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.

Respectfully submitted,
Mary Anne Greene
Selectmen's Secretary