

ATTACHMENT 6

July 30, 2010

VIA FEDERAL EXPRESS

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street,
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers¹ and New Cingular Wireless PCS, LLC ("AT&T") with respect to the above captioned matter involving a proposed wireless telecommunication's tower facility to be located at 171 Short Beach Road in the Town of Branford.

As you know, jurisdiction over such facilities rests exclusively with the State of Connecticut Siting Council pursuant to Section 16-50i and x of the Connecticut General Statutes. Section 16-50i(e) of the Connecticut General Statutes does nevertheless require that North Atlantic Towers and AT&T consult with a municipality prior to an application being filed with the Siting Council. The purpose of such local consultation is to give the municipality in which a facility has been proposed an opportunity to provide the applicant with any recommendations or preferences it may have prior to a formal application being filed with the State. As set forth in the statute, any such recommendations must be issued by the municipality within sixty days of its receipt of technical information concerning the proposed facility.

The purpose of this letter is to formally notify you of the proposed facility and commence the sixty day consultation period prior to North Atlantic Towers and AT&T's filing of any application with the Siting Council. Enclosed is a "Technical Report" for your review and consideration. The Technical Report includes information about the need for a tower facility to reliably serve the public, a summary of the site selection process and the environmental effects of a tower that has been proposed.

In this regard, AT&T has a lack of reliable service in this area of the State and the enclosures demonstrate how the proposed facility would integrate into AT&T's existing and proposed network. Of note, AT&T requires the proposed Facility in addition to its recently approved facility at the T-Mobile tower to be constructed on Pine Orchard Drive. Additionally, AT&T has

¹ Formerly, Florida Towers Partners

an unrelated search ring in the eastern part of the Town. The enclosed Technical Report also includes documentation from Clearwire regarding its need for the proposed Facility.

We trust that this information will prove helpful to you and others in Branford in formulating any recommendations you may have about the proposal. We would appreciate the opportunity to meet with you to review the Technical Report and will follow this letter with a call to schedule such a meeting to discuss the proposed facility at your convenience. Additionally, should Branford elect to conduct a public meeting about the proposal during the consultation period, we would ask that you let us know at your earliest convenience so that we may have representatives available to discuss the project.

Thank you for your consideration of this letter and its enclosures. We look forward to meeting with you.

Very truly yours,


Lucia Chiocchio

Enclosure

cc w/ enclosures:

Shirley Rasmussen, Department Head, Planning & Zoning
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

September 7, 2010

VIA FEDERAL EXPRESS

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Technical Report
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers¹ and New Cingular Wireless PCS, LLC ("AT&T") as a follow up regarding the above captioned matter involving a proposed wireless telecommunications tower facility to be located at 171 Short Beach Road in the Town of Branford. As you know, in furtherance of the 60-day municipal consultation period set forth in Section 16-501(e) of the Connecticut General Statutes, a Technical Report for the proposed wireless facility was forwarded to your office by copy of our letter dated July 30, 2010. In our letter we also asked for the opportunity to have our clients meet with you or other Town officials in person to effectuate a consultation as contemplated by State statutes.


We were recently advised on August 31st that the Technical Report was forwarded by your office to the Town Telecommunications Committee and that it was reviewing the project. We appreciate that update and would welcome the opportunity to meet with that Committee directly should you so desire. We would also appreciate the opportunity to introduce our clients and the project to you directly. Our belief is that direct communication in person will aid in a further understanding of the public need for this new tower facility and how it will be a benefit to the residents of the Short Beach area.

We will follow this letter with a call to discuss possible meetings with the Committee and/or your office at your convenience and prior to the end of the 60 day consultation period this month. We look forward to discussing the project with you and any Towns recommendations or preferences regarding the proposed facility prior to a formal application filing with the Connecticut Siting Council.

¹ Formerly, Florida Towers Partners

Thank you for your consideration in this matter.

Very truly yours,


Lucia Chiochio

cc:

Terrance Elton, Department Head, Economic Development
Shirley Rasmussen, Department Head, Planning & Zoning
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

November 1, 2010

VIA FEDERAL EXPRESS

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers¹ and New Cingular Wireless PCS, LLC ("AT&T") as a follow up regarding the above captioned matter involving a proposed wireless telecommunications tower facility to be located at 171 Short Beach Road in the Town of Branford. As you know, a Technical Report for the proposed wireless facility was forwarded to your office by copy of our letter dated July 30, 2010.

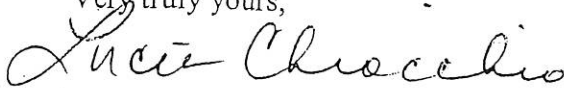
In furtherance of the municipal consultation process, we requested a meeting with you and other Town officials so that we could introduce the Town to our clients, discuss the public need for the proposed facility and answer questions about our clients' proposal. As you may know, on October 8th, a meeting was held with members of the Town's Telecommunications Committee, the Town's wireless consultant and representatives of Verizon Wireless, T-Mobile, and our clients, North Atlantic Towers and AT&T. The Telecommunications Committee requested that the active wireless carriers in Branford attend that meeting to provide information regarding their needs to provide service along shoreline areas in Branford. The current tower proposals by Verizon Wireless and T-Mobile as well as the above referenced proposed facility were discussed in general to give the Town representatives in attendance an overview of the current proposals for providing needed service in Branford.

We are writing to you today to advise you that North Atlantic Towers and AT&T are in the process of assembling their Application for a Certification of Environmental Compatibility and Public Need for the proposed tower facility in the Short Beach area. At this point in time we anticipate a formal filing with the Connecticut Siting Council prior to Thanksgiving. State Law requires applicants to provide notice of their intent to file an Application. Accordingly, we will be publishing a notice of intent to file in The Sound and The New Haven Register newspapers shortly. In addition, we will also be mailing notice to abutting landowners. Copies of AT&T's Application will be forwarded to you and different Town agencies as part of the Siting Council application process.

¹ Formerly, Florida Towers Partners

In the interim, if the Town has any specific recommendations or preferences regarding the facility proposed for 171 Short Beach Road, we would ask that you provide those to us within the next week. While not required, we have not received any such recommendations or preferences from the Town and wanted to simply double check with your office should there being any specifics. If you or other Town representatives have any questions or need anything further please do not hesitate to contact me.

Very truly yours,



Lucia Chiochio

cc:

Terrance Elton, Department Head, Economic Development
R. Douglas Marsh
Karyl Lee Hall, Chair Telecommunications Committee
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

TARPON TOWERS

November 2, 2010

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Tarpon Towers, d/b/a North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you in connection with the above referenced tower facility proposed for service in the Short Beach area of Branford. Please accept this letter as North Atlantic Towers' commitment to allow the Town to install emergency communications antennas on the above referenced tower. Should the Town have a current need for such antennas, please let us know who we may coordinate with in order to accommodate the Town's specifications.

If there is no current need and the Town's interest is just for future proposes, please note that a sublease agreement would be required and be subject to our standard terms and conditions at that time, excluding payment of rent. It is our expectation that the Town could install one or two whip antennas off the top of the tower and place equipment in an approximately 10' by 10' area in the facility compound rent free.

Thank you for your consideration and please let me know how I may be of any further assistance.

Sincerely,



John S. Stevens, Executive Vice President

cc: Terrance Elton, Department Head, Economic Development

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS
First Selectman

FRANCIS W. WALSH
JOHN E. OPIE

1019 MAIN STREET
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www.branford-ct.gov

November 23, 2010

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Attorney Chiocchio:

Thank you, and your entire team, for joining us last evening at Orchard House to discuss AT&T's proposal for a cell tower at 171 Short Beach Road. The information provided to the community and the exchange of ideas and suggestions displayed a healthy concern for all involved.

Due to the variety of issues raised, ranging from the possible identification of viable alternative sites to exploring design modifications, we ask that AT&T delay filing with the Connecticut Siting Council for at least 90 days. We believe that a better plan can be prepared for filing if more community input is provided at the local level, resulting in the "balance" that everyone seeks.

Thank you again, and I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony J. DaRos", is written over a faint, larger version of the same signature.

Anthony J. DaRos
First Selectman

November 24, 2010

VIA FAX AND FIRST CLASS MAIL

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers and New Cingular Wireless PCS, LLC ("AT&T") as a follow up to the November 22nd community meeting regarding the above referenced proposed wireless telecommunications tower facility and your November 23rd correspondence. We thank you for coordinating the community meeting and providing our clients an opportunity to present information to the public regarding the proposed facility at 171 Short Beach Road.

As you know, the State law 60 day municipal consultation process commenced this past summer on July 30th with the filing of a Technical Report. In addition to telephone calls, we submitted follow up correspondence on September 7th and attended a multi-carrier meeting with representatives of the Town on October 8th. When our clients did not receive any specific recommendations or comments from the Town regarding the proposed facility within the statutory 60 day time period, our clients moved forward in preparation for filing a State Siting Council application as noted in our November 1, 2010 correspondence. This preparation included formal notices of intent to file a formal application with the State Siting Council which were recently published in The Shore and The New Haven Register and certified mailings to abutting property owners. All notices indicated a November 23rd application formal filing date which are clients were prepared to meet.

Subsequent to our clients' publication of the application notices, we were contacted by Town representatives on November 15th and asked to come and present the project at the November 22nd community meeting. The Applicants of course agreed to come so that everyone would have a full understanding of the facts prior to the Siting Council application filing. Generally, we find that such public input as part of the wireless siting process is beneficial to all involved.

Despite all these efforts, your letter of November 23rd requests that our clients defer filing of an application with the Siting Council for an additional 90 days which would be nearly 7 months

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS
First Selectman

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December 6, 2010

Lucia Chiocchio, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

Dear Attorney Chiocchio,

I am responding to your correspondence of November 24, 2010 in which you agreed to defer the submittal of the application of North Atlantic Towers ("North Atlantic") and New Cingular Wireless PCS, LLC ("AT&T") for a cell tower facility at 171 Short Beach Road until January 4, 2010 or thereafter. We are pleased with your willingness to allow the Town of Branford (the "Town") time to assess alternate sites, among other factors. We are not, however, entirely convinced that the filing of the Technical Report you refer to necessarily starts the 60 day consultation period. Furthermore, the meeting on September 8 that you attended with other carriers was not an opportunity to discuss the Short Beach Road tower in any of its particulars but, as you know, was seen as an opportunity for the Town to ascertain the carrier's coverage strategies and to determine what degree of cooperation existed between them to limit the number of towers necessary to provide coverage to our citizenry. That said, we are committed to working with you to discuss North Atlantic and AT&T's proposed site and alternatives to it.

We have been considering several sites in the Short Beach area, including your current proposed location at 171 Short Beach Road, your former proposed location at Orchard House, the former Branford Hills Elementary School ("Branford Hills") at 68-88 Burban Drive and the area around Summit Place off Route 1. Both Orchard House and Branford Hills are owned by the Town. The real estate in the vicinity of Summit Place is privately owned. In order to effectively weigh the advantages and disadvantages of these sites, it is essential that the Town know which of these locations meet your needs and what tower height would be required at each location. That information will allow us to take the next steps which would include the consideration of stealthing techniques and other mitigations.

Letter to Lucia Chiocchio
December 6, 2010
~~Page Two~~

I know that you are aware of the necessity to have a timely response to our inquiry. If you have any questions about this, I encourage you to call Karyl Lee Hall, a member of the Cell Tower Advisory Group at 203-996-4719.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Anthony J. DaRos', written in a cursive style.

Anthony J. DaRos
First Selectman

December 13, 2010

VIA ELECTRONIC MAIL & OVERNIGHT MAIL

First Selectman Anthony "Unk" DaRos

Town of Branford

1019 Main Street

Branford, CT 06405

(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers and New Cingular Wireless PCS, LLC ("AT&T") in response to your letter dated December 6, 2010 regarding four suggested alternative sites. Thank you for forwarding the suggested alternative sites, which include two Town owned parcels - the Orchard House property and the former Branford Hills Elementary School property and two privately owned properties in the vicinity of Summit Place.

Orchard House

As you know, the Town-owned Orchard House location was investigated by our clients as a potential location for the siting of the needed facility. After expressing some initial interest, the Town did not continue dialogue with our clients regarding the use of this property for the siting of the proposed facility and as such, this location was not pursued as an alternative. In response to your recent request, the Orchard House property was re-evaluated and analysis of this location reveals that a tower facility at 140' above grade level (AGL) would be required to meet the coverage objectives for this area of Branford.

As detailed in our November 24th correspondence following the November 22nd community meeting, our clients were prepared to file an application with the Siting Council on November 23rd and agreed to defer filing of an application with the Siting Council until January 4, 2011 (at the earliest) in response to the Town's request for additional time to review potential alternative sites and design options. In the interest of making the most use of this time and given this additional information that a 140' tower facility would provide the needed service, we request that the Town place on a December 2010 Board of Selectman agenda as a discussion item the consideration of leasing a portion of the Orchard House property for construction of a 140' cellular tower facility. Please advise us in advance of this Board of Selectman meeting date so that we can attend and provide additional information about a potential tower facility and further evaluate the feasibility of pursuing the Orchard House property as an alternative.

Former Branford Hills Elementary School

The Town-owned former Branford Hills Elementary School site located at 68-88 Burban Drive was also evaluated. This property is located approximately 2,000' to the north of the Short Beach area where service is needed. Analysis of this location reveals that a tower facility would not provide adequate and reliable coverage to the public in the areas AT&T is seeking to serve with the proposed facility. Indeed, even at a height of 190' AGL, a facility at this location is too far north and would not provide adequate service.

Properties in the Vicinity of Summit Place

Per your request, two privately owned locations in the vicinity of Summit Place were also evaluated by our clients. One of the locations that was analyzed has coordinates of 41.277261 latitude and -72.848668 longitude and the other location has an address of 108 Cherry Hill Road¹. Analyses of both of these locations indicate that neither would provide adequate and reliable service to the area where service is needed. Both locations are too far north of the Short Beach area and even a tower facility at 190' AGL would not provide service at either location.

Thank you for timely forwarding these suggested alternative locations. We trust that the information provided herein addresses your request. We look forward to receiving any other specific recommendations or preferences that the Town may have regarding the proposed facility including the form of the tower, by December 23, 2010.

Very truly yours,



Lucia Chiochio

cc: Terrance Elton, Department Head, Economic Development
R. Douglas Marsh, Chair Cell Tower Advisory Group
Karyl Lee Hall, Member, Cell Tower Advisory Group
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

¹ The coordinates for this location are 41.283996 latitude and -72.829454 longitude.

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT

ANTHONY J. DAROS

First Selectman

FRANCIS W. WALSH

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December 22, 2010

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Attorney Chiocchio:

We have reviewed your letter of December 13th and appreciate the consideration that you afforded our suggestions. While the sites we had identified as feasible may not in fact be, we suggest that you revisit a site you had previously negotiated.

Property owner Charles Shelton has indicated that he remains interested in hosting your facility at 189 Alps Road. We believe his site may be preferable as it is less intrusive, would be part of an existing structure, and would meet your service needs. We strongly recommend you contact Mr. Shelton to pursue that opportunity. His phone is 203.481.6221.

And while we expect that your site search went beyond Branford's town line, we want to be sure you considered a parcel owned by the Town of East Haven located at 82 Short Beach Road [East Haven, CT 06512], home to the Riverside Volunteer Fire House. It is located on the south side of Rte. 142, enjoys a high elevation, and is only a quarter mile from the service area. Please advise us as to the feasibility and status of that site, as well.

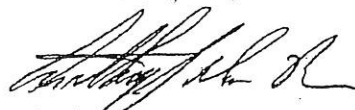
We also want to ensure that AT&T's erection of any tower in Branford will employ design modifications that minimize the physical and visual impact on the area. As we know, service is not the issue, but rather the intrusion on everyday life in our community. I ask that you continue to work with the Branford's ad hoc cell tower committee to explore design options before you submit to the Siting Council. Please contact Terence Elton in my office [203.315.5279] to make arrangements with the committee.

While this may mean a delay in filling with the Siting Council, we believe it will result in a far better application if it contains design elements that alleviate pressure on the community and contains input from the town.

Letter to Attorney Lucia Chiocchio
December 22, 2010
Page Two

Thank you again for your cooperation and assistance on this project and we look forward to continuing to work with you to do what's best for the Branford community.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony J. DaRos". The signature is fluid and cursive, with a prominent initial "A" and "D".

Anthony J. DaRos
First Selectman

December 23, 2010

VIA ELECTRONIC MAIL & OVERNIGHT MAIL

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers and New Cingular Wireless PCS, LLC ("AT&T") in response to your letter dated December 22, 2010 regarding the above referenced wireless telecommunications facility. Thank you for forwarding additional information regarding potential alternatives.

Suggested Alternatives

At the November 22nd community meeting, our clients committed to evaluating suggested alternative sites within the site search area. Indeed, our December 13th correspondence included details on the evaluation of alternatives suggested in your December 6th letter, including the Town-owned Orchard House location.

As you know, the Orchard House location was previously investigated by our clients as a potential location for the siting of the needed facility and that a tower facility at 140' above grade level (AGL) would be required to meet the coverage objectives for this area of Branford. In our November 24th and December 13th letters, we requested that the Town place on a December 2010 Board of Selectman agenda as a discussion item the consideration of leasing a portion of the Orchard House property for construction of a 140' cellular tower facility. Given that the Orchard House was not considered by the Board of Selectman and that your December 22nd letter did not address the availability of the Orchard House property, it is clear to our clients that the Orchard House property is not available as an alternative siting option for the needed facility.

With respect to the two alternatives suggested in your December 22nd letter, the property located at 189 Alps Road and the property located at 82 Short Beach Road, our clients will uphold their commitment and review these alternatives prior to the filing of the Siting Council Application in January.

Recommendations Regarding the Form of the Proposed Tower

As you are aware, potential design alternatives were previously discussed with the Town, including representatives of Branford's ad hoc cell tower committee, at the November 22nd community meeting. As indicated in our prior correspondence and at the community meeting,

any Town recommendations or preferences regarding the proposed facility should be forwarded to us for evaluation by the end of the year.

Thank you for your letter. We look forward to receiving any specific recommendations or preferences that the Town may have regarding the proposed facility, including the form of the tower by December 31, 2010.

Very truly yours,



Lucia Chiocchio

cc: Terrance Elton, Department Head, Economic Development
R. Douglas Marsh, Chair Cell Tower Advisory Group
Karyl Lee Hall, Member, Cell Tower Advisory Group
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS

First Selectman

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December 29, 2010

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Attorney Chiocchio:

Thank you for your response to our December 22nd letter. There are two issues we would like to address at this time.

One, we ask that you share your review and assessment of the two alternate sites suggested in the December 22nd letter with our ad hoc committee. Two, we would like to schedule a time for committee members to hear from your design team on the details of possible alternatives and modifications; it's extremely difficult, if at all possible, for the committee to make recommendations without knowing from your team of engineers and design specialists what modifications are possible.

We ask that these requests be met before the application is filed with to the Siting Council; we believe it will produce a better application and will better meet the interests of the Branford community.

Again, thank you again for your cooperation with this effort, and I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony DaRos".

Anthony DaRos
First Selectman

January 7, 2011

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road
Branford, Connecticut

Dear First Selectman DaRos:

Thank you for your letter of December 29, 2010 with respect to the above referenced matter and our clients North Atlantic Towers and New Cingular Wireless PCS, LLC ("AT&T").

Update on Two Suggested Alternative Sites

Our clients have had an opportunity to review the two alternative sites suggested in your December 22nd letter. The property located at 82 Short Beach Road was evaluated by AT&T's radiofrequency engineers and rejected as an alternative site due to its significant distance from the coverage objective in the Short Beach area. AT&T's real estate consultants have also followed up with the contact information you provided for the property located at 189 Alps Road. However, numerous calls and efforts to get in touch with the property owner have gone unreturned. Of note this property is also in closer proximity to Tweed Airport and AT&T has initially determined that any installation above 30' in height above grade would require at a minimum FAA review in accordance with obstruction regulations which could also involve the potential for marking and lighting.

Potential Town Recommendations on the Form of the Proposed Tower

Enclosed please find a January 6, 2011 memorandum from VHB which includes photosimulations. The memorandum includes a discussion regarding possible alternative tower structure types as identified in accompanying photographs. Of note, it is quite possible that the tower would need to be increased in height if a "stealth flagpole" or "close contact array" were preferred by the Town and approved by the Siting Council. This height increase would be necessary in order to meet AT&T's coverage requirements and provide reasonable space on the proposed tower for collocation by other carriers. As such, North Atlantic Towers and AT&T are not in favor of those possible alternatives. In any event, the enclosed should prove a useful tool for you and other Town representatives in formulating any opinions about alternative tower structure types for this project.

Status of Siting Council Application & Request to Meet Again with Ad Hoc Committee

As noted in our prior correspondence, North Atlantic Towers and AT&T have deferred filing of their Siting Council application for several months now in order to accommodate the Town's requests that have extended well beyond the sixty day Section 16-50l municipal consultation period. In addition, we noted in our prior correspondence that our clients were only willing to defer their filing until just after the first of the year. As such, a second notice of intent to file an application with the State Siting Council was recently published and mailed. While we certainly respect your request for a further delay, our clients have nevertheless decided to start the State application process and formally file their application with the Siting Council next week.

Of course, filing of the application next week should in no way be taken by you or the Town as a signal that our clients are looking to cease the ongoing dialogue that the Town engaged in with us this past Fall. In fact we welcome it and you should know that there is no legal impediment to it being continued after formal filing of the application next week. As such, once you and the Town's ad hoc committee have had an opportunity to review the enclosed materials, please let us know when you'd like to again meet with representatives of the applicants. In the meantime, a copy of the full State Siting Council application should make its way to your office and that of other Town officials late next week.

Very truly yours,



Lucia Chiochio

cc: Terrance Elton, Department Head, Economic Development
R. Douglas Marsh, Chair Cell Tower Advisory Group
Karyl Lee Hall, Member, Cell Tower Advisory Group
John Stevens, North Atlantic Towers
Michelle Briggs, AT&T
David Vivian, SAI Communications
Christopher B. Fisher, Esq.

PLEASE SEE ATTACHMENT 4C
FOR THE JANUARY 6, 2011 MEMORANDUM
WITH ALTERNATIVE TOWER DESIGNS

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS

First Selectman

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January 10, 2011

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Attorney Chiocchio:

We are in receipt of your January 7th letter and again ask that AT&T's application be filed after meeting with the town so we can further discuss the various suggestions and alternatives we have presented.

Regarding 82 Short Beach Road, we would like to have a better understanding as to why that "was rejected as an alternative site" while it is located not much more than a ¼ mile for your initial site at 80 Shore Drive. 82 Short Beach Road is at a higher elevation and is municipal property, two factors we would think make it advantageous over others.

Concerning 189 Alps Road, please try again to reach Mr. Charles Shelton, the property owner. He has indicated to my office that he has not received a message from AT&T, your firm, or any other representative regarding this project, but that he would welcome a resumption of negotiations, and that it was represented to him that FAA approval had been secured to use his property. Mr. Shelton can be reached at Branford 203.481.6221.

Finally, while the town appreciates the information you enclosed on alternative designs, we ask again that your team have a substantive discussion with our ad hoc committee on this topic before AT&T's application is submitted. We firmly believe the result will be a better design and a better application.

We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony DaRos", is written over a horizontal line.

Anthony DaRos
First Selectman

New Cingular Wireless PCS, LLC
500 Enterprise Drive
Rocky Hill, Connecticut 06067-3900
Phone: (413) 218-5042
Fax: (860) 513-7190

January 24, 2011

David Vivian
Site Acquisition Consultant

Certified Mail, Return Receipt Requested

Charles F. Shelton, Jr., President
Steve Shelton, Hospital Administrator
Branford Hills Health Care Center
189 Alps Road
Branford, CT 06405-4771

Re: New Cingular Wireless PCS, LLC ("AT&T")
Proposed wireless telecommunications facility

Dear Messrs. Shelton,

I am writing to you as a follow up to my recent contact regarding AT&T's proposed wireless telecommunications facility. As you know, in the spring of 2009, on behalf of AT&T, I contacted Mr. Charles Shelton about use of the building at 189 Alps Road as a potential site for a wireless telecommunications facility. After two site visits and exchange of information, including a draft lease agreement, Mr. Charles Shelton indicated in an email to me on July 28, 2009 that he was no longer interested in leasing space for a wireless telecommunications facility.

In recent correspondence dated December 22, 2010 and January 10, 2011 to AT&T's attorneys, First Selectman DaRos indicated that Mr. Charles Shelton is now interested in resuming negotiations regarding the lease of 189 Alps Road for the installation of a wireless telecommunications facility. Therefore, I called and left voicemail messages for Mr. Shelton at (203) 481-6221 on December 28, 2010, January 5th and January 11th, 2011. On January 13, 2011, Mr. Steve Shelton returned my calls and when we spoke, he indicated that he was not aware of any recent interest in resuming negotiations and that he is not interested in leasing space for a wireless telecommunications facility at 189 Alps Road.

If you are interested in resuming negotiations, kindly contact me at (413) 218-5042 by Friday, January 29th. If I do not hear from you by the close of business on January 29th, I will conclude that your position has not changed and you are not interested in leasing space for a wireless telecommunications facility.

Thank you for your consideration.

Sincerely,



David Vivian

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS

First Selectman

FRANCIS W. WALSH

JOHN E. OPIE

1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405
(203) 488-8394
FAX 481-5561
www.branford-ct.gov

January 31, 2011

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Dear Attorney Chiocchio:

This is a follow up to my January 10th letter asking to meet to discuss viable sites in Branford and design alternatives. I have not heard back from your office, nor from anyone at AT&T, and thought it best to try keep communication open.

As I indicated in my last letter, Mr. Charles Shelton's property at 189 Alps Road appears to be one of several viable sites for AT&T to locate. I was informed today that Mr. Shelton arrived at his office this morning to find a certified letter from AT&T, dated the 24th, and asking that he contact them by the 29th. With the 29th having passed by the time he personally received the letter, such contact was not possible. In an effort to re-establish a discussion with Mr. Shelton, I would be pleased to facilitate a meeting or a conference call with him. Please let me know how I can help in that regard.

And as I did in my January 10th letter, I am asking that your office or AT&T provide us with information as to why the site at 82 Short Beach Road in East Haven does not meet your needs. East Haven Town Hall has indicated to my office that they have not received any calls or visits from AT&T or any of its representatives about that site or any others in the area. Since then, we have determined that there is another site near there that could also provide service to the same area as Branford's 171 Short Beach Road site. We again ask to discuss that with AT&T before they move forward with their application.

Finally, we very much want to work with AT&T's representatives on tower design and appearance, regardless of what site you apply for with the Siting Council. With that, I request again that you contact our ad hoc committee on this topic before AT&T files an application with the Siting Council. As I have indicated previously, we firmly believe the result will be a better design and a better application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony DaRos", is written over a horizontal line.

Anthony DaRos

First Selectman

BOARD OF SELECTMEN

BRANFORD, CONNECTICUT



ANTHONY J. DAROS

First Selectman

FRANCIS W. WALSH

JOHN E. OPIE

1019 MAIN STREET
POST OFFICE BOX 150
BRANFORD, CT 06405
(203) 488-8394
FAX 481-5561
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August 11, 2011

Attorney Lucia Chiocchio
Cuddy & Feder
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

RE: North Atlantic Towers, LLC & AT&T
Proposed Wireless Telecommunications Tower Facility
82 Short Beach Road, East Haven, CT

Dear Attorney Chiocchio:

This is in response to the technical report you provided East Haven Mayor April Capone concerning a proposed wireless telecommunications tower facility at 82 Short Beach Road in East Haven.

We have reviewed the report and take this opportunity during the consultation period to endorse the selection of that site. I have discussed this issue with Mayor Capone and she agrees with our view that 82 Short Beach Road is a better site and our recommendation that it should be submitted to the Siting Council as the primary site for the tower. For a variety of reasons, including that its at a higher elevation and is better situated for signal transmission, we believe it will better serve the targeted area.

Also, please note we had indicated in an earlier letter that our data identified another East Haven site near 82 Short Beach Road that could also serve the same area. We suggest that this site also be submitted for consideration to the Mayor and the Siting Council.

Please know that our ad hoc committee remains available to meet with you and other AT&T representatives to share information and to discuss these sites and related issues, including tower design. Please contact my office if such a meeting would be helpful.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony DaRos", written over a horizontal line.

Anthony DaRos
First Selectman

cc: Mayor April Capone, Town of East Haven

August 17, 2011

VIA ELECTRONIC MAIL & OVERNIGHT MAIL

First Selectman Anthony "Unk" DaRos
Town of Branford
1019 Main Street
Branford, CT 06405
(203) 488-8394

Re: North Atlantic Towers & AT&T
Proposed Wireless Telecommunications Tower Facility
171 Short Beach Road, Branford, Connecticut
82 Short Beach Road, East Haven, Connecticut

Dear First Selectman DaRos:

We are writing to you on behalf of our clients, North Atlantic Towers and New Cingular Wireless PCS, LLC ("AT&T"). Thank you for your letter dated August 11, 2011. As you may know, we are in consultation with the Town of East Haven regarding the proposed site at the East Haven Volunteer Fire Department and have met with Mayor Capone and East Haven Town Staff.

You note in your August 11th letter that you had previously identified another suggested alternative location in East Haven near the site of the East Haven Volunteer Fire Department. However, we reviewed prior correspondence and are unable to find any details or data regarding this additional suggested alternative. Accordingly, please provide specifications, including address, tax identification and/or location on a map of this suggested alternative location for our consideration.

We respectfully request that these data on this additional suggested alternative be provided by the close of business Friday, August 19, 2011. For convenience, you may email these data to my attention at lchiocchio@cuddyfeder.com.

Thank you in advance for a timely response to this request.

Very truly yours,


Lucia Chiochio

cc: Terrance Elton, Department Head, Economic Development
R. Douglas Marsh, Chair Cell Tower Advisory Group
Karyl Lee Hall, Member, Cell Tower Advisory Group
John Stevens, North Atlantic Towers
Randy Howse, North Atlantic Towers
Christopher B. Fisher, Esq.

Chiocchio, Lucia

From: Chiocchio, Lucia
Sent: Thursday, August 25, 2011 10:38 AM
To: 'Doug Marsh'
Subject: FW: Response to letter of August 17 [C&F-iManage.FID285790]

Good morning Mr. Marsh,

As you note below, my clients, North Atlantic Towers and AT&T, are willing to evaluate suggested alternative sites for the needed wireless facility to serve western Branford. In his August 11th letter to me, First Selectman DaRos inquired about a location in East Haven near the East Haven/Branford border. However, details of this suggested location were not provided and as such, my clients are unable to evaluate this location as this time.

Accordingly, we respectfully request that specifications of this suggested alternative location be provided as soon as possible for review by my clients. Feel free to send the specifications regarding this suggested location to my attention at this email address.

Thank you for your continued consideration of this matter. I look forward to hearing from you.

Sincerely,

Lucia Chiocchio, Esq.

CUDDY &

FEDER LLP

ATTORNEYS AT LAW

445 Hamilton Avenue, 14th Floor

White Plains, New York 10601

Tel 914.761.1300 Fax 914.761.5372

From: Chiocchio, Lucia
Sent: Friday, August 19, 2011 4:08 PM
To: 'Doug Marsh'
Subject: RE: Response to letter of August 17

Thank you for your email. I look forward to hearing from you next week.

Sincerely,

Lucia Chiocchio, Esq.

CUDDY &

FEDER LLP

ATTORNEYS AT LAW

445 Hamilton Avenue, 14th Floor

White Plains, New York 10601

Tel 914.761.1300 Fax 914.761.5372

From: Doug Marsh [mailto:r_douglas_marsh@sbcglobal.net]
Sent: Friday, August 19, 2011 4:04 PM
To: Chiocchio, Lucia
Subject: Response to letter of August 17

Good afternoon, Lucia,

Thank you for your letter of August 17, written on behalf of your clients, North Atlantic Towers and AT&T. In it you sought information regarding an additional possible wireless telecommunication facility site near the East Haven/Branford town lines.

We appreciate your clients' willingness to explore siting options. We understand that you and your clients are eager to come to an internal decision on a location so that ultimately an application can be filed before the Connecticut Siting Council. Further, we appreciate the respectful relationship that exists between you, your clients, the Town of Branford and its Cell Tower Action Group.

Nonetheless, due to vacations and competing priorities, we are not able to provide the information you requested by the close of business today. However, we will address the matter during the week ahead.

Sincerely,

Doug Marsh

R. Douglas Marsh

Chair, Cell Tower Advisory Group
Town of Branford, CT

February 29, 2012

VIA FEDERAL EXPRESS

Mayor Joseph Maturo Jr.
Town of East Haven
Town Hall
250 Main Street
East Haven, CT 06512
Phone (203) 468-3204

Re: North Atlantic Towers, LLC & AT&T
Proposed Wireless Telecommunications Tower Facility
82 Short Beach Road, East Haven Connecticut

Dear Mayor Maturo:

We are writing to you on behalf of our clients, North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC ("AT&T") regarding the above referenced proposed wireless telecommunications tower facility at 82 Short Beach Road, the site of the Riverside Volunteer Fire Department, in the Town of East Haven. The proposed Facility is one of two alternatives that are being considered for providing needed service. As you know, jurisdiction over such facilities rests exclusively with the State of Connecticut Siting Council pursuant to Section 16-50i and x of the Connecticut General Statutes.

The purpose of this letter is to provide your office with an update on the municipal consultation process for the proposed facility that began last summer with the submission of a "Technical Report" to the Town on June 14, 2011. The Technical Report included information about the need for the proposed tower facility, a summary of the site selection process and the environmental effects of the proposed tower. The Technical Report also included information regarding the other proposed alternative located at 171 Short Beach Road in Branford.

As a follow up to the Technical Report submission, on August 15, 2011, representatives of North Atlantic Towers and AT&T met with the Mayor, Town Manager, Planning & Zoning Administrator and Fire Chief and discussed the proposal at the Riverside Volunteer Fire Department, the alternative site at 171 Short Beach Road in Branford and the Siting Council process. At this meeting, we reviewed the Siting Council procedure requiring the submission of both alternatives – the Riverside Fire Department alternative and the 171 Short Beach Road alternative – for consideration by the Siting Council. While both alternatives will be presented to the Siting Council, only one facility is needed by AT&T to provide service.

At the August 25th meeting, the Town representatives requested that our clients schedule a community meeting so that the community had an opportunity to understand the proposal. Thereafter, with the assistance of the Planning & Zoning Administrator, we tentatively scheduled a community meeting to take place at the fire department in mid September 2011. Then, on August 28th Hurricane Irene landed. Needless to say, our clients fully understood the consequences of Hurricane Irene and deferred the scheduling of the community meeting.

While East Haven and surrounding communities were recovering from the effects of Hurricane Irene, our clients continued their due diligence and information gathering regarding the proposed facility, including further consultation with the Connecticut State Historic Preservation Officer (SHPO) and the Federal Aviation Administration (FAA). As a result, the height of the proposed facility was reduced to 103' above grade level (AGL) from 125' AGL. In addition, upon review of the 103' tall facility, the FAA determined that the proposed facility does not pose a hazard to air navigation and as such, will not require marking or lighting. For your convenience a copy of photosimulations depicting the proposed 103' tall facility and the FAA determination are attached.

With this additional information, our clients are now ready to proceed with the community meeting to present the proposed facility. After speaking with the Planning & Zoning Administrator to provide him with an update on the proposed facility, we scheduled a community meeting for Thursday, March 15, 2012. The meeting will take place at the Riverside Fire Department and will begin at 7 pm. As a courtesy and in response to the Town's request, we will send notice of the community meeting to property owners in the vicinity of the Riverside Volunteer Fire Department property.

We look forward to presenting the proposal to the community on March 15th. In the interim, should you have any questions or need any additional information regarding our clients' proposal, please do not hesitate to contact me.

Very truly yours,



Lucia Chiochio

Enclosure

cc:

Anthony "Unk" DaRos, First Selectman, Town of Branford (w/ enclosures)
David Anderson, Planning & Zoning Administrator, Town of East Haven (w/ enclosures)
Michelle Briggs, AT&T (w/o enclosures)
John Stevens, North Atlantic Towers (w/o enclosures)
Randy Howse, North Atlantic Towers (w/o enclosures)
AJ DeSantis, Infinigy (w/o enclosures)
John Favreau, Infinigy (w/o enclosures)
Tony Wells, C Squared Systems (w/o enclosures)
Jonathan McNeal, SAI (w/o enclosures)
David Vivian, SAI (w/o enclosures)
Christopher B. Fisher, Esq. (w/o enclosures)

Existing View



Proposed 103'
Monopole



East Haven Riverside VFD - Photo 1

CT1109-D

103' Monopole Simulation

View from Shore Line Trolley Museum Rail Line, approx.
0.72 miles north of the proposed site. Focal length
approximately 90 mm.

Site Location

82 Short Beach Road
East Haven, CT 06512





Existing View

Proposed 103'
Monopole

East Haven Riverside VFD - Photo 3
CT1109-D

103' Monopole Simulation

View from Shore Line Trolley Museum Rail Line, approx. 0.31 miles east northeast of the proposed site. Focal length approximately 90 mm.

Site Location

82 Short Beach Road
East Haven, CT 06512





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76137

Aeronautical Study No.
 2011-ANE-1902-OE
 Prior Study No.
 2011-ANE-939-OE

Issued Date: 01/19/2012

Curtis Miller
 Florida Tower Partners, LLC
 1001 3rd Avenue West
 Suite 420
 Bradenton, FL 34205

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole CT1109(D) Branford
 Location: East Haven, CT
 Latitude: 41-15-36.43N NAD 83
 Longitude: 72-51-20.86W
 Heights: 59 feet site elevation (SE)
 103 feet above ground level (AGL)
 162 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site you must contact Trisha Jackson at 203-773-2158.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

Any height exceeding 103 feet above ground level (162 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 07/19/2013 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2528. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2011-ANE-1902-OE.

Signature Control No: 154527337-157460140

(DNE)

Cindy Whitten
Specialist

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

Additional information for ASN 2011-ANE-1902-OE

To coordinate frequency activation and verify that no interference is caused to FAA facilities (HVN RTR), prior to beginning any transmission from the site the proponent must contact Trisha Jackson at 203-773-2158.

Frequency Data for ASN 2011-ANE-1902-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2100	2199	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W