

M&B TOWERS LLC

434 Rutgers Road West Babylon NY 11704
(516) 810 6959 (Telephone)

Village of Croton on Hudson

Attention: Village Manager c/o Board of Trustees

With a copy to: Daniel O'Conner, Village Engineer

1 Van Wyck Street

Croton-on-Hudson, NY 10520

Re: Request for Lease Amendment to Host and Accommodate New Subtenant Collocation on Existing Tower
Located on Village of Croton on Hudson Property Located at Gateway Plaza

Dear Village of Croton on Hudson,

We are happy to report that there is a new wireless carrier that has entered the NY market called DISH WIRELESS (Dish); and they have requested to collocate on the existing tower located at Gateway Plaza, where we M&B Towers LLC as Tenant Leases a portion of property from the Village of Croton on Hudson for the Wireless Telecommunications Facility (consisting of a Tower and Ground space for our subtenants/wireless carriers use).

The purpose of this letter is to request the necessary Lease Amendment (Amendment) to host Dish on the existing Wireless Telecommunications Facility. The Amendment is required to expand the Leased Space by less than 200 sq feet and to extend the current Lease Term.

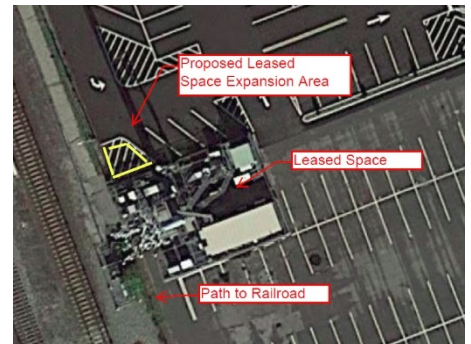
The proposed collocation on the existing Facility is in accordance with the Village Wireless Code and supports the Villages intent of its Wireless Code, as it will reduce the need for a new Tower in the area; it is on Village property; and is located within a commercial/nonresidential area.

****However, to physically host Dish at the existing Wireless Facility, our company needs to *expand* our Lease Space (MTA PD absorbed the remaining useable space); and additionally, DISH requires a *longer* Lease Term in order to justify its large developmental cost/investment in the collocation of the facility.**

We selected the space outlined hereto for the following reasons:

Dead/unusable space within the parking lot; abuts our Leased Space; does not interfere with the solar project and the commuter Path to the railroad. Our company has also confirmed that the existing tower is structurally capable to host Dish, as we recently invested in a modification to the tower structure which included reinforcing the tower structurally to accommodate current and future needs of our subtenants as well as the proposed equipment of Dish.

*Under the current terms of our Lease Agreement, upon Dish's collocation on the Facility, the Village will receive an increase in its monthly rent. **Additionally, we are offering an *additional* monthly rental increase as additional consideration for the proposed Lease modifications. (*See attached Business Terms Sheet)*



Enclosed you will find additional information to assist you in your review and consideration.

It is our hope that the Village is in favor of this Amendment as it will support the continuation of the overall operations of the Facility; supports the code & intent; and will require very minimal space.

Thank you,

Laurel Mooney

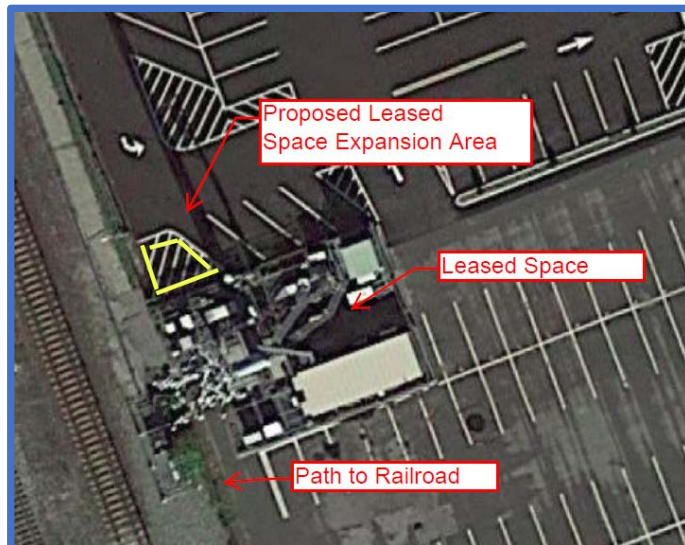
M&B TOWERS LLC

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Attachments

- Business Term Sheet
- Maps
- Proposed Amendment Entitled "Amendment 2"
- Passing Structural Analysis with DISH EQUIPMENT
- Tower Modification Report & Annual Inspection Certification



TO: VILLAGE OF CROTON ON HUDSON (LANDLORD)

FROM: M&B TOWERS LLC (TENANT)

RE: PROPOSAL FOR SECOND AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT

BUSINESS TERM SHEET ENCLOSED

OVERVIEW

The Communications Site Lease Agreement by and between M&B TOWERS LLC (Tenant) & The Village of Croton on Hudson (as Landlord), requires a Lease Amendment to accommodate the collocation of an additional subtenant, DISH WIRELESS LLC (the new wireless carrier).

DISH WIRELESS LLC requires the following minimal requirements (as do all wireless subtenants): (a) Tower Space; (b) Ground Space; and (c) a Long-Term Lease Agreement. We are unable to fulfill their requested for ground space and a Long-Term Lease Agreement, therefore we are requesting an expansion of our Leased Space (the Premises); and the addition of (4) Four additional (5) Five Year Terms.

(1) EXPANSION ON LEASED SPACE – Additional 120 to 180 Square Feet is required to accommodate Dish.

M&B Towers proposes to expand the current compound as depicted in the attached Site Plan.

Dish Requires a 10x12 area for its ground equipment

(2) LEASE TERM: Propose to Extend the Term by Four (4) Successive Five (5) year periods (Renewal Terms)

The renewal terms will allow us to enter into the sublease agreement with DISH.

NOTE: Current Subtenants on the tower are requesting renewal leases with rental reductions for sustainability. The additional Renewal Terms will also allow our company to amend and extend the current subtenants agreements which will minimize/mitigate subtenant terminations. Our subtenant's rent will be reduced, however no reduction to the Village, a rental increase is proposed.

ADDITIONAL CONSIDERATION: As additional consideration for the above, M&B proposes to pay (add) an additional \$200 Dollars Per Month to the current Rent (the Base Rent). This is in addition to the existing Subleasing Fee's and the additional Subtenant Rent that the Village will receive for Dish's use of the Premises to collocate of the communications facility.

This proposal will increase the guaranteed Rent that is paid to the Village.

Please see attached Business Term Sheet for further details.

BUSINESS TERM SHEET

FOR: ADDITIONAL GROUND SPACE AND (4) ADDITIONAL 5 YEAR RENEWAL LEASE TERMS

I). CURRENT: RENTAL TERMS & AMOUNT PAYABLE UNDER CURRENT LEASE

PAYMENT STRUCTURE

1. Base Rent: increases annually by 4%
 - a. Starting Rent was \$1,800 per month with yearly escalation of 4%
 - b. Current Base rent is \$3,117.02
2. Subleasing Fee payable to the Village for each subtenant that collocates on the tower
 - a. An additional \$180 Dollars per month is paid to the Village for each user on the tower.
 - b. Currently \$900.00 per month is paid for the current subtenants.
Five Current Subtenants: AT&T, T-mobile, Sprint, Verizon Wireless, MTA PD
 - c. when Dish collocates on the tower the Subleasing rent will increase by \$180 Dollars.

Current Rent Payable to Village: \$4017.02

BASE RENT:	<u>\$3,117.02</u>
Subtenant Rent:	<u>\$900.00</u>
Total Rent:	<u>\$4,017.02</u>

II). PROPOSED TERMS: Increase Current Base Rent by \$200 Dollars per month

1. Base Rent: *Increase current Base Rent of \$3,117.02 by \$200 Dollars per month*
 - a. 4% Annual Escalation- The newly increased rent will continue to increase by 4%
 - b. New Base Rent: \$3317.02
 $\$3,117.02 \text{ (current Rent)} + 200 \text{ (proposed increase)} = \$3,317.02$

*Base rent does not fluctuate with any change in the number of subtenants using the tower.

2. Subleasing Fee – No Change – \$180 per month for each subtenant
 - a. Village will receive an additional \$180 Dollars for Dish's collocation on the tower.
 - b. Subleasing Fee with Dish and current subtenants would be: \$1080

RENTAL PROJECTIONS

BASE RENT: <i>Increase Current Rent by \$200 per month</i>	\$3,317.02	With 4% Annual Escalation *Base Rent does not change if less users are on the tower.
SUBLEASING FEE/SUBTENANT RENT: 5 Existing Subtenants + Dish (6)	\$1,080.00	No Change to Lease Terms, however increases with additional subtenant.
TOTAL RENT WOULD BE: With Addition of DISH & Rent Increase	\$4,397.02	Rent for 6 Subtenants (Current + Dish) & proposed \$200 Dollar Increase

COMPARISON OF CURRENT RENT AND PROPOSED

<u>PAYMENT STRUCTURE</u>	<u>CURRENT RENT</u>	<u>NEW RENT WITH DISH & ADDITIONAL LEASE TERM</u>
1)Base Rent -Increases 4% each year	<u>\$3,117.02</u>	<u>\$3,317.02 (Year One remaining years listed below)</u>
2)Subtenant Rent	<u>\$900.00</u>	<u>\$1080.00</u>
Total Rent	<u>\$4,017.02</u>	<u>\$4,397.02 (Year One)</u>

PROJECTIONS FOR YEAR ONE = \$52,764

1.657 MILLION OVER THE NEW TERM

The new increased Base Rent will generate *1.657 Million Dollars* over the term. * Chart below represents the guaranteed revenue generated from the base rent. Subtenant Rent is in addition to the below. -
 -Additional \$12,960 per year with 6 subtenants.

PROJECTIONS FOR YEAR ONE = \$52,764

$\$12,960$ (Subtenant rent for 6 Subtenants) + $39,804$ (Guaranteed New Base Rent) = $\$52,764.00$

<u>Year of Lease</u>	<u>Monthly</u>	<u>Yearly Total</u>	<u>Cumulative</u>	<u>Increase of \$200 Dollars per month</u>
1	\$ 3,317.02	\$ 39,804.24	\$ 39,804.24	\$ (2,400.00)
2	\$ 3,449.70	\$ 41,396.41	\$ 81,200.65	\$ (2,496.00)
3	\$ 3,587.69	\$ 43,052.27	\$ 124,252.92	\$ (2,595.84)
4	\$ 3,731.20	\$ 44,774.36	\$ 169,027.27	\$ (2,699.67)
5	\$ 3,880.44	\$ 46,565.33	\$ 215,592.60	\$ (2,807.66)
6	\$ 4,035.66	\$ 48,427.94	\$ 264,020.55	\$ (2,919.97)
7	\$ 4,197.09	\$ 50,365.06	\$ 314,385.61	\$ (3,036.77)
8	\$ 4,364.97	\$ 52,379.66	\$ 366,765.27	\$ (3,158.24)
9	\$ 4,539.57	\$ 54,474.85	\$ 421,240.12	\$ (3,284.57)
10	\$ 4,721.15	\$ 56,653.84	\$ 477,893.97	\$ (3,415.95)
11	\$ 4,910.00	\$ 58,920.00	\$ 536,813.97	\$ (3,552.59)
12	\$ 5,106.40	\$ 61,276.80	\$ 598,090.77	\$ (3,694.69)
13	\$ 5,310.66	\$ 63,727.87	\$ 661,818.64	\$ (3,842.48)
14	\$ 5,523.08	\$ 66,276.99	\$ 728,095.62	\$ (3,996.18)
15	\$ 5,744.01	\$ 68,928.06	\$ 797,023.69	\$ (4,156.02)
16	\$ 5,973.77	\$ 71,685.19	\$ 868,708.88	\$ (4,322.26)
17	\$ 6,212.72	\$ 74,552.60	\$ 943,261.47	\$ (4,495.15)
18	\$ 6,461.22	\$ 77,534.70	\$ 1,020,796.17	\$ (4,674.96)
19	\$ 6,719.67	\$ 80,636.09	\$ 1,101,432.26	\$ (4,861.96)
20	\$ 6,988.46	\$ 83,861.53	\$ 1,185,293.79	\$ (5,056.44)
21	\$ 7,268.00	\$ 87,215.99	\$ 1,272,509.78	\$ (5,258.70)
22	\$ 7,558.72	\$ 90,704.63	\$ 1,363,214.41	\$ (5,469.04)
23	\$ 7,861.07	\$ 94,332.82	\$ 1,457,547.23	\$ (5,687.81)
24	\$ 8,175.51	\$ 98,106.13	\$ 1,555,653.35	\$ (5,915.32)
25	\$ 8,502.53	\$ 102,030.37	\$ 1,657,683.73	\$ (6,151.93)
	Total Amount		\$ 1,657,683.73	\$ (99,950.18)

ATTACHED

ANNUAL INSPECTION CERTIFICATION

-TOWER MODIFICATION REPORT

-DISH STRUCTURAL ANALYSIS -sent separately-large file

-AMENDMENT 2 Included in separate file

Laurel Mooney
M&B Towers LLC
1121 Old Walt Whitman Rd, Suite 204
Melville, NY 11747
lmooney@greentowersgroup.com

December 27, 2021

**RE: 11245.CROTON
1 GATEWAY PLAZA
CROTON-ON-HUDSON, NY
2021 ANNUAL RECERTIFICATION - MONOPOLE AND FOUNDATION**

Dear Ms. Mooney,

Pursuant to your request, Tectonic Engineering & Surveying Consultants, Geologists & Land Surveyors, D.P.C (Tectonic) has prepared Annual Recertification for the Tower and Foundation located at the site referenced above.

For the purpose of recertification, Tectonic performed a limited visual inspection on December 7, 2021, of the existing wireless telecommunications installation at the above referenced site location.

The following was inspected, observed, and completed at this inspection:

- Existing conditions of the structure (tower) from ground.
- Visual inspection of the exposed foundation above grade level.
- Overall site conditions.

The field information was subsequently compared with the most recent Structural Analysis Report (work order #: 10918.01), prepared by Tectonic dated June 14, 2021.

Based on our visual inspection, the existing antenna configuration, mounting attachments, coax cable routing and other related appurtenances substantially matches the existing installations indicated in the structural analysis referenced above. The proposed AT&T equipment installation and monopole reinforcement in conjunction with AT&T upgrade, and reserved Verizon Wireless installation has not been completed at the time of inspection.

Our inspection also discovered that the mounting pipes and connections appear to be in good condition. The antenna cables that are routed up along the interior of the pole were also found to be in good condition. The pole is painted along its full height. No rust was visible along the pole shaft. No structural problems were observed with the exposed portions of the pole base plate, anchor bolts and foundation.

Furthermore, the tower compound was clean and maintained well.

Project Contact Info

1279 Route 300 | Newburgh, NY 12550
845.567.6656 Tel | 845.567.8703 Fax

tectonicengineering.com
Equal Opportunity Employer

W.O. 11245.CROTON
Croton On Hudson
Annual Structural Re-Certification

December 27, 2021

Based on the above, the overall condition of the structure appears to be good. The facility is also believed to be designed, constructed and generally continues to meet all local, federal, state and county structural requirements for loads, including wind and ice loads.

Digital photographs were taken during our recent inspection, and copies are enclosed herewith for your reference.

The inspection as mentioned above was done from the ground and was limited for the structural elements and appurtenances that were clearly visible and unobstructed to view on the day of the inspection.

Please contact us if you require any additional information.

Sincerely,

Tectonic



Edward N. Iamiceli, P.E.
Managing Director - Structural



W.O. 11245.CROTON
Croton On Hudson
Annual Structural Re-Certification

December 27, 2021



Photo 1: Overall view of the pole

W.O. 11245.CROTON
Croton On Hudson
Annual Structural Re-Certification

December 27, 2021



Photo 2: Existing Appurtenances

W.O. 11245.CROTON
Croton On Hudson
Annual Structural Re-Certification

December 27, 2021

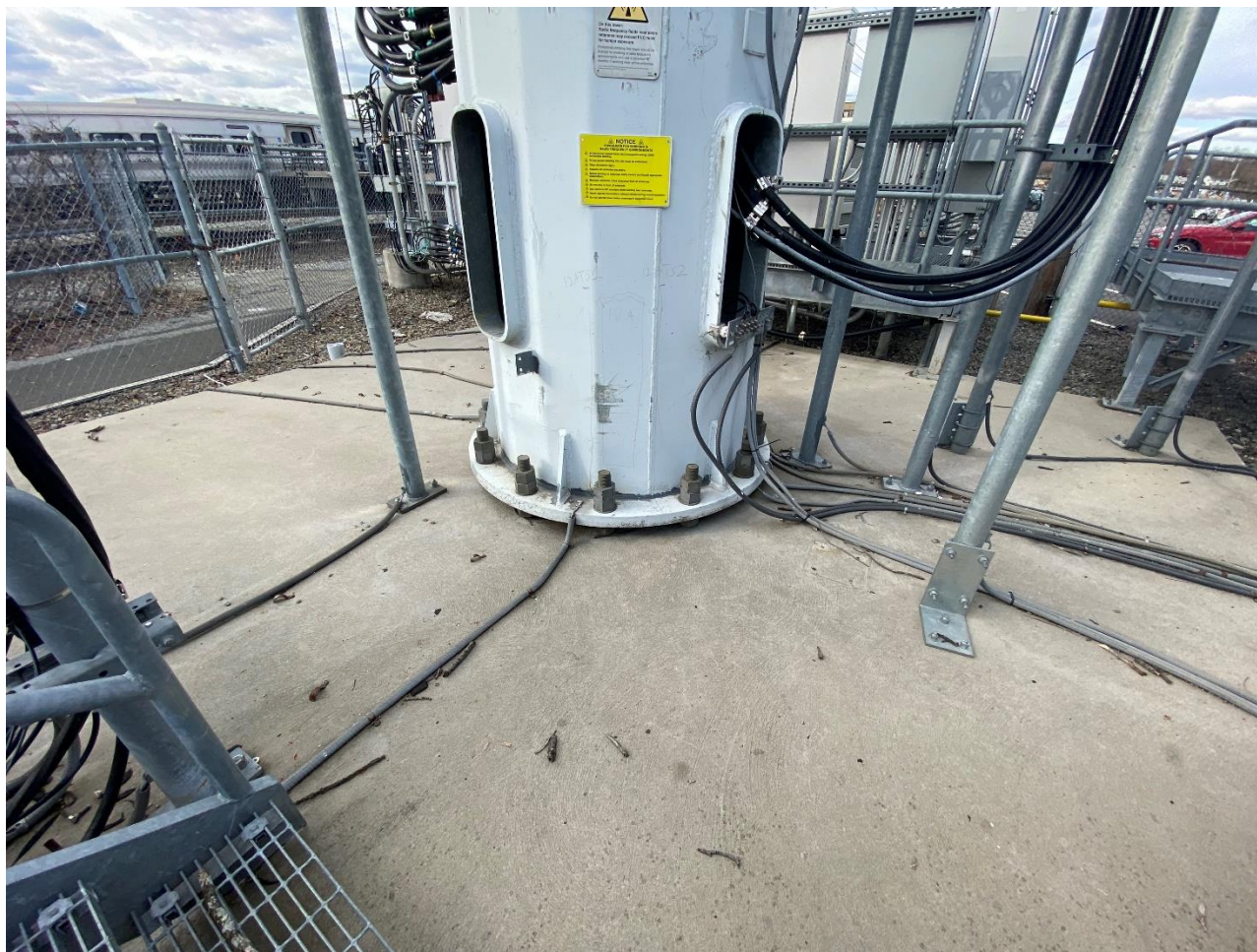


Photo 3: Existing Pole base and foundation

W.O. 11245.CROTON
Croton On Hudson
Annual Structural Re-Certification

December 27, 2021



Photo 4: Existing site



MODIFICATION INSPECTION
M&B TOWERS
Croton-on-the-Hudson Monopole





Table 1 – General Information

Item:	Details:
Site Address:	DPW Facility @ Veterans Plaza, Croton on Hudson, NY 10520
Site Coordinates:	N 41.1883417; W 73.8815889
Scope of Work:	Modification - Channel Shaft Installation and Base Plate Stiffeners
Tower Owner Information:	M&B Towers; Laurel Mooney (516-810-6959)
Structure Information:	140' Monopole
Date of Inspection:	2/23, 3/7, 3/8, 3/10, and 3/15

Table 2 – Supplied Documents

Document Type:	Drawing Information:	Source:
Carrier Drawings	AMP Communications/Comex Engineering Construction Drawings, Job # 18013-AMP, rev 2 dated 8/26/20	AT&T
Tower Modification Drawings	AeroSolutions Project # 387-20-0001 dated 8/20/20	AT&T
Tower Modification Drawings	Tectonic Engineering Project #10918.01 dated 6/16/21	M&B Towers
Tower Modification Drawings	Tectonic Engineering Project No. 8172.NYCNY2738, rev. C dated 2/10/21	Jacobs



Table 3 – Summary of Findings

Item:	Details:
1	None – n/a

Based on our inspection, Reese Tower Services determines this project:

X PASSING POST MODIFICATION

The configuration, materials and/or workmanship of the post modifications are in accordance with the contract documents and no deficiencies were found.

FAILED POST MODIFICATION

The configuration, materials and/or workmanship of the post modifications are **NOT** installed in accordance with the contract documents. The rejection is based on non-conformance in the following area(s):

- Materials (see detail below)
- Workmanship (see detail below)
- Configuration (see detail below)

We appreciate the opportunity of providing our professional services to you. If you have any questions or need further assistance please call.

Regards,

A handwritten signature in black ink, appearing to read "Brian R. Reese".

Brian R. Reese
President