

# 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