



Town of Sherman
Special Board of Selectmen Meeting
Sherman School Cafeteria
Saturday, July 27, 2013

Attendees:

Clay Cope, First Selectman

Chris Jellen, Selectman

Call to Order:

Meeting is called to order by First Selectman Cope at 12:00pm in the cafeteria of the Sherman School.

1) For a public information meeting on the proposed application from New Cingular Wireless PCS LLC for a cellular communications tower facility at 16 Coote Hill Road:

- First Selectman Cope introduced Harry Carey, Director of External Affairs for AT&T, at which time he gave a short speech.
- Attorney Christopher Fisher from Cuddy & Feder was introduced and gave a power point presentation regarding the site, coverage, views of the potential tower, etc.
- Public questions, comments and statements began at 12:43pm with Attorney Fisher answering:
 - Q Sid Head, Farm Rd: Asked if the coverage would help the center of Town? What does this do for AT&T in terms of your network? Does this tower bounce a signal to other locations/towers in CT or NY?
 - A The White Silo Farm location that is being proposed will actually help with the coverage in the center of Town. The Tower is to serve Sherman and no other geographical area, it is a very localized service. It may help part of New Fairfield. It will not boom a signal to other towers in CT/NY. This tower is just to fill in.
 - Q Richard Valeriani, Island View Dr: Asked about property values? What would AT&T do if community wanted to prevent this tower being placed on Coote Hill?
 - A Data shows that there is no impact. What they have seen is that most will not buy homes without cell service. Seek further council.
 - Q Trudy Shubert, Coote Hill: What would the effect be on her house since it is located just below this location? Impact on erosion, the road, value, etc. Is there any emissions/health risks.
 - A AT&T has to comply with FCC regulations regarding emissions. It Typically takes 4-6 weeks to build. 150 trees will be removed from the property, the trees range from saplings to full grown trees. A professional engineer has been consulted for the clearing. This is a state regulation required by the siting counsel. There is no proposed change to Coote Hill Rd.
 - Q Pepper Jones, Memory Lane Farm: Stated that he is the owner of Coote Hill Road and that no one from AT&T had consulted him regarding the use of this road. Is very concerned about the small road and bridge. What size are the trucks that will be traveling on the road?
 - A Coote Hill Rd. is a deeded right of way and all the property owners have benefits to use it. AT&T will have a professional engineer look at the road and bridge to make sure it is structurally sound. Typically the type of vehicles used to build a cell site is not that different from those used to build a house. After completion most travel to the site will be a tech in a van or 4x4 vehicle once a month. The site is monitored remotely.

- Q Bill Jones, Former Owner of all Memory Lane Farm: Concerned that no one had contacted Pepper regarding the use of the road. Stated that it is supposed to be for residential purposes only and that the homeowners share the expense of the maintenance of the road.
- Q Pepper Jones, Memory Lane Farm: Followed up on his father's comments with a short statement.
- Q Kate McConaghy, Taber Rd: Asked of a possible solution/alternative by asking Attorney Fisher to speak further about the property in Patterson, NY. Stated that she believe this to be a viable site and asked AT&T to further investigate this site.
- A Even with that site there will still be a hole in coverage. AT&T does not believe this to be an alternative.
- * After further comment by Ms. McConaghy there is some clarification needed. Not sure if they are referencing the same site and AT&T will go back and look at that information.
- Q Willie Knaak, Wanzer Hill Rd: Very concerned with health risk and read a prepared statement.
- A Regarding obsolescence with the terrain and the rural nature other technologies are not as effective. If the removal of the tower is needed, there are provisions and AT&T will need to follow the regulations.
- Q Joel Wallack, Peace Pipe Ln: Questioned the process and number of sites that AT&T actually researched. Asked about co-locating with Verizon? Why the height of 170' is needed? Property value impact? Who will be and how often will the radio emissions be checked?
- A AT&T would be willing to collaborate with the Town. AT&T had contacted 30+ home owners and many have said no and that information is included in their data that they are obligated to provide. AT&T is open to other sites that may be available, whether it is a Town property or private property owner. Emissions are regulated by the FCC. This facility complies with the FCC, the power on this site is low. If there were an issue that would be a direct call to AT&T or the FCC. They have looked at the infrastructure in the area and there is not any. AT&T does not know of any location that is co-locatable that would met AT&T's needs. The engineers determined this height so that a height above grade could be maintained to be able to reach various areas on 37 and 39.
- Q David Hopkins, Woods Rd: Asked if the siting council required that a tower provide for multiple vendors or is that at the discretion of the carrier? Asked about the population coverage of in-building coverage? Asked to receive numbers regarding the White Silo project. Asked of the tree height around the site and how much of the tower will project above that height? Stated that he had spoke to Attorney Fisher about speaking with the Public Safety Communications regarding the Fire Department radio system project.
- A State statute states that you have to co-locate on a tower if available before building another tower and that a new tower being built to also be co-locatable. This is at the discretion of the siting counsel. Did not have the exact numbers for in-building, but could get them. The green on a chart (neg 74) shown was in-building. The same numbers for the White Silo project could be provided. Average tree canopy height is 65' if not more, some go up to 90'.
- Q Bob Ostrosky, Pepper Pond Rd: Asked of the options. How far have they gone with each of those sites? Was and is there a plan B, C, etc to address the coverage issue?
- A This site is plan B, plan A was Leach Hollow 5 years ago. That site was preferred by the engineers. That site would have helped coverage in the center of Town, but the White Silo project will take care of that now. Property owners have been contacted, existing structures have been investigated then determined which one works best and get a lease to move forward from there.
- Q Mark Ritter, Cozier Hill: Asked if AT&T could fly another balloon and notify the Town as to when it will be done? Spoke to the fact that he has a PHD in Physics and was on International Commission on Non-Ionizing Radiation Protection. Stated that there is no problem from exposure from the tower and that there is far more energy exposure from putting the cell phone to your head.

A Yes.

Q Tom Joyner: Stated there is a need for emergency service and cell service. Asked that AT&T look into the tower on Tower Hill. Urged AT&T to work with David Hopkins to have a town wide solution. Spoke of the map coverage from AT&T. As to property values, suspected it is an inverse effect.

A Stated that AT&T will take a look at the site that he and Ms. McConaghy spoke of. Spoke to the coverage shown on the maps on the website and how they correlate with presentation.

Q Barbara Ackerman, P&Z: Asked what is the timing for AT&T to get back to the Town and what process would that take? Asked further about if the Townspeople wanted information, who would they contact and the timeframe of that? Requested that P&Z be consulted on this.

A Stated that today is a public information session, the next step would be to get back with the First Selectman after reviewing all the comments and concerns from today. Stated that AT&T is not in a rush to get to the siting counsel in September. As far as direct communication with the public that was that day only, further communications will be through the Town leaders.

Q Stan Greenbaum, Peace Pipe Ln: Stated that he was responsible for the three balloons flying currently and gave a brief description of how and why this was done. Asked about Tower Hill at 1300' vs. this location at 900'? A short statement was given on location, the economic impact, a comprehensive plan being needed, petitions are available to sign, etc.

A Carriers are fierce competitors in the market place, but when it comes to infrastructure carriers work together all the time. As far as collaboration, AT&T is very open to that..

Q Janet Hopkins, Woods Rd: Asked if there was any legal responsibility on the impact on Coote Hill Road? Asked if any of the proposed 150 trees to be removed are on Coote Hill Road? Asked if trees would be removed on Coote Hill Road to gain access for the vehicles?

A There are no restrictions according to the deeds and easements on use and any damage done AT&T will take care of. They have a lease with the land owner. There are no plans to remove trees on Coote Hill Rd, but there might be some trimming back.

Q Bill McCann, Route 39 South: Added additional information about the tower on Tower Hill. Concerned about the feasible violation(s) of local Inland Wetlands and P&Z regulations.

A The law in the State of CT is the same for zoning as it is for local inland wetlands. The siting counsel has jurisdiction to review that. It is not that they are allowing AT&T to violate, they are the permitting authority for inland wetlands. The local inland wetlands would not have jurisdiction to require a permit. They would look at local regulations for guidance, but the siting counsel has the ultimate decision.

Q John Valotten, Sherwood Hill Rd: Asked if additional regulatory committees or siting council will need to be gone through once this is all approved to add other carriers? Future construction from additional carriers?

A Siting counsel will issue a certificate to AT&T, but any carrier that would like to locate on the tower would have to apply with the siting counsel. Most site work would be done but there might be some additional construction with the other carriers as far as their pad, equipment.

Q Bill Jones: Asked who will give the additional cell carriers permission to use Coote Hill Rd? Does not believe the land owner has that right to give that right of use regarding the road.

A A title report has been done and there were no restrictions. AT&T will follow up on this private property discussion. Will try to avoid a private property dispute.

Q Stan Greenbaum, Peace Pipe Ln: Requested clarification about the photoism.

A It is a typo, should be photosim which stands for photo simulation. A visual consultant flew a balloon in 2011. It is zoomed in for visual purpose, because it could not be seen with the human eye. The tower is the simulation in the photo. Statute is 90 days from the reports being submitted. AT&T ultimately makes the decision when to apply. They cannot apply before 90 days.

Q Jody Brown, Pinewood Shores: Asked why she was not notified in writing personally from AT&T about the meeting?

A Statutorily AT&T met its requirements by notifying the abutting owners and by publishing a notification in the paper. Then FSC posted/notified by other means.

Q Gary Albert, Route 55: Gave a short statement.

Q David Hopkins, Woods Rd: Urged the Selectmen to act on the RCC Proposal.

A recess was called at 2:20pm by FSC.

Meeting was continued at 2:28pm.

Selectman Jellen asked that public commentary be added to the agenda. Selectman Jellen moved, all in favor.

Public Commentary:

- Roger Oppenheimer: Need to look at town land for this use.
- Veronica Sheer: Asked how the BOS would handle pulling all this information together within this time frame.
- David Hopkins: Stated that the Town should have a lawyer and technical experts working on the Town's behalf. Urged again to consider and act upon moving the RCC proposals to a Town Meeting.

The BOS did not move on the RCC proposal to a Town Meeting as the full Board was not present. It is to be put on the agenda for the Special Meeting.

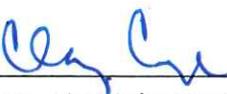
2) For any action deemed appropriate based on the applicant and public input:

- The BOS Meeting August 22, 2013 at 7:00pm agenda will be warned to continue the dialog from the July 27, 2013 informational meeting. The public will be able to make comments/concerns under Public Comments at the beginning and end of the meeting.
- There will be a request for a consult with P&Z.

Adjournment:

Adjournment was called by First Selectman Cope at 2:39pm. Selectman Jellen moved; all in favor.

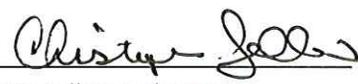
Respectfully submitted by,
Tabitha Fazzone, Clerk



Clay Cope, First Selectman



Andrea O'Connor, Selectman*



Chris Jellen, Selectman

*Selectman O'Connor was not in attendance.