



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2014

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

**Re: Erie Community College Request for Authorization to Enter into
Wireless Lease Agreement with Blue Wirelessco, LLC**

Dear Honorable Legislators:

Please find attached a memorandum and resolution from Erie Community College seeking your Honorable Body's authorization to enter into a lease agreement with Blue Wirelessco, LLC concerning a wireless telephone tower at ECC's South Campus.

If your Honorable Body requires further information or has any questions, please contact William Reuter, Chief Administrative and Financial Officer of Erie Community College.

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Jack Quinn, President, Erie Community College

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: William D Reuter, Chief Administrative and Financial Officer – Erie
Community College
Re: Erie Community College Request for Authorization to Enter into Wireless
Lease Agreement with Blue Wirelesco, LLC
Date: February 14, 2014

Summary

It is recommended that the Erie County Legislature authorize the County Executive to execute a new cell tower lease agreement with Blue Wirelesco, LLC at Erie Community College, South Campus, for the purpose of transmission and reception of radio communication signals applicable to the operation of cell phones.

Fiscal Implications

The proposed lease will be for an initial term of five years and include one five-year renewal term, commencing after Legislative approval. Annual rent of \$18,000.00 will be charged during the initial term with the renewal term rent at 15% above that for each year thereof. Blue Wirelesco will occupy space on the tower at 135' elevation and be entitled to hang 6 panel antennae and a microwave antenna while enjoying ground level space for a 5' by 10' pad adjacent to the tower for related equipment. A lease clause permits ECC to opt out of the lease if a new suitor desires the space at a greater rent and Blue Wirelesco decides not to match that offer.

Reasons For Recommendation

Blue Wireless is a lower end, smaller player in the cell phone market and as such reaches fewer clientele. The lease rent reflects this as well as the lessee use less equipment than do other cell tower occupiers. The aforementioned clause, however, allows the college to negate this lease should a better offer of rent come along. This lease opportunity presents itself at about the same time as Nextel informed the college it is vacating its South cell tower space. Therefore there will be minimal loss of rental revenue once the Nextel rent ends.

Background Information

In 1994 the Buffalo Telephone Company (now New Cingular Wireless PCS, LLC) constructed the microwave relay (cell) tower at ECC South at no cost to the County or College, for its use, and use by the College as well. Thereafter your Honorable Body authorized leases with other wireless telephone companies such as Sprint, AT&T, Cricket, Nextel, and T-Mobile, all of which continue to occupy space today on the tower, however Nextel is terminating its lease presently.

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.

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.

**RESOLUTION SUBMITTED BY
ERIE COMMUNITY COLLEGE**

RE: Erie Community College Request for Authorization to Enter into Wireless Lease Agreement with Blue Wirelessco, LLC

WHEREAS, Erie Community College has open space on its South Campus cell tower for the purpose of transmission and reception of wireless communication systems; and

WHEREAS, Blue Wirelessco, LLC wishes to install seven (7) new antennae on the tower and lease 50 square feet of ground space adjacent to the cell tower for related equipment purposes; and

WHEREAS, a five-year lease with one renewal term of five years will commence shortly after Legislative approval thereof, and denial of this request would negatively impact the annual revenue stream of \$18,000 to be provided ECC thereunder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves a lease of cell tower and ground space at the ECC South Campus to Blue Wirelessco, LLC, and be it further

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