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June 15, 2009

VIA U.S. MAIL

Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, Connecticut 06051

Re: Docket No. 373, AT&T Proposed Telecommunications Tower
Facility at 224 Lovely Street in the Town of Avon

Dear Mr. Phelps:

I am writing on behalf of the Town of Avon ("Avon") to provide the Connecticut Siting Council ("Council") with an update regarding Avon's consideration of the Town-owned Huckleberry Hill Open Space property ("HHOS") as an alternative to the Applicant's proposed location at 224 Lovely Street.

As you know, in its Interrogatories directed to Avon dated April 22, 2009, the Applicant requested that Avon consider the HHOS property as a possible location for a telecommunications facility. In response to the Applicant's request, the Avon Town Council considered the potential viability of the HHOS property as a tower site at its May 7 and June 4 Town Council meetings. At its June 4 meeting, the Town Council ultimately decided that the location of a telecommunications facility at the HHOS site is inappropriate.

I have enclosed an original and twenty-five copies of the pertinent portion of the Town Council's Draft Meeting Minutes of June 4, 2009, which have just become available. I request that the Council take administrative notice of these June 4, 2009 Minutes. I will provide the final minutes as soon as available. Please contact me with any questions.

Very truly yours

A handwritten signature in black ink, appearing to read "Loni S. Gardner", written over a horizontal line.

Loni S. Gardner

Enclosures

cc: Service List
Philip K. Schenck, Jr.
Andrew W. Lord, Esq.

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

08/09-48 **Review and Discussion: Proposed St. Matthews/AT&T Cell Tower,
Possible Alternate Location, Huckleberry Hill**

The Director of Planning and Community Development reported sending a memo to the Town Council along with a colored map showing topography of Huckleberry Hill. The property is about 280 acres, acquired by the Town in 1967 from the Unionville Water Company. A location was identified as shown on the map, about 25 acres in size out of the 280 acres, which is a relatively flat portion of the property. It also happens to be the high point that AT&T also identified as being the most desirable if they were to pursue that location for their cell tower. Out of the 280 acres, about 25 are flat enough to accommodate not only the cell tower but the potential for a future school site. In fact it is the same area that the Council looked at about 10 years ago when an analysis was done about that property and New Found Land to see if one or both might be suitable for a future school should the Town need it. Certainly 25 acres is large enough to accommodate both a school and a tower and the tower of course would have to comply with all federal and state requirements relating to electromagnetic fields. An important issue is public perception and concerns that the public has about the possibility of cell phone towers within close proximity to public schools. Even though the science seems to be fairly certain with respect to very minimum dangers, there are people that think otherwise and still have those kinds of concerns.

Chairman Carlson commented on possible location of the school and possible location of the tower, how close is that when compared to the cell tower that they proposed and its proximity to Roaring Brook School? The Board of Education is not comfortable having the cell tower on the Roaring Brook property because of its closeness, etc. Therefore are we just moving the problem? The Director of Planning and Community Development responded that we would need approximately 15 acres for an elementary school site. Unfortunately, the high point is more or less in the center, a little bit to the south. It might be possible to favor the actual school building somewhat to the north. How many feet would it be from the tower to which the Director of Planning and Community Development responded probably not more than 500 feet. Chairman Carlson responded that we're right back where we started. The Director of Planning and Community Development added that we did also think a little bit about the degree of ease or difficulty of routing school buses to this site and again that was the subject of some discussion the last time the Council reviewed this. Neither site is really uphill and it might be the case that the New Found Land could be a little easier to get to even though it's on the northwest corner of Town; the grade is a little bit flatter to get up there. We could use Northington Drive, which eventually would connect through Huckleberry Hill. If this was to be used as a school, the tower would certainly be in plain sight and would probably be a few hundred feet away from the building.

Chairman Carlson added that for the audience's sake, we are not contemplating the immediate building of the school up there. So we don't want people walking around and saying that we're planning on a school being up there in the very near future. But it's much like what was done with Pine Grove School when we acquired the property, we sat on the property for 20+ years before we had to build and we don't want to lock ourselves in here with a tower and then have the Board of Education come back and say you can't put a school there. Mr. Pena agreed it would compromise future use of the land.

Mrs. Samul actually went in and looked at the New Found Land and the road pattern, etc. and the possibility of a school site there. Mrs. Samul walked away with the impression that the New Found Land was actually more suitable for getting the tower to a school site than this one was because of the topography and the road. If that's a scenario, then Mrs. Samul would agree that this site would have to eliminate this from a school site but she personally felt that on the investigation that she did that the

new found site was a better school site than this one. Mrs. Samul feels this is better as a tower site than Lovely Street and I'm working at it from a process of elimination.

Mr. Shea reiterated his position that he stated at the last Town Council meeting, which it was appropriate to mention that there has absolutely been no discussion regarding a school on either site. He has walked both sites. Removing the discussion of a school being at either site, he feels as though it's going to inhibit us. It's going to cause more trouble than it's worth down the road and as he suggested at the last meeting and will suggest again, the item should be removed from the agenda, thank AT&T and the Siting Council for their interest and have us not waste anymore time or resources on it.

Mr. Pena stated forget about the school, it still could compromise any future use of the land. Mr. Shea responded absolutely and what if we wanted to sell the land? Chairman Carlson added that he's not comfortable that AT&T or other carriers have fully explored all of their technology options that they might have along Lovely Street. All they are doing is taking the current large structure that they wanted to put at the church and saying let's put it over here instead when we know that there are other technological options for them that have been discussed. They may have cost implications for them but frankly that's not our issue. This is a private enterprise and we have to protect the Town's needs. He would be in favor of removing this from further discussion at this point and going back to AT&T and saying that we're not comfortable with this as an option. The Town Manager added that it's a practical decision, and he thinks even if the Town Council did agree with Huckleberry Hill, you have the potential option that there would still be a tower down at St. Matthew's because there are two applications with AT&T. Pocket Mobile can't use the Huckleberry Hill site. Mr. Shea added, in conclusion, that the Town Council's job is to watch out for the best interest of the Town and AT&T's job is to look out for the best interest of AT&T.

On a motion made by Mr. Shea, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council remove this item from the agenda and the Town Manager to send letters to AT&T and the Connecticut Siting Council stating that AT&T's business interest is not in the best interest of the Town of Avon.

Mrs. Samul, Messrs: Carlson, Shea, and Pena voted in favor.

A member of the audience added that it's a mistake to encourage people's use of cell phones when they're driving because it's illegal and dangerous. He was almost hit at least two or three times in the last few weeks by teenagers driving and talking on their phones. Please have your police enforce the law about teenagers driving and talking on the phone. Chairman Carlson added it should be all people talking on cell phones.

A member of the audience asked if the Town is therefore legally not going to fight this issue anymore. The Director of Planning and Community Development responded that the Connecticut Siting Council hearing is continued until July. The Director of Planning and Community Development's understanding is that the Town is going to be given, and we're going to take advantage of, one additional opportunity to prepare a written summary of the Town's position and it will highlight some of the earlier statements that we made and try to emphasize some additional areas of concern and feedback expressed by the Town Council and Planning and Zoning. Chairman Carlson added that we have been clear that we are not comfortable with the design that they came up with for the St. Matthew's property due to its size, proximity, neighbors. He further added that the one consistency we have had stated is that we do believe there is a need for improved cell service in that area of Town from the aspect of emergency services, etc. So that's the one way thing we've said and what we said to

AT&T through the Siting Council hearings is that if they came up with a different location and it was on suitable property that the Town owned we would be willing to entertain a lease agreement with them. AT&T came back to us with the proposal that the Director of Planning and Community Development just showed us as the only proposal that they're willing to entertain. That's not suitable to us. It's their best option, not our best option. A resident, a member of the audience pushed possibly looking at the Avon Water Tower and that was never pursued properly by AT&T or anybody. Chairman Carlson reported that we have a cell tower at the landfill and we have a lease agreement with Sprint. We're willing to do that because it's a suitable site for us and for them. AT&T is taking the path of least resistance and perhaps least cost for them which doesn't necessarily make it the right path for us.

Mrs. McMann commented that she's not hearing that the point brought out that the site at St. Matthew's Lutheran Church is a half mile away from Roaring Brook School. Even St. Matthew's Lutheran Church site is not safe because it's so close to the school. Chairman Carlson responded that AT&T's other approach was to actually have the tower on Roaring Brook property and the Board of Education, rightfully so, was opposed to that. Having the tower at the church would give you service at Roaring Brook School. Chairman Carlson asked if the member of the public's question was being answered. Member of the public responded no; her point now is from the emissions of the tower that was part of what was suggested when AT&T went to Roaring Brook School to put the cell tower in the back. Again, the St. Matthew's Lutheran Church site is a half mile away from Roaring Brook School and it is in the center of a residential zone. Chairman Carlson responded that our objection on the location at St. Matthew's is not because of the emissions as there are many that will argue that point.

08/09-58 Review and Discussion: Pine Grove Schoolhouse Painting

The Assistant Town Manager suggested this item be tabled until the July meeting. This is the request that we discussed in April for \$6,000 to do the lead abatement work that needs to happen so the school house can be repainted. The Assistant Town Manager has spoken to Mr. Stokesbury about that; he's comfortable waiting until July. We would at that point ask the Town Council to entertain a supplemental appropriation from the fund balance for the next fiscal year. Mr. Stokesbury will continue to seek quotes and get it in this painting season even though we're waiting another month.

On a motion made by Mr. Pena, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council table item 08/09-58 Review and Discussion: Pine Grove Schoolhouse Painting to the July 6, 2009 meeting.

Mrs. Samul, Messrs: Carlson, Pena, and Shea voted in favor.

08/09-65 Acceptance of Easement, Ensign Bickford Property

The Town Manager asked the Town Council to table this item until the next meeting.

On a motion made by Mr. Shea, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council table item 08/09-65 Acceptance of Easement, Ensign Bickford Property to the July 6, 2009 meeting.

Mrs. Samul, Messrs: Carlson, Pena, and Shea voted in favor.

VII. NEW BUSINESS