities pursuant to a Tower Lease Agreement between the County and Verizon Wireless. The portion of the Tower Property to be leased is not currently needed for County purposes and the County retains the right to use the Tower Property for County purposes pursuant to and in accordance with the Tower Lease Agreement. The term of the proposed lease is five (5) years, with four (4) five-year (5) renewals to be exercised at Verizon Wireless's option. The proposed compensation to the County is annual rent of \$24,000 increasing by 2% on each anniversary of the Tower Lease Agreement. Verizon Wireless's rights and obligations in respect to Verizon Wireless's lease of the Property will be governed by and in accordance with the Tower Lease Agreement.

Section 4. Lease Authorized. The County Executive is hereby authorized, without public advertisement or auction, to enter the Tower Lease Agreement and execute any and all

related documents for the lease of the above-described Property to Verizon Wireless on the terms set forth in Section 3 hereof and in the Tower Lease Agreement.

Section 5. Severability. If any part of this Local Law shall be adjudged by a Court to be invalid or unconstitutional, such order or judgment shall not affect or invalidate the remainder thereof, but shall be confined in its application to the part of this Local Law for which such order or judgment has been rendered.

Section 6. Effective Date. This local law shall not take effect until at least forty-five (45) days after its adoption or, if within forty-five (45) days after its adoption, there shall be filed with the Clerk a petition protesting against such Local Law, signed and authenticated as required by the Municipal Home Rule Law, then until approved by the affirmative vote of a majority of the qualified electors of Hamilton County voting on a proposition for it. The Clerk shall publish this local law or abstract thereof and take such further action as may be required under the Municipal Home Rule Law governing adoption of this local law.