

**[109618]**

Date: June 24, 2024

To: Board of Acquisition and Contract

From: Hugh Greechan, Jr. P.E.  
Commissioner, Department of Public Works and Transportation

Marguerite Beirne  
Chief Information Officer

Re: Authority to amend a resolution approved on May 28, 2020, as amended by a resolution approved on January 14, 2021, which together authorized the County of Westchester to enter into a Lease Agreement with American Tower Management, LLC for the purpose of installing, maintaining, and operating certain radio communication antennas and equipment on the ATC tower facility at 7 Morning View Court, Mount Pleasant, NY, in order to authorize the payment of the County's pro rata share of CAM charges and property taxes.

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By a resolution approved on May 28, 2020 (the "May 28th Resolution"), your Honorable Board authorized the County of Westchester (the "County") to enter into a lease agreement ("Agreement") with American Tower Management, LLC ("ATC"), to lease a portion of real property leased by ATC located at 7 Morning View Court, Mount Pleasant, NY (the "Hardscrabble Road Site") for the purpose of installing, maintaining, and operating certain radio communication antennas and equipment on the ATC tower facility (the "Tower Facility") for a term commencing on the earlier date of (i) ATC's issuance of the Notice to Proceed or (ii) June 15, 2020 ("Commencement Date"), and continuing through December 31, 2029, subject to four (4) additional five (5) year renewal terms (each a "Renewal Term"), which shall commence automatically, unless either party provides notice to the other in writing that it does not wish to extend the term at least 120 days prior to the commencement of the applicable Renewal Term, for an initial Monthly License Fee of \$4,500.00, payable on the Commencement Date, which shall increase annually by three percent (3%).

Thereafter, by a resolution approved on January 14, 2021 (the "January 14<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend the May 28th Resolution to delete the Budget Box attached to the May 28<sup>th</sup> Resolution and replace it with a new Budget Box to reflect the correct term of the Agreement and the automatic renewal periods.

Both the May 28<sup>th</sup> and January 14<sup>th</sup> Resolutions inadvertently failed to authorize the County to reimburse ATC for the County's pro-rata share of common expenses incurred by ATC in the installation, operation, maintenance and repair of the Tower Facility, including, but not

limited to, the construction, maintenance and repair of a common septic system and field, insurance and any and all other costs of operating and maintaining the Tower Facility (the “CAM Expenses”).

Additionally, both the May 28<sup>th</sup> and January 14<sup>th</sup> Resolutions also inadvertently failed to authorize the County to reimburse ATC for the County’s pro rata share of property taxes paid by ATC directly attributable to the County’s antennas and equipment on the Tower Facility or for which ATC is obligated to pay under its Ground lease for the Hardscrabble Road Site

Accordingly, the County respectfully requests that your Honorable Board further amend the May 28<sup>th</sup> Resolution, as amended by the January 14<sup>th</sup> Resolution, to authorize the County to agree as follows:

1) to reimburse ATC for the County’s pro-rata share of common expenses incurred by ATC in the installation, operation, maintenance and repair of the Tower Facility, including, but not limited to, the construction, maintenance and repair of a common septic system and field, insurance and any and all other costs of operating and maintaining the Tower Facility (the “CAM Expenses”), and

2) to reimburse ATC for the County’s pro rata share of property taxes paid by ATC directly attributable to the County’s antennas and equipment on the Tower Facility or for which ATC is obligated to pay under its Ground lease for the Hardscrabble Road Site.

Please note that the CAM Expenses, including the prorated taxes, for which the County needs to reimburse ATC is \$3,507.20 for 2022 and \$2,984.73 for 2023.

Except as described above, all other terms and conditions of the May 28<sup>th</sup> Resolution, as amended by the January 14<sup>th</sup> Resolution, will remain the same.

We respectfully recommend the adoption of the attached Resolution.

HJG/MB/RAN  
Attachment

APPROVED BOARD OF ACQUISITIONS CONTRACT - 08/01/2024 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation and the Chief Information Officer, be it hereby

**RESOLVED**, that the resolution approved on May 28, 2020 (the “May 28th Resolution”) authorizing the County of Westchester (the “County”) to enter into a lease agreement (“Agreement”) with American Tower Management, LLC (“ATC”), to lease a portion of real property leased by ATC located at 7 Morning View Court, Mount Pleasant, NY (the “Hardscrabble Road Site”) for the purpose of installing, maintaining, and operating certain radio communication antennas and equipment on the ATC tower facility (the “Tower Facility”) for a term commencing on the earlier date of (i) ATC’s issuance of the Notice to Proceed or (ii) June 15, 2020 (“Commencement Date”), and continuing through December 31, 2029, subject to four (4) additional five (5) year renewal terms (each a “Renewal Term”), which shall commence automatically, unless either party provides notice to the other in writing that it does not wish to extend the term at least 120 days prior to the commencement of the applicable Renewal Term, for an initial Monthly License Fee of \$4,500.00, payable on the Commencement Date, with an annual increase of 3%, as amended by the resolution approved on January 14, 2021 (the “January 14<sup>th</sup> Resolution”), which amended the Box Budget in the May 28<sup>th</sup>, 2020 resolution, is further amended to authorize the County to agree as follows

1) to reimburse ATC for the County’s pro-rata share of common expenses incurred by ATC in the installation, operation, maintenance and repair of the Tower Facility, including, but not limited to, the construction, maintenance and repair of a common septic system and field, insurance and any and all other costs of operating and maintaining the Tower Facility (the “CAM Expenses”), and

2) to reimburse ATC for the County’s pro rata share of property taxes paid by ATC directly attributable to the County’s antennas and equipment on the Tower Facility or for which ATC is obligated to pay under its Ground lease for the Hardscrabble Road Site; and be it further

**RESOLVED**, that except as specifically amended hereby, all terms and conditions of the May 28<sup>th</sup> Resolution, as amended by the January 14<sup>th</sup> Resolution, shall remain the same and in full force and effect, and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions necessary to implement this Resolution; and be it further

**RESOLVED**, that this Resolution shall take effect nunc pro tunc as of May 28, 2020.

**Agreement IT-1658 ( Lease Agreement)**

Original Amount \$2,527,209.44

This Amendment \$ 142,468.84

Total \$ 2,669,678.28

Account to be Charged /Credited

Year	Fund	Dept	Major Program, Program & Phase, or Unit	Object / Sub Object	Trust Account	Dollars
2022	101	20	1000	4070		\$1,340.60
2022	101	44	1000	4070		\$1,381.03
2022	101	38	2000	4070		\$785.57
2023	101	20	1000	4070		\$1,065.31
2023	101	44	1000	4070		\$1,110.66
2023	101	38	2000	4070		\$808.76
2024	101	20	1000	4070		\$1,354.77
2024	101	44	1000	4070		\$1,401.48
2024	101	38	2000	4070		\$837.30
2025	101	20	1000	4070		\$1,395.41
2025	101	44	1000	4070		\$1,443.53
2025	101	38	2000	4070		\$862.41
2026	101	20	1000	4070		\$1,437.27
2026	101	44	1000	4070		\$1,486.83
2026	101	38	2000	4070		\$888.29
2027	101	20	1000	4070		\$1,480.39
2027	101	44	1000	4070		\$1,531.44
2027	101	38	2000	4070		\$914.94
2028	101	20	1000	4070		\$1,524.80
2028	101	44	1000	4070		\$1,577.38
2028	101	38	2000	4070		\$942.38
2029	101	20	1000	4070		\$773.67
2029	101	44	1000	4070		\$800.35
2029	101	38	2000	4070		\$478.16
2030	101	20	1000	4070		\$1,617.66
2030	101	44	1000	4070		\$1,673.44
2030	101	38	2000	4070		\$999.77
2031	101	20	1000	4070		\$1,666.19
2031	101	44	1000	4070		\$1,723.65
2031	101	38	2000	4070		\$1,029.77
2032	101	20	1000	4070		\$1,716.18
2032	101	44	1000	4070		\$1,775.35
2032	101	38	2000	4070		\$1,060.66
2033	101	20	1000	4070		\$1,767.66
2033	101	44	1000	4070		\$1,828.62
2033	101	38	2000	4070		\$1,092.48

APPROVED BY BOARD OF ACQUISITION & CONTRACT 08/08/2024. RAYMOND SOULKY, SECRETARY

2034	101	20	1000	4070		\$1,820.69
2034	101	44	1000	4070		\$1,883.47
2034	101	38	2000	4070		\$1,125.25
2035	101	20	1000	4070		\$1,875.31
2035	101	44	1000	4070		\$1,939.98
2035	101	38	2000	4070		\$1,159.01
2036	101	20	1000	4070		\$1,931.57
2036	101	44	1000	4070		\$1,998.18
2036	101	38	2000	4070		\$1,193.78
2037	101	20	1000	4070		\$1,989.52
2037	101	44	1000	4070		\$2,058.12
2037	101	38	2000	4070		\$1,229.60
2038	101	20	1000	4070		\$2,049.20
2038	101	44	1000	4070		\$2,119.87
2038	101	38	2000	4070		\$1,266.48
2039	101	20	1000	4070		\$2,110.68
2039	101	44	1000	4070		\$2,183.46
2039	101	38	2000	4070		\$1,304.48
2040	101	20	1000	4070		\$2,174.00
2040	101	44	1000	4070		\$2,248.97
2040	101	38	2000	4070		\$1,343.61
2041	101	20	1000	4070		\$2,239.22
2041	101	44	1000	4070		\$2,316.44
2041	101	38	2000	4070		\$1,383.92
2042	101	20	1000	4070		\$2,306.40
2042	101	44	1000	4070		\$2,385.93
2042	101	38	2000	4070		\$1,425.44
2043	101	20	1000	4070		\$2,375.59
2043	101	44	1000	4070		\$2,457.51
2043	101	38	2000	4070		\$1,468.20
2044	101	20	1000	4070		\$2,446.86
2044	101	44	1000	4070		\$2,531.23
2044	101	38	2000	4070		\$1,512.25
2045	101	20	1000	4070		\$2,520.26
2045	101	44	1000	4070		\$2,607.17
2045	101	38	2000	4070		\$1,557.62
2046	101	20	1000	4070		\$2,595.87
2046	101	44	1000	4070		\$2,685.38
2046	101	38	2000	4070		\$1,604.34
2047	101	20	1000	4070		\$2,673.75
2047	101	44	1000	4070		\$2,765.94
2047	101	38	2000	4070		\$1,652.47
2048	101	20	1000	4070		\$2,753.96
2048	101	44	1000	4070		\$2,848.92
2048	101	38	2000	4070		\$1,702.05
2049	101	20	1000	4070		\$2,385.23
2049	101	44	1000	4070		\$2,934.39

2049	101	38	2000	4070		\$1,753.11
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Budget Funding Year(s): 2020 - 2049 Start Date: June 5, 2020 End Date: December 1, 2049  
(must match resolution)

Funding Source:  
\$142,468.84  
(must match resolution)

Tax Dollars: **\$142,468.84**  
State Aid: NA \_\_\_\_\_  
Federal Aid: NA \_\_\_\_\_  
Other: NA \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/08/2024 - RAYMOND SCULKY, SECRETARY