

EAST LYME BOARD OF SELECTMEN  
PUBLIC HEARING OF APRIL 5, 2017  
MINUTES

PRESENT: Mark Nickerson, Kevin Seery, Marc Salerno, Rose Ann Hardy and Dan Cunningham.

ALSO PRESENT: Attorney Mark Zamarka, Town Attorney; Sgt. Mike Macek, ELPD; Chief Jim Levandoski, Flanders Fire Department; and Fire Marshal Richard Morris.

EXCUSED: Paul Dagle

Mr. Nickerson called the Public Hearing regarding the proposed lease of a portion of Town owned property located at 16 Mostowy Road, in East Lyme, Connecticut, to Mostowy Towers, LLC, for the purpose of the construction and operation of a communications tower to order at 7:03 p.m. and led the Pledge.

Mr. Nickerson stated that he caused to have published the Notice of Public Hearing in The Day on March 23<sup>rd</sup> and March 30<sup>th</sup>, and that he also caused to have posted a sign on the property itself on March 23<sup>rd</sup>. He also noted that the Board of Selectmen received a favorable CGS 8-24 review from the Planning Commission. He then invited Mr. Bruce Marcus, CTO of Marcus Communications, Manchester, Connecticut, to address the Board and the public on this matter.

Mr. Marcus explained that this project has been in the works for a couple of years, and during that time they looked at several different locations. After deciding on the site at Mostowy Road, they went door to door and presented information to the residents in the neighborhood. He reported that they also floated a balloon to so that all residents could get a clear vision of how high the tower will be and an idea of what the view will be from their homes and the surrounding area. He stated that the facility will be completely green and self supported, and that there would be a generator in place as a backup to the solar power. The tower will be a lattice design, which is an open design to help resist wind, and weather in general.

Sgt. Mike Macek, East Lyme Police Department, stated that the entire north end of town is riddled with "dead zones", which is a serious safety issue for our first responders. The need for this communication tower is great and he supports this project.

Chief Jim Levandoski, Flanders Fire Department, stated that he supports the building of this communication tower. Presently, the dead zones in the north end of town are a safety issue to our first responders and to the residents of the Town.

Mr. Nickerson reported that the Town has held a number of public information sessions on this matter, and that invitations were extended to all of the residents on Darrows Ridge Road, and that they had floated a balloon on a number of occasions to give all of the area residents the opportunity to see where the tower will be installed and how it might look to them from their homes and neighborhood. He stated that tower will be located down in back in the valley, and not at the top of the hill where the parking lot and foundation are. He stated that originally that spot had been designated for a water tower as part of the water interconnect project, but that they found a more suitable spot for that tower. The Town purchased approximately 100 acres, of which only 1/3 was set aside for municipal use, and it is on that piece of property that the tower will be built. The remaining land is protected conservation land that will not be touched and the trails will not be affected.

FILED

Apr 7 2017 AT 3:45 AM (PM)  
*Karen Hulm, ATZ*  
EAST LYME TOWN CLERK

Mr. Richard Morris, Fire Marshall/911 Coordinator, stated that the installation of this tower and the enhanced communications it will provide to the Town and first responders is very important and life saving. Benefiting from this enhanced system will be all town departments, not only the first responders. The Board of Education will benefit by more efficient communication with bus drivers; and Public Works and Water & Sewer departments will also benefit. This communications tower will enhance the new Independent Police Department as well, and is a win-win situation for everyone. He stated that all of the communications equipment has already been purchased and is ready to be installed with little to no additional cost to the Town, explaining that it was originally going to be installed on the proposed water tower that has since been moved to another location.

Mr. Nickerson interjected that Water & Sewer is in the process of switching to a new, advanced radio controlled water / meter reading system, and this communication tower is the key to making the new system a success since it is all done from a central location. The Town currently cannot move over to this updated system because of the dead zones in the northern part of Town.

Mr. Ronald Luich, 13 Enid Lane, had a few questions for the Board and Marcus Communications. He inquired as to why Marcus Communications is also known as Mostowy Towers LLC; if the tower collapses, who will be responsible for rebuilding; is there a backup system in place in the event of a storm and what kind of fuel will be used as the backup if the solar panels aren't working for some reason; what size is the proposed building; what are the security measures being taking to keep people out of the building and off of the tower; will there be any flashing lights on the tower; what material will be access road be, and he suggests gravel.

Mr. Morris responded; the Town has not lost power to our towers in a storm or for a different reason, but that the backup generators run off of propane. The tower will be built to exceed the highest possible wind load. The building is 10x20 concrete pre-fab, and there will be security cameras inside and outside, which will be monitored back at dispatch. This is a 190' tower so it will not require flashing lights as it is under the height guidelines. Should the tower collapse, it will be a shared insurance responsibility between the Town and Marcus Communications; and there is a backup tower should a backup be required.

Mr. Marcus reported that this tower is a Class 3 Public Safety Tower, and exceeds standard tower safety regulations. Also as it relates to safety and potential collapse, etc., any tower over 70 feet tall requires a peer review by an unaffiliated engineering firm, so the project will be reviewed by a second source to check for possible problems. He stated that Marcus Communications was required by their attorney to create an LLC for this type of project, which is the reason for the secondary company name, Mostowy Towers LLC.

Mr. Nickerson stated that it will be very important for this project to have a clear and top notch plan in place to deal with run off/drainage. The Town has recently been directed by the Siting Council to allow the construction of a solar farm, which has caused some issues with surrounding residents due to problems with the drainage plan.

Mr. Michael Bula, CFO of Marcus Communications, stated that they had approached our Town in hopes of working together to install this tower. He explained that they were looking for a site near the coast for one of their own towers, and realized that our Town was also looking for a location for a communications tower. Their system is also emergency-based, and this project is not cellular intended.

Mr. John Spiegel, 231 Boston Post Road, had some questions and comments regarding the lease; specifically regarding the section on rent collected and how it is disbursed, which is

outlined as the Town receiving 50% of all net rental income. He requested that the Board take a closer look at this clause and consider maybe 20-30% of gross rental income.

Ms. Victoria Mueller, Conway, Londregan, Sheehan & Monaco, P.C. stated that she represents Wireless Solutions, LLC, and Mr. John Drabik, 18 Drabik Road. Ms. Mueller stated that they have come up with four alternate towers that may be suitable for this project without having to build a new tower. All four towers are owed by either Wireless Solutions, LLC or Mr. John Drabik.

Mr. Donald Huntley, 5 Monticello Drive, East Lyme, stated that he has been in the communications business for approximately 16 years, and he feels that this is a good lease that may need a couple of details worked out. He also would like to see the rental income change from 50% net to 20% or 30% gross. He is in favor of building the tower.

Mr. Marcus noted that the tower is being designed to accept cellular, as per the direction of the Siting Council, but that there is no plan to add cellular. He reported that they did survey all of the towers addressed by Ms. Mueller, but that none of them would provide the connectivity that will be required. To answer a couple of previous questions: if a cellular company does come on board, then they will be required to fund any work and utilities necessary; and, there will be security cameras inside and outside of the building that will be accessible and monitored by Dispatch.

Ms. Rose Ann Hardy asked for more information on the building itself, and Mr. Marcus stated that the building is a 10x20 pre-fabricated structure on a concrete pad and is 10' tall. There will be no plumbing, bathrooms or running water. The structure and tower will be built 2,200 feet behind the existing foundation, and the path necessary to get there is already in place.

Mr. Marc Salerno inquired as to how many solar panels there will be, and it was reported that approximately 150 panels will be used, which will take up less than an acre. The backup batteries will be charged by the generator, and have a 7-10 day life span, at which time it will take a few hours to re-charge for another 7-10 days.

Attorney Mark Zamarka stated that the terms of the lease have been negotiated and agreed upon by both parties. Regarding the net rental versus gross; he stated that this was also a negotiated and agreed upon item, and that it is important to remember that this communications tower is intended to enhance the emergency services communications in our Town and is not intended to be a revenue generator. He stated that although the tower has to be built to accommodate cellular per the Siting Council, this is under the Town's jurisdiction and not the Siting Council until a cellular carrier rents space on the tower. This is because a 190' tower does not require Siting Council.

Mr. Nickerson re-stated that the piece of land that this tower and building is going to be constructed on is Town property and not a part of the conservation easement.

#### MOTION (1)

Motion by Mr. Seery to close the public hearing at 8:18 p.m. Seconded by Mr. Seery.

Motion carried 5-0.

Respectfully submitted by:

Sandra Anderson, Recording Secretary