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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 28, 2016

The Honorable Erie County Legislature
92 Franklin Street-Fourth Floor
Buffalo, New York 14202

RE: Authorization to Amend Existing Cell Tower Lease Agreement with T-Mobile for Erie Community College

Honorable Members:

Attached is a proposed resolution and accompanying memorandum from Erie Community College (ECC) requesting authorization for the Erie County Executive to amend the existing cell tower lease agreement with T-Mobile. The ECC Board of Trustees, at its meeting of September 29th, 2016, approved this lease amendment.

Thank you for your consideration of the attached. If your Honorable Body requires any further information, kindly contact William D. Reuter, Erie Community College Chief Administrative & Financial Officer at 851-1700, email reuter@ecc.edu or our office, and we will be happy to accommodate your request.

Sincerely,



Mark C. Poloncarz
Erie County Executive

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: William D. Reuter, Chief Administrative & Financial Officer, Erie Community College
RE: Authorization to amend an existing cell tower Lease Agreement with T-Mobile Northeast LLC (T-Mobile) at Erie Community College South Campus
DATE: September 29, 2016

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to amend the existing microwave relay (cell) tower lease agreement with T-Mobile at Erie Community College, South Campus, for the purpose of the transmission and reception of radio communication signals.

FISCAL IMPLICATIONS

The existing lease with T-Mobile was for an initial term of five years, having commenced September 2006, with rent of \$20,400.00 for the initial term, with options for five five-year renewals, escalating fifteen percent (15%) per renewal thereafter. This amendment provides additional rent of \$250.00 per month and is subject to the same fifteen percent (15%) increase per renewal term and permits T-Mobile to replace three existing antennae and install three additional antennae and remote radio heads and one additional fiber line.

If approved, the annual rent received by ECC will be \$37,898 for the next five years, with 15% increase for each five year renewal.

The funds received from the amended lessee is budgeted for, and accounted for, as operating revenues of Erie Community College.

REASONS FOR RECOMMENDATION

T-Mobile already occupies space on the cell tower and therefore this amendment will inure further to the financial benefit of the College.

BACKGROUND INFORMATION

In 1994 the Buffalo Telephone Company (now New Cingular Wireless PCS, LLC) constructed the microwave relay 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, and T-Mobile, all of which continue to occupy space on the tower.

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 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, and the Department of Law.



William D. Reuter
Chief Administrative & Financial Officer
Erie Community College

RESOLUTION

**Erie Community College
Board of Trustees**

**RE: Erie Community College 3rd Amendment to Lease of Space on
South Campus Cell Tower with T-Mobile**

September 29, 2016

WHEREAS, Erie Community College has an existing lease for 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 three of the antennae with technologically improved antennae, and add three additional antennae and remote radio heads and one additional fiber line; 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 \$37,898 annual revenue stream provided ECC thereunder during this second renewal with 15% increases thereto for future renewals; and

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees hereby approves this 3rd Amendment to the T-Mobile South Campus Cell Tower Lease, and be it further

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

ATTEST:



**Dennis Murphy
Chair, Board of Trustees
Erie Community College**