

EXHIBIT M



CITY OF NEW BRITAIN

EST. 1871

CORPORATION COUNSEL

WWW.NEWBRITAINCT.GOV

Gennaro Bizzarro, Corporation Counsel
Joseph E. Skelly, Jr., Assistant Corporation Counsel
Mary C. Pokorski, Associate City Attorney
John F. Diakun, City Attorney

VIA E-MAIL (jyounggaudet@allpointstech.com)

September 23, 2020

Ms. Jennifer Young Gaudet
All-Points Technology Corporation, P.C.
567 Vauxhall St. Ext., Suite 311
Waterford, CT 06385

**Re: Proposed Wireless Communication Facility
43 Osgood Avenue, New Britain, Connecticut**

Dear Ms. Gaudet:

Your letter to the City of New Britain Common Council dated September 17, 2020 has been referred to our office.

Prior to its current use, the Israel Putnam School was located at 43 Osgood Avenue. While not listed on the National Register of Historic Places or located in a historic district, the building was constructed one hundred and fifteen years ago in 1905 and should be accorded historical deference. This building would unquestionably qualify for historical status if that designation was requested.

The City views this property as having high potential for historic restoration and adaptive re-use, either for housing or as an assisted care living facility, and we have been supportive of at least two such proposals in the past. While market conditions and financing have not been favorable for this to happen thus far, we fear that allowing the proposed cell tower on the property would effectively preclude any such adaptive-use form happening in the future, leaving us a derelict and underutilized property that would be unsightly and a blighting influence for the surrounding neighborhood.

It is our understanding that the proposed communications facility would be located on private property rather than on the public right-of-way. If that is not the case, then a permit and City of New Britain approval would be required.

In addition, to the historical aspect of the building, we also have concerns because this building is in the middle of a residential neighborhood. The height and specific location of the facility should, if approved, take those concerns into consideration. There are also issues such as the possibility for reduction of property values, potential harm from radiofrequency emissions, etc.

Please contact our office if you have any questions.

Very truly yours,
Office of Corporation Counsel

A handwritten signature in blue ink, appearing to read "Joseph E. Skelly, Jr.", is written over the typed name.

Joseph E. Skelly, Jr.
Assistant Corporation Counsel

JES/tjm

cc: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



Date: September 17, 2020

To: Common Council
City of New Britain
27 West Main St.
New Britain, CT 06051

Re: Proposed Wireless Communication Facility
43 Osgood Avenue
New Britain, Connecticut

To comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, ARX Wireless has retained All-Points Technology Corporation, P.C. (APT) to evaluate proposed tower facilities for any adverse effect they may have on historic properties. As part of this evaluation, and in conformance with the Nationwide Programmatic Agreement (NPA) for review of effects on historic properties for proposed undertakings, APT is submitting this notification to the City of New Britain.

ARX Wireless is proposing to construct a new communications facility at 43 Osgood Avenue in New Britain, CT. The proposed facility will include a ± 104 -foot tall monopole tower within a ± 75 -foot by ± 75 -foot area that includes a new ± 50 -foot by ± 50 -foot gravel based fenced equipment compound. An access drive and underground electrical and telephone service will extend from Beach Street. The new tower and equipment compound will allow for the future collocation of multiple service providers.

The purpose of this letter is to notify you that the public notice of this proposed facility will be published in the New Britain Herald on Friday, September 18, 2020 and to invite written comments from relevant individuals or groups that you may be aware of regarding any potential effects that the proposed facility may have upon historic properties.

Any comments regarding potential effects on historic properties may be submitted within 30 days from the date of this publication to: All-Points Technology Corporation at 567 Vauxhall St. Ext. - Suite 311, Waterford, CT 06385, to the attention of Jennifer Young Gaudet, (860) 663-1697 ext. 231, jyounggaudet@allpointstech.com. Please respond within 30 days if you wish to comment.

DAVID A. BALL

Please Reply To Bridgeport
E-Mail: dball@cohenandwolf.com

November 13, 2020

VIA FEDERAL EXPRESS

Mayor Erin E. Stewart
27 West Main Street
New Britain, CT 06051

Dear Mayor Stewart:

This office represents Arx Wireless Infrastructure, LLC (“ARX”). ARX anticipates filing an application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a telecommunications facility at 43 Osgood Avenue, New Britain, Connecticut (the “Facility”). ARX intends to file this application to provide the opportunity for New Cingular Wireless PCS, LLC (“AT&T”) to provide enhanced wireless communications and improved 911 service in this area of New Britain. AT&T has committed to intervening in the Certificate proceeding to support the need for the Facility. The purpose of this correspondence is to provide you with notice and information regarding the proposed Facility and to commence the ninety (90) day consultation period prior to the filing of the Certificate.

Pursuant to Connecticut General Statutes § 16-50l(g), please find enclosed a copy of the Technical Report regarding the proposed Facility. The Technical Report includes information regarding the public need for the Facility, the site selection process, and the environmental effects of the Facility.

AT&T requires more reliable service in this area of New Britain. The information and exhibits provided in the Technical Report demonstrate that this Facility will allow AT&T to provide this necessary service with minimal environmental effect.

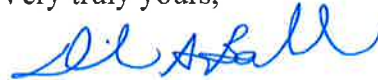
We would like to meet with you or your designee to review the proposed project and will contact you next week to set up an appointment at your convenience. If the City has any proposed alternative sites, it must provide them to us within thirty (30) days of that initial consultation meeting.

Further, the City may conduct a public information meeting as it deems necessary to provide recommendations or comments to ARX and AT&T concerning the proposed Facility. We would be pleased to provide an informational summary of the proposal. This public informational meeting must be held no later than sixty (60) days after our initial consultation meeting. If such a public information meeting is scheduled, we request you advise us as soon as possible.

Thank you for your consideration of this correspondence and the enclosed Technical Report. We look forward to meeting with you.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,



David A. Ball

Enclosures

cc: New Britain Zoning Board (w/enclosures)
New Britain City Plan Commission (w/enclosures)
New Britain Conservation Commission (w/enclosures)
Joseph E. Skelly, Jr., Esq., Assistant Corporation Counsel (w/enclosures)
Edward D. Pare, Esq., Counsel for AT&T (w/enclosures)
Thomas J. Regan, Esq., Counsel for AT&T (w/enclosures)
Keith Coppins, Arx Wireless Infrastructure, LLC



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CORPORATION COUNSEL

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Gennaro Bizzarro, Corporation Counsel
Joseph E. Skelly, Jr., Assistant Corporation Counsel
Mary C. Pokorski, Associate City Attorney
John F. Diakun, City Attorney

VIA E-MAIL (dball@cohenandwolf.com)

November 17, 2020

David A. Ball
Cohen and Wolf
1115 Broad Street
Bridgeport, CT 06601-1821

Re: ARX Wireless Infrastructure, LLC
43 Osgood Avenue, New Britain, CT

Dear Attorney Ball:

I have reviewed your letter to Mayor Stewart dated November 13, 2020. I have attached a copy of a letter to the Common Council dated September 17, 2020 and our response to Jennifer Young Gaudet dated September 23, 2020.

For the reasons set forth in our letter to Ms. Young Gaudet, the City of New Britain objects to any application to construct a telecommunications facility at 43 Osgood Avenue, New Britain, CT, which is located in the middle of a residential neighborhood. A visit to the site would confirm the basis for our objection.

There are two alternative sites. There is already a radio facility on a water tank on Elam Street, which is less than one mile away. In addition, Osgood Park is located north of the Elam Street water tank and may provide a more suitable site.

Please contact our office if you have any questions.

Very truly yours,
Office of Corporation Counsel


Joseph E. Skelly, Jr.
Assistant Corporation Counsel

JES/tjm

Enclosure

cc: John Medley, Manager of P.S.T.C.
Robert Trottier, P.E., City Engineer
Steve Schiller, AICP, City Planner
Justin Dorsey, Chief of Staff



Date: September 17, 2020

To: Common Council
City of New Britain
27 West Main St.
New Britain, CT 06051

Re: Proposed Wireless Communication Facility
43 Osgood Avenue
New Britain, Connecticut

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September 23, 2020

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Waterford, CT 06385

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The City views this property as having high potential for historic restoration and adaptive re-use, either for housing or as an assisted care living facility, and we have been supportive of at least two such proposals in the past. While market conditions and financing have not been favorable for this to happen thus far, we fear that allowing the proposed cell tower on the property would effectively preclude any such adaptive-use form happening in the future, leaving us a derelict and underutilized property that would be unsightly and a blighting influence for the surrounding neighborhood.

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In addition, to the historical aspect of the building, we also have concerns because this building is in the middle of a residential neighborhood. The height and specific location of the facility should, if approved, take those concerns into consideration. There are also issues such as the possibility for reduction of property values, potential harm from radiofrequency emissions, etc.

Please contact our office if you have any questions.

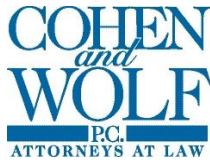
Very truly yours,
Office of Corporation Counsel

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Joseph E. Skelly, Jr.
Assistant Corporation Counsel

JES/tjm

cc: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



PHILIP C. PIRES

Please Reply To Bridgeport
Writer's Direct Dial: (203) 337-4122
E-Mail: ppires@cohenandwolf.com

March 5, 2021

VIA FIRST CLASS MAIL AND E-MAIL

Joseph E. Skelly, Jr., Esq
Office of Corporation Counsel
27 West Main Street
New Britain, CT 06051
E-Mail: Joseph.Skelly@newbritainct.gov

Dear Attorney Skelly:

I am writing in response to your letter to David Ball dated November 17, 2020.

Following your correspondence, our client, Arx Wireless Infrastructure, LLC (“ARX”), devoted time researching the potential viability of the two alternative sites that you identified.

1. Water tank on Elam Street / 1780 Corbin Avenue – This location is only 0.4 miles from an existing AT&T site (site CT5419) and 1.1 miles from the search ring. As a result, AT&T has rejected this site as not viable.
2. Osgood Park - This location is only 0.2 miles from an existing AT&T site (site CT5419) and 1.2 miles away from the search ring. Again, AT&T has rejected this site as not viable.

While we understand the City identifying that 43 Osgood Avenue is in a residential neighborhood, we note that both of the alternative sites the City has suggested are also in residential neighborhoods. Thus, moving the proposed telecommunication facility from 43 Osgood Avenue to either location the City recommended would merely move the facility into a different residential neighborhood.

ARX is confident that it has conducted a thorough site search and that 43 Osgood Avenue is still the best site for the location of the proposed facility. And unlike the two alternatives suggested by the City, AT&T is fully supportive of 43 Osgood Avenue as the best site in the area to meet its coverage needs.

1115 Broad Street
PO Box 1821
Bridgeport, CT 06601-1821
Tel: (203) 368-0211

158 Deer Hill Avenue
Danbury, CT 06810
Tel: (203) 792-2771

320 Post Road West
Westport, CT 06880
Tel: (203) 222-1034

Page 2

We appreciate your feedback and of course welcome collaboration with the City. Please contact us with any further questions.

Very truly yours,



Philip C. Pires

cc: David A. Ball, Esq. (via e-mail, DBall@cohenandwolf.com)

From: Pires, Philip C.
Sent: Friday, March 05, 2021 1:54 PM
To: Joseph Skelly
Cc: Ball, David A.; Justin Dorsey; Jon Delgadillo
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT
Attachments: 2021-03-05 Letter to Attorney Skelly.pdf

Joe,

Please see attached, which responds to your prior letter. Please let us know if you would like to have a Zoom meeting to discuss Arx's proposed site. Thanks.

Phil

Philip C. Pires | Principal | Cohen and Wolf, P.C.
1115 Broad Street | Bridgeport, CT 06604 | P: 203.337.4122
ppires@cohenandwolf.com | www.cohenandwolf.com | [Bio](#)

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From: Joseph Skelly <Joseph.Skelly@newbritainct.gov>
Sent: Friday, March 5, 2021 10:27 AM
To: Pires, Philip C. <PPires@cohenandwolf.com>
Cc: Ball, David A. <DBall@cohenandwolf.com>; Justin Dorsey <Justin.Dorsey@newbritainct.gov>; Jon Delgadillo <Jon.Delgadillo@newbritainct.gov>
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Good Morning:

It would be helpful for us to understand why you would like to have a zoom meeting. We have already stated the City of New Britain's position concerning a tower at this property which is smack in the middle of a residential neighborhood. You may want to drive by the property to see for yourself why this is not a desirable location or something which is good for the City. If you let us know what you intend to accomplish during the meeting, we will consider your request.

Joe Skelly

Joseph E. Skelly, Jr.
Assistant Corporation Counsel

Office of Corporation Counsel
City of New Britain
27 West Main Street
New Britain, Connecticut 06052
(860) 826-3427

From: Pires, Philip C. [<mailto:PPires@cohenandwolf.com>]
Sent: Friday, March 5, 2021 10:22 AM
To: Joseph Skelly
Cc: Ball, David A.
Subject: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Attorney Skelly,

We would like to have a Zoom meeting with you, and anyone else from the city that would like to participate, regarding Arx's proposed telecommunications facility for 43 Osgood Avenue. Please let us know if you are interested in having a meeting to discuss the site, and if so, please let us know some convenient times for you and your colleagues in the next few weeks.

Thanks,
Phil

Philip C. Pires | Principal | Cohen and Wolf, P.C.
1115 Broad Street | Bridgeport, CT 06604 | P: 203.337.4122
ppires@cohenandwolf.com | www.cohenandwolf.com | [Bio](#)

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From: Joseph Skelly <Joseph.Skelly@newbritainct.gov>
Sent: Friday, March 05, 2021 1:56 PM
To: Pires, Philip C.
Cc: Ball, David A.; Justin Dorsey; Jon Delgadillo
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Will let you know.

From: Pires, Philip C. [mailto:PPires@cohenandwolf.com]
Sent: Friday, March 5, 2021 1:54 PM
To: Joseph Skelly
Cc: Ball, David A.; Justin Dorsey; Jon Delgadillo
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Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

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something which is good for the City. If you let us know what you intend to accomplish during the meeting, we will consider your request.

Joe Skelly

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Assistant Corporation Counsel
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To: Joseph Skelly
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Attorney Skelly,

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Thanks,
Phil

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From: Pires, Philip C.
Sent: Tuesday, March 09, 2021 3:53 PM
To: 'Joseph Skelly'
Cc: Ball, David A.; Justin Dorsey; Jon Delgadillo; John Medley
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT
Attachments: 2020-11-13 Technical Report.pdf

Joe,

The information about existing sites and the need for coverage is detailed in the Technical Report that we provided to the City on November 14, 2020. Attached is a copy for your reference. Again, while we understand the City identifying that 43 Osgood Avenue is in a residential neighborhood, we note that both of the alternative sites the City suggested are also in residential neighborhoods.

Please let us know if you would like to have a Zoom meeting next week. If so, please let us know a few times that work for your team. Thanks.

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From: Joseph Skelly <Joseph.Skelly@newbritainct.gov>
Sent: Tuesday, March 9, 2021 3:01 PM
To: Pires, Philip C. <PPires@cohenandwolf.com>
Cc: Ball, David A. <DBall@cohenandwolf.com>; Justin Dorsey <Justin.Dorsey@newbritainct.gov>; Jon Delgadillo <Jon.Delgadillo@newbritainct.gov>; John Medley <John.Medley@newbritainct.gov>
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Good Afternoon:

I am getting back to you in response to the letter I received last week. It appears from your letter that the two alternative sites we suggested are outside of the area where your client wants to improve coverage. It will continue to be our position that your proposed site of 43 Osgood Avenue is not consistent with the requirements of that residential neighborhood. We are willing to have a meeting sometime next week so we can get a better understanding of the exact area you are looking to cover. Once we have that information, we are willing to explore an alternative site which would have less of an impact on our residents than your proposed site.

If you want to set up a conference call next week, please let me know. Everyone on my end is included in this e-mail.

Joe Skelly
Joseph E. Skelly, Jr.
Assistant Corporation Counsel
Office of Corporation Counsel
City of New Britain
27 West Main Street
New Britain, Connecticut 06052
(860) 826-3427

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ppires@cohenandwolf.com | www.cohenandwolf.com | [Bio](#)

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From: Joseph Skelly <Joseph.Skelly@newbritainct.gov>
Sent: Friday, March 5, 2021 10:27 AM
To: Pires, Philip C. <PPires@cohenandwolf.com>
Cc: Ball, David A. <DBall@cohenandwolf.com>; Justin Dorsey <Justin.Dorsey@newbritainct.gov>; Jon Delgadillo <Jon.Delgadillo@newbritainct.gov>
Subject: RE: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Good Morning:

It would be helpful for us to understand why you would like to have a zoom meeting. We have already stated the City of New Britain's position concerning a tower at this property which is smack in the middle of a residential neighborhood. You may want to drive by the property to see for yourself why this is not a desirable location or something which is good for the City. If you let us know what you intend to accomplish during the meeting, we will consider your request.

Joe Skelly

Joseph E. Skelly, Jr.
Assistant Corporation Counsel
Office of Corporation Counsel
City of New Britain
27 West Main Street
New Britain, Connecticut 06052
(860) 826-3427

From: Pires, Philip C. [<mailto:PPires@cohenandwolf.com>]
Sent: Friday, March 5, 2021 10:22 AM
To: Joseph Skelly
Cc: Ball, David A.
Subject: Arx Wireless Infrastructure LLC - 43 Osgood Avenue, New Britain, CT

Attorney Skelly,

We would like to have a Zoom meeting with you, and anyone else from the city that would like to participate, regarding Arx's proposed telecommunications facility for 43 Osgood Avenue. Please let us know if you are interested in having a meeting to discuss the site, and if so, please let us know some convenient times for you and your colleagues in the next few weeks.

Thanks,
Phil

Philip C. Pires | Principal | Cohen and Wolf, P.C.
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