

**HARPERSFIELD TOWN BOARD
RESOLUTION NO. 014 RECINDING RESOLUTION NO. 012
AND AUTHORIZING SUPERVISOR
TO EXECUTE REVISED ESCROW
FOR PROFESSIONAL CONSULTANT SERVICES**

DATE: June 10, 2026

WHEREAS, Mountaintop Airfield, LLC (“Applicant”), through its authorized representative, submitted an application to the Town of Harpersfield Planning Board (“Planning Board”), for site plan amendment to allow for overnight camping at the Applicant’s existing motorcycle training facility on a 134-acre parcel of land located at 396 Zimmerman Road in the Town of Harpersfield (“Application”); and

WHEREAS, the Application documents submitted to the Planning Board include a proposed site plan, completed application for Site Plan Review, a Long Environmental Assessment Form, and correspondence from New York State Department of Health; and

WHEREAS, the Planning Board must review the application materials and the environmental impacts of the proposed use in accordance with the Town of Harpersfield Site Plan Review Law and SEQRA; and

WHEREAS, pursuant to Section 7.070 of the Town of Harpersfield Site Plan Review Law, the Planning Board has the authority to hire professional consultants to assist in its review of an application at the Applicant’s expense; and

WHEREAS, the Planning Board has determined it needs the assistance of a land use attorney and may require the assistance of an engineer to review the Application and make recommendations to the Planning Board; and

WHEREAS, by Resolution No. 012, the Town Board authorized execution of an escrow agreement with terms that were informed by its experience on prior matters, as evidenced in relevant correspondence, bank ledgers, invoices for services, agreements, prior escrow agreements, affidavits and other documentation that has been compiled by the Town; and

WHEREAS, the Applicant has indicated it will not execute the escrow agreement that was authorized by Resolution No. 012 and has threatened to commence litigation against the Town; and

WHEREAS, the Town Board has considered the Applicants’ comments and the record demonstrating its prior experience, including the aforementioned correspondence, bank ledgers, invoices for services, agreements, prior escrow agreements, affidavits and other documentation, to determine if revisions can be made to address the Applicant’s concerns while ensuring certain minimal safeguards remain in place to protect the Town; and

WHEREAS, the Town Board has caused a revised escrow agreement to be prepared which

has been reviewed by the Town Board.

NOW THEREFORE IT IS HEREBY RESOLVED, the Town of Harpersfield Town Board:

1. Resolution No. 012 is hereby rescinded and shall be of no force and effect; and
2. The Supervisor is authorized to execute the revised Escrow Agreement appended hereto to enable the retention of professional consultants to provide legal counsel and technical assistance to the Planning Board in connection with its review of the Application under the Town of Harpersfield Site Plan Review Law and SEQRA.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Harpersfield:

The motion was moved by Erik Reeve.

The motion was seconded by Dwayne C. Hill.

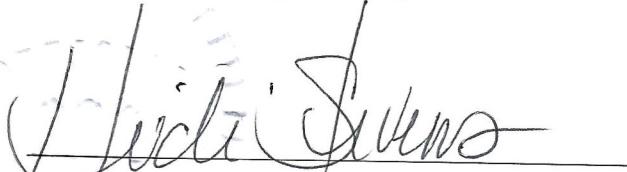
The vote was as follows:

AYE:4

NO:

ABSENT:1

Signed this 10th day of June, 2026

A handwritten signature in cursive script, reading "Heidi Stevens", is written over a horizontal line. The signature is in black ink and is positioned above the printed name of the signatory.

Heidi Stevens, Town Clerk