

JUNE 14, 2007

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX -OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-6 (2007)
COMPTROLLER: Audited Financial Statements for ECC For FY Ended 8/31/07
(5-0)
 - b. COMM. 11M-16 (2007)
CITY OF BUFFALO MAYOR: Nominees for Appointment to the Board of Trustees of the BECPL
(5-0)
 - c. COMM. 11M-17 (2007)
CITY OF BUFFALO MAYOR: Nominees for Appointment to the Board of Trustees of the BECPL
(5-0)
 - 2a. COMM. 11E-27 (2007)
COUNTY EXECUTIVE
WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the tower, paying the college approximately \$15,000 per year; and

WHEREAS, CINGULAR, now wishes to enter into a five year lease agreement, with an option to extend, subject to the County's approval, paying the college \$102,000.00 during the initial five year term, with a twenty percent (20%) rent increase for a five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given the approvals by the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to the approval of the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with New Cingular Wireless PCS, LLC. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease for CINGULAR shall be for an initial term of five years at \$20,400.00 per year including an option for one five year renewal, subject to County approval, providing a rent increase of twenty percent (20%); and be it further

RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.
(5-0)

- 2b. COMM. 11E-27 (2007)
COUNTY EXECUTIVE
WHEREAS, in 1994 Buffalo Telephone Company (now New Cingular Wireless PCS, LLC) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 and per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the cell tower, paying the college approximately \$15,000 per year; and

WHEREAS, SPRINT now wishes to enter into a five year lease agreement, with a five year option to extend, subject to the County's approval, paying the college \$19,000 for the first year of the

initial term and escalating four percent (4%) per year thereafter, to a total of approximately \$102,900.00 during the initial five year term, and with a four percent (4%) per year rent increase for each of the years in the five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Sprint Spectrum, L. P. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease for Sprint Spectrum, L. P. shall be for an initial term of five years, rent beginning at \$19,000 in the first year and escalating four percent (4%) per year thereafter and with an option for one five year renewal, subject to County approval, providing for rent increases of four percent (4%) per year; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.
(5-0)

2c. COMM. 11E-27 (2007)

COUNTY EXECUTIVE

WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,356 per year; and

WHEREAS, Sprint Spectrum, L. P., AT&T Wireless Services, Cricket and Nextel had all since entered into five year lease agreements for available space on the tower, paying the college approximately \$15,000 per year; and

WHEREAS, NEXTEL, now wishes to enter into a five year lease agreement, with an option to extend, subject to the County's approval, paying the college approximately \$102,000.00 during the initial five year term, with a twenty percent (20%) rent increase for a five year extended term; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that given approval by both the Erie Community College Board of Trustees and the Erie County Fiscal Stability Authority and subject to approval by the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Nextel WIP Lease Corp. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease for NEXTEL shall be for an initial term of five years at \$20,400.00 per year including an option for one five year renewal, subject to County approval, providing a rent increase of twenty percent (20%); and be it further

RESOLVED, that the funds received from this lease is to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.
(5-0)

**MICHELE M. IANNELLO
CHAIRPERSON**