

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 21-178

AUTHORIZING A SECOND AMENDMENT TO THE CELLULAR PHONE FACILITY USE AGREEMENT BETWEEN THE TOWNSHIP OF UPPER DEERFIELD AND T-MOBILE NORTHEAST, LLC

WHEREAS, the Township of Upper Deerfield entered into a certain Cellular Phone Facility Use Agreement with T-Mobile Northeast LLC, a Delaware Limited Liability Company (T-Mobile), dated September 19, 2002, regarding the leased premises located on the Township of Upper Deerfield's water tower located at Love Lane within the Township of Upper Deerfield; and

WHEREAS, the Township of Upper Deerfield and T-Mobile are desirous of extending the Lease agreement for five (5) additional and successive five (5) year terms (Renewal Term) provided that T-Mobile may elect not to renew by providing Township [at least thirty (30) days'] notice prior to the expiration of the then current [term or] Renewal Term; and

WHEREAS, at the commencement of the first Renewal Term provided for in this Amendment, T-Mobile shall pay the Township of Upper Deerfield Two Thousand Four Hundred Forty-Two and 60/100 Dollars (\$2,442.60) per month ("Rent"), partial calendar months will be prorated in advance, by the fifth (5th) day of each calendar month. Where duplicate Rent would occur, a credit shall be taken by T-Mobile for any prepayment of Rent by T-Mobile. Rent shall be adjusted on the first day of the second Renewal Term, and each subsequent Renewal Term, by an amount equal to fifteen percent (15%) over the Rent for the immediately preceding Renewal Term. This new Rent and Rent adjustment shall supersede and replace any prior rent and rent adjustments; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of authorizing the execution of the Second Amendment to the Cellular Phone Facility Use Agreement Between the Township of Upper Deerfield and T-Mobile Northeast, LLC.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper Deerfield that the Mayor and Clerk be and are hereby authorized to execute the Second Amendment to the Cellular Phone Facility Use Agreement Between the Township of Upper Deerfield and T-Mobile Northeast, LLC.

Moved By: Bruce T. Peterson

Seconded By: John L. Daddario

VOTING

James P. Crilley
John L. Daddario
John T. O'Neill, Sr.
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held October 7, 2021

Roy J. Spoltore, Township Clerk