

TOWN OF WASHINGTON

BRYAN MEMORIAL TOWN HALL
2 BRYAN PLAZA
P.O. BOX 383
WASHINGTON DEPOT, CONNECTICUT 06794

September 6, 2013

Ray Vergati
Site Development Manager
Homeland Towers, LLC
22 Shelter Rock Lane, Building C
Danbury, CT 06811

Re: Wireless Telecommunications Tower Facility
Town Owned Property in Washington Depot
Town Garage, 10 Blackville Road
Town Lease with Homeland Towers
Connecticut Siting Council Application

Dear Mr. Vergati:

I am writing in furtherance of Homeland Tower's filing of an application with the State of Connecticut Siting Council as the Town of Washington's tenant pursuant to a lease agreement entered into March 27, 2013.

As you are aware, the Town of Washington has considered the siting of a tower at the Town Garage in Washington Depot for several years. As part of that process initiated by the Town, we received numerous materials from Verizon, AT&T and others, including our own radiofrequency engineering consultants, confirming the need for a tower in Washington Depot and the lack of viable alternatives to the Town's garage site at 10 Blackville Road. Information we considered included studies on visibility, environmental effects, safety and other data deemed critical by the Town prior to entering into a lease with any party.

The Town's consultations with Homeland Towers on this project extended over a year in time dating back to 2011 and included review of the project by the Town's Planning Commission, Conservation Commission and Board of Selectman among other Town agencies. I am enclosing copies of meeting minutes and resolutions from various agencies that considered the project along with copies of some of the visual and radiofrequency engineering information the Town relied on. Enclosed are the Town Meeting minutes and approval resolution from March of 2013 authorizing the Town to enter into a lease with Homeland Towers for development of a tower at 10 Blackville Road and Selectmen Meeting minutes from September of 2013 waiving the 90 day Municipal Review period.

As a result of the comprehensive approach taken by the Town related to tower siting in Washington Depot over several years and which culminated in municipal approvals to enter into a lease with Homeland Towers, we are quite certain that our process and consultation with Homeland Towers met and exceeded both the time normally permitted and allowed for the consideration of matters not typically required for municipal consultations under Section 16-50(g) of the Connecticut General Statutes. As such, we encourage Homeland Tower's to file its application with the Connecticut Siting Council at this time and to the extent necessary, this letter is the Town's authorization for you to send and publish notices, file the application and proceed with the Council application process and confirmation that the Town has been consulted with in accordance with Section 16-50(g).

Please include this letter and the enclosures in your application to the Siting Council as a summary of the Town consultation process on this project and keep me apprised of your progress and anticipated filing date.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mark E Lyon".

Mark Lyon

First Selectman, Washington

**TOWN OF WASHINGTON
Board of Selectmen
Minutes
Special Meeting
September 5, 2013**

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen Richard O. Carey and Anthony J. Bedini.
Press: Lou Marie Rodriguez – VOICES.
Public: Robert Tomlinson.

Call to Order: First Selectman Mark Lyon called the meeting to order at 5:00p.m.

Discussion of Homeland Towers application to the Siting Council: Mark Lyon explained the Selectmen had received the final draft of the application to the Connecticut Siting Council made by Homeland Towers for the construction of a cell tower on Town property located behind the Highway Department on Blackville Road. The content of the application is exactly what has been presented to the Selectmen and the public in previous discussions and meetings. Two minor corrections need to be made that refer to an adjoining property to the proposed site – the buildings cited have been demolished; and the East and West direction site description is reversed. Mark further explained he attended last night's meeting of the Conservation Commission to report on the application and explain to them that the Board of Selectmen felt there was no new information and that they felt there would be nothing for the Town to gain by having the 90-day municipal review period.

Motion: To request, from the Connecticut Siting Council, the waiving of the 90-day municipal review period. This will be put in the form of a letter and sent to Homeland Towers to accompany the application package to the Siting Council. By Mark Lyon, seconded by Tony Bedini and unanimously approved.

Adjournment:

- **Motion:** To adjourn the meeting at 5:04p.m. as there was no further business for discussion. By Mark Lyon, seconded by Dick Carey and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

TOWN OF WASHINGTON

SPECIAL TOWN MEETING

MARCH 9, 2013

AGENDA

- **To approve an "Option and Ground Lease Agreement" between the Town of Washington and Homeland Towers, LLC.**

RESOLVED: That the Board of Selectmen is authorized to execute and deliver to Homeland Towers, LLC, on behalf of the Town of Washington, an Option and Ground Lease Agreement effective at a date to be determined by the Board of Selectmen on or before June 3, 2013, substantially in the form as approved by the Board of Selectmen on January 17, 2013.

**Homeland Towers, LLC Cell Tower Lease
At 10 Blackville Road; Town Highway Garage**

5,200 sq. ft. about 1/8 of an acre. There will be an easement to run power & phone lines underground from the road to the site

1 ten year term; Homeland has right to 4 five year renewals for a total of 30 years; renewal is automatic unless Homeland gives Town written notice

Rent of \$2000 per month with annual 3% increase for tower and first carrier; Town receives 20% of rent charged by Homeland for each additional lease. Town will receive an annual report of "gross rent received" and has the right to review all contracts annually

Height of tower is limited to 130 feet and cannot be extended without written approval from Town. Town or Litchfield County Dispatch may have slim, stick type antenna that extend above the 130 foot level for municipal emergency radio use at no cost to the Town or LCD. If a "tree" is requested by Town it will extend above the 130 foot tower to provide for a more natural shape

Homeland and sub lessors must operate within FCC Regulations. An additional term of the lease requires that RF emissions from telecommunication carriers may not exceed 5% of FCC allowances at a radius of 750 feet from the tower. Confirmation will be provided by Town's third party review every 2 years at Homeland's expense

If tower is decommissioned Homeland will remove all structures and tower foundation to grade or Town has option of keeping tower for \$1. Town is requiring that a removal bond be provided at an amount set by an agreed upon third party. If Town does not keep the tower and Homeland fails to remove the tower it will be used by the Town for removal of the decommissioned tower and site restoration

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APT FILING NUMBER: CT-283-160

LE-1

SCALE: AS NOTED

DRAWN BY: RCB

DATE: 05/14/12

CHECKED BY: SMC



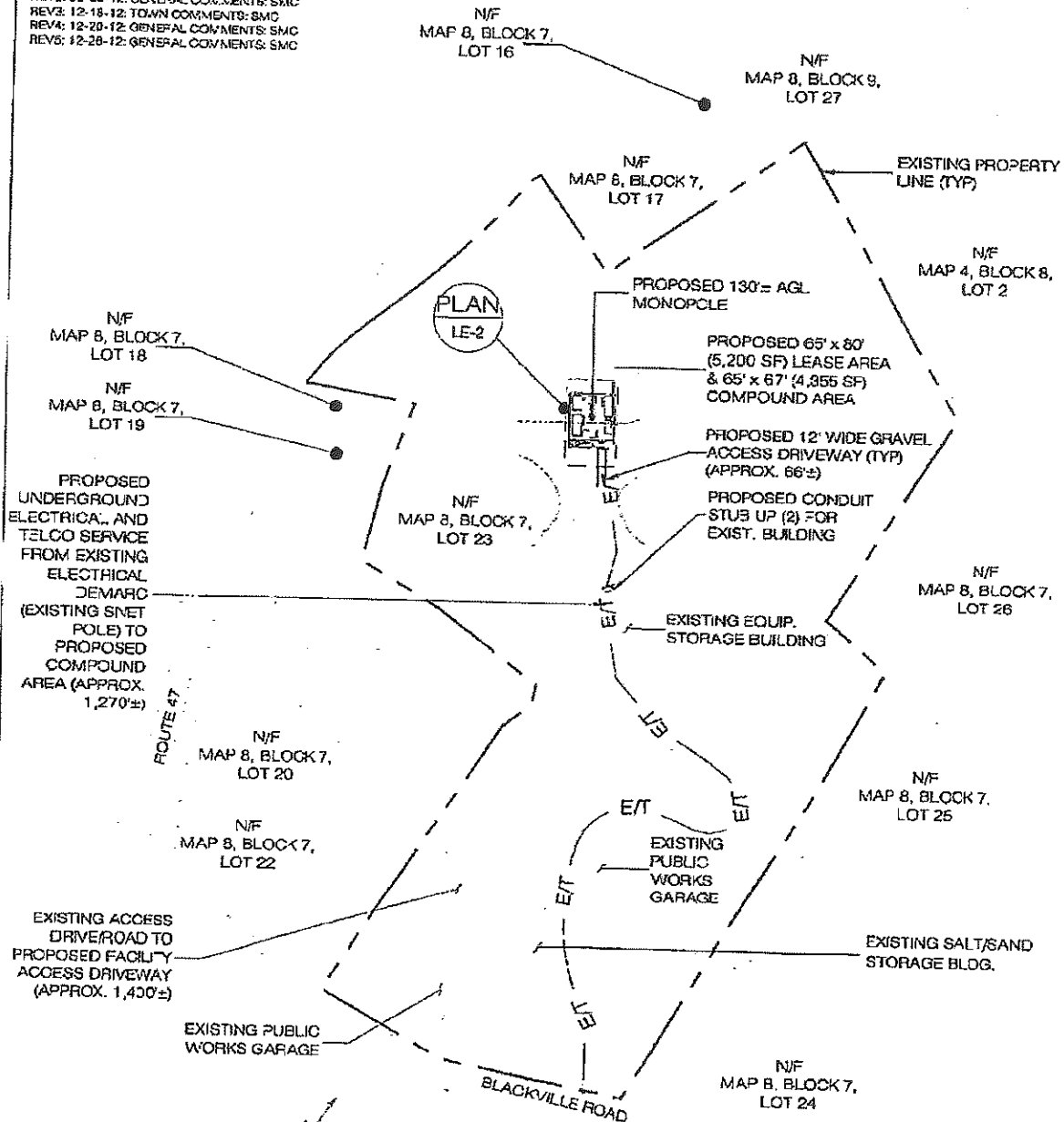
HOMELAND TOWERS

46 MILL PLAIN ROAD
 DANBURY, CT 06811

**HOMELAND TOWERS:
 CT112 - WASHINGTON**

CT112 - WASHINGTON
 10 BLACKVILLE ROAD
 WASHINGTON, CT 06794

REV1: 05-23-12: GENERAL COMMENTS: SMC
 REV2: 05-23-12: GENERAL COMMENTS: SMC
 REV3: 12-18-12: TOWN COMMENTS: SMC
 REV4: 12-20-12: GENERAL COMMENTS: SMC
 REV5: 12-28-12: GENERAL COMMENTS: SMC



SITE PLAN
 SCALE: 1" = 200'-0"

NOTE: EXACT LOCATION AND ORIENTATION OF PROPOSED LEASE AREA PENDING SITE SURVEY & FURTHER ENGINEERING REVIEW AND ANALYSIS. PROPOSED UTILITY ROUTING TO BE DETERMINED BY LOCAL UTILITY PROVIDERS.

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APT FILING NUMBER: CT-283-160

LE-3

SCALE: AS NOTED

DRAWN BY: RCB

DATE: 05/14/12

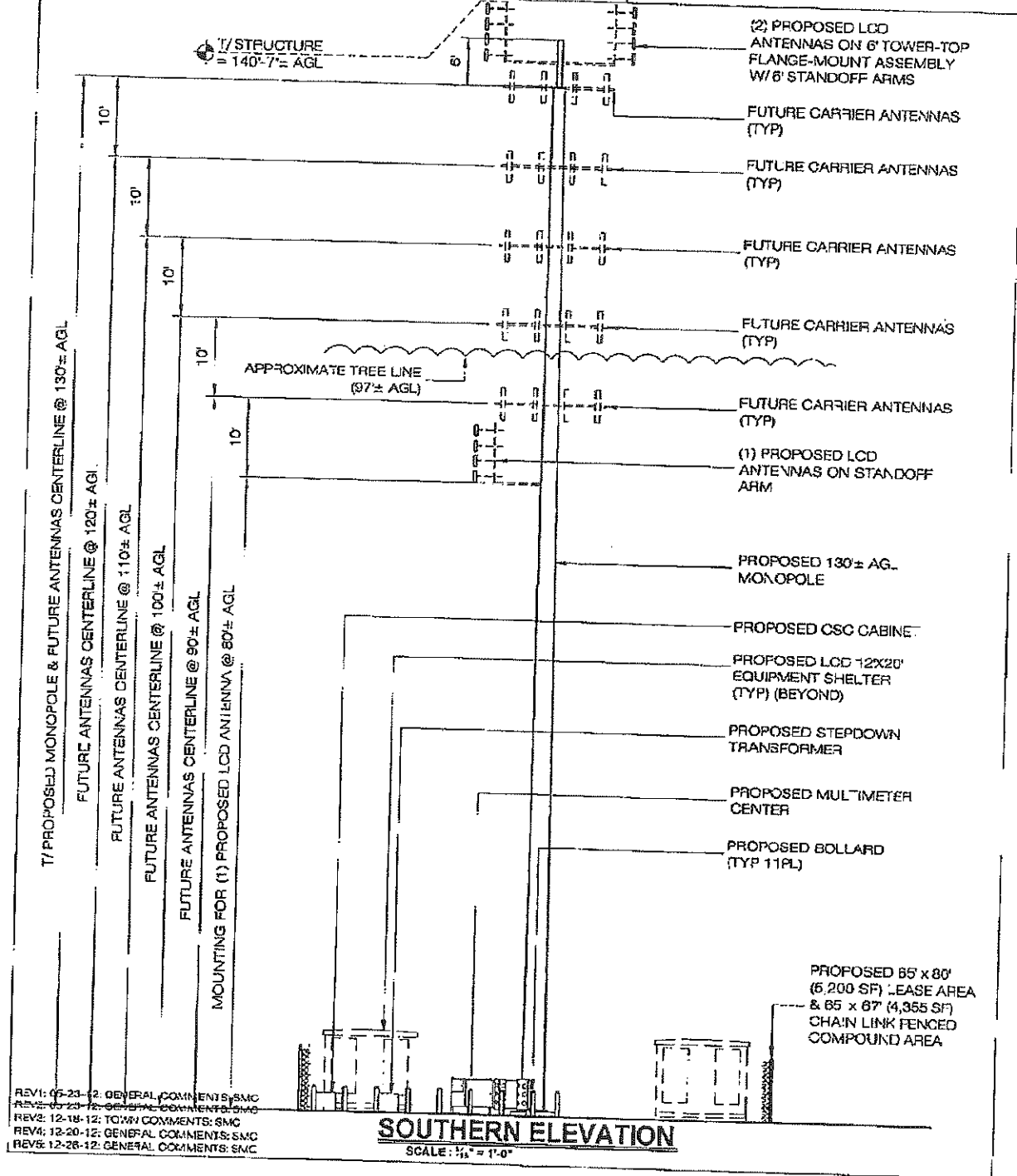
CHECKED BY: SMC



HOMELAND TOWERS
46 MILL PLAIN ROAD
DANBURY, CT 06811

HOMELAND TOWERS:
CT112 - WASHINGTON

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REV1: 05-23-12: GENERAL COMMENTS: SMC
 REV2: 05-23-12: GENERAL COMMENTS: SMC
 REV3: 12-18-12: TOWN COMMENTS: SMC
 REV4: 12-20-12: GENERAL COMMENTS: SMC
 REV5: 12-26-12: GENERAL COMMENTS: SMC

SOUTHERN ELEVATION
 SCALE: 1/4" = 1'-0"

Town of Washington
Special Town Meeting
March 9, 2013

Moderator: Hank Martin
Clerk: Sheila Silvernail

First Selectman, Mark Lyon, opened with request for nominations for Moderator. Richard Carey nominated Hank Martin with several seconds. With no other nominations Hank Martin was designated Moderator.

Moderator: Good morning, nice day today. We only have one item on the agenda and the way we'll work it is the way we always do. Can you hear me? Can everybody hear me? Talk louder? How about now? Can you hear me now? Ok, thank you. We have one motion. We'll have the First selectman make the motion. Hopefully it will be seconded and then we'll have discussion from all of you. Anybody who wants to speak about it, pro or con, will be free to do so and then we'll have a vote and then we'll adjourn. So, if you have any, at the time of the discussion when it starts, please direct your questions to me. I won't answer any of them, but I'll make sure you get an answer. So with that Mark would you.

M. Lyon: Not yet.

Moderator: Oh, excuse me, I've got to do one other thing first. I've got to ask Sheila, our secretary, to read the warning. Sheila, would you come read the warning?

Clerk: Warning – Town Of Washington Special Town Meeting

The voters and electors of the Town of Washington are hereby warned that a Special Town Meeting will be held on Saturday, March 9, 2013 at 10:00 a.m. at Bryan Memorial Town Hall, Washington Depot, Connecticut to consider and act upon the following:

- 1) To approve an "Option and Ground Lease Agreement" between the Town of Washington and Homeland Towers LLC.

Dated at Washington, Connecticut this 14th day of February 2013.

Mark E. Lyon, Richard O. Carey, Anthony J. Bedini
Board of Selectmen

- Moderator: Thank you Sheila, in addition to Mark, the other two selectmen are here so we have the whole Board of Selectmen here to answer questions. We also have a guest, Ray Vergati, from Homeland Towers who is here ... to get him to answer questions that you may have. Mark, would you put the motion on the floor?
- M. Lyon: Resolved - that the Board of Selectmen is authorized to execute and deliver to Homeland Towers LLC on behalf of the Town of Washington an Option and Ground Lease Agreement effective at a date to be determined by the Board of Selectmen on or before June 3, 2013, substantially in the form as approved by the Board of Selectmen on January 17, 2013.
- Moderator: Could I have a second on that motion please. Many seconds, Janet Wildman. Ok, we're at the discussion point now and usually what we do is have the First Selectmen give you an overview of the motion and of the overall project. Mark?
- M. Lyon: The handouts are out there. Some of them are reused from our informational meeting February 2nd. Nothing substantially is changed. In essences, Homeland Towers is going to lease approximately 1/8 of an acre, 5200 square feet, at the Town Highway property on 10 Blackville Road. They start with a single ten year term and have a right to four five-year renewals so in essence it'll be a thirty-year lease. The rent is \$2000 a month for the tower and the first carrier with a 3% annual increase. Additional carriers, the Town will receive 20% of Homeland Towers revenue. The height of the tower is limited by the lease to 130 feet. The balloon that went up the 2nd has been reflown today and it will up until probably dusk today and this is the opportunity that Homeland is using to do a photo simulation from a number of different points in town. Subleasers have to operate within FCC regulations and then we also have an additional condition in the lease that telecommunication carriers may not exceed 5% of FCC allowances at a radius of 750 feet from the tower and the Town has the ability to confirm that and check that every other year funded by Homeland with our own party. If the tower is decommissioned, Homeland is required to remove all structures so that the site can be returned to grade as it is now. We're also requiring that they provide a bond that will cover the cost of demolition in the future if they do not hold up their end of the agreement. The Town will have the money in a bond that we could do it ourselves if they don't. That's the high points. I do have, Ray is here if there's questions for Homeland. I have the lease here. I have any other information. Ray has informed me that they do have one carrier that's ready to sign on with them once we sign the lease and so that

then they'll be able to start the application process with the Connecticut Siting Council which initiates a whole other calendar of events, but Homeland Towers and at least one carrier if not two are ready to sign up and get that process started as soon as we agree on this lease. We have gone through a lot of negotiations. This is the third entity and I think that we have been able to address concerns of the citizens as well as have a site here that will work well to provide a service, telecommunication service, for the Depot area. Thank you.

- Moderator: Thank you Mark. Ok, if you would like to speak now would be the time. Just raise your hand and I will recognize you. Yes, Peter?
- P. Tagley: What does 5% of FCC ...
- M. Lyon: The emissions, RF emissions, the question was what does the 5% of FCC regulations mean? RF emissions are regulated by the Federal Communication Commission and we have asked that those emissions be limited even further in an area, in the immediate area of the tower. This is because there are questions, there may or may not be some health questions on this which are unproven, but this does regulate, or lower the emissions, the allowable emissions from the tower, radio.
- P. Tagley: Radio frequency waves would affect?
- M. Lyon: There's questions on that. This is to address some concerns that some people brought forth when we initiated this process four years ago. The nature of these which we've learned through a consultant that we hired, Walter Cooper, who is a recognized specialist in this in RF emissions and telecommunications towers. We hired him back when we were working with Verizon and these RF emissions reduce exponentially over distance so this will ensure that there'll be lower levels from this than what would be allowed by FCC.
- Moderator: Other hands? Could I ask you to identify yourself for purposes of our secretary.
- R. Hunt: Richard Hunt, I live on 7 Golf Course Road. I was wondering, this rent of \$2000 month how it was arrived at and is that fair to the Town and also identify those two carriers that might sign on if you could?
- M. Lyon: Yes, it was a negotiated fee. We have on public record of other towers that are in the area and it is \$200 more than what Kent gets

for theirs. I can tell you that. It's a pretty standard feature to have escalator built in and 3% is probably what would be considered an industry standard in this area. Ray do you mind if we mention carriers? Ray has AT&T that's ready to go immediately and Verizon is right behind them.

Moderator: Yes?

J. Buonaiuto: Janet Buonaiuto, Washington. Last time we met.

Moderator: Could you speak up a little bit please?

J. Buonaiuto: Last time we met concerning this issue you said that there was a one-million dollar liability per occurrence for any damages done by this tower. Does that include health damages from the radio frequencies or is it just if the tower falls on somebody's property or in some way harms a person other than say, you know, the damages done by the radio frequencies?

Moderator: Thank you.

M. Lyon: It's a standard liability policy and that would be something that would probably be addressed in the courts because there's at this point in time there's no. I'm not sure of the legal terms, but it would be. We've asked for the million dollar liability policy covering liability and property and we've also requested a five-million dollar single occurrence special coverage extension. So far as health claims that have to do RF emissions that's something that has not been substantiated and it would probably be something that would go through the courts and we'd be covered under our liability insurance.

J. Buonaiuto: Ok, so what you're saying is the normal person who may get a brain tumor or something from this tower who lives nearby or whatever would have to sue a major corporation in order to get any kind of recompense for this.

M. Lyon: I'm not an attorney so I can't say for sure.

J. Buonaiuto: Ok, is David Miles here so he could answer that question?

M. Lyon: I don't believe he is.

J. Buonaiuto: Ok.

Moderator: Other hands? Yes?

Female: ... 3 Top Pasture ... height of that?

Moderator: Hold, hold on one minute until the mic gets to you, thank you.

K. Coe: Thank you, Kathy Coe, 3 Top Pasture. It says that the slim stick type antenna could extend the 130 feet. What's the height of that?

M. Lyon: The tower itself is limited to 130 feet. Those slim stick which are would define as whip antenna are for Litchfield County Dispatch which is our regional dispatch service and the Town radio service. They're typically fiberglass type of stick that is maybe an inch to an inch and half in diameter and they would extend up from 130 feet depending on what the requirements of the antenna were. I think typically they're about 20?

R. Vergati: Ten foot.

M. Lyon: Ten foot, ok. Those are just for the Town radio system and our Litchfield County Dispatch radio system.

Moderator: I'm looking for hands. Yes sir? Hold on, wait til the mic gets to you. We're making this as tough as possible ... shifting from side to side.

M. Lyon: I've got, just one other thing on the height question. If we do request that it become disguised as a tree, the tree itself will extend approximately ten feet above the 130 foot level so that it can have some shape to it.

Moderator: Ok, sir?

Male: First of all, who owns the tower.

Clerk: Please identify yourself.

A. Johnson: Andy Johnson, who owns the tower?

M Lyon: Homeland Towers owns the tower.

A. Johnson: And how much will it cost Homeland to put it up?

Moderator: Go ahead Ray.

R. Vergati: Good morning, thank you Selectman Lyon and residents of Washington. Ray Vergati with Homeland Towers, the question

was what is the cost to construction the tower itself. A typical construction cost for the tower itself is approximately about \$300,000 at the end of the day. There's a bunch of other costs to go into the site. We call them soft costs, paying the attorneys to take it through zoning, paying all of our vendors, environmental companies, like today we have a company doing the balloon photo simulations. So at the end of the day it could be up to a half million dollars that we've invested into a site.

- A. Johnson: Does the city have a secured interest in the tower?
- M. Lyon: I'm not sure what you mean?
- A. Johnson: Well, I mean if somebody leases land from me and they put something on it, I want to make sure that I'm paid so I would secure whatever they put on the land. I'm asking you if Washington has a secured interest in the tower.
- M. Lyon: We have in the lease, we used Murtha Cullina in Hartford to make sure that our interests were protected if they default. There's a lot of sections. If they default on their rent payments, yes, we can take over the tower. We can become the landlord of the tower. We could sell the tower itself to another entity.
- A. Johnson: So you own it at that stage.
- M. Lyon: We can, yes, there's provisions in the lease for that.
- A. Johnson: Alright, and the rent of two grand includes one carrier?
- M. Lyon: Correct, the first carrier.
- A. Johnson: Alright, the second carrier comes on, how much do they pay?
- M. Lyon: I don't know what they're fee to Homeland would be, but we have the right to review the contracts and we would get 20% of Homeland's revenues.
- A. Johnson: You have the right to approve it?
- M. Lyon: Yes, annually.
- Moderator: Hold on, I think Mark said review the contract, not approve the contract.
- M. Lyon: Right.

- A. Johnson: Oh.
- Moderator: Slight difference, but nevertheless the Town is in the midst of the process.
- A. Johnson: How many other towers does Homeland have around here?
- R. Vergati: Our portfolio is roughly twenty towers primarily concentrated in New York, Dutchess, Westchester, Sullivan County. To answer your question a little bit further regarding the rents of carriers, we work with the carriers on a day to day basis. Obviously they're our customers, our clients. We have relationships with them. We will charge them what we feel is a fair market rent to come onto our towers because we sublet to the. Typical price that we would charge a carrier, it's not set in stone, every site is a case by case, depending on what our costs are at the end of the day as well and how good the site is, ballpark is anywhere between \$2500 and \$3000 per month is what we would collect from one of our tenants coming onto the tower. So the \$2000 would be starting rent for the Town of Washington. The second carrier coming on, the Town would receive the \$2000 and then an additional 20% of what the carrier pays Homeland. If you took the \$3000 a month, it would be an additional \$600 that the Town would receive each month.
- A. Johnson: Is the money from the rent, or from the tower, does that go into a special fund for this Town or is that just general fund money?
- M. Lyon: Currently I would anticipate that it just goes into the general fund, but that would be the way it is set up now. There's no special fund been established for it.
- A. Johnson: Do you have to pay tax on that income?
- M. Lyon: No.
- A. Johnson: The question I'm asking about the approval of the lease is that theoretically you could give them a sweetheart deal on Washington because you have to charge them in Putnam County.
- Moderator: I don't know where to take that one.
- Male: Someone else needs to speak.
- Moderator: Looking for hands. Yes?

J. Buonaiuto

John Buonaiuto, Washington, Shearer Road. I realize that there are state laws now and this has nothing to do with the approval of the tower, but speaking on cell phone while driving, maybe in the future we could have a stricter town ordinance that perhaps would fine people who are, you know, violators of both state law and maybe a town ordinance. Obviously people realize that it's very, irresponsible and hazardous to others and you can cause a serious accident by talking on your cell phone. It would be potentially some more income for the town if we simply enforced, you know, laws that are already in place. I realize that the technology in automobiles now is improving so ultimately so people won't have ... use a handheld device. For the time being, let's, you know, try to enforce the laws that are existing, prevent accidents.

Moderator:

I, I agree with you. I think your point is valid whether this tower is approved or not. Excuse me, in the back, yes, hold on.

R. Tomlinson:

Robert Tomlinson, I would like to move the question please.

W. Fairbairn:

Second, Bill Fairbairn.

Moderator:

Ok, we have a second motion to move the question. That means that we need to, if the motion is approved, bring it to a vote right now with no further discussion. It's consistent with Robert's Rules of Orders and the motion is in order. In order for the motion to carry it needs a 2/3 vote of approval. So all of you who have heard everything that's been said before, if you feel like you're ready to vote and you do not need further discussion and you want to approve the motion that Rocky has made, please raise your hands.

Ok, thank you, and any who want to disapprove the motion and want to continue talking about it, raise your hands.

Well I think we clearly have our 80%. It looks like it's more like 99% so we are now going to go directly to the vote on the primary motion that is before us today. Any questions on the process that we just went through? Great, let me read the motion again.

Moderator:

The motion on the floor is:

Resolved – that the Board of Selectmen is authorized to execute and deliver to Homeland Towers LLC on behalf of the Town of Washington an Option and Ground Lease Agreement effective at a date to be determined by the Board of Selectmen on or before June 3, 2013, substantially in the form as approved by the Board of Selectmen on January 17, 2013.

All in favor of that motion please say aye?

Audience: Aye.

Moderator: Any opposed?

Audience: Opposed.

Moderator: Thank you, in the opinion of the Moderator the motion carries and has been adopted. Thank you.

Audience: [Clapping]

Moderator: Having no further business, I declare this meeting to be adjourned.

Adjourned at 10:24 a.m.

.....
I, Sheila Silvermail, certify to the best of my ability the foregoing is a true and accurate transcript of the Town of Washington Special Town Meeting on March 9, 2013.



Dated at Washington, CT this 10th day of March 2013.

TOWN OF WASHINGTON
Board of Selectmen
Minutes
Special Meeting
November 19, 2010

Minutes are subject to the meeting of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen James L. Brinton and Nicholas N. Solley. Conservation Commission/Cell Tower Committee Chairman Susan Payne.

Call to Order: First Selectman Lyon called the meeting to order at 2:40 p.m.

Discussion re: Proposed Cell Tower on Town Property/Lease:

Following discussion, the points below were considered to be the key issues that need to be followed up on with Verizon and/or become a part of the lease agreement with Verizon. (The lease is the next step – once both parties agree to a lease, the proposal would be brought to a Town Meeting for approval by the townspeople.)

- **Height and RFP Monitoring:** Balloon floats have been done at 110 and 130 feet, the latter causing some concern from residents particularly in the Calhoun Historic District. It was felt that the lease should specify a “not to exceed height”. Getting the most coverage with the least visual impact, eliminating a need for another tower in a relatively small area, are all-important considerations. If nothing is specified in the lease about height restrictions, another carrier may be able to apply to the Connecticut Siting Council and request more height put on the tower to accommodate them. The Town would request independent monitoring of RFPs on an annual basis - to be done at Verizon’s cost. There was also discussion about zoning regulations, setbacks, etc. that the Siting Council does not need to abide by. The Town may need to apply for variances, however. Mark Lyon will follow up with Land Use Attorney Mike Ziska.
- **Number of carriers on the Tower:** By limiting height, the number of carriers may also be limited but this will be confirmed. Emissions, also being a concern, could be limited as well.
- **Appearance of Cell Tower:** All present felt it should be specified in the lease that a monopole “tree” is what the Town would like to see constructed.
- **Length of Lease:** The proposed lease from Verizon specifies a “five year lease with four renewals” – 25 years. Questions raised dealt with renewals being automatic”, opportunities for revisions at the time of renewal, increase in revenue at each renewal, etc. The suggestion was made to specify a percentage increase yearly and/or index based on current economic factors. Can the Town be involved in negotiating with co-locators and what percentage of their rent will come back to the Town?
- **Hiring of Attorney:** An attorney knowledgeable and experienced in negotiating telecommunications towers will be hired (money is currently in the budget).

Blake Leavitt has given some suggestions for an attorney and/or consultant. A meeting will be scheduled in the not-too-distant future with the Board of Selectmen, Cell Tower Committee, attorney or consultant and Wendell Davis – Verizon's lease attorney.

- **Miscellaneous:** Mark explained the contact he has received from US Wireless. They are a cell tower construction company who would build the tower and then solicit for carriers. Blake Leavitt has advised of possible pitfalls with this – loss of control, diminished leverage in negotiating terms; need to go out to bid, etc. Planning and Town Meeting approvals are both necessary. Current or changing FCC standards and regulations should be updated and adhered to for the length of the lease for monitoring purposes.

Adjournment:

- **Motion:** To adjourn the meeting at 3:48 p.m. By Mark Lyon, seconded by Nick Solley and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

Planning Comm. 12-7-10

Preliminary Discussion re: proposed cell tower lease on Town Property:

First Selectman Lyon stated that the Board of Selectmen and members of the Conservation Commission have been working with Verizon to negotiate a lease for a proposed cell tower at the Town Garage site at 10 Blackville Road. Mr. Lyon stated that the Town would be negotiating a list of points that they feel are important to the Town and should be included in the proposed lease as the Town has direct input as to what is to go into the lease. He stated that he has spoken to Atty. David Myles who advised on the commercial lease standpoint but advised Mr. Lyon that the Town should seek council from an additional attorney regarding issues that relate directly to cell towers. Mr. Lyon stated that this proposed cell tower would provide coverage in the Depot area along Route 47 and up to the Kimberly Farm tower in New Milford. He stated that the Town would receive income from Verizon who will lease space on the tower to two other carriers. One of the points that the Town would like to have in the lease would be a height limit for the tower. The Telecommunication Company is required to do emission tests periodically and Mr. Lyon stated that the Town would like to include in the lease that Verizon must conform to the changes in current regulations, that there will be "no grandfathering in," and that the Town would like to have a say as to when the emission tests are done and that the cost of the tests would be built into the lease. Verizon must submit the application to the Connecticut Siting Council. Mr. Lyon stated that the proposed tower would be built on Town property and therefore the Town is able to provide input and that this would not be the case if it were to be built on private property. Mr. Lyon stated that the residential setback is 750 ft. and there are going to be some residences that are within that setback and that the exact tower location has not been decided. He stated that the Town was advised to include a performance clause and the opportunity to reopen the lease. The Town could control the height of the lease by having the ability to open and close the lease. Mr. Lyon stated an RF Engineer was hired to do a study that contain figures that are based on distance from the tower and change in elevation. The residences that are within the setback are at a substantially lower elevation than the tower and therefore the emissions are less than they would be if they were at the same elevation. Mr. Lyon and the Commissioners looked at the propagation map submitted by Verizon.

Mr. Carey asked if there would be a provision in the lease that provides for the site to be taken apart if the tower was deactivated. First Selectman Lyon stated that the lease states that there would have to be restoration of the site.

Mr. Carey asked what the access was for power to the pad and site building. Mr. Lyon stated that the proposal shows the power located underground along the gravel driveway. He stated that one of the lease requirements would be that none of the paved surfaces be cut through.

Mr. Lyon stated that Litchfield County Dispatch has expressed interest in mounting their antennas on the tower and Verizon is willing to work with them. Ms. Roberts stated that residents have expressed concern that they would like to be able to call from their cell phones in emergency situations from places such as Steep Rock.

Mr. Frank asked what kind of concerns the Conservation Commission has. Mr. Lyon stated that some of the concerns they have expressed are viewshed impact, aesthetics and RF emissions. There was a brief discussion about the type of tower that would be erected. Mr. Lyon stated that as part of the lease, the Town would have the final approval of what the tower looks like.

Mr. Carey asked if the tower would have to have a light on top to meet FAA regulations. Mr. Lyon stated that he was not sure.

The Commission and the First Selectman discussed different types of antenna mounts.

Mr. Frank stated that under the State Statutes the Planning Commission is required to provide a report about a leasing of municipal property and that he feels it's premature to generate this report until the Town knows the terms of the lease. Mr. Lyon stated that the Town is at the point of finalizing the lease with Verizon and most likely the lease will not change. Ms. Gager suggested that a subcommittee is formed and does some research so that the Planning Commission would be able to agree to a report at the January 4, 2011 meeting. Mr. Lyon stated that he would like the Planning Commission to consider starting the report and he explained the time line that the Town and Verizon are to follow. He stated that the 8-24 Report would be necessary before there is a Town meeting.

Mr. Talbot asked if the proposed tower at 10 Blackville Road would communicate with the tower in Roxbury. Mr. Lyon explained how the towers get the signals from the mobile device and then the tower carries that signal to the wire that is underground. Mr. Talbot asked if the towers would be necessary in five years given technological advances. Mr. Lyon stated that he believes they would be. Mr. Talbot asked if the proposed site at the Town Garage site was once part of Steep Rock property. Mr. Lyon stated that he was not sure but that it might be.

First Selectman Lyon distributed the Site Access Plan and Compound Plan, prepared for Cellco Partnership d/b/a Verizon Wireless, by Centeck Engineering, dated 4/13/10.

Mr. Frank and Mr. Carey were appointed as the subcommittee for the cell tower lease. The Planning Commission scheduled a site inspection visit for Friday December 17, 2010 at 12 pm and will meet at the Town Garage, 10 Blackville Road.

Plan. Comm. 1-4-11

Consideration of the Minutes

The minutes of December 7, 2010 were considered.

Corrections:

Town should seek council should read: Town should seek counsel

Page 2: 1st paragraph:

Sentence beginning with: The Town should control...should read: The Town should control the height of the tower by...

Sentence beginning with: Mr. Lyon stated an RF Engineer...should read: Mr. Lyon stated an RF Engineer was hired to do a study that contains radio frequency emission figures that are...

2nd paragraph: 1st sentence should read: Mr. Carey asked if there would be a provision in the lease that provides for the site to be restored if the tower was deactivated

Plan. Comm. 9-4-12

Status of Cell Tower Application at Town Garage:

Mr. Frank stated that he looked at previous Planning Commission minutes beginning with December 2010 when the First Selectman made a presentation to the Commission for the proposed cell tower application at the Town Garage property. He stated that it was then the

consensus of the Commission that they would like to review the lease before they draft an 8-24 Report. Mr. Frank stated that in March of 2011 Selectman Solley had informed the Planning Commission that there had been little progress in the lease negotiations with Verizon. He stated that he and Mr. Carey had been appointed as a Subcommittee to review the application for the 8-24 Report.

7:40 pm Ms. Bishop-Wrabel arrives.

Ms. Hill stated that she thought that the current cell tower that the Town is negotiating is in a different location and is a different application than the tower Verizon had proposed. Mr. Carey stated that the current negotiations are with a tower contractor called Homeland Towers and they are proposing to site this lower than the tower Verizon had proposed. He said that Homeland Towers acts as an intermediary between the Town and the cell service providers. Mr. Carey stated that the proposed lease had been reviewed by Town Counsel, who had also recommended that it be examined by counsel specializing in these matters. Mr. Carey stated that he and Mr. Bedini attended a presentation by Homeland Towers in Morris, CT (which is also considering such a cell tower proposal). He stated that if the lease is approved, it was intended that the parties would first enter into a Memorandum of Understanding since Homeland Towers would not enter into a lease until one of the major cell service providers signs up with them.

There was a brief discussion about the next steps in the lease negotiations and whether the Planning Commission should have another site visit.

There was a brief discussion as to what would happen to the cell tower if cell phones became obsolete. Mr. Frank stated that the sole issue before the Planning Commission would be whether the proposed leasing of Town property would be consistent with the Plan of Conservation and Development.

Mr. Frank stated that Mr. Carey was not on the Board of Selectmen when he was appointed to this subcommittee and that his continuing in such capacity may not be appropriate under the circumstances. Mr. Carey agreed.

Motion:

to appoint Ms. Gager as the second member of the Subcommittee that would be reviewing the cell tower application for purposes of the 8-24 Report, by Mr. Frank, seconded by Ms. Roberts, passed by 5-0 vote.

Plan. Comm. 2-5-13

OTHER BUSINESS

Referral from Board of Selectmen/8-24/Cell Tower at 10 Blackville Road :

First Selectman Lyon distributed copies of a sheet that has highlights of the proposed Option and Lease Agreement between the Town and Homeland Towers LLC, Site Plan, Compound Plan, Southern Elevation, cellular coverage maps and photos of what the proposed tower would look like. Representatives of the Planning Commission had previously had an opportunity to review the terms of the proposed agreement, had attended the Town Informational Meeting on February 2 and had an opportunity to review the balloon float on that date.

7:50 pm - Ms. Gager arrives and is seated.

First Selectman Lyon explained the highlights of the lease and discussed the other documentation. He stated that if the Town chose a "tree" shape for the proposed cell tower, then from the majority of the viewsheds the tower would look like a tree amongst trees. The Commission looked at the maps and discussed telecommunication coverage to be afforded by the tower

Mr. Frank stated that Homeland Towers was also in negotiation with the Town of Morris for a tower to be erected at the Morris Transfer Station. Homeland representatives had explained that the Morris Tower should be able to communicate with this proposed Washington tower, which would add to the area of coverage.

Mr. Frank noted that the Planning Commission had been dealing with potential lease arrangements for a cell tower at this site for two years and had made a site visit. He noted that a lease of town property required a report from the Commission, and asked whether the Commission was prepared to make such report at this meeting. It was the consensus of the Commission that they would move forward with a resolution.

There was a brief discussion regarding letters of support for the proposed tower as well as expressions of concern.

Mr Frank proposed the following resolution:

RESOLVED, that the Planning Commission approves the leasing by the Town of Washington of a portion of the grounds of the Town Highway Department Facility at 10 Blackville Road to Homeland Towers LLC for the purpose of erecting a radio transmission tower and related facilities under terms substantially in accordance with those set forth in the proposed Option and Lease Agreement between the Town and Homeland presented to this Commission, with such changes therein as are acceptable to the Board of Selectmen and any other town governmental entities having jurisdiction. The Planning Commission finds that such project at such location, as presented, is consistent with the Plan of Conservation and Development in that it will enhance a village center by bringing wireless telephone and related communications coverage to the Washington Depot area, including the Town Hall government center, police, fire and emergency services, and the business and residential communities located there. This resolution constitutes the report of the Planning Commission required under Section 8-24 of the Connecticut General Statutes.

Motion:

to adopt the resolution

by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Conservation Comm 12-1-10

Cell Towers

First Selectman Lyon stated that he talked Attorney Cari Olsen, of Murtha and Cullina. Mr. Lyon stated that he reviewed the list of points that the Town would like to include in the discussion/negotiations of the lease for the proposed cell tower at the Town Garage site. Atty. Olsen told him that these are reasonable to have in the lease and the Town may also want to consider a requirement that the carriers that are on the tower keep current with Federal technical regulations. Mr. Lyon stated that the Town has not hired an attorney to this date and that he would like to consult with Dick Comi of Municipal Solutions Consultants before the Town makes their decision.

Cons. Comm 11-3-10

Consideration of the Minutes

The Minutes of the October 6, 2010 Conservation Commission Meeting were considered.

Corrections:

Page 1: under Cell Tower Update, 2nd sentence, delete: She stated that 5th sentence, should read: Ms. Dupuis discussed other possible proposed AT&T sites for cell towers in the area. 7th sentence, delete: when negotiating this lease it is worth considering the uniqueness of the historic Calhoun-Ives District and that it is important to protect these resources in Town by designing towers that minimize visual impact. Should read: Mr. Boling stated that any lease the town may negotiate should expressly acknowledge the importance of minimizing adverse impacts to the Calhoun-Ives neighborhood, which is Connecticut's only agricultural historic district.

Cons. 10-6-10

Cell Tower Update

Ms. Dupuis stated that she attended the Special Meeting on September 24, 2010 with the Board of Selectmen and telecommunications people to discuss the Proposed Cell Tower on the Town of Washington Highway Department property. She stated that there were two balloon float tests on 9/18/10 at 130 feet. Ms. Dupuis told the telecommunications representatives that the Town was led to believe that AT& T was to co-locate on the Marbledale tower. The attorney for AT&T informed her that when AT&T merged with Cingular they did not pursue the location in Marbledale and would now need to raise the height of the tower or change the type of antenna if they were to co-locate at this site. Ms. Dupuis discussed other possible proposed sites for cell towers in the area. There was a discussion regarding the Town's right to limit the height of the cell towers by including it in the lease. Mr. Boling stated that when negotiating this lease it is worth considering the uniqueness of the historic Calhoun-Ives District and that it is important to protect these resources in Town by designing towers that minimize visual impact. The Town will continue its review process of the lease.

Cons. Comm. 7-7-10

Cell Tower Update

Mr. Markert stated that the subcommittee met this morning and they are waiting for Walter Cooper to come back to them with some numbers that calculate the maximum effects of the tower on the surrounding area. He stated our regulations have a 750 foot setback and there are several houses within that setback. Mr. Markert stated that the Board of Finance approved a

\$10,000 allocation to hire a consultant to assist the Town when a lease is presented. Ms. Payne stated that there is not an application yet but a balloon test will be required with an application. Mr. Markert stated that the cell tower would most likely be 40 feet above the tree canopy. The Commission discussed what could be done with the lease so that it would favor the Town a little more.

Cons. Comm 4-7-10

Consideration of the Minutes

The Minutes of the March 3, 2009 Conservation Commission Meeting were considered.

Corrections:

- Page 1, under Town Garage Site, 1st sentence should read: Ms. Dupuis read an email from 1st Selectman Mark Lyon that a crane...

3rd sentence should read: Ms. Dupuis read an email that Susan Branson said...

Cell Tower

Town Garage Site

Ms. Dupuis stated that there was a balloon test at the Town Garage Site and First Selectman Lyon sent out an email with pictures from various points showing the view of the possible elevation of the proposed cell tower from various points surrounding the proposed site. She stated that everyone is waiting for the technical report and she has been told that no lease has been proposed.

Ms. Payne stated that she forwarded an email that has a form letter in support of Senate Bill 206 and House Bill 5213. She urged members of the Commission to fill in their information and send it in as well as urge others they know to do the same. Ms. Payne discussed an article in the Business section of the April 7, 2010 New York Times regarding at home cellular towers.

Cons. Comm. 3-3-10

Cell Tower

Town Garage Site

Ms. Dupuis stated that a crane was put up at the Town Garage property. The crane was raised to 150, 120, & 110 feet. Ms. Dupuis stated that Susan Branson said she was on the trails behind the site and did not see the crane at 150 feet. The Commission looked at the Site Access Plan and the Compound Plan, prepared for Celco Partnership d/b/a Verizon Wireless, Washington Depot, by Natcomm Consulting Engineers, dated 2/5/10 with revision date 2/18/10. The Commission discussed the location of nearby houses. Ms. Dupuis stated that she had talked to Mark Lyon, First Selectman about the lease and recommended to the First Selectman that the lease should be a minimum of \$5,000.00 a month and that there should be at least two companies co-locating on the tower. There was a brief discussion regarding who approves the lease. It was the consensus of the Conservation Commission that Ms. Payne would write a memo to the Board of Finance recommending a minimum amount for the lease as well as requiring co-location on the tower.

Meeting of Land Use Chairs & B.O.S. 2/25/10

Ms. Payne stated that she and Mr. Boling attended this meeting. She stated that she gave a brief description of what the Conservation Commission has been working on, and their goals for the

future. She stated that she did bring up the regulations regarding telecommunications and that Mr. Owen, Chairman of the Zoning Commission, stated he would leave that section alone but would be open to the Conservation Commission's suggestions to streamlining that section.

Cons. Comm 2-3-10

Subcommittee Reports

Cell Tower

Ms. Dupuis stated that SBA withdrew the cell tower site application for Couch Road. She stated the Town has received an indication that Verizon would like to investigate the Town Garage as a possible site for a cell tower. Ms. Dupuis stated that she attended the Board of Selectmen's Meeting and they discussed that if this should fit with the Town's Regulations, the Town should negotiate a profitable lease and request a percentage of whoever co-locates on the tower. She stated that she also recommended that whoever is going to co-locate on the tower, that the Town requires they do so within 90 days. The Commission agreed with Mr. Boling suggestion that the Town should require at least two companies to locate on the tower. Ms. Dupuis stated that the Town should realize the liabilities that are incurred with siting a tower on Town property. There was a brief discussion regarding location of houses near the Town Garage. The Conservation Commission agreed that a letter should be written to the Board of Selectmen that they should reinforce these issues. Mr. Boling suggested that since this tower would impact the Town's scenic resources that the Conservation Commission should recommend that some of the money be allocated to the Open Space Fund. There was a brief discussion regarding CLOUT (Coalition for Local Oversight of Utility Technologies). Ms. Dupuis stated that the C.C. might wish to consider a resolution in favor of amending the telecommunications act of 1996 in New Preston. The Commission agreed that Ms. Dupuis should draft a resolution.

Cons. Comm 1-5-11

Cell Tower Update

Re: Blackville Rd

Mr. Markert stated that Dick Comi of Municipal Solutions Consultants would be in town tomorrow and will make a site visit to the proposed cell tower site at 10 Blackville Road. Mr. Comi will be helping the Town negotiate the lease at the meeting tomorrow (1/6/11). The Town has a list of criteria that they would like included in the lease. The lease will have to be presented at a Town meeting before it is approved. There was a brief discussion regarding cell phone coverage.

RE: 17 Warren Rd

Ms. Dupuis stated that she has a copy of the application from AT&T for a proposed tower at 17 Warren Road. She stated there was a balloon float test and that the proposed tower would be 180 feet tall at a 900-foot elevation, so there will not be a backdrop to the tower. Ms. Dupuis noted that the tower would be in the middle of a very dense neighborhood, with the closest house being

approximately 362 feet away from the tower and approximately 1200 ft. behind the Washington Montessori School. She stated that this proposed site is in the middle of an environmentally sensitive area. Ms. Dupuis stated that AT&T would like to have the Town Meeting sometime this month (January) so they could submit the application to the Connecticut Siting Council in February/March. The Commission looked at the map titled Abutters Map, by CHA sheet CO1, dated 9/12/10. Ms. Dupuis stated that the access road would have to go through a swampy area, which would disturb the habitat of local species including the Wood Turtle. Mr. Markert stated that it is within the 1500-foot setback of a school. The Commission discussed whether or not AT&T or the Siting Council would be required to get approval from the Inland Wetlands Commission. The Commission looked at a contour map. Mr. Bernard stated that the access road would be very steep.

Mr. Coakley of Valley Road stated that the residents have formed a neighborhood committee. He stated that he and his neighbors are not opposed to cell tower technology but they feel this is a poor choice of location to erect a cell tower in the middle of a residential area and about 1,000 feet from a school. He stated that when he saw the balloon test he was shocked to see how tall the proposed tower would be. He stated that he and his wife moved to the area for its beauty, which he feels is one of the Town of Washington's greatest resources. He stated that he could get service from Verizon all the way up Route 202 and why couldn't AT&T co-locate on the existing towers along Route 202 and why should AT&T have their own tower. Mr. Coakley stated that he feels that this would be a terrible precedent for the Town of Washington to set. Ms. Dupuis stated that AT&T is on the Gooseboro cell tower, which is a low tower but they are not on the tower in Marbledale even though they are approved to co-locate on that tower. Mr. Zamudio of Valley Road stated that he noticed that the proposed AT&T tower has multiple antennas and he feels that AT&T doesn't want to just increase their coverage in the area but would like to profit from having their own cell tower. He stated that this would be at the expense of the community and the bird habitats in the area.

Mr. Afiouni of Warren Road was present with his wife and children. He stated that they are opposed to this proposed tower because it is in a residential neighborhood. He stated that his family are full time residents and feel fortunate to live in Washington because it is such a beautiful area. Mr. Afiouni stated that he feels that the tower would "ruin the integrity and rural character of this quintessential New England town."

Mr. Vilbois of Litchfield Turnpike stated that he lives approximately one mile from the Washington Montessori School and has a five year old child that attends the school. He stated that they moved to Washington because they thought it was such a beautiful town. He stated he has a pond in his backyard and has seen turtles laying eggs in the sandy soils that surround the pond. Ms. Corrigan stated that the Wood Turtles are State listed and the problem is that only adult turtles are found and that the young turtles or the nesting sites are being impacted. Ms. Dupuis stated that the neighbors should document the wildlife they see to help their argument. She stated that Bald and Golden Eagles have been spotted there and the area is a very important habitat.

Mr. Vilbois stated that he receives calls on his cell phone and he has service with Verizon. He stated that he was concerned for all the children at the Montessori School. Mr. Vilbois stated that

he is from France. He stated that he knows the Siting Council will not take health concerns into account but recently in France they do take health concerns into account because there is research that shows that cell towers could affect the health of people that live near them. Ms. Dupuis stated that the Siting Council will not listen to health issues but the people need to keep talking about them.

Mr. Dutton stated that research has shown that cell phone use is a safety issue and that is worse than driving under the influence.

Mr. Joyce of Valley road stated that he felt the height and location of this proposed tower seems cruel and unusual. He stated that it would be gigantic and asked why AT&T needs to put the largest tower on top of the highest hill. He asked if this has happened in other towns. Ms. Payne stated that these large cell towers that have been proposed in surrounding areas and the one proposed on town property were voted down.

Mr. Zamudio asked if the Shepaug River would be in the fall zone of the proposed tower. Mr. Bernard stated that he did not think that the Shepaug was within the fall zone. Mr. Coakley stated that the neighborhood committee has a website at www.wvmatter.org. There is a link on this website that gives information on the characteristics of cell towers in the area. Mr. Coakley stated that this proposed tower would be one of the tallest in the area. Mr. Joyce stated that there should be two shorter towers and that this proposed tower would be ugly along the route 202 corridor. He stated that he has done some research and it seems that the neighbors can only complain amongst themselves because this proposed tower would be on private land.

Ms. Frank asked if the neighborhood committee has spoken to the property owner. Mr. Coakley stated that they are talking to the property owner and the property owner has expressed that he does need the income.

Ms. Payne stated that everyone should continue to speak up about the health issues that the Connecticut Siting Council and the FCC do not recognize. She stated that research that has been done in Europe shows that there is a mass of health issues. Ms. Payne stated that "as citizens we have to keep saying these things. We don't want our property values damaged in Washington, there is a huge safety issue here, there are health issues here, there are environmental impacts, and we have to keep bringing these up." She stated that people need to talk to Senator Roraback and State Representatives. Ms. Payne stated that the Conservation Commission is "not opposed to cell communications but they are opposed to the defacing of our landscape." Ms. Frank stated that they are especially opposed to poorly place cell towers that would be near families, homes and schools.

Mr. Alfiouni stated that he agreed with Mr. Coakley that this could set a precedent in the Town of Washington if AT&T is allowed to put up their own cell tower when they have the rights to co-locate on an existing tower that would provide coverage in the area. Ms. Dupuis stated that she has asked AT&T about co-locating on the tower in Marbledale and they would not provide an answer. She stated that this area of Connecticut is about education and tourism and these towers would affect both. Ms Dupuis stated that these issues could be addressed at the Board of

Selectmen Meeting tomorrow at 5:30pm. She stated that AT&T would be at the Town Meeting that has not been scheduled as of this date.

Mr. Coakley stated that the websites are www.wvmatter.org and www.notower.com. Mr. Afiouni stated that people could go on the website and sign the petition. Ms. Dorton of Litchfield Turnpike stated that her front door is about 480 feet from the proposed tower and she works at the Washington Montessori School. She stated that she is concerned for herself and her neighbors about scenic and environmental issues but is most concerned with the health and property value issues. She stated the grade of the road that is proposed is about 20%, which is much more than what is allowed in Town and would be a safety issue. Ms. Devlin of Woodville Road has 10 acres across the street from the proposed tower. She stated that she has the same concerns as her neighbors. She stated that she saw two hawks circling the balloon the day of the float test. She stated that she is concerned about the impact that the proposed tower would have on the wildlife in the area. Ms. Devlin stated that she is also concerned about health issues and the property value of the surrounding area. Ms. Payne stated that the Conservation Commission will be a party to the application and the neighbors, as individuals should be interveners and let their voices be heard. The Commission and the neighbors discussed the Siting Council.

Mr. Pollack of Woodville Road stated that the proposed tower would "mar the view" and decrease the property value. He stated that the sunlight is blinding on the corner and the cell tower would make it worse.

5:50 pm Mr. Dutton leaves.

Mr. Afiouni stated that technology changes rapidly and what happens if cell towers become obsolete and they are located all over the landscape. Ms. Payne stated that the Town will be requesting a section in the lease for the cell tower at 10 Blackville Road that states that the owner of the cell tower would have to dismantle the tower and bring the location back to its original state if the cell tower becomes obsolete.

Mr. Vilbois stated that he would most likely take his child out of the Montessori school if the tower goes up and he does not think he would be the only parent to do this. He stated that that could put the school at financial risk.

Cons. Comm 2-9-11

Cell Tower Update

Lease Negotiations Town Garage Site

Ms. Payne stated that there was no update on the lease negotiations for the proposed cell tower on the Town Garage Property at 10 Blackville Road and if and when a lease is negotiated it would have to be voted on by the Town at a Town Meeting.

17 Warren Road Cell Tower Site

Ms. Dupuis stated that AT&T representatives were at the Town Meeting on January 29th. She stated that representatives of the Washington Montessori School, parents of the students, and neighbors to the proposed cell tower were in attendance to oppose the proposed siting of a cell

tower at 17 Warren Road. Ms. Dupuis stated that the WMS proposed alternative sites further down Route 202. Ms. Payne stated "we felt like WMS had thrown us under the bus". Ms. Dupuis stated that Town of Washington Conservation Commission has taken the stand to never offer alternative sites to the telecommunication companies when siting a cell tower because they feel that it is the telecom's job to responsibly locate the cell towers. Ms. Dupuis stated that the Washington Montessori School offered alternative sites that would be located directly across from the Macricostas Preserve. The Conservation Commission feels that the same issues of environmental impact would be present at these locations as the proposed 17 Warren Road site. Ms. Dupuis stated that the fact that AT&T has been approved to be on the tower in Marbledale was discussed at the meeting. She stated that AT&T did say, at this meeting, that they would consider co-locating on the Marbledale cell tower and being 'up and operational.' She stated that part of the mandate of the Connecticut Siting Council is that a telecommunication company must prove that there is no coverage it does not mandate 100% coverage.

Ms. Payne stated that Sean Hayden of the NW Conservation District had provided maps of Natural Diversity Database 2010 and a Conservation Development Policies Plan for the State of Connecticut. She displayed a location map that indicates that the total Route 202 area that is in question was within a State conservation area. Ms. Payne stated that Mr. Wadleton of the Inland Wetlands Commission did express concerns for the proposed cell tower and questioned whether the CSC did not need the Town Inland Wetlands Commission approval. Mr. Fitzherbert of the Zoning Commission spoke on his own behalf at the 1/29 Meeting regarding his concerns for cell towers being located so close to a school and residences. The Commission briefly discussed distances of cell towers from schools.

Ms. Devlin stated that the neighborhood group from 17 Warren Road came out with a statement (attached) that they equally oppose the alternative sites proposed by the WMS. She stated that she had been in contact with Dr. Klemens regarding the Conservation Management Practices for Wood Turtles. She read her email to Dr. Klemens (on file in the Land Use Office).

Mr. Vilbois stated that he drove around the Route 202 area and informed the neighbors of the alternative sites. He stated that some of the neighbors were unaware of the research that has been done on impacts of cell towers. He asked who would speak to the property owners of the alternative sites other than AT&T and the Montessori School. Ms. Dupuis stated that she had heard that some neighbors have been talking with one of the property owners and that www.burbankaction.org is an informative site to educate people on the impacts of cell towers.

Ms. Churyk stated that she lives approximately 500 feet from one of the alternative sites that the Washington Montessori School has recommended. She stated that she is uncomfortable with this and is worried for her young children and family's health.

The Commission and neighbors looked at the Geological Survey Map of the Town of Washington and discussed the proposed sites.

There was a brief discussion regarding the planning of the showing of the documentary film Full Signal.

Cons. Comm. 3-2-11

Cell Tower Update

Lease Negotiations Town Garage Site

Mr. Markert stated that he plans to meet with 1st Selectman Lyon to identify the priorities in the lease a proposed cell tower on the Town Garage Property at 10 Blackville Road. He stated that then it must go to lawyer and then to a Town meeting. Mr. Markert stated that he would consult with Mr. Comi regarding the 'tenor' of the lease. There was a brief discussion regarding the smaller antennas in the future. Ms. Coakley asked if there was any neighborhood opposition to the proposed site. Mr. Markert stated that some people on Calhoun Street objected to the visual impact.

17 Warren Road Cell Tower Site

Ms. Payne stated that the Town received a copy of the applications from AT&T and T Mobile to co-locate on the cell tower on Route 202 in Marbledale and that the tower would be raised by 10 feet and two additional tiers would be added to the existing tower. It was the consensus of the Commission that it would be important to see a configuration of the proposed additions to the tower and to address the color of the additional equipment. The Commission looked at the drawing CSC1 and looked at the renderings of the proposed additions in the AT&T application. The Commissioners agreed that the additional equipment should be painted black. Ms. Payne stated that there was no update on 17 Warren Road. Ms. Coakley stated that no one had received information as to whether or not AT&T would proceed with the proposed cell tower at 17 Warren Road. Ms. Coakley read a statement from the neighbors of 17 Warren Road opposing the 17 Warren Road Site and the alternative sites that were proposed on January 29 (On file in the Land Use Office). She thanked the Conservation Commission for their help and support. Mr. Boling asked if any of the property owners of the proposed alternative sites have shown interest to having a cell tower on their property. She stated that the Washington Montessori School contacted the property owners to see if they would be receptive to siting a cell tower on their property. Ms. Coakley stated that some had expressed interest. She stated that some of their neighbors have been talking to them and informing them of some of the recent studies regarding cell towers.

Ms. Payne stated that Meg McMorrow would be at the Board of Selectmen meeting tomorrow to (3/3/11) make a statement. Ms. Payne stated that Dr. McMorrow and her husband moved their medical practice from Kent to Litchfield as they experienced debilitating health effects from working near the Kent monopole (120 or 130 foot tower)

Ms. Payne stated that there will be a showing of the documentary film Full Signal on Thursday April 28th at 6:30 at the Gunn Memorial Library.

Cons. Comm. 6-1-11

Cell Tower Update

Mr. Markert stated that discussions were concluded at the last Selectman's Meeting and a memo was created that states key points that the Town would like negotiated with Verizon in the

proposed lease for a cell tower at the Town Garage site on Blackville Road. He stated that they included a limitation that would allow the proposed cell tower to accommodate co-locaters, the height will be fixed at 130 ft., RF emissions will be fixed at 2% of the maximum permissible exposure at the 750 ft setback, and that the Town expects them to adjust their antennas in such a way that those few residences that are within the setback would not exceed the 2% maximum. He stated that the Town is not sure what Verizon will accept and that he and Selectman Lyon may have to meet with the Verizon representatives for further negotiation. He stated that if this site should fail that Verizon would most likely seek out another site

The Commission looked at a map of the Town and discussed residences near and within the 750 ft. setback of the proposed cell tower site.

Mr. Markert stated that the memo would be sent to Mr. Comi and he would talk to Verizon and if he doesn't think the requests are workable Selectman Lyon and himself would have to meet with him to discuss possible adjustments.

Ms. Payne stated that the proposed cell tower site on Warren Road has been dropped and AT&T has not come forward with an alternative site. She read an email from Ms. Devlin that thanked everyone for their efforts. AT&T has not proposed any alternative sites and Ms. Payne stated that it would not be the Town's job to provide alternate sites.

Ms. Payne stated that she spoke with Ms. Gorra from the Board of Education and asked her if there are any concerns about the possibility of using WiFi in the schools. She stated that Ms. Gorra expressed interest in Ms. Payne forwarding more information to her.

Ms. Payne read a Letter to the Editor, titled Warren Unity published in the Litchfield County Times on 5/20/11 by John Hart. She stated that Mr. Hart wrote about the issue of a town upholding its regulations on cell phone towers because they "give voice to the values and concerns of the citizens who will benefit, or not, from the placement of a tower." Ms. Payne stated that she agreed with Mr. Hart and that the Town of Washington Zoning Regulations regarding cell towers are necessary to give voice to its residents. There was a brief discussion regarding the enforcement and consideration of the cell tower regulations.

Cons. Comm. 7-6-11

Cell Tower Update

Ms. Payne stated that Verizon has been reading the Conservation Commission minutes and expressed some concerns and Mr. Markert reminded Verizon that the Conservation Commission is just one body of the Town's Municipal Government and that the lease comes to the Town for a vote of the citizens. She stated that Consultant Comi is negotiating the lease with Verizon.

Cons. Comm 9-7-11

Cell Tower Update

Ms. Payne stated that docket 409 was defeated and the cell tower was not approved for the Falls Village location due to environmental incompatibility.

Ms. Payne stated that the lease negotiations for the Town Garage site have been stalled due to Hurricane Irene.

Cons. Comm 11-9-11

Cell Tower Update

Mr. Markert stated that the First Selectman has heard from Mr. Comi and that no one from Verizon was expected to get back to them by today. Ms. Payne stated that the situation with the proposed cell tower lease is the same as it has been for the past couple of months and the Town needs to move forward. She stated that cell towers throughout the State were impacted by the October snowstorm but a few operated on generators. She stated that people should consider keeping a landline for public safety reasons.

Mr. Tomlinson stated that he would like to know when the proposed cell tower at the Town Garage site would come before the residents of the Town for a vote and that this process has taken too long.

Cons. Comm 12-2-11

Cell Tower Update

Mr. Markert stated that Verizon doesn't have the tower at the Town Garage site in its budget. Ms. Payne stated that a tower broker has requested a meeting with the First Selectman.

The Commission discussed the Connecticut Siting Council amending their regulations and how this would make it more difficult for Conservation and Environmental groups to be considered in the review process unless they have filed for party or intervener status.

Cons. Comm. 3-7-12

Cell Tower Update

Mr. Markert stated that there are no new updates regarding cell towers. He stated that the First Selectman has had an inquiry from a cell tower company and will probably request a meeting with the Cell Tower Committee on March 16, 2012.

Cons. Comm.4-4-12

Cell Tower Update:

Ms. Payne stated that the Town is currently negotiating with a cell tower siting company and the First Selectman would like to schedule a site visit for a company that has shown interest in the site and is amenable to the Town's conditions. Ms. Payne stated that she emailed Blake Levitt's comments regarding Bill 447 to the Commissioners and that she feels that if this Bill should pass it would allow cell towers to be sited more easily and would decrease the influence that the municipalities and conservation organizations have in the cell tower siting process.

Cons. Comm. 6-6-12

Cell Tower Update

Ms. Payne stated that a proposal would be coming in from Homeland Towers and the First Selectman will call a special meeting with the Board of Selectmen and the Cell Tower Committee, which will be open to the public to review the proposal and provide input. She stated that the next step would be to have a public information meeting, probably with a balloon float and then another Town meeting.

Cons. Comm. 7-11-12

Cell Tower Update

Ms. Payne stated that a lease from Homeland Towers is being reviewed and the First Selectman will call a special meeting with the Board of Selectmen and the Cell Tower Committee. There was a brief discussion regarding the proposed cell tower and how the lease has been written to reflect the Conservation Commission's stance on cell towers.

Cons. Comm. 9-5-12

Cell Tower Update

Mr. Markert stated that the Town is seeking advice from lawyers that specialize in cell towers and that this contract is a bit more extensive than the others. There was a brief discussion regarding the slight change in location of the cell tower and that it would be sited lower and more level area.

Ms. Dupuis stated that there are some houses that would be closer. Mr. Markert stated that he measured the map in the Selectman's Office and said that he did not find any houses within 450 feet.

Mr. Markert stated that this proposed cell tower would not be like the one on Route 202. Ms. Dupuis stated that Homeland Towers would consider a slim monopole and the proposed tower would be 140 feet tall but the foundation is being built for a 160-foot tall tower.

There was a brief discussion regarding a balloon test.

Cons. Comm. 12-5-12

Cell Tower Update

Ms. Payne stated that she talked to the First Selectman and he told her that Town Counsel is reviewing the cell tower lease with Homeland Towers for 10 Blackville Road and that the Town is close to agreement. Mr. Lyon asked for input from the Conservation Commission as to whether the vote should take place immediately after the public informational meeting in January. It was the consensus of the Conservation Commission that the vote should take place at a separate meeting at a separate date from the informational meeting so people have time for questions.

Cons Comm. 1-9-13

Cell Tower Update

Ms. Payne stated that she talked to the First Selectman and was told that Town Counsel is reviewing some of the legal language in the proposed lease with Homeland Towers for 10 Blackville Road. She noted that there would then be an informational meeting for the Town and a balloon float. She informed the Commission that there is a moratorium on any approvals for this site until March 1, 2013.

Cons. Comm. 2-6-13

Discussion with First Selectman:

First Selectman Lyon distributed copies of a sheet that has highlights of the proposed Option and Lease Agreement between the Town and Homeland Towers LLC, Site Plan, Compound Plan, Southern Elevation, cellular coverage maps and photos of what the proposed tower would look like.

Ms. Dupuis asked about the Health Insurance. First Selectman Lyon stated that it is in the Lease and that the attorneys have explained that the Lease does protect the Town if someone should sue the cell carriers for health reasons.

Mr. Lyon and the Commissioners looked at the indemnification clause included in the Lease and discussed the distributed documents (all on file in the Land Use Office).

There were discussions regarding emergency access to the proposed tower, coverage and the viewsheds. Homeland Towers needs to schedule another balloon float that would stay up all day but it needs to be the right conditions outside. First Selectman Lyon stated that they would try to notify everyone as soon as possible as to when this would be. He asked that the balloon be floated at 160 ft and have 130 ft marked.

The Commissioners and First Selectman discussed the height of the proposed tower and the stipulations included in the Lease.

Ms. Dupuis asked if anyone has discussed microwave dishes on the proposed tower. First Selectman Lyon said that microwave dishes are used for tower-to-tower transmissions and it was not discussed but he tried to get stronger language in the Lease about accepting changes, but Homeland Towers did not want to grant that. He stated that he is not aware that they would be erecting this proposed tower with microwave dishes.

There was a brief discussion regarding the neighbors to the proposed tower. First Selectman Lyon stated that he has informed all of them and has one person express some reservations.

The Commissioners and First Selectman discussed rent and fees for the proposed tower.

First Selectman Lyon stated that the Town Meeting would be Saturday, March 9, 2013. He stated that if the resolution passes, the Board of Selectmen sign the lease and after Homeland Towers has a carrier sign on with them they then go to the Connecticut Siting Council.

Ms. Dupuis stated that she would like the public to be informed that the Conservation Commission has not looked at the environmental impacts of this proposed tower because they must wait until an application has been submitted and an application has not been submitted to the Siting Council at this time.

First Selectman Lyon leaves.

Cons. Comm 4-3-13

Cell Tower Update

Ms. Payne stated that the cell tower was approved for 10 Blackville Road but still needs to go before the Connecticut Siting Council. She stated that the First Selectman informed her that Homeland Towers is working on their technical report for their application to the CSC and hope to file in mid-May and that the Board of Selectman are considering whether to waive the 90-day municipal review period due to the fact that this proposal has been publicly reviewed.

Ms. Dupuis stated that she is not in favor of waiving the 90-day municipal review.

Publicly noticed Town Information Meeting

Sat. Feb. 2 2013 Agenda Homeland Lease

Special Town Meeting

March 9 2013 agenda approve Homeland Towers lease

May 14 2009

Reg. Sel. Meet

Communications:

* Letter from George Mack regarding cell towers:

The Board of Selectmen received a letter from Mr. Mack of 43 Buffum Road, Washington Depot. Mark read the letter into the minutes. In summary, the purpose of Mr. Mack's letter to the Selectmen was "to urge you to use the influence you have to encourage the town and its various committees to bring wireless communication service to Washington." Mr. Mack listed what he considers to be the important benefits of wireless communication including: safety, competitive communication services, and convenience. He cited reasons and examples for these and addressed the aesthetic impact as well. In conclusion, he stated "Just as Washington once made the decision to accept power lines in the interest of electric lights, and telephone poles in the interest of telephones, the time has come for the town to move forward and allow its residents the benefits of wireless services." A brief discussion continued with Emergency Management Coordinator, Rocky Tomlinson, agreeing with Mr. Mack on all counts, put in particular stressing the importance of wireless communication for safety and emergency services. (A copy of Mr. Mack's letter is attached to these minutes filed with the Town Clerk).

November 19, 2010

Special Meeting

Minutes are subject to the meeting of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen James L. Brinton and Nicholas N. Solley. Conservation Commission/Cell Tower Committee Chairman Susan Payne.

Call to Order: First Selectman Lyon called the meeting to order at 2:40 p.m.

Discussion re: Proposed Cell Tower on Town Property/Lease:

Following discussion, the points below were considered to be the key issues that need to be

followed up on with Verizon and/or become a part of the lease agreement with Verizon. (The lease is the next step – once both parties agree to a lease, the proposal would be brought to a Town Meeting for approval by the townspeople.)

* Height and RFP Monitoring:

Balloon floats have been done at 110 and 130 feet, the latter causing some concern from residents particularly in the Calhoun Historic District. It was felt that the lease should specify a “not to exceed height”. Getting the most coverage with the least visual impact, eliminating a need for another tower in a relatively small area, are all-important considerations. If nothing is specified in the lease about height restrictions, another carrier may be able to apply to the Connecticut Siting Council and request more height put on the tower to accommodate them. The Town would request independent monitoring of RFPs on an annual basis - to be done at Verizon’s cost. There was also discussion about zoning regulations, setbacks, etc. that the Siting Council does not need to abide by. The Town may need to apply for variances, however. Mark Lyon will follow up with Land Use Attorney Mike Ziska.

* Number of carriers on the Tower:

By limiting height, the number of carriers may also be limited but this will be confirmed. Emissions, also being a concern, could be limited as well.

* Appearance of Cell Tower:

All present felt it should be specified in the lease that a monopole “tree” is what the Town would like to see constructed.

* Length of Lease:

The proposed lease from Verizon specifies a “five year lease with four renewals” – 25 years. Questions raised dealt with renewals being automatic”, opportunities for revisions at the time of renewal, increase in revenue at each renewal, etc. The suggestion was made to specify a percentage increase yearly and/or index based on current economic factors. Can the Town be involved in negotiating with co-locators and what percentage of their rent will come back to the Town?

* Hiring of Attorney:

An attorney knowledgeable and experienced in negotiating telecommunications towers will be hired (money is currently in the budget). Blake Leavitt has given some suggestions for an attorney and/or consultant. A meeting will be scheduled in the not-too-distant future with the Board of Selectmen, Cell Tower Committee, attorney or consultant and Wendell Davis – Verizon’s lease attorney.

* Miscellaneous:

Mark explained the contact he has received from US Wireless. They are a cell tower construction company who would build the tower and then solicit for carriers. Blake Leavitt has advised of possible pitfalls with this – loss of control, diminished leverage in negotiating terms; need to go out to bid, etc. Planning and Town Meeting approvals are both necessary. Current or changing FCC standards and regulations should be updated and adhered to for the length of the lease for monitoring purposes.

Adjournment:

* Motion: To adjourn the meeting at 3:48 p.m. By Mark Lyon, seconded by Nick Solley and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

Nov 19, 2010

First Selectman's Report:

Mark Lyon reported on the following:

* Land Use Attorney/Murtha Cullina:

Mark has been in contact with Attorney Kari Olsen regarding the Town's leasing of municipal property to a private party for non-municipal use— i.e. construction of a telecommunications tower that would not fall under the jurisdiction of local land use commissions. The CT Siting Council allows companies such as Verizon to be exempt from municipal zoning regulations – however, the question arises due to their leasing of municipal property – not private property.

* Discussion – hiring of attorney/consultant re: proposed Cell Tower on Town property lease negotiations:

Mark explained that the process is moving forward. The Town has gathered as much information as possible. Verizon has provided the proposed lease, which has been reviewed by Town Attorney David Miles, and he has recommended an attorney familiar with telecommunication leases review it. Mark, along with members of the Cell Tower Committee, have met with Dick Comi a consultant with Center for Municipal Solutions; an attorney has been recommended by Blake Leavitt; and another attorney has been recommended by Murtha Cullina. Phil Markert, of the Cell Tower Committee, along with the Selectmen discussed the pros and cons of each. Following this discussion the following motion was made: Motion: To retain Dick Comi, Center for Municipal Solutions, as per his proposal, to review and negotiate the proposed lease between the Town of Washington and Verizon Wireless and a final review to be conducted by one of the above mentioned attorneys. By Jim Brinton, seconded by Mark Lyon and unanimously approved. A meeting will be scheduled with the Board of Selectmen and Cell Tower Committee.

Sept 30, 2010 reg sel

* Cell Tower update and discussion:

Representatives of Verizon Wireless, AT&T and T-Mobile attended a special meeting of the Board of Selectmen on September 24th. Some residents of Calhoun and Ives expressed visual concerns. Mark has subsequently contacted AT&T and T-Mobile requesting information on what they would propose to install on the tower as co-locators with Verizon. Most townspeople who have contacted this office have expressed support of a telecommunications tower on the proposed Highway Department site.

Motion:

To work with the Cell Tower Committee and proceed, with their recommendation, on hiring a consultant and working on the lease.

By Mark Lyon, seconded by Nick Solley.

Discussion:

Verizon has provided a great deal of information and fulfilled all requests made to them.

Selectmen are in agreement to move forward.

The motion passed unanimously.

September 24, 2010

Special Meeting

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectman Nicholas N. Solley.

Cell Tower Committee Member Diane Dupuis.

Guests: Rachel Mayo-Robinson & Cole, Sandy Carter-Verizon, Attorney Kenneth Baldwin-Robinson & Cole, Michael Libertine-VHB, Attorney Christopher Fisher-Cuddy & Feder (AT&T), Tom Nolan-Verizon Structure Consulting, Attorney Jesse Langer-Cohen & Wolf, Hans Fiedler-T-Mobile, Joe DelBuono and Dan Soule-Litchfield County Dispatch.

Public: Susan Branson, Nora Connolly, Bill and Elsie McTiernan, Chris Charles, Sandra Canning, Jim Greenfield.

Call to Order:

First Selectman Mark Lyon called the meeting to order at 2:35p.m.

DISCUSSION re:

Proposed Cell Tower on Town of Washington Highway Department property:

Mark Lyon explained that there were two balloon floats on Saturday, September 18th at the original proposed site and the alternate site on the Town's Highway Department property at 130 feet.

Mike Libertine, VHB, presented a Photographic Documentation and Simulation report as a result of the floats. The report had actual and simulated photos from 17 different views. He stated that as a result of this study, he would support the installation of a monopine – feeling it would blend in with the topography, natural backdrop, etc. and being sensitive to the people's concerns about view sheds, etc.

Questions were asked about the height change to 130 feet. Attorney Kenneth Baldwin explained that Verizon's proposal was for a 110-foot tower and this would meet Verizon's needs. The Town asked Verizon to look into co-locator's and what their needs would be. The thought being if one tower, perhaps taller, would handle these other carriers, it would reduce the need for

construction of additional towers in Town. He made the point that carriers are going to provide service in Town. The Town, therefore, needs to think about balancing the issue of taller towers accommodating these additional carriers or more towers in more locations. To accommodate AT&T, the tower would need to be 120 feet. T-Mobile explained that they are just beginning to expand into our area but should they co-locate on this tower, an additional 10 feet would be necessary.

Diane Dupuis voiced concern that townspeople were led to believe that AT&T would co-locate on the Marbledale tower and to date, that has not happened. Attorney Chris Fisher explained that AT&T was one of the first to attempt to come into the Town of Washington – had proposed two sites that obviously did not happen. AT&T then merged with Cingular and activity in Washington stopped. They are now again looking at Washington and when Verizon approached them about the Highway property, they were interested and a tower at 110-120 feet would work. Regarding the Marbledale tower, the Siting Council approved that tower with “flushed mount antennas”. Although approved by the Council to co-locate, they would need to change their type antenna and or go higher.

Ives Road and Calhoun Street residents who are in or abut an Historic District, have made conservation easements with Steep Rock and the Town to preserve the area as open space, with scenic view sheds, etc. expressed concern about the height and look of the proposed tower.

Nick Solley asked if Verizon’s application to the Siting Council is for a 130 foot tower that could accommodate two more carriers, is there any guarantee that no other towers would be build in the same coverage area. Attorney Baldwin explained that the Siting Council couldn’t deny other carriers from applying for other sites but would review and determine if existing towers could accommodate other applicants. The Council does consider environmental impact, etc.

Discussion on the appearance of the tower occurred with Mike Libertine explaining that great improvements have been made on the monopine towers – looking much more natural and in keeping with the surrounding area. Sandy Carter from Verizon used an example of a mono-pine tower they constructed in Windham, VT. That town’s Planning Board has told any other carriers that their tower(s) must be “like Verizon’s”. The Siting Council has recently approved this design for a tower in Shelton, CT.

Representatives from Litchfield County Dispatch spoke of enhancing the public safety communication system network by being able to place antennas on the proposed tower without adding additional height or arms. They, the emergency services in Town and residents have voiced the importance of this service.

If the Town signs the lease with Verizon, they will then apply to the Siting Council for approval of a 110-foot tower. Other carriers would apply to be interveners and ask for 120-130 feet. The Town has input on capping the height.

Attorney Baldwin thanked the Selectmen and the Town for the opportunity to make this proposal and encouraged them to move forward. Verizon can’t do much more until there is a lease. If the

Town does not feel this is a good location and does not wish to pursue the proposal by Verizon, they will continue to look for other sites.

The Selectmen thanked Verizon for their cooperation in providing any and all information requested of them – including discussions with the other carriers. The next step will be to continue to review the lease with the Town Attorney and consultants knowledgeable on cell tower leases.

Adjournment:

Motion:

To adjourn the meeting at 4:20 p.m. as there was no further business for discussion.
By Mark Lyon, seconded by Nick Solley and unanimously approved.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

July 22, 2010

SPECIAL MEETING

Minutes are subject to the approval of the Board of Selectmen

Present:

First Selectman Mark E. Lyon, Selectman Nicholas N. Solley, Conservation Commission Chairman Susan Payne, Conservation Commission Cell Tower Committee member Phil Markert, Emergency Management Coordinator Robert Tomlinson.
Representing Verizon Wireless: Attorney Kenneth Baldwin, Robinson & Cole; Sandy Carter, Verizon Wireless; Mike Libertine, VHB Inc; Doug Drost, Centek; Tom Nolan, Verizon Wireless; Rachel Mayo, Robinson & Cole.

Call to Order:

First Selectman Lyon called the meeting to order at 2:08 p.m. thanking those present for coming to provide additional information requested at the July 14, 2010 Special Meeting of the Board of Selectmen.

Presentation:

Attorney Kenneth Baldwin, representing Verizon Wireless distributed:
Preliminary Plan, which included:

- * Title sheet with site directions, site information and project summary.
- * Site plan.
- * Compound plan and elevation.
- * Tower elevation, monopine option, and typical antenna mounting configuration.

Washington Depot Drive Test showing signal strength in relation to the proposed site on a 110-foot antenna tower.

Topographical Maps showing existing:

- * Verizon Wireless Cellular Coverage in Washington, CT and surrounding area.
- * Coverage with proposed Washington Depot facility at 110 feet.
- * PCS coverage.
- * PCS coverage with proposed Washington Depot facility at 110 feet.
- * LTE 700 MHz coverage with proposed Washington Depot facility at 110 feet.

Charts showing Cumulative Power Density and Total Percentage of Maximum Permissible Exposure at 110, 583, and 757 feet to "target" using "absolute worst case maximum values". These were used to compare to charts distributed at the last meeting by Mr. Walter Cooper, RF engineer.

Mike Libertine, of VHB, Inc. distributed and explained Photographic Documentation and Simulations showing views of monopine and monopole towers from Route 47 at the Depot Firehouse, All-Star Transportation, Route 109 South of Route 47, Baldwin Hill Road, Route 109 Highway Department property, for both 110 foot and 130 foot towers; Hidden Valley Pinnacle Trail at .37 and .61 miles from the site. Preliminary view shed analysis at for proposed 110 foot and 130 foot towers.

Susan Payne asked if the same simulations could be done from the Calhoun Street and Ives Road areas as there have been concerns voiced from residents in those areas.

Discussion took place about the height of the tower and other company's ability to co-locate – thinking being the 130-foot tower would possibly be more appealing. The consensus of opinion of the Verizon representatives was other companies would come, as there is no coverage in the Depot from any carrier at the present time. Attorney Baldwin assured those present that the other companies have been contacted and if they feel 130 feet would work better, the information is already available. Rocky Tomlinson reiterated the necessity of emergency services/LCD being incorporated into the plans and also suggested all information for all companies be gotten before going to a Town Meeting.

Zoning regulations re: communication towers and required setbacks were discussed. Phil Markert showed plans that he developed with the site for the tower and compound moved back on the property – the number of houses in the setback area would be decreased if this site were acceptable. Several attendees of today's meeting agreed to go on a site visit following the meeting to look at Phil's suggested site.

Attorney Baldwin agreed to come back to the Town with antenna information and coverage information for AT&T and T-Mobile.

Adjournment: The meeting was adjourned at 3:30 p.m.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

July 14, 2010

Posted: September 27, 2010

Special Meeting

Present: Mark Lyon, Nicholas Solley, Susan Payne, Diane Dupuis, Philip Markert
Guests: Robert Tomlinson, Emergency Mgmt Coordinator, Kenneth Baldwin, Verizon.

Call to Order:

First Selectman Mark Lyon called the meeting to order at 3:05 p.m.

The meeting was held to continue discussion on the possible location of a cell tower at the town garage site on Blackville Road.

Mark reported he had received a preliminary report from Walter Cooper with propagation estimates for radio frequency emissions and coverage, which will be reviewed. Information will be sought on the proposed 110' height of the tower to determine if this would be adequate to accommodate additional carriers. It was suggested the Siting Council might recommend additional height to accommodate additional companies during the application process rather than create the need for an additional tower.

Question was raised as to whose responsibility it would be to solicit co-locators - Verizon or the Town. It was felt it would be best to obtain the Siting Council's direction if other carriers are interested.

Emergency Mgr. Robert Tomlinson noted text message pager broadcast antennas, which are the best alternative to cell phones at the moment, have recently been decommissioned at some sites in this area, as the need for their services is no longer there. He felt the co-location of the Litchfield County Dispatch service would eventually be a certainty, and the Town should have the right to require a space on the tower. This would benefit Washington and other towns in the area as LCD serves them all. Phil Market reported he had spoken with LCD and there is no commitment but they are very interested and provided information on frequencies they use for Walter Cooper's report. He has requested an update on their response to frequency and co-locations of towers.

Mark reported Walter Cooper had provided a radio frequency emissions evaluation report, which included LCD, from the information that was available using the 110' height and various latitude and longitudes for several locations to determine distances. There are two categories of exposure: voluntary occupational exposure, which is people who work on or near the facility are aware of the exposure and can control the exposure if needed. Involuntary exposure, which applies to the general population, which will be exposed just by being in the area of the tower. Mr. Cooper

calculated RF exposure based on the information in Verizon's preliminary proposal and rated it against FCC regulated Maximum Permitted Exposure. The highest occurred at the base of the towers at 57% of the permitted limit. With a 750' setback, this exposure would decrease to .8% of MPE.

Mr. Cooper raised the issue of the metal-sided buildings in the Town Highway complex. He was not concerned about the inside of the buildings, but felt there would be exposure outside and above the buildings. He suggested the siding and roof of the town garages would be reflective. The storage barn approx. 200 feet from the tower would have periodic occupancy and was not calculated. It was noted Blake Leavitt felt to the contrary on some of Mr. Cooper's assumptions. It was agreed it would make sense to be more accurate on what the exposures would be.

The general position is that FCC regulated limits are all predicated on thermal issues, while Blake is concerned about the health hazards at the existing level and the long-term effects. Currently, the issue of long-term, low level exposure and its health effects are being debated but are not a consideration with the Ct. Siting Council.

It was understood by some committee members that the companies must return to the Town when they plan to increase frequencies used but the process is unclear. It was felt this should be investigated further. Currently Verizon does not use 700 MHz but is licensed to do so. It was felt 700 MHz would eventually be used in Washington because of the terrain and the services to be provided in the 700 MHz bandwidth. The equipment most likely will be installed on the tower now and activated when needed. If several companies had different expectations as to what would be required, it was felt each company would have to provide information to the Siting Council, who would determine if additional height might be required. Whoever the initial company is, they may be asked to build a strong enough tower to accommodate additional companies in the future. It was suggested the Ct. Siting Council would determine this. Mark asked Mr. Baldwin if Verizon could provide more details on their plans for the site at a future meeting.

Mark reported concerns raised in Atty. David Miles review of the lease have been sent to Verizon Atty. Wendell Davis and would like more details on issues involving access, easements, etc. He would like the details discussed with the Bd. of Selectmen and have an actual site visit with Verizon site development personnel. However, he noted while Verizon is very interested in working with the Town, there is still no lease. Mr. Baldwin noted Verizon would like to return and discuss all issues and questions the Town may have, which would help in making a decision on the leasing of the property, as well as the real estate and engineering concerns.

Susan Payne suggested an overall picture of Verizon's future plans would be useful to address concerns and requested Verizon provide this plan, as well as the reasons for building in this area. Mr. Baldwin reported Verizon does not have a future coverage plan for the State and their building plans are very fluid. They do not come into a town to take property, but rather rely on property owners. The best site may not be available to them. They can show a town map and their predictions and it would simply show areas of town that are not covered. There are so few sites that you can get an idea of future sites. The problem is there will not be seamless coverage. Mr. Baldwin noted transmission is not always from a tower, but antennas may be installed in a

structure of some sort. They are mostly on main roads and often become an issue of aesthetics. Their site selections are based on population density, roadway activity and consumer demands. Verizon feels the site in Washington Depot is a priority because of the activity in the Depot, it is a major thoroughfare, and there is not a transmission facility currently serving the area.

With a monopole (flagpole), there is sometimes the issue as to the width required to accommodate equipment, as well as the location. Also, the initial company may require two or three of the highest vertical spots on a flagpole. This creates a lack of physical space for co locators, which could require a wider, higher pole. Therefore a platform type of antenna array is preferred for this location and different shielding options were discussed. He noted various locations of towers or poles in the northwest corner of the State.

Diane Dupuis questioned if Verizon could provide a list of properties they have lease options on in Washington. Mr. Baldwin was unsure and Ms. Dupuis stated this would be important information for the Town to have.

It was noted that the CSC (Ct. Siting Council) is exempt from Land Use regulations. Concern was noted that residents have implemented Town regulations and this may be against the current setback regulations. It was felt while time is of the essence, the public should be made aware of this report and they should reach out to address the residents concerns. Phil Markert suggested Mark Lyon contact the residents located in the area of the proposed location to offer them opportunities to educate themselves on this proposal.

Diane requested a full report be provided before she would commit to this proposal as she felt the current discussion was very preliminary.

Mark felt Verizon should provide more detail to the Town to see how it corresponds with Mr. Cooper's findings. It was agreed that consideration should be given to Verizon's numbers as they compare to both Blake Leavitt's and Walter Cooper's. It was felt the increase in wireless communications usage would be mind-boggling.

The Board agreed it is their responsibility to monitor this proposal in the interest of public safety. They must remain unbiased and provide due diligence in providing as much information as possible to the neighboring property owners and the Town in general.

Susan Payne suggested an attempt be made to get the neighbors to come together in order to provide them with as much information as possible. This will be scheduled for the last week in July or first week in August or sooner.

Lease negotiations also remain to be addressed. It was suggested if a tower is in Washington's future, any proposed changes in the proposal or use should be reported to the Town in advance. The Town's insurance carrier is reviewing the draft lease proposal as well.

The next meeting was scheduled for Thursday, 7/22/10, at 2 p.m.

Adjournment:

The meeting was adjourned at 5:05 p.m.

Respectfully submitted,
Kathy Gollow
Selectman's Assistant

July 8, 2010 Regular Sel.

New Business:

Cell Tower Consultant:

Mark Lyon reported Town Attorney David Miles has reviewed the proposed lease from Verizon and his comments have been sent to Verizon's attorney. A \$10,000 ex-budget appropriation has been approved by the Board of Finance for hiring of a consultant. Phil Markert, Diane Dupuis, Susan Payne and Mark Lyon met on Wednesday to discuss the lease, next steps, gathering of information, issues to be discussed, etc. Blake Leavitt, who is very knowledgeable on the cell tower subject, has also been involved in discussions and met with Mark, Phil Markert and Dick Comey of Central Municipal Solutions. Walter Cooper has been hired to do an independent RF study on this Verizon cell tower application. At present, the consensus of those involved, is that the Blackville Road site is a good one but due diligence must be done and eventually decisions made that are in the best interest of the Town. Those present asked about other companies co-locating on the tower, and the feasibility of the Town approaching providers, etc.

May27 2010 Reg. Sel. Meet

NEW BUSINESS:

* Hiring of Consultant for review of Cell Tower lease:

Mark explained that he, Nick Solley, Phil Markert of the Conservation Commission and Town Attorney David Miles met to discuss the proposed Cell Tower lease from Verizon regarding the installation of a tower on Town property on Blackville Road. David Miles reviewed the lease and felt there were some points that may not be in favor of the Town in commercial aspects. He recommended that the Town hire a consultant that has expertise with cell tower issues. An approximate cost will be gotten and the Selectmen will go to the Board of Finance for an ex-budget appropriation if necessary. The Selectmen, Town Attorney and Conservation Commission will work together in selecting this consultant. Diane Dupuis, member of the Conservation Commission and Chairman of the Cell Tower Sub-committee requested that she be included in all future meetings on this subject. Mark reminded Diane that he has continually notified her when materials and information have been received, made them available to her and would continue to do so. He also explained that she, Susan Payne, Chairman of the Conservation Commission, and Phil Markert, also a member of the Conservation Commission and Cell Tower Sub-Committee, had been notified

about the meeting with David Miles and were asked, if they would like, to submit comments if they were unable to attend. They will continue to be "kept in the loop".

April 29, 2010 Reg Sel Meet

OLD BUSINESS:

Cell Tower on Town Garage Property:

Mark reported that there was no more information at the present time. A draft of the lease between Verizon and the Town has been sent to the Town Attorney for his review. The question was asked if someone who has dealt with municipal cell tower installations should also review it. Jim Brinton felt that the lease was quite straightforward and we should wait for Attorney David Miles opinion before hiring anyone else at this point. Valerie Friedman asked about the rental fee that would be paid to the Town if the tower were installed. Mark explained that \$1800/month has been offered but this could vary depending on the number of "co-locators" on the tower and may be somewhat negotiable. Jim offered the opinion that the Town was not considering this as a way to generate revenue but as a way to improve communication services.

February 18, 2010

Communications:

* Conservation Commission Letter Re: possible Verizon Cell Tower site on Town Garage property:

The Commission has written to the Board of Selectmen following a discussion at their February 3, 2010 meeting regarding the possible cell tower site on Town Garage property on Blackville Road. If the site is found to be viable, they are urging the Board of Selectmen to request a per month lease fee of at least \$5,000 and a percentage of fees generated by additional providers that may co-locate on the tower. They would also urge that the Town require a minimum of two telecommunications providers on the tower and that a percentage of the lease fees paid to the Town be earmarked for the Open Space Fund. Nick and Jim have contacted Kent and Roxbury, both of which have telecommunication towers on Town property, to determine how much they are receiving per month in lease fees. More discussion will follow in the upcoming weeks.

Dec 12, 2011 Spec. Sel. Meet

SPECIAL MEETING

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen Dick Carey and Susan Jahnke.

Cell Tower Committee Members Diane Dupuis, Phil Markert,

Emergency Management Coordinator Robert Tomlinson.

John Lawrence – Centerline Communications - Site Acquisition Specialist for AT&T, Tom

Johnson – ProTerra Design Group – Site Engineer.

Call to Order: First Selectman Mark Lyon called the meeting to order at 1:02 p.m. introducing those in attendance.

General Discussion

included John Lawrence explaining his relationship with AT&T – contracted through SAI which is a “turf vendor” contracted by AT&T. His services are paid for by AT&T and are outside of any financial negotiations (i.e. lease amounts) that would be agreed upon between the Town and AT&T. Any formal proposal and agreement would be from New Singular Wireless (AT&T) and would be for an AT&T telecommunications tower. John explained that his first contact(s) with the Town of Washington were due to AT&T’s interest in co-locating on Verizon’s tower. As Verizon has stated it “is not in their development budget to continue with this site at this time”, AT&T is now interested in the site for their own tower.

Mark Lyon, Phil Markert, Rocky Tomlinson and John Lawrence went to the proposed site at the Town Highway property on Blackville Road and were joined by Tom Johnson, and a construction manager.

Upon their return discussion continued with John Lawrence asking what the Town’s process would be. Mark Lyon explained that following today’s meeting, AT&T could make a proposal, negotiations could begin – any contracts would be reviewed by the Board of Selectmen and the Cell Tower Committee and if/when a lease agreement is arrived at, would be presented to the Town at a Town Meeting for approval by the Legislative Body.

Other points discussed included a request for a balloon float, power access to the site would be underground (AT&T responsible for power to their tower-any co-locators would be responsible for their own power source), tower height, review of setbacks, zoning regulations, etc. It was noted that although Verizon had done a great deal of work, AT&T would need to start from the beginning.

Diane Dupuis suggested that property owners that were within the 750-foot setback should put in writing their “approval” following the RF exposure being addressed. It was also noted that special attention should be given to the view from the Calhoun Street Historic District, as this has been a concern of residents. The projected time frame for construction was discussed – should the Town give it’s approval, all necessary permits applied for and approved, the project would then go before the Connecticut Siting Council which can take some time with required public hearings, time for appeals, etc. If approved by the Siting Council, AT&T estimated 4-6 months to construct the tower.

Mark recommended to John Lawrence that a presentation to the Town should include set-backs, RF exposures, height limit, rental amounts to be paid to the Town, length of lease and subsequent extensions, compensation for long-term, restoration of site and disassembling of the tower, etc. The Town will share any information that was made “public” during communications with Verizon.

Adjournment:

Motion:

To adjourn the meeting at 2:36 p.m. as there was no further business for discussion.
By Mark Lyon, seconded by Dick Carey and unanimously approved. Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary

Dec 12 2011 Reg. Sel. Meet

Visitors:

* Ann Compton, VOICES reporter inquired about the Special Selectmen's Meeting held earlier today to discuss an AT&T telecommunications tower on Town property. Mark Lyon explained that throughout the negotiations with Verizon, he had been contacted several times by John Lawrence of Centerline Communications (contracted by SAI who is a "Turf vendor" who is contracted by AT&T). Initially AT&T's interest was to be a co-locator on Verizon's tower. As Verizon has notified the Town that construction of a tower in Town is no longer in their development budget, Mark contacted Mr. Lawrence to see if AT&T would be interested in constructing their own tower. John came today along with a site engineer to look at the site, maps and to discuss general issues such as set-backs, zoning regulations, access to the site, height of the tower, etc. Mark explained that no formal commitments were made at today's meeting however it was felt that AT&T may make at least a preliminary proposal within the next 2-3 weeks.

May 26, 2011 Reg. Sel. Meet

Update on proposed cell tower on Town Property:

Phil Markert reported that points have been outlined for inclusion/negotiation for the lease agreement with Verizon for the proposed telecommunications tower on town property. These include: 1) height – no more than 130 feet; 2) monitoring of emissions – by an independent company and would be done at the start of operation and any time changes were made in the equipment of any carrier on the tower; 3) maximum permissible exposure – not to exceed 2% of what the FCC considers to be the MPE; 4) stealth features – tree or monopole. Discussion followed regarding these points, dismantling and restoration if tower should be taken out of service, health issues and monitoring of emissions. Jim Brinton, in the interest of the Town doing its "due diligence", inquired about available evidence that emissions from telecommunication towers may be harmful to one's health. Phil explained that there are many articles about "possible" health effects but nothing that has proven this. This would be a reason for limiting the emissions to as low as the Town is requesting. By having the tower placed on Town property, the Town can have input on this – if, however, a tower were to be placed on private land, it would not. Phil also brought up the point that if the Town does not get a tower, businesses and economic development could be hindered. Phil will discuss these points further with Diane Dupuis and Susan Payne, Cell Tower Committee, and get back to Mark to schedule an appointment with consultant Dick Comi to fine tune and begin the lease negotiations with Verizon.

March 17, 2011 Reg Sel meet

Visitors:

* Tim Coakley spoke to the Selectmen about AT&T's request for an extension on the telecommunications tower in Marble Dale. If it is determined that AT&T's coverage is equal to Verizon's once on the tower, would this negate the need for more towers in the Route 202 corridor. The Selectmen explained that it was their opinion that it may suggest other towers might not be necessary if large numbers of the population are reached. The FCC does not mandate seamless coverage although carriers have the ability to pursue it. Part of the application process is to show the need for a tower in a particular location. Tim voiced his concern that the independent coverage testing should be done. Mark explained that he believes that type of testing is available.

March 3, 2011 Reg Sel Meet**First Selectman's Report:**

First Selectman Lyon reported on the following:

* Phil Markert, Cell Tower Committee member, has been working with Dick Comi and Walter Cooper re: possible points for inclusion in the lease agreement between the Town and Verizon for the proposed telecommunications tower on Blackville Road (Town Highway Department property). A meeting will then be held with the Selectmen and the Cell Tower Committee. A public information meeting will be held prior to a Town Meeting that would be required to approve a lease. Selectman Jim Brinton suggested that a time line be created with the upcoming steps necessary for negotiations and possible approval of the tower.

* AT&T has petitioned the Siting Council for a 10-foot extension of the Verizon tower in Marbledale. T-Mobile Northeast has filed a Tower Share Request with the Siting Council for a 3-panel type antenna to be mounted at the 127-foot centerline, which is below the existing Verizon array on the Marbledale tower. Mark has forwarded information on to the Conservation Commission. The public may attend any informational meetings that may be held.

Feb 3, 2011**OLD BUSINESS:**

* Continued discussion of Blackville Road cell tower lease:

RF Engineer Walter Cooper is continuing to work on the technical aspects of monitoring. Once this information is received the Selectmen and the Cell Tower Committee will get together and communication thoughts and ideas with Dick Comi. The Selectmen would like to have this information by the end of February.

Visitors:

* Pat Werner thanked the Board of Selectmen for their presence at the Public Information Meeting regarding the AT&T cell tower proposal for 17 Warren Road. And explained it was her understanding that for the present time, AT&T would not be proceeding with its application. Other solutions such as co-locating on the Marbledale tower, alternate locations, etc may be explored. Ms. Werner asked the Town to be pro-active for future proposals, discussions, etc. Washington Montessori has been criticized for the position it took in making alternate suggestions. Discussion continued as to how much the Town can or should get involved in commercial ventures, the costs in hiring attorneys, engineers, consultants, zoning regulations,

etc. Jim Brinton felt that the Town could request that telecommunication companies work with the Town by notifying it at the beginning of the process of identifying possible sites.

Jan 20, 2011 Reg. Sel. Meet

Old Business

Discussion of lease for proposed cell tower on Highway Department property continued.
First Selectman Lyon confirmed, in conversations with the CT Siting Council, that any modification/additions to an application is done through the siting council, that local regulations are given serious consideration and other than a building permit no other town permits are required. The siting council is not required to abide by the town's planning/zoning regulations but must consider them; the town needs to have justification for their regulations. Mr. Lyon went on to say that if the town is seeking any limits or monitoring of emissions for the proposed cell tower these should be worked out before the application to the siting council is done. Selectman Nicholas Solley noted the next step would be another meeting with the Cell Tower Committee.

Public Information Meeting scheduled for 1/29/11 with AT&T representatives re: proposed cell tower at 17 Warren Road.

Mark Lyon, First Selectman stated that the meeting has been set for Saturday January 29, 2011 at 10:00am at the Town Hall. AT&T will attempt another balloon float for January 27th, if not January 29th. AT&T attorneys, engineers and specialists will be present; this will be a public information meeting (questions and answers) the town is providing the space and introduction. Mr. Lyon hopes it will be kept as an exchange of information. Diane Dupuis asked to have the Land Use Commissions give input on this application; Mark Lyon will speak with Land Use Coordinator Janet Hill. Selectman Nicholas Solley stated that the town would provide a PA system for this meeting. This public meeting is for both Washington and Warren residents. Pat Werner asked if after the January 29th public meeting residents could attend the next selectmen's meeting to discuss the cell tower application. Mr. Solley encouraged residents to do so to discuss possible concerns such as height of the proposed tower, access to the tower, proximity to the school etc. Several members of the public expressed concerns with the effect on the neighborhood i.e. the hardship on property values and asked the town to hire representation to help the taxpayers. A letter was submitted dated March 26, 2003 signed by Elaine C. Luckey, First Selectman, and Nicholas N. Solley and Harry H. Wyant, Selectman Re: Proposed AT&T cell tower at 911 Rabbit Hill Road, Warren, CT. The public asked for the same representation/support from the town as was given on prior cell tower applications. Selectman Solley said they would take it into consideration.

January 6, 2011

SPECIAL MEETING

Minutes are subject to the approval of the Board of Selectmen.

Present: First Selectman Mark E. Lyon, Selectmen James L. Brinton and Nicholas N. Solley, Consultant Dick Comi (Municipal Solutions), Cell Tower Committee members Susan Payne, Diane Dupuis, Phil Markert.

Public: Erhard Werner, Tim and Andrea Coakley, Nora Connelly, Robert Tomlinson.

Call to Order:

First Selectman Lyon called the meeting to order at 2:05 p.m.

Introduction:

Mark Lyon introduced Dick Comi, Consultant, Municipal Solutions, explaining that he had been hired to work on the lease negotiations with Verizon for the proposed telecommunications tower on Town's Highway Department property. If/when the lease is agreed upon by Verizon and the Town, a Town Meeting will need to be held to give final approval.

Discussion with Dick Comi:

Dick has reviewed the draft lease provided by Verizon and has spoken with Town Attorney David Miles. They had no points of disagreement and agreed to discuss further as there may be some points that will need to be addressed from the legal standpoint prior to finalizing the lease.

Dick further explained that Verizon may be willing to change, include or delete various items but may have an effect on how much they may be willing to pay in rent. Dick and those in attendance discussed the following items as needing to be included in the lease and/or clarified or discussed further:

- * The term "personal" should be taken out of the lease, as it is not relating to personal property, but rather Town property.
- * Issues relevant to "non-compliance" need to be simplified i.e. late charges, casualty losses, etc.
- * Limiting the height of the tower to 130 feet should be specified clearly. Although Verizon has specified they would require a height of 100-110 feet, the higher limit would allow for co-locators to be placed on the tower at heights they would require. Therefore it needs to be constructed strong enough to accept the other companies. Verizon would take the top spot and other company's antennas would be placed below.
- * Verizon would need to acquire FCC licensing prior to construction and therefore does not need to be specified in the lease. Town codes and regulations may cover matters dealing with co-locating or modifications made to the original tower.
- * Although other telecommunication companies have expressed interest in co-locating on this tower, there is no legal commitment for them to do so at the present time. The Siting Council approves the application made by Verizon only.
- * Considerations dealing with aesthetics, emissions, structure, etc. may be dealt with through the Town's zoning regulations and/or building codes.
- * Detailed drawings of equipment placed at the site are provided in accordance with the Town's regulations and do not need to be specified in the lease.

- * The lease should state that if Verizon wish to “sell” the tower, the Town needs to be given notification and must give written approval to do so. The Town has the right of first refusal.
- * The appearance of the tower should be specified in the lease (monopine).
- * Monitoring of emissions, MPEs, etc on a yearly basis must be specified. Should modifications, changes, additional locators placed on the tower, etc. monitoring would be required at that time as well and then done on a regular basis.
- * The cost of monitoring by an independent company should be covered by Verizon and specified – possibly putting money in escrow.
- * Limiting the number of co-locators in the lease may not be as important as stating the tower should be constructed strong enough to accommodate up to 4-5 additional carriers.
- * A “removal bond” should be required if the tower is no longer in use and it should be stated the area must be restored to it’s original condition.
- * Terms of compensation – monthly or yearly rental amount – should be in the lease as well as a percentage of income from additional carriers – should they locate on the tower.
- * The lease should be reviewed at the end of its 25-year term – not automatically renewed.
- * An “Up-front bonus” can be specified in the lease that would allow the Town to recover costs incurred for consultant and legal fees, etc. or could be negotiated as an option.
- * Allowing of emergency communication equipment on the tower should be specified at a cost of \$1 year.
- * Washington’s zoning regulations in regard to cell towers should be compared to the lease document.

Adjournment:

Motion:

To adjourn the Special Meeting of the Board of Selectmen at 4:10 p.m. to Executive Session to discuss financial considerations that should be part of the lease.

By Mark Lyon, seconded by Jim Brinton and unanimously approved.

Executive Session ended at 4:45 p.m.

Motion:

To adjourn the meeting at 4:46 p.m. as there was no further business for discussion.

By Nick Solley, seconded by Mark Lyon and unanimously approved.

PROPOSED WASHINGTON DEPOT WIRELESS FACILITY

**PROPAGATION ESTIMATES
FOR
PORPOSED SITE
AND
NEARBY EXISTING SITES**

Prepared for:

The Town of Washington, CT

Prepared by:

**Walter A. Cooper
Radio Frequency Planning & Consultation**

July 11, 2010

1. INTRODUCTION

- 1.1. Verizon Wireless has proposed the construction of a 110 foot wireless telecommunications tower on Town property at 10 Blackville Road, Washington, CT. The tower is expected to house a Verizon Wireless base station, Litchfield County Dispatch (LCD) public safety communications and, potentially, one or two additional wireless carriers.
- 1.2. There is a concern about how much wireless coverage the site can provide in the immediate area and how that potential coverage might mesh with coverage from existing sites in and near the Town of Washington.
- 1.3. This report is based on available information about the proposed Verizon facility as supplied by the Town of Washington as well as information of record regarding existing nearby facilities. The analysis and propagation mapping were performed in accordance with typical wireless industry practices.

2. BACKGROUND

- 2.1. Propagation mapping predicts coverage from existing and proposed sites using propagation mapping software, digital terrain maps, land use/land cover information, antenna heights, orientation, transmitter power, operating frequency and other data to model and plot signal coverage. It can be used to approximate coverage from existing and/or proposed facilities and can provide reasonably accurate results if the input data and/or assumptions used are accurate.
- 2.2. The colors on propagation maps represent the levels of signal strength available at a given location. This signal strength is usually expressed in decibels below 1 milliwatt (dBm) and are typically numbers. Thus a signal strength of -90 dBm is weaker than a signal strength of -80 dBm, (actually much weaker, since the decibel scale is logarithmic).
- 2.3. "Good" coverage is difficult to define, since different wireless carriers have different coverage objectives, which may also vary by community (urban, suburban or rural). The range of coverage levels used on the appended maps is -75 dBm or higher (green); -75 to -80 dBm (yellow); and -80 to -90 dBm (red). Depending on the carrier, location (in car, in building, outdoors), time of year, and type of equipment, successful communications could take place at levels below -90 dBm, but for purposes of this estimate, -90 dBm is conservatively considered the approximate threshold of coverage.
- 2.4. Signal strength levels should not be confused with the power density levels that are used to confirm compliance with federal standards for Maximum Permissible Exposure (MPE) to radio frequency fields. MPE is based on specific absorption rates, Human body mass and exposure time and expressed as a ratio of energy per unit area. Signal strength as to do with the radio signal available to the radio equipment to facilitate its reliable functioning. The two measures are not directly comparable.

3. ASSUMPTIONS

- 3.1. Detailed plans for the facility have not been provided by Verizon Wireless, so it is necessary to make some assumptions about the facilities that could potentially occupy the tower. Since Verizon wireless is sponsoring the tower, we can assume that Verizon's antennas would be placed at the top of the tower at the 110 foot level. The operating band of 850 MHz was used for the modeling. Transmitters lower on the tower and/or operating

at 1900 MHz or 21 MHz would provide somewhat less coverage.

- 3.2. For existing sites, information of record was used. If information was available for existing 850 Verizon service, that was used. If not, another carrier's existing 850 MHz service was modeled. Some sites (e.g. Chapin Hill Road) on the Connecticut Siting Council's Wireless Inventory did not have any existing wireless carriers, although they potentially could have in the future. These sites were not modeled.

4. PROPAGATION MODELING RESULTS

- 4.1. Three propagation maps were prepared and are provided at Appendices A, B and C. Appendix A depicts coverage from existing sites to the north and west of the proposed sites.
- 4.2. Appendix B depicts expected coverage from the proposed facility alone.
- 4.3. Appendix C depicts the combined coverage expected from the existing and proposed sites.

5. CONCLUSIONS

- 5.1. The maps suggest that the proposed site can provide reasonably good coverage within the coverage gap that appears to exist in Washington Depot. This includes the major roads running north and west from Washington Depot, although some gaps may be expected. Coverage to the northeast will be very limited, due mainly to the sharply rising terrain. Coverage is also poor to the east and south of the Town, although some coverage may be provided in the future by new sites in adjacent towns.
- 5.2. It seems likely that carriers will propose additional sites northeast of Washington Depot in the future.

6. RECOMMENDATIONS

- 6.1. If the Town is satisfied with the conclusions in this report, and it decides to continue discussions with Verizon, it should ask Verizon for a more refined design and for its own propagation maps based on the actual design, including any modifications that could potentially improve coverage.
- 6.2. The Town should also ask Verizon for its plans for any additional facilities to address coverage northeast, east and south of Washington Depot. The goal should be to minimize the impact on Washington by selecting the fewest and least obtrusive facilities that can meet coverage needs, including any viable alternatives to the proposed site.

APPENDICES

A – Existing Coverage

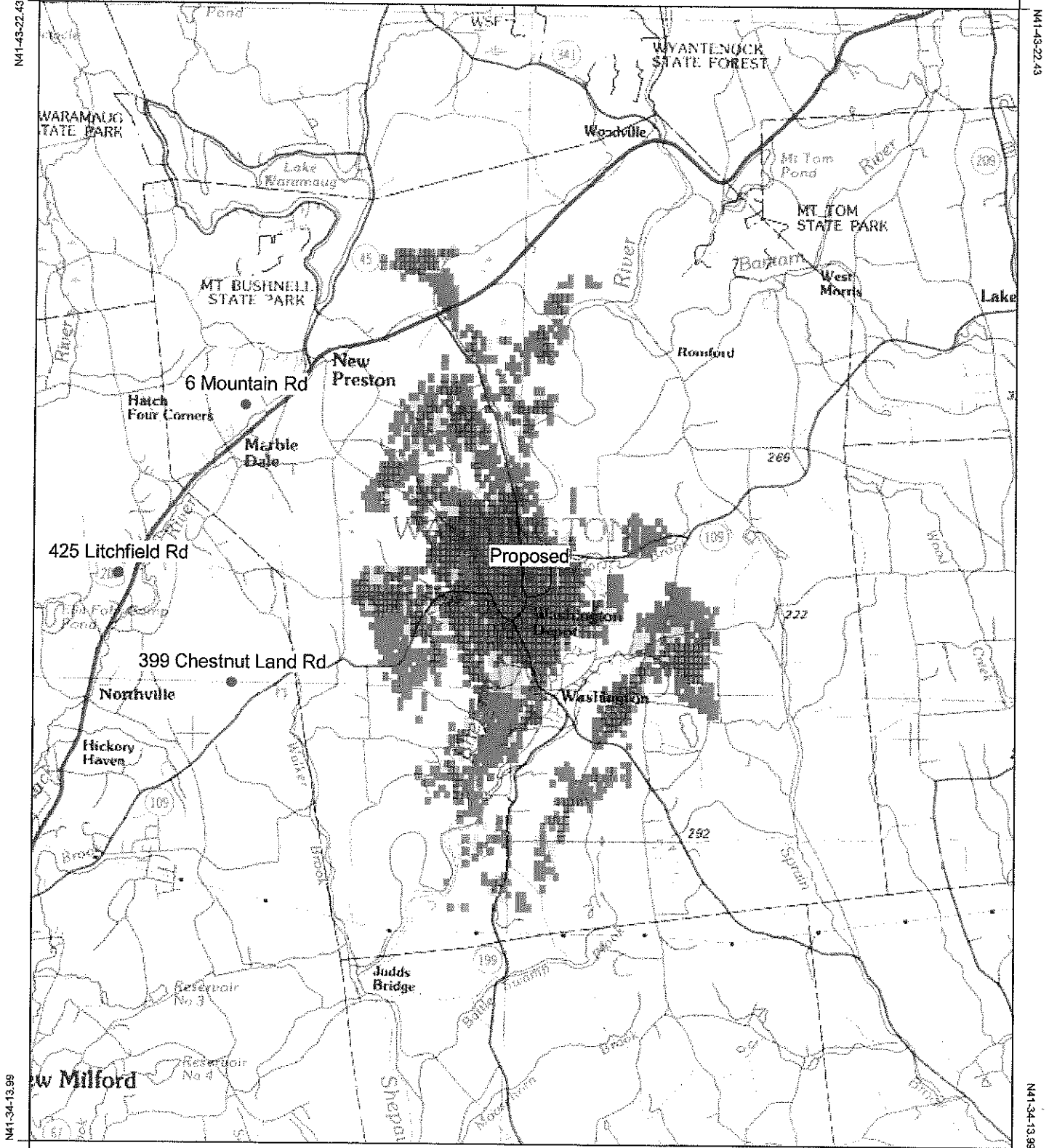
B – Proposed Coverage

C- Combined Existing and Propose Coverage

APPENDIX B

W73-24-08.34




W73-13-62.19



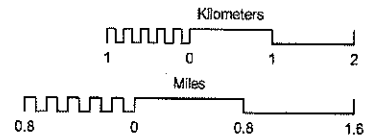
W73-24-08.34

W73-13-62.19

Prop levels:

- 75.00 dBmW 
- 80.00 dBmW 
- 90.00 dBmW 

Proposed Cellco / Verizon Wireless Facility - Washington Depot
 Estimated Available Coverage from Proposed Site @ 850 MHz @ 110 FT AGL

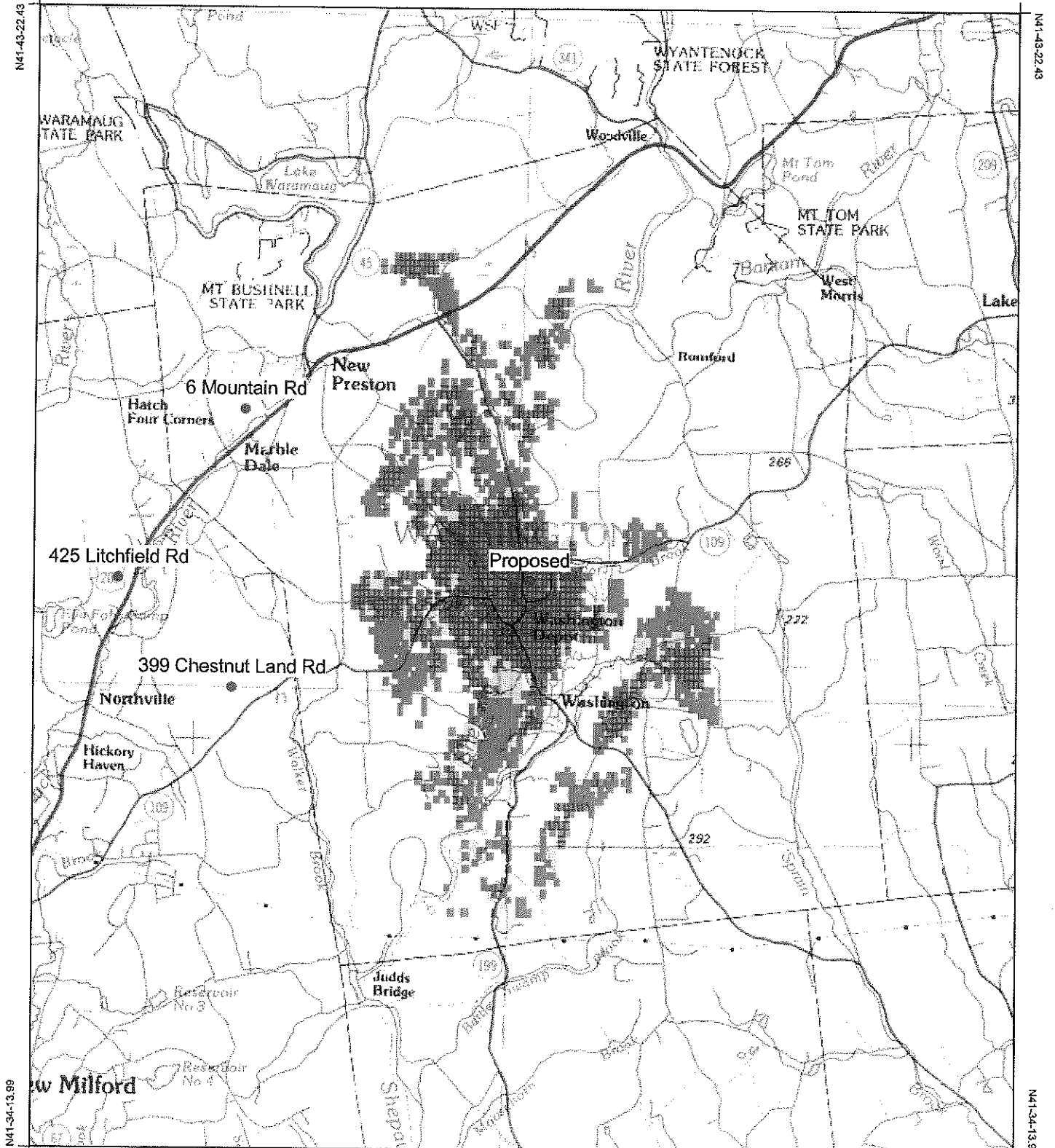


Map scale: 1:75,000
 Rasterized at: 1:100,000

APPENDIX B

W73-24-08.34




W73-13-52.19



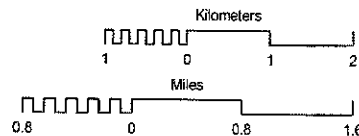
W73-24-08.34

W73-13-52.19

Prop levels:

- 75.00 dBmW 
- 80.00 dBmW 
- 90.00 dBmW 

Proposed Cellco / Verizon Wireless Facility - Washington Depot
 Estimated Available Coverage from Proposed Site @ 850 MHz @ 110 FT AGL

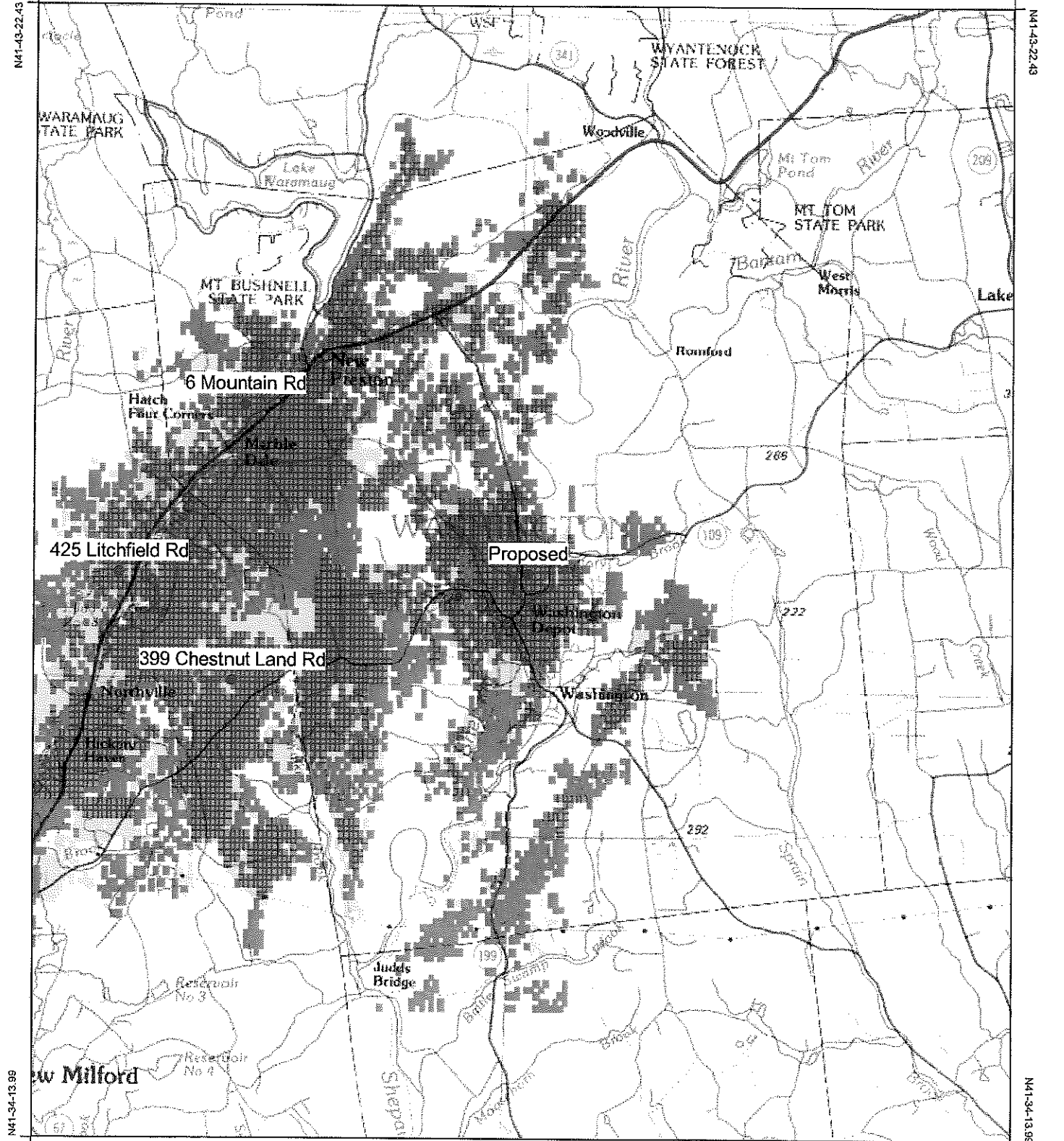


Map scale: 1:75,000
 Rasterized at: 1:100,000

APPENDIX C

W73-24-08.34

W73-13-52.19



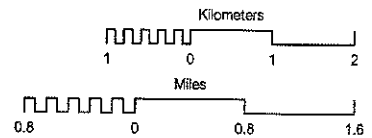
W73-24-08.34

W73-13-52.19

Prop levels:

- 75.00 dBmW
- 80.00 dBmW
- 90.00 dBmW

Proposed Celco / Verizon Wireless Facility - Washington Depot
 Estimated Available Combined Coverage from Existing & Proposed Site



Map scale: 1:75,000
 Rasterized at: 1:100,000

Photographic Documentation and Simulations

Proposed Wireless Telecommunications Facility

Washington Depot
10 Blackville Road
Washington, CT

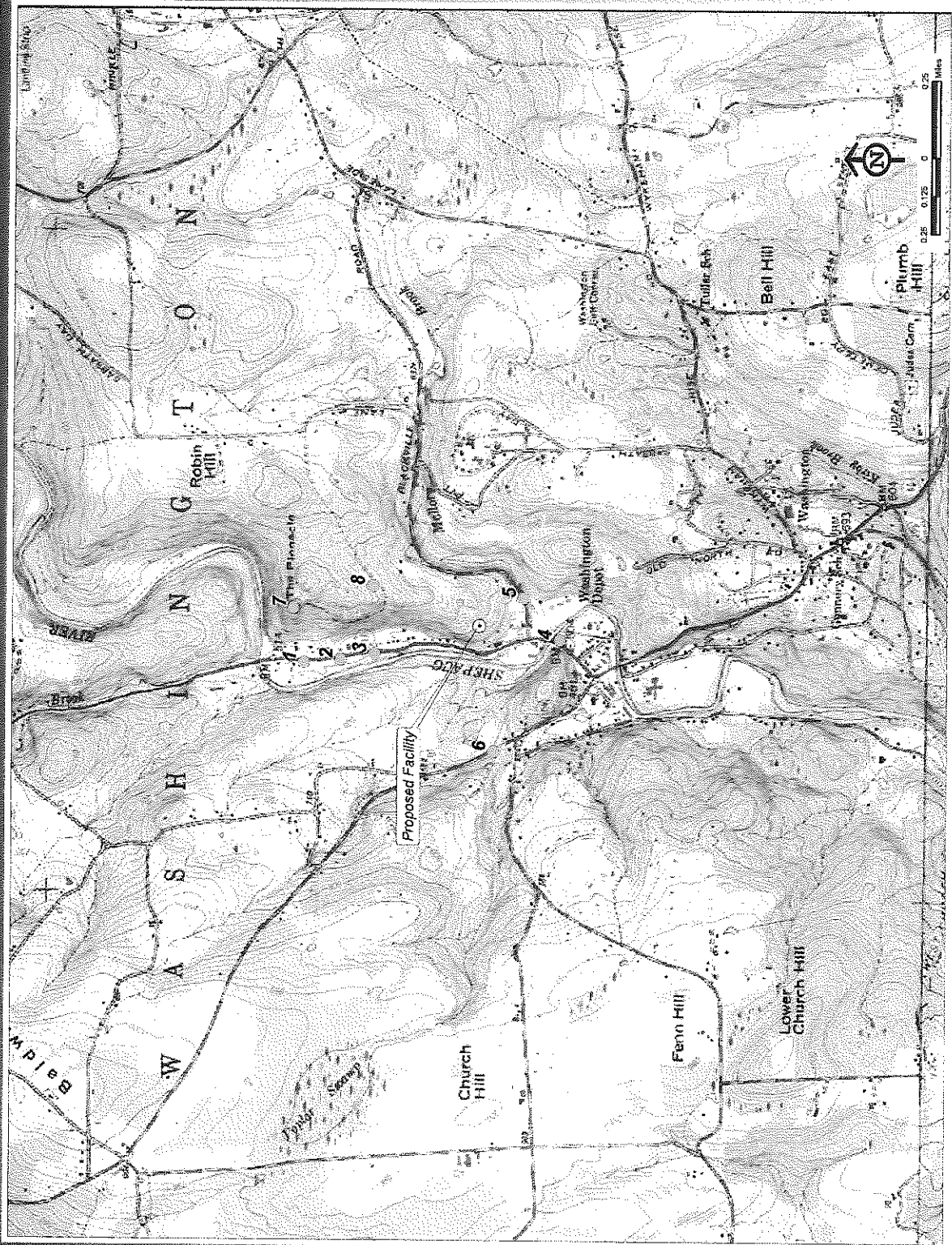
SUBMITTED TO:



SUBMITTED BY:

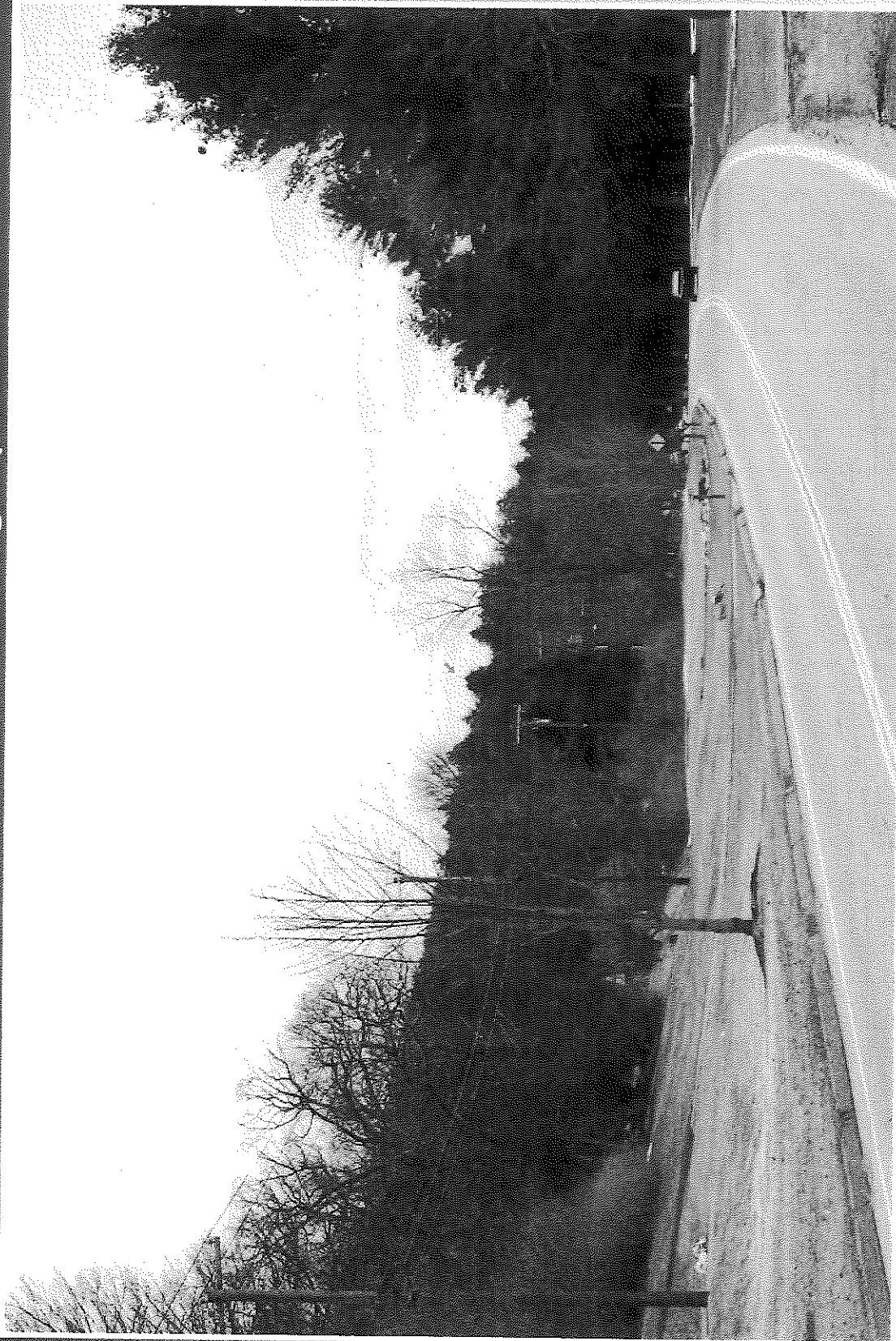


Photolog Map



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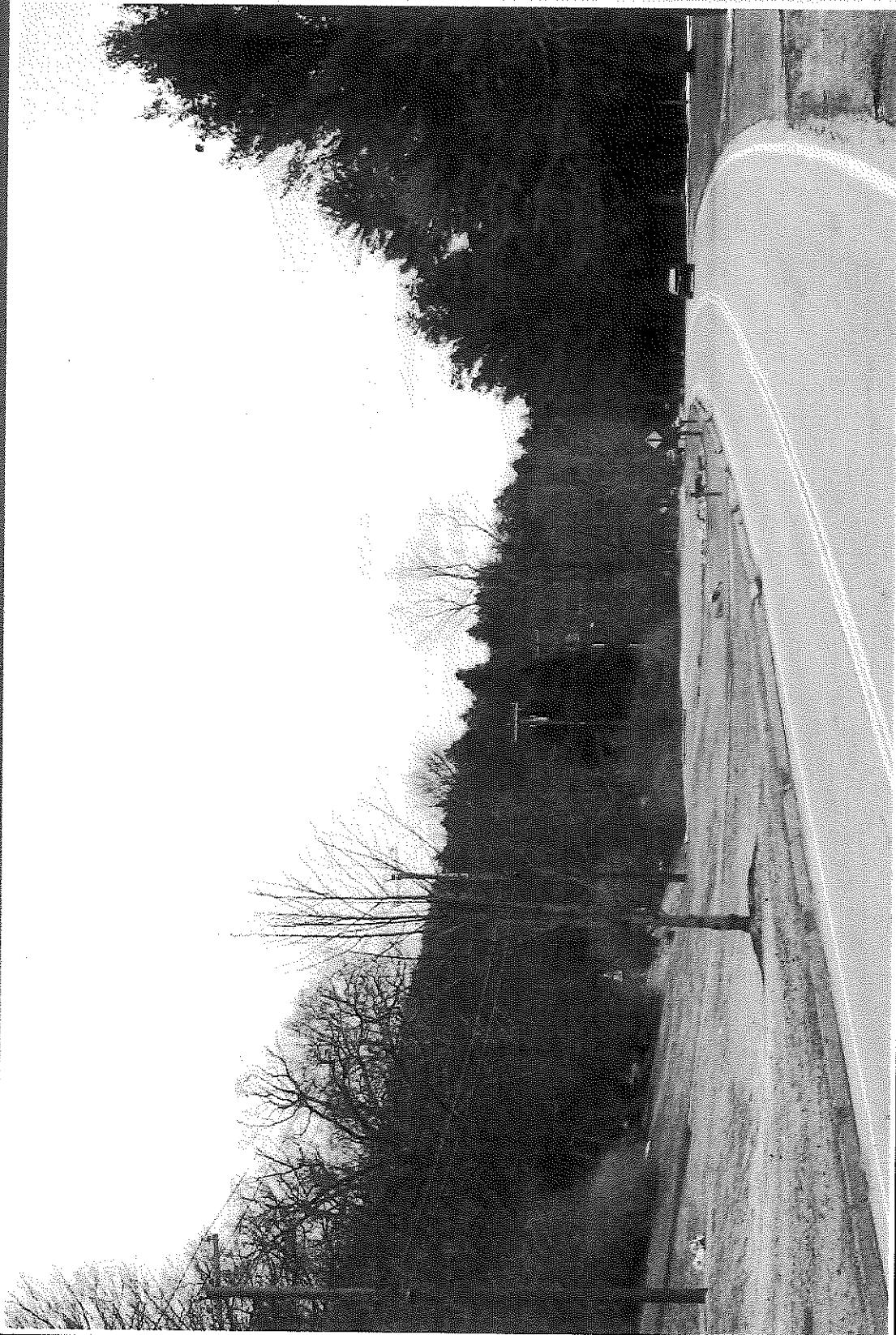
Photographic Documentation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
1 - 130 Ft	ROUTE 47 AT THE WASHINGTON FIRE HOUSE	SOUTHEAST	0.59 MILE +/-	YEAR-ROUND

Photographic Simulation



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VIEW

1 - 130 Ft

LOCATION

ROUTE 47 AT THE WASHINGTON FIRE HOUSE

ORIENTATION

SOUTHEAST

DISTANCE TO SITE

0.59 MILE +/-

VISIBILITY

YEAR-ROUND



Photographic Documentation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2 - 130 Ft	ROUTE 47 SOUTH OF WASHINGTON FIREHOUSE	SOUTHEAST	0.46 MILE +/-	YEAR-ROUND



Photographic Simulation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
2 - 130 Ft	ROUTE 47 SOUTH OF WASHINGTON FIREHOUSE	SOUTHEAST	0.46 MILE +/-	YEAR-ROUND



Photographic Documentation

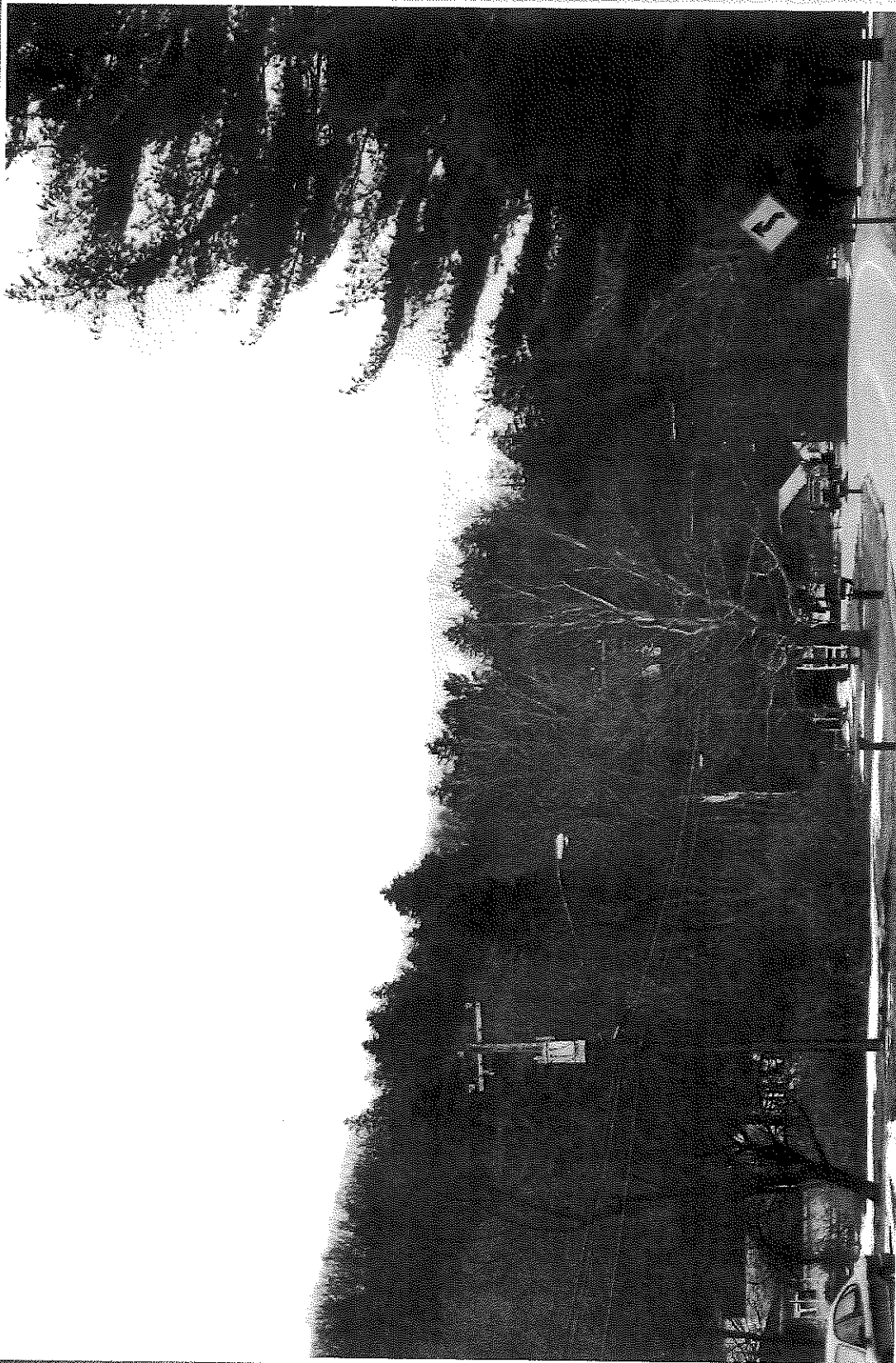


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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3 - 130 Ft	ROUTE 47 ACROSS FROM ALL-STAR TRANSPORTATION	SOUTHEAST	0.35 MILE +/-	YEAR-ROUND



Photographic Simulation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3 - 130 Ft	ROUTE 47 ACROSS FROM ALL-STAR TRANSPORTATION	SOUTHEAST	0.35 MILE +/-	YEAR-ROUND



Photographic Documentation

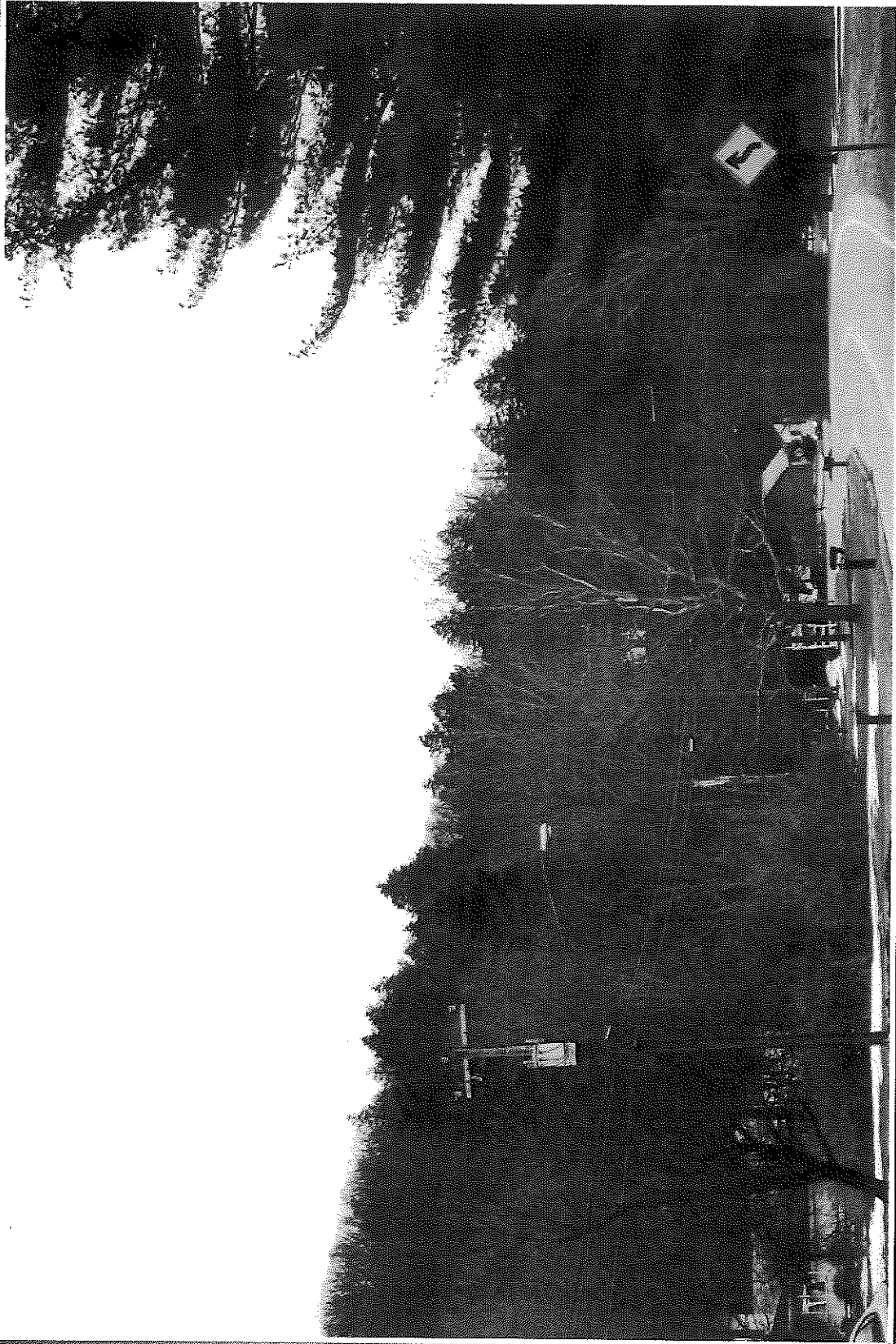


\\14489.00\graphics\FIGURES\41489.00_Photom

VIEW	LOCATION		ORIENTATION	DISTANCE TO SITE	VISIBILITY
3 - 120 Ft	ROUTE 47 ACROSS FROM ALL-STAR TRANSPORTATION		SOUTHEAST	0.35 MILE +/-	YEAR-ROUND



Photographic Simulation

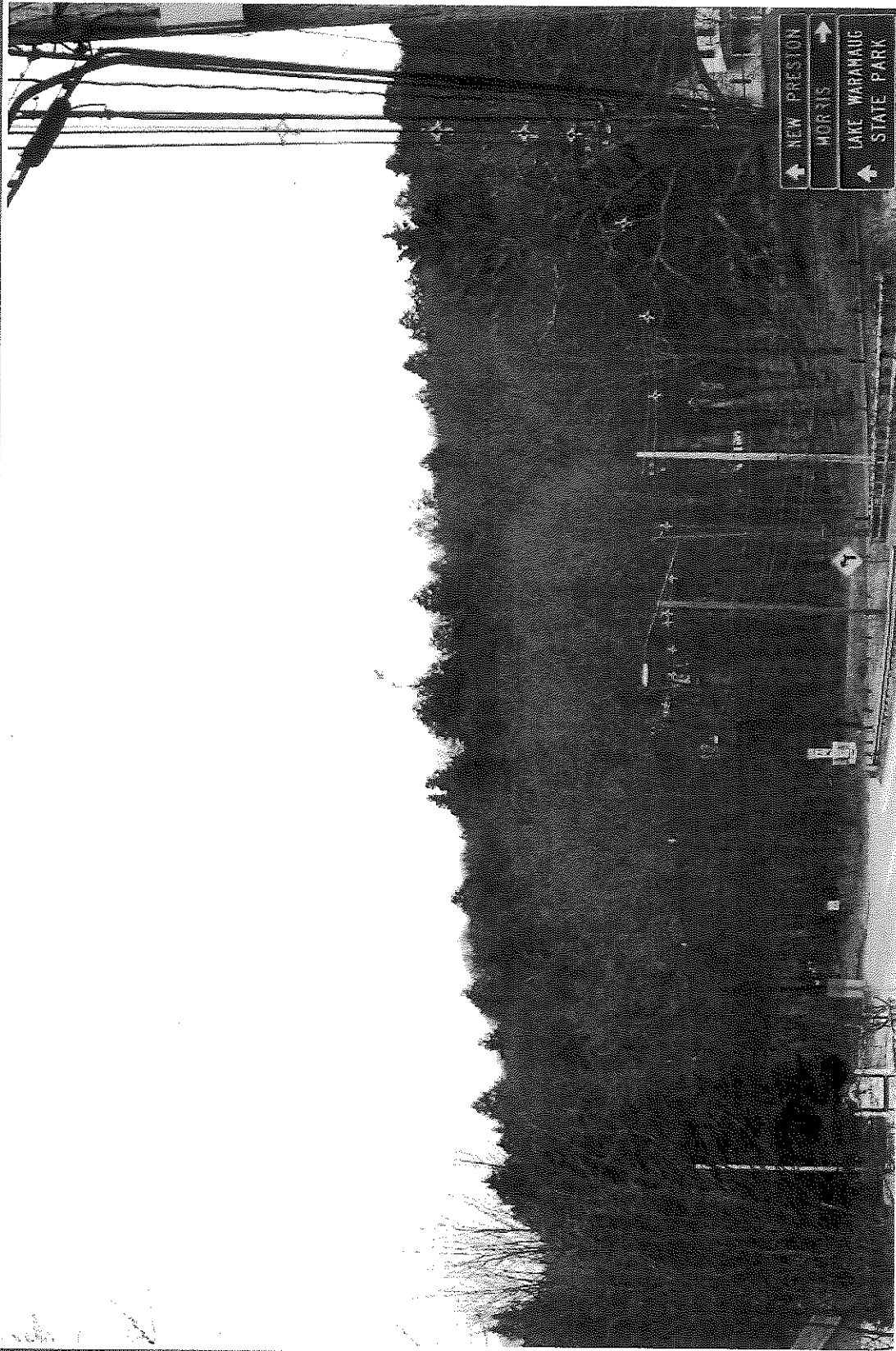


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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3 - 120 Ft	ROUTE 47 ACROSS FROM ALL-STAR TRANSPORTATION	SOUTHEAST	0.35 MILE +/-	YEAR-ROUND



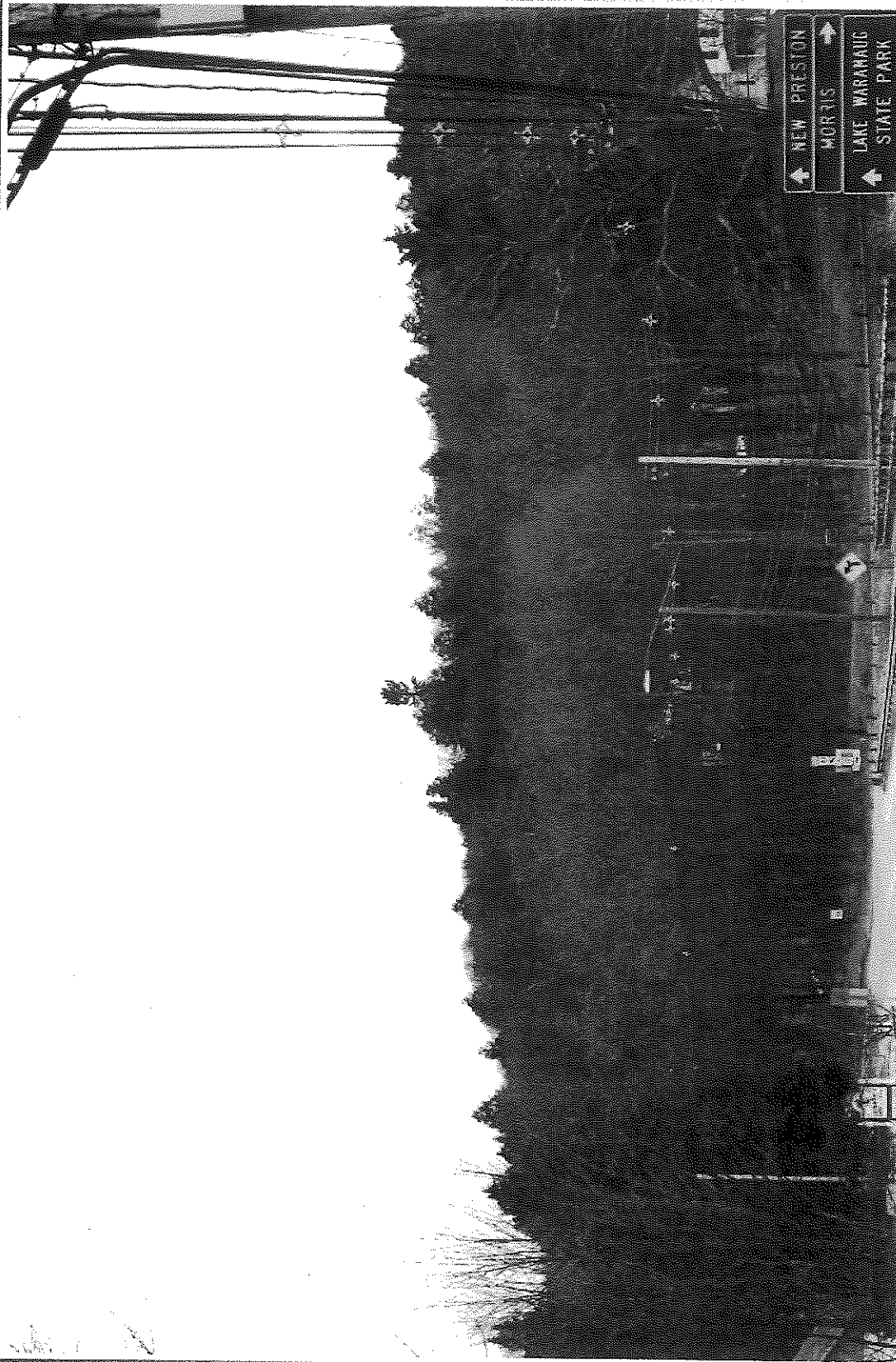
Photographic Documentation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
4 - 120 Ft	ROUTE 109 SOUTH OF ROUTE 47	NORTHEAST	0.26 MILE +/-	YEAR-ROUND

Photographic Simulation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
4 - 120 Ft	ROUTE 109 SOUTH OF ROUTE 47	NORTHEAST	0.26 MILE +/-	YEAR-ROUND

| Photographic Documentation



141483.00\gprkcs\FIGURES\1489.00_Photom

VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5 - 120 Ft	BALDWIN HILL ROAD	NORTHEAST	0.41 MILE +/-	YEAR-ROUND



Photographic Simulation

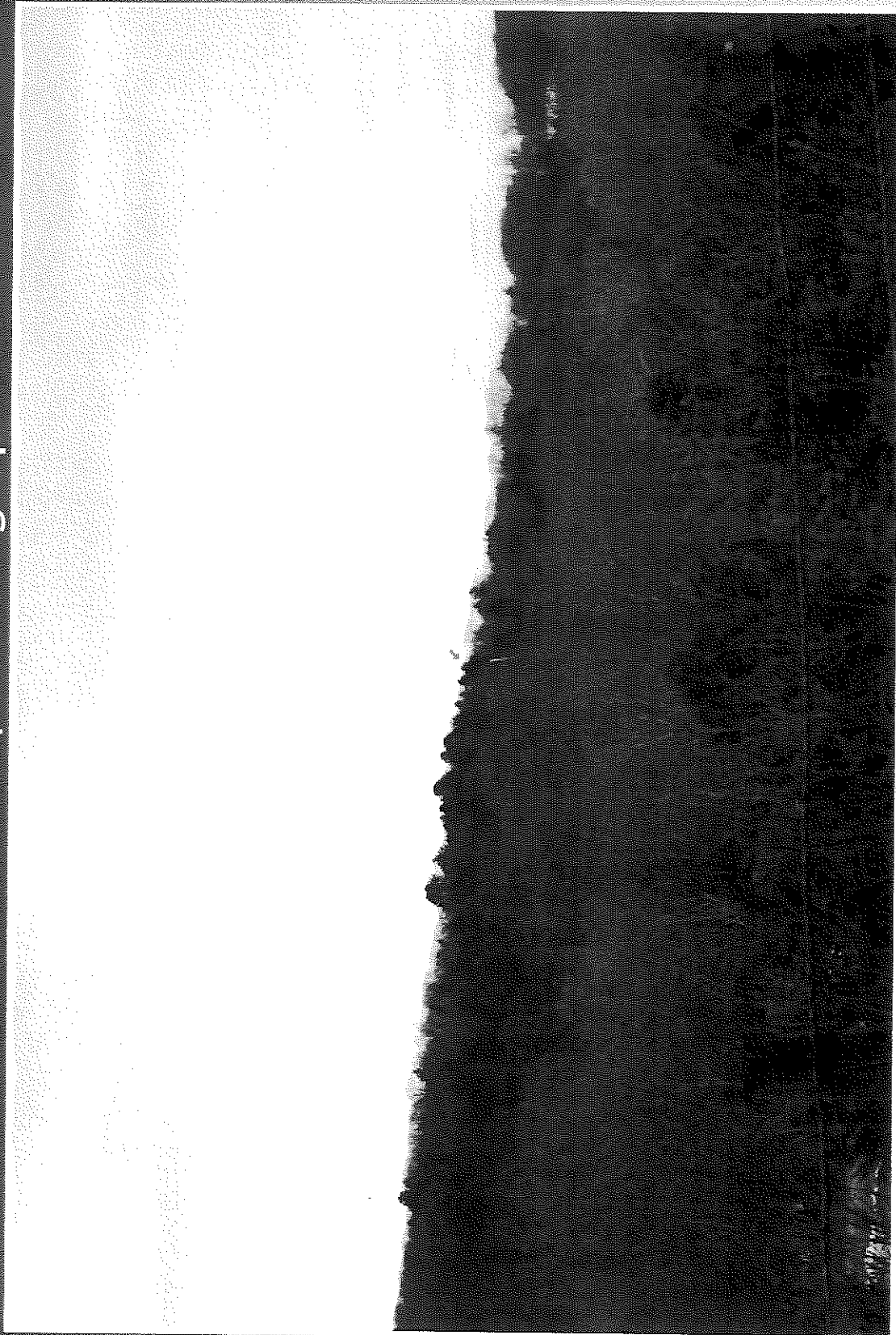


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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5 - 120 Ft	BALDWIN HILL ROAD	NORTHEAST	0.41 MILE +/-	YEAR-ROUND



| Photographic Documentation

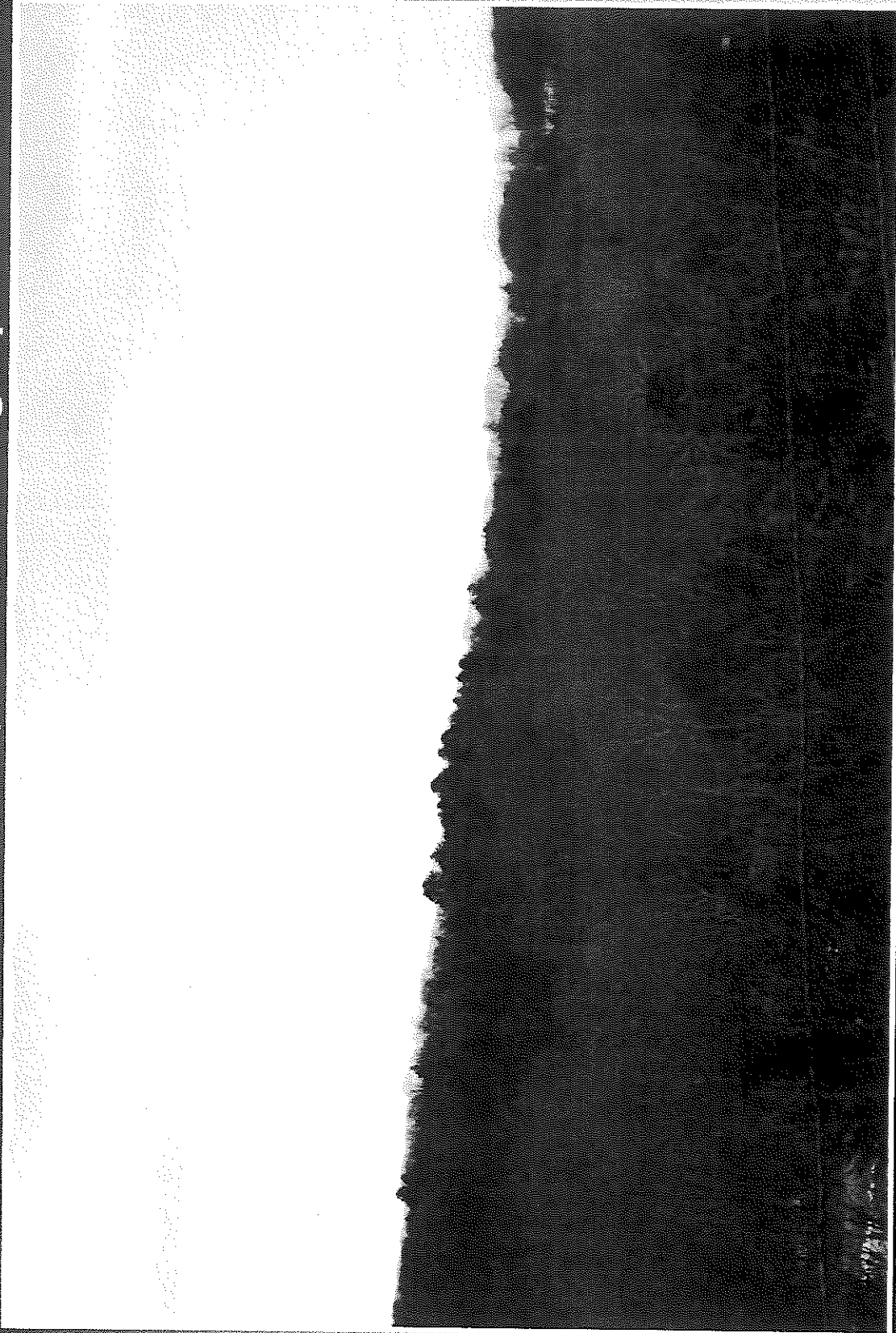


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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5 - 110 Ft	BALDWIN HILL ROAD	NORTHEAST	0.41 MILE +/-	YEAR-ROUND



Photographic Simulation



1:41469.07\graphics\FIGURES\41469.00_ProSim

VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5 - 110 Ft	BALDWIN HILL ROAD	NORTHEAST	0.41 MILE +/-	YEAR-ROUND



Photographic Documentation



J:\1493\07\graphics\FIGURE\1493\07_Photos.mxd

VIEW

6 - 130 Ft

LOCATION

ROUTE 109 AT HOST PROPERTY

ORIENTATION

NORTHWEST

DISTANCE TO SITE

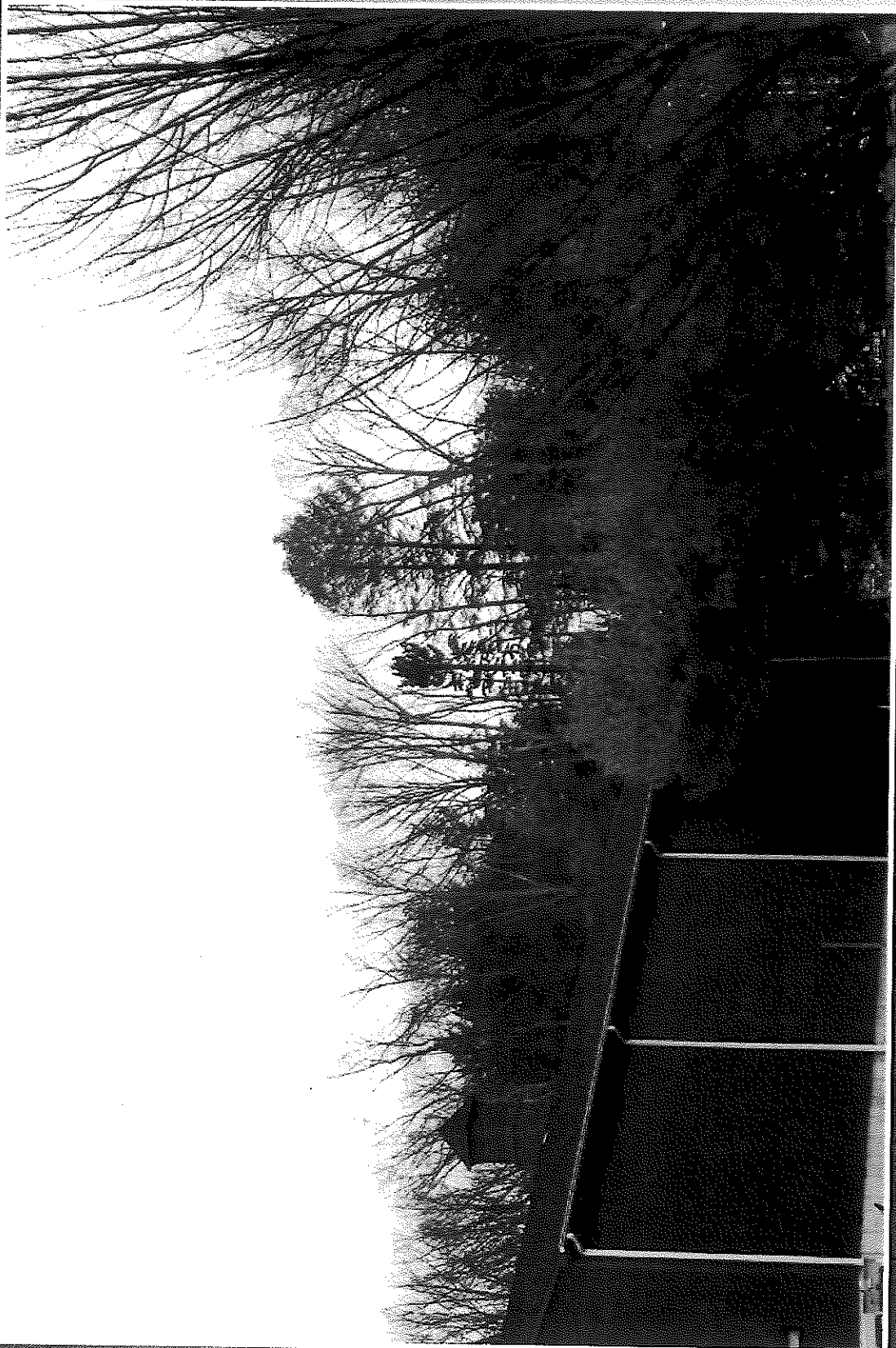
0.16 MILE +/-

VISIBILITY

SEASONAL



Photographic Simulation



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VIEW

6 - 130 Ft

LOCATION

ROUTE 109 AT HOST PROPERTY

ORIENTATION

NORTHWEST

DISTANCE TO SITE

0.16 MILE +/-

VISIBILITY

SEASONAL



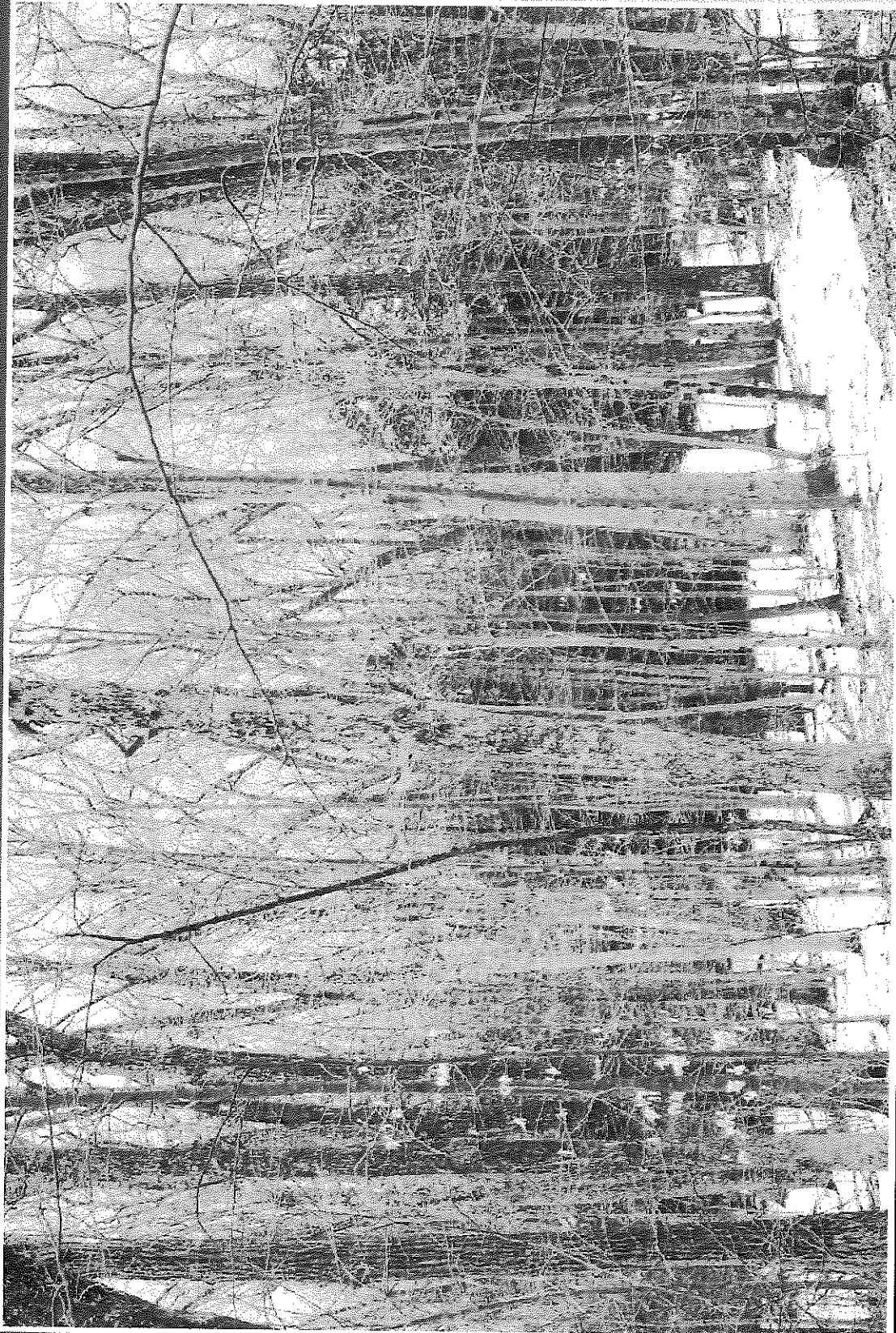
Photographic Documentation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
7	HIDDEN VALLEY PINNACLE TRAIL	SOUTHWEST	0.61 MILE +/-	NON-VISIBLE

Photographic Documentation



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VIEW	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
8	HIDDEN VALLEY PINNACLE TRAIL	SOUTHWEST	0.37 MILE +/-	NON-VISIBLE