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COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

June 18, 2013

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Request to Enter into a Verizon Wireless First Amendment of Lease of Space on ECC North Campus Cell Tower

Dear Honorable Members:

Attached is a proposed resolution and accompanying memorandum from Erie Community College requesting authorization to enter into a first amendment to an existing lease of space with Upstate Cellular Network, d/b/a Verizon Wireless, on the cell tower at Erie Community College North Campus. The ECC Board of Trustees at its meeting of April 24th, has approved the proposed amendment. An excerpt of the meeting minutes is attached.

Thank you for your consideration of the attached. If your Honorable Body requires any further information, contact William D. Reuter, Erie Community College Chief Administrative and Financial Office.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/bb

cc: William D. Reuter

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	William D Reuter, Chief Administrative and Financial Officer – Erie Community College
Re:	Authorization to amend an existing cell tower Lease Agreement with Verizon Wireless at Erie Community College North Campus
Date:	May 31, 2013

Summary

It is recommended that the Erie County Legislature authorize the County Executive to amend an existing cell tower lease agreement with Verizon Wireless at Erie Community College, North Campus, for the purpose of allowing the installation and operation of six replacement antennae similar in size to existing antennae to further the transmission and reception of radio communication signals.

Fiscal Implications

The existing lease with Verizon Wireless is for a term of five years, with one five year renewal option, having commenced March 5, 2009, with rent of $24,000.00 annually. The funds received from the amended lease are designated for the purpose of future capital construction at Erie Community College. Denial of the request almost certainly would negatively impact the existing lease and the potential renewal thereof.

Reasons For Recommendation

Verizon Wireless would like to replace certain existing antennae with technologically improved antennae. The company already occupies space on the cell tower and therefore this amendment will inure further to the financial benefit of the College.

Background Information

In 1996 Erie County adopted its Policy and Procedures for Placing Commercial Antennas on County Properties in recognition of the expanding wireless communications industry. Under its policy and procedures, the County encouraged its departments and agencies to make available County Government buildings and lands for the citing of mobile services antennas, further stating that the re-use of existing towers and co-location of antennas on towers, County buildings or lands, is in the public interest and must be achieved whenever possible if the community is to avoid proliferation of tall communication towers.

Consequences of Negative Action

Failure to adopt this resolution will adversely affect a potential revenue stream for Erie Community College and may well have a negative effect on the college's ability to retain this lessee as a tenant going forward.

Steps Following Approval

Certified copies of this resolution shall be forwarded to the County Executive, President of Erie Community College, the County Division of Budget, Management and Finance, the County Comptroller and the Department of Law.

WILLIAM D. REUTER
Chief Administrative and Financial Officer
Erie Community College

ERIE COUNTY LEGISLATURE – PROPOSED RESOLUTION

Erie Community College 1st Amendment to Lease of Space on North Campus Cell Tower with Verizon Wireless

WHEREAS, Erie Community College has an existing lease of space on the North Campus cell tower with Verizon Wireless for their purpose of transmission and reception of communication systems, and

WHEREAS, the existing lease includes the operation of antennae and Verizon Wireless wishes to replace six of the antennae with technologically improved antennae, and

WHEREAS, the five year lease with one renewal term of five years commenced May 9, 2009, and therefore is close to renewal; denial of this request would negatively impact such renewal and the $24,000 annual revenue stream provided ECC thereunder,

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature hereby approves this 1st Amendment to the Verizon Wireless North Campus Cell Tower Lease, and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, President of Erie Community College, and the Chairman of the ECC Board of Trustees.

Motion to approve the Personnel Agenda, as amended
Moved: Trustee Boyd; Second: Trustee Green
Action: Motion carried, unanimous.

Section 5: Buildings & Grounds

1. Shared Employee in the Erie County Department of Public Works
2. Pending ECC Legal Affairs Approval:
    a. Verizon Wireless, North Cell Tower Agreement Amendment

Motion to approve the Buildings & Grounds agenda items
Moved: Trustee Boyd; Second: Trustee Gallagher
Action: Motion carried, unanimous.

Motion to go into Executive Session at 10:20 a.m.
Moved: Trustee Boyd; Second: trustee Gallagher
Action: Motion carried, unanimous.

Upon a motion duly made, seconded and carried, the meeting was reconvened at 10:45 a.m.

VI. Old Business

VII. New Business

VIII. Schedule of Next Month's Meeting

The next meeting is scheduled for **Wednesday, May 29, 2013 at ECC City Campus.**
Subcommittee meetings begin at 9:00 a.m., and the Regular Board Meeting begins at 11:00 a.m.

IX. Adjournment

There being no further business to come before this body and upon a motion duly made, seconded and carried, the meeting was adjourned at 10:45 a.m.

Respectfully Submitted,

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Stephen Boyd, Board Secretary