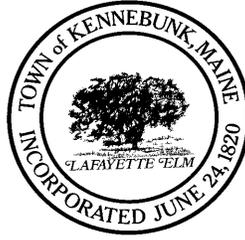


Town of Kennebunk, Maine



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To: Bryan Laverriere, Town Manager

From: Stephen Houdlette, Economic Vitality Director

Subject: Cell Tower – Project Update, Land Lease, Public Meeting and Vote

Date: August 7, 2025

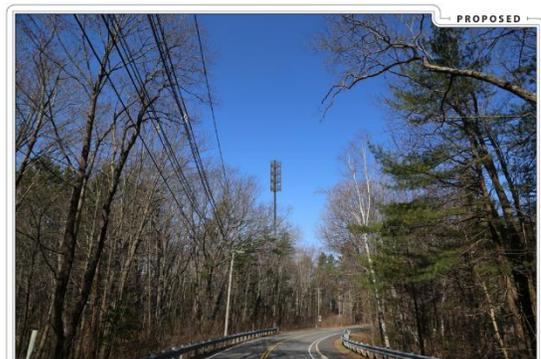
Summary

The Town's pursuit of improved communication for users including public safety, residents and businesses, has moved forward across several fronts this year. The Town has worked with its selected vendor from the RFP, Wireless Edge Towers III, LLC. (WET) to further evaluate the appropriateness and viability of a tower project on Factory Pasture Lane. The Town has engaged in numerous types of outreach to understand public concerns and, with the sponsorship of the Planning Board, has passed an ordinance change to improve the feasibility of the selected site. In recent weeks the Town has negotiated a land lease with WET to formalize the legal and financial parameters of our proposed agreement.

LAND LEASE AGREEMENT WITH WIRELESS EDGE TOWERS

The full lease language is included in the supplemental documents, but the key components of the lease provide substantial benefits to the Town:

- WET shall provide structural **capacity and reserved space on the tower for the Town's public service** antennas at the top of the structure and below the commercial antenna levels. WET shall provide such space on the structure to The Town **free of rent**.
- At no cost to the Town, WET shall **install the Town's antenna(s) and related equipment, procure and install equipment housing** and a back-up generator for The Town's exclusive use.
- The Town will receive **non-recurring payments** for commercial lease signings (\$5,000) and lease renewals (\$10,000). WET will **also share rental revenue** with the Town which shall be the greater of (i) 75% of the Rental Income received from the first carrier, or 50% of the Rental Income received from all subleases with Co-locators of the Premises. This includes escalation of rents at the greater of the rate negotiated in the Co-locator subleases or 2.0% per year.



The lease provides the Town with standard contract protections as well as contingent relief in the event of specific scenarios.

- The lease includes provisions that outline WET's responsibilities to maintain and repair the property for the Town's Public Safety equipment and other users.
- Additionally, the lease requires WET to secure a bond in the amount of \$40,000 for the removal of the tower structure and any other facilities in the event of termination of the lease.
- It covers details of assignment in the event that either party wants to transfer their rights to a third party.

SPECIAL TOWN MEETING FOR VOTE ON LAND LEASE

In previous discussions of this project, the Town proposed a project timeline that would have the land lease voted on in November. The lease being a multi-year agreement requires approval by the Legislative Body (Town Meeting) by State statute.

At the request of WET, they recommend holding a Special Town Meeting on an earlier date. The rationale for this urgency is that waiting until a vote in November limits the window for WET to market the tower to commercial carriers and successfully negotiate leases. Carriers typically make investment decisions based on calendar year operating budgets that are subject to change. Missing the current year window to secure carriers for the site could imperil the feasibility of the project.

Should the Select Board support this request, the Town Clerk has indicated that a meeting could be arranged for August 26, 2025, at 5:30 PM.

PUBLIC INFORMATION AND BENEFIT OF A NEIGHBORHOOD MEETING

Staff recommends that a meeting on the Cell Tower and Land Lease be held to encourage as much public participation as possible for this important project.

The project has received widespread support and has a long history of public discussion and policy planning behind it. However, the specifics of the lease agreement are new information that deserve public discussion. There are additional evaluations done by WET related to the Radio Frequency safety assessments as well as Visual Impacts on locations near the project site. These are technical analyses that will be aided by a forum for explanation and the opportunity for questions.

If this item is moved to a Special Town Meeting on August 26, staff recommends holding a public neighborhood meeting on August 19 at the Town Hall from 5:00 PM – 7:00 PM. This meeting will have Town staff present from Economic Vitality and Public Safety as well as principles from WET.