



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

REC'D SEP 24 13 10:48

September 24, 2013

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Request to enter into a T-Mobile 2<sup>nd</sup> Amendment of Lease of Space on ECC South Campus Cell Tower**

Dear Honorable Members:

Attached is a proposed resolution and accompanying memorandum from Erie Community College requesting authorization to enter into a 2<sup>nd</sup> amendment to an existing lease of space with T-Mobile Northeast LLC, on the cell tower at Erie Community College South Campus. The ECC Board of Trustees, at its meeting of August 29<sup>th</sup>, approved the proposed resolution. A copy of the approved resolution is attached.

If you require any further information, kindly contact William D. Reuter, Erie Community College Chief Administrative and Financial Officer.

Sincerely yours,



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP

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 T-Mobile at Erie Community College North Campus  
Date: September 12, 2013

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## **Summary**

It is recommended that the Erie County Legislature authorize the County Executive to amend an existing cell tower lease agreement with T-Mobile at Erie Community College, South Campus, for the purpose of allowing the installation of one new antenna and operation of five (5) replacement antennae similar in size to existing antennae to further the transmission and reception of radio communication signals.

## **Fiscal Implications**

The existing lease with T-Mobile is for a term of five years, with five, five year renewal options, having commenced September, 2006, with rent of \$30,346.00 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**

T-Mobile 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.



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

**ERIE COUNTY LEGISLATURE – PROPOSED RESOLUTION**

**RE: Erie Community College 2<sup>nd</sup> Amendment to Lease of Space on  
South Campus Cell Tower with T-Mobile**

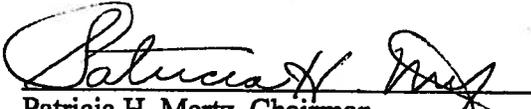
- WHEREAS,** Erie Community College has an existing lease of space on the South Campus cell tower with T-Mobile for their purpose of transmission and reception of communication systems; and
- WHEREAS,** the existing lease includes the operation of antennae and T-Mobile wishes to replace five of the antennae with technologically improved antennae, and add a sixth antennae as sought in its original lease; and
- WHEREAS,** the five year lease with five renewal terms of five years commenced September 6, 2006; denial of this request would negatively impact such renewals and the \$30,346 annual revenue stream provided ECC thereunder during this first renewal with 15% increases thereto for future renewals; and
- NOW, THEREFORE, BE IT RESOLVED,** that the Erie County Legislature hereby approves this 2<sup>nd</sup> Amendment to the T-Mobile South Campus Cell Tower Lease, and be it further
- RESOLVED,** that a copy of this resolution be forwarded to the Erie County Executive, President of Erie Community College, and the Chairman of the ECC Board of Trustees.

**RESOLUTION**

**Erie Community College  
Board of Trustees**

**RE: Erie Community College 2<sup>nd</sup> Amendment to Lease of Space on  
South Campus Cell Tower with T-Mobile**

- WHEREAS,** Erie Community College has an existing lease of space on the South Campus cell tower with T-Mobile for their purpose of transmission and reception of communication systems; and
- WHEREAS,** the existing lease includes the operation of antennae and T-Mobile wishes to replace five of the antennae with technologically improved antennae, and add a sixth antennae as sought in its original lease; and
- WHEREAS,** the five year lease with five renewal terms of five years commenced September 6, 2006; denial of this request would negatively impact such renewals and the \$30,346 annual revenue stream provided ECC thereunder during this first renewal with 15% increases thereto for future renewals; and
- NOW, THEREFORE, BE IT RESOLVED,** that the ECC Board of Trustees hereby approves this 2<sup>nd</sup> Amendment to the T-Mobile South Campus Cell Tower Lease, and be it further
- RESOLVED,** that a copy of this resolution be forwarded to the Erie County Executive, President of Erie Community College, and the Chairman of the ECC Board of Trustees.

  
Patricia H. Mertz, Chairman  
Erie Community College Board of Trustees