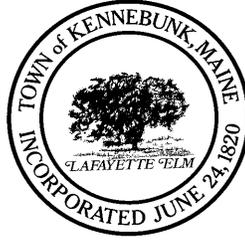


Town of Kennebunk, Maine



Stephen Houdlette
Economic Vitality Director
shoudlette@kennebunkmaine.us
(207) 604-1349

To: Bryan Laverriere, Town Manager
Select Board

From: Stephen Houdlette, Economic Vitality Director

Subject: RFP - Wireless Telephone Communications Facility – Update & Recommendation

Date: January 28, 2025

Project Update & Recommendation

Selection of Preferred Proposal

In August of 2024 the Town of Kennebunk (Town) released RFP EVD-001 seeking proposals to design, permit, develop and maintain a telecommunication facility at Town property (unaddressed) Factory Pasture Lane, MBL 052-044 to accommodate equipment for Town public safety users and commercial cell carriers. The request for proposals returned four qualified and competitive submissions. Over the recent months, Town staff has coordinated an evaluation team composed of both staff and residents who have subject area knowledge related to the project. Review and scoring of the proposals occurred over multiple meetings and involved follow-up inquiry of technical issues and in-person interviews with teams from the two top scoring proposals.

The best scoring submission, the strongest proposal and, in the estimation of staff, the best partner for the provision of these services is Wireless *EDGE* Towers III, LLC (hereafter abbreviated as WET).

The RFP scoring criteria focused on four categories (Experience, Public Safety Accommodations, Project Approach and Rent Amount). WET distinguished themselves from other proposals in the first three categories and scored even with other proposals in Rent Amount offered to the Town. More specifically:

- WET has a focused business line for public communication projects. It has succeeded in similar projects nationally, in New England, and in communities with Town Meeting form of government. It has established relationships with all major commercial carriers.
- Their strategic focus on implementing projects for public entities gives them experience delivering towers with radio equipment (in addition to commercial cellular technology) and relationships with subcontractors who specialize in this kind of technology. Although they work all over the US, WET's general contracting partner, Gallop Construction Services, is located in Maine.
- WET's proposal and their interview with the evaluation team communicated a diverse set of professional capacities including how to balance the preferences of a community with project needs, how to market a tower site and negotiate with commercial carriers, how to evaluate and execute the regulatory and construction particulars of the chosen site, how to accommodate the physical and technological parameters of different equipment and maintain a productive relationship with site partners both operationally and financially.

- The rent proposal takes a client-based approach where WET's revenue sharing with the Town will convey 75% of revenues from the first carrier and 50% of revenues from subsequent co-locations, escalations for rate indexing and bonuses for renewals. Part of the planned agreement also offers flexible resources for subsidizing the cost of public equipment and operations.

Regulatory Requirements and Partner Roles

The primary legal structure of this project will be a land lease agreement between the Town and WET. A draft example of this kind of lease is included in WET's proposal as supporting material and timing for key steps related to the lease are included below. Since multi-year leases of Town property must be approved by Town Meeting, there are a number of practical and regulatory steps needed to prepare this project for a Town vote.

Public Engagement

The existing work by Town committees, staff and partners on this project and the public rationale for the Town pursuing this RFP are longstanding. However, the selection of the site at Factory Pasture Lane and the advent of WET as a partner are recent developments. There are details related to the tower design, site layout and financial agreements that were not known before the RFP process and are specific to WET's plans. WET and the project in general would benefit from a public introduction and presentation of their proposal.

Communications infrastructure of this kind are common in towns and provide many public benefits, but there are reasonable concerns that are likely to surface from abutters, neighboring residents and businesses. As the Town Meeting vote will be a public referendum on the project, it is important that risks and rewards are properly evaluated and understood. Staff recommends that a neighborhood meeting be held at the earliest convenience of the Select Board in order to give the public an opportunity to learn more about the project.

Schedule and Regulatory Requirements

There are regulatory requirements related to Federal and State laws for communications infrastructure and site development. WET will start its due diligence and other regulatory compliance as soon as is practical. To ensure the feasibility of the project, the Town needs to update its zoning ordinance relating to telecommunications facilities. Based on best practices for tower engineering and modeled on language from an existing ordinance in a neighboring town, the Planning Board will consider changes to the performance standard for setbacks for this type of land use.

This consideration will be evaluated within the current practices and technologies available for communication tower construction, the existing zoning and non-zoning ordinances of Kennebunk and in relation to the best interests of residents and businesses.

In order to achieve a successful project with desired public outcomes, in order to support the efforts of WET and in order to allow Town staff to pursue a land lease for this project, we recommend the following actions:

- Select WET as the preferred vendor for RFP EVD-001. This selection is contingent on a satisfactory public process and the ability to negotiate a mutually agreeable land lease with the Town.
- Call a public neighborhood meeting for the presentation of the project proposal by WET.
- Authorize the Town Manager to negotiate the land lease on the Town's behalf and then present the final draft to the Select Board for placement on a town meeting warrant for ultimate voter approval.

Supporting Materials

1. [Wireless EDGE Proposal, Includes project approach, tower design and rent financials \(PDF\)](#)
2. [Wireless EDGE's finalist presentation \(PDF\)](#)
3. [RFP EVD-001 \(PDF\)](#)
4. [Staff Memo from July, 2024, Includes project history, EDC report, Zoning materials, other references \(PDF\)](#)
5. [Draft Zoning Amendment language \(PDF\)](#)
6. [Project Timeline \(PDF\)](#)