

**AVON TOWN COUNCIL
MEETING MINUTES
October 7, 2021**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. via GoToMeeting by Chairperson Maguire. Members present: Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber. A quorum was present.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Maguire.

III. PUBLIC HEARING:

16/17-51 Amendment of Cellular/Wireless Lease Agreement for Property Located at 277 Huckleberry Hill Road for Town and Public Safety Communications System Replacement Project

The Public Hearing was called to order at 7:00 p.m. by Chairperson Maguire. Chairperson Maguire waived the reading of the following notice:

“TOWN OF AVON
LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, September 2, 2021 at 7:00 p.m. at the Avon Town Hall, Selectman’s Chamber, 60 West Main Street, Avon, CT, or virtually. For information on attending the meeting via remote access, visit www.avonct.gov/town-council, under “Agendas.”

The purpose of this hearing is to consider and authorize the Town Manager to execute the lease amendment between the Town of Avon and SBA 2012 TC Assets, LLC for property located at 277 Huckleberry Hill Road, Avon, CT 06001.

The Town and SBA desire to relocate the existing cellular/wireless communications tower structure currently located at the Huckleberry Hill Road property in order to address coverage deficiencies in the Town’s public safety communications system. Such improvements will require an increase in the height of the tower structure to no greater than 150 feet. The Town will contribute towards the completion of this relocation. This contribution will be made through a rent abatement as stipulated in the proposed amendment to the lease agreement. The agreement includes the option to pay any remaining balance as a lump sum payment.

A copy of the proposed amendment to the lease agreement is on file in the Avon Town Clerk’s Office and open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 30th day of July, 2021.

Brandon L. Robertson, Town Manager”

Chairperson Maguire noted that this public hearing was moved from September to tonight so it would not interfere with the Roaring Brook School open house that was going on at the same time, to allow everyone to have a chance to attend and speak at the meeting.

The Town Manager noted the record attendance for a public hearing at a Town Council meeting. He provided some background and context regarding this item, a high level history of how we got to this point. He noted that Tom Kline will then provide information regarding the technology and locations and why we are making the proposed recommendation followed by Town Attorney Al Smith to discuss some legal principles and foundation that needs to be laid before the Council opens the hearing. He noted that some of you have been along for this ride for a few years now so he asked forgiveness for those that already have the background and for those that don't it is important to have it. He reported that the public safety communications system we are talking about is absolutely fundamental, it is the backbone of the Town's public safety function which arguably is the most important function that a municipality has; it is the lifeline to the first responder in the field and a properly functioning system with the needed features is vital to everyone in the public; the current system is dangerous; it poses a serious risk to the public and our first responders; we began budgeting contingency for the potential catastrophic failure of this system in 2016, the point at which we were told the system could go at any time; at that time we issued a Request for Proposals (RFP) looking for an independent, objective, third-party to review our system from top to bottom and make recommendations based on their findings; we hired LR Kimball who later became Federal Engineering and for good or for bad, they validated all of our concerns and found that our current system is not fit for purpose, not appropriate for public safety communications, it is not modern, has significant drawbacks with respect to inter-operability features and coverage issues on the west side of Town; we thoroughly analyzed the consultant's report and we concurred; the recommendation was for the Town to move towards a Project 25 simulcast system (P-25 system), a public safety grade system that operates at 700 MHz; based on our agreement with the recommendation and with the assistance of our consultant we developed another RFP with a comprehensive bid document and selected Motorola to work with us to complete the design of the system, go through the permitting process, and to build and construct the system; at that point we had a three-quarter baked project and then went to referendum in December 2018 for both the synthetic turf field project and a \$3.9 million appropriation for the public safety communications system and both of the projects passed. He added that in 2019 we continued to refine the system; we received FCC (Federal Communications Commission) licensing approval as well as approval from Village Developers and Canton Water. He noted that one of the key sites is off Kingswood Drive, approximately 160' over the town line in the Town of Canton and we submitted to the Canton permitting process. He clarified that the amendment we are discussing tonight will ultimately be submitted to the CT Siting Council; it will be a dual installation, commercial and public safety but due to the commercial aspect is not subject to local planning and zoning beyond insuring compliance with the Town Plan of Conservation and Development. He added that the proposed modification of the existing site in Canton was only a public safety use it was subject to the Canton planning and zoning process and ultimately despite the mutual benefit to our communities and the public of approving the modification to the Kingswood Drive site, the Town of Canton denied our request. At that point the team involved with this project had to reassess and look at potential sites to make up for the loss of the Kingswood site; the Kingswood site was critical, providing us with the correct line of sight and it would have solved for our public safety system and if approved we would not be sitting here tonight. He noted that Tom Kline will go into the detail about the rigor of the process used to consider other locations of which we ultimately landed on the Landfill site; the site where the Transfer Station is now is a capped Landfill, it operated as a Landfill from about 1976 to 1996, in 2004 the Town approved a lease agreement with Sprint at the time to locate a 100' cellular communications tower at the western edge of the property; recognizing the importance of that site to the overall design of our

system going forward, the Town reached out to the current lessee SBA to see if they would be willing to enter into a conversation us to see if we could come to some agreement to get a pole that needs to be approximately 30' higher than the existing pole with our sole purpose being the installation of our communications equipment at the top of the pole; luckily SBA agreed to have that conversation; SBA could have declined and then the exact same pole that has been at that site since 2004 would continue to be there through the remaining time on their lease; we proceeded to renegotiate the lease with SBA to remove the existing cap on the height of the pole from 100' and increased it to 150'; the pole itself in the lease agreement is referenced at 130'; there are two antennae that are 16' tall and about 4" in diameter and one panel that would go at the top of the tower for a total of 146'; we rounded up to 150' to have a little room, just in case. He noted that SBA agrees to share the cost with the Town, we agree to forego some of the revenue under the existing agreement, and SBA agrees to proceed forward with all of the design and permitting costs with submitting an application to the CT Siting Council; the issue before Town Council tonight is whether or not to amend the existing agreement with SBA and if Town Council amends that agreement there is one more local referral to the Town Planning and Zoning Commission who will review the proposal in context of compliance with the Town Plan of Conservation and Development and if it's a go, SBA would then proceed with an application the CT Siting Council. He noted that the Town Attorney will speak to what is involved with that application process but there is opportunity for public input at the Siting Council, as well as an opportunity for the Town to comment. He introduced Tom Kline, who is Assistant Chief with the Avon Volunteer Fire Department and employed by the Board of Education as one of their IT specialists. He thanked Tom Kline and John Zematis, Records Manager with the Avon Police Department who have done a tremendous amount of work on this project. This is a project that has been given a lot of thought, it has been ongoing in some form for the last five to six years, and the Town staff team has remained very flexible and open to suggestions, we are looking for the best solution for the community as a whole; having been involved from day one, back in 2016 we gave a lot of thought about piggybacking onto the State CLMRN system, had conversations with the Office of Statewide Emergency Telecommunications and ultimately decided that Avon was best served by a self-contained system separate from the State; time passes, other people get involved with the project, the situation with the State changes and now as a result of the time gone by and trying to find the best solution we are actively working with the State to hopefully end up with a design that incorporates the State network; we have worked diligently on this project, including answering questions from Town Council like why can't first responders use cell phones. He introduced Tom Kline.

Tom Kline, Assistant Chief, Avon Volunteer Fire Department, gave a presentation (which is attached and made part of these minutes). He noted that this is an important review of how we got to this meeting tonight. He highlighted the following: Avon's topography is challenging when using public safety radios; a 4-watt radio signal cannot make it over the Northington Ridge to a responding police or fire truck that might be on Lovely Street and that unit has a higher powered mobile radio in it but may not be able to make it over the next ridge to the fire station or police station where our dispatchers are so to overcome these challenges we use a tower system or a repeater; the tower is usually positioned on top of a ridge to service areas on both sides of the ridge. He noted that we currently have three towers: WFSB site on Deercliff Road, Ridgewood Road site, and Kingswood site at the Canton/Avon town line; each tower is an independent system and the person has to turn the channel knob and select which tower they think they have the best opportunity to get a signal through, there is no automation (voting system), and has no idea if their

signal was received correctly; we rely on other users to provide feedback to switch repeaters which delays message transmission. He noted that a link between tower sites can be via line of sight microwaves or fiber optic connections in the new design. He added that the key for receiving the radio signal is what drives the tower location, the low powered device and not so much the output power of the tower. He reviewed seven different designs. He noted that the decimal loss figure is a ratio of signal strength when you're directly outside the building talking on a radio and when you go into the building and the amount of attenuation that the signals incur by traversing through the building structure; for our analysis, the signal strength of the radio coming back out is attenuated at a more severe level. He noted that the public safety industry standard with Delivered Audio Quality is a DAQ 3.4. He noted that with the design that Motorola provided for us, the RFP did not specify which sites we had to use to solve our problem; we did specify that existing tower locations would be preferred versus a "green" site. He reviewed benefits of using existing sites, drawbacks of using undeveloped "green" sites, and locations for alternate sites. He highlighted the Alternate Site – Found Land; the land was deeded for recreational and open space usage; and to seek out that approval to go through the local process, then the State all the required permits and not be guaranteed that it would happen we ruled that site out. He highlighted the Alternate Site – 244 Lovely Street; as we dug into the design further and the structure of the pole it was ruled out for that reason. He highlighted the Alternate Site – 277 Huckleberry Hill; the large part of the site is the Landfill and is not buildable ground and why the current tower is where it is. He highlighted Design #4; while it gives us good coverage it still required us to get above the tree line which causes attenuation of the signal and we would need to rip and replace the tower that is currently there which was not approved by Canton. He highlighted Design #5. He highlighted Alternate Site – Ridgewood Water Tank. He highlighted Design #6. He added that at that time we also started conversations again with the State regarding the P-25 digital system; the Town has, through Emergency Management use, some State P-25 portable radios for State coordination in large scale incidents and we performed radio testing around Town; the shaded light blue is on-street coverage. He highlighted Spring/Summer 2020 events; Motorola pauses their design work until we can come up and confirm a site on the west side of Town; all these iterations, maps, and true system design is incurring expense and is very time consuming for them and the Town; we need to lock down what sites are really available to us before we can do a full system redesign. He highlighted Design #6; the original proposal from Motorola was for two tower sites, the system for the \$3.8 million referendum encompasses towers, new portable and mobile radios for vehicles, three new dispatch console center improvements, an audio system recording system at the dispatch center, links to the sites to get us the voting system and simulcast capability moving from analog to digital; the cost of the system is looked at as a whole Town-wide; once the system is built, Motorola does acceptance testing with Town staff and if it meets the 95% guarantee we are good, if it doesn't we look into adding a bi-directional amplifier to those particular buildings; we would offload some of the processing power and management of how the signals flow to the State and allows us to use the State system and would have direct mutual aid communication with other towns on the system. He highlighted Design #7 with multiple coverage maps. He highlighted Proposed Changes to Transfer Station Site; the Public Safety RF Power will provide frequencies with a maximum output limited to a certain amount of watts because there are other users on the same frequencies somewhere else in the area, local or regional. He noted that the tower itself doesn't radiate; it is just the flat panel antenna on our system and only output as much as the design needs to cover that gap in the coverage. The Town Manager thanked Tom Kline for a thorough presentation.

The Town Manager introduced Al Smith, Town Attorney, and Partner with Murtha Cullina. Attorney Smith noted that this is a complex project and will require various approvals from different agencies of which each has a jurisdiction over a different aspect of the project; the law, local, State, and Federal, creates a lane for each agency and requires each agency to stay within its own lane; the Town Council will hear from the public and consider the amendment to the existing lease with SBA; in doing so the Council will determine if the terms in the lease amendment are in the Town's best interest and is the Council's legal lane in this matter; if the Council decides to go forward with the lease amendment it will result in different agencies becoming involved with this, acting within their own lanes; the Town Planning and Zoning Commission will review to assure compliance with the Town's Plan of Conservation and Development; next step is to go before the CT Siting Council, a State board with exclusive jurisdiction over issues related to the location and environmental impacts associated with this sort of cell tower; its charge is to balance the public need for the facility against the environmental adverse impacts that would be created by the facility; there are two significant constraints on the Siting Council's review of public need and environmental impact: the law creates a strong preference for co-locating equipment at existing sites versus creating new "green" fields and federal law prohibits local and state agencies including the Town Council, the Planning and Zoning Commission and the CT Siting Council from regulating towers on the basis of radio frequency emissions as long as those emission comply with standards established by the Federal Communications Commission (FCC); a demonstration of compliance with those radio frequency emission standards is always part of a Siting Council proceeding for this kind of application and those proceedings have significant public participation component including comments from the public and the Town. Chairperson Maguire thanked Attorney Smith for his remarks and also to Tom Kline for his comprehensive overview.

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council open the public hearing at 8:09 p.m.

Mrs. Maguire, Messrs: Speich, Bernetich, Polhamus, and Weber voted in favor.

Chairperson Maguire called on several Town officials to provide a few remarks.

Jim Rio, Director of Police Services, who spoke on behalf of the Avon Police Department, who are in favor of the proposed amendment to the lease agreement; he has been involved in the public safety field at local and state levels for over forty-three years; his technical knowledge of communications is limited; Avon's current system places the safety of first responders and the public at risk on a daily basis; communications both ways are frequently inaudible and either have to be repeated or abandoned; monthly portable radio emergency test alerts frequently fail and results are documented for accreditation reporting; the system is beyond the end of its life; aside from his daily observations monitoring radio traffic, he can relate to serious incidents that occurred over the last few years that he was present for. In one incident there was a barricaded person involved in a domestic disturbance, we called the regional emergency services team to assist us as we had the building surrounded for several hours, during that incident officers mostly resorted to using hand signals to signal to each other in the neighborhood and supervisors had to frequently drive away from the scene in order to have radio or cellular communications. The next incident was the most recent tragedy on the Farmington River and he was present for that as well; officers along the river had to walk up to the roadway up on hills to speak to headquarters, we have zero cellular coverage in that area and our radio reception was very sporadic; he came upon a young person who was doing drugs just over on the Canton side, Mr. Rio was with an officer from another

town when a resident came over to alert us of that, as the young person came out from the river they ran across several lanes of the roadway and nearly struck a few times, he could not reach our headquarters on the portable radio or his car radio and could not call in on his cellular phone. The officers and dispatchers of the Avon Police Department have had to endure this system long before the 2016 study and they have been patient and understanding, but they are beyond frustrated, as you will hear later, with the lack of progress with this project; radio and cellular communications are not an untested or unknown technology; twenty-one years ago when he was with the Farmington Police Department they built a new police station and erected a 190-foot tower on the property that houses the police station, the community center, and senior center; on that tower were also three cellular carriers, there were houses across the street in a newer development directly behind them on a hill at nearly the same height at the top of the tower; directly across the Farmington River there are the Town Hall, public library and high school complexes also on a hill in line with that tower; the proposed tower at the Avon Landfill is thirty feet higher than the existing 100-foot tower that has been there for seventeen years; topography in Avon is challenging and the tower is an absolutely essential component of the proposed communications system. You are likely going to hear some public comments after this opposed to the lease amendment that will be presented in very technical and factual terms; he asked the Town Council to consider, you can find support for any position that you take on the internet and you can find an academic or any institutional higher learning that will support your position if you look hard enough. He reiterated that we are not proposing new or untested technology; cell towers are everywhere including near his home; Town staff have been flexible over the years and adapted to many changes in direction and scope throughout this project and have now arrived at the best solution for the Town. He urged Council to approve the amendment to the lease agreement so we can keep this project moving forward and to ensure that we provide for the safety of your public safety personnel and all of the citizens of the Town; thank you.

Bruce Appell, Fire Chief, Avon Volunteer Fire Department (AVFD), and Town of Avon Emergency Management Director, echoed comments made by Mr. Rio and Assistant Chief Tom Kline; he is a lifelong Avon resident for over fifty years with over thirty-seven years in fire service and has over twenty years working with the AVFD radio system and at least two radio systems prior to our current iteration; he understands the challenges that the Town faces with the sites and locations; on behalf of the AVFD we strongly support the need for communications 100% throughout the Town, the west end particular which is growing with homes in that area; we have a lot of issues at the river; with the unfortunate issue at the river we were doing ground searches along the riverbanks and we lost communications with members of the AVFD which puts them at risk should something happen, no cell service in that area and very little radio communications. Radio communications is a key in our business; the fire service responds to issues that are typically getting worse until someone from the AVFD or public safety gets there to start mitigating the incident; time is of the essence; he lives on New Road and when the alarm goes off if he is in his yard he cannot hear what the dispatchers says; he goes to his car, turns on his other radio, start up an app which could result in a delay of 30 seconds or a few minutes; that delay in our response could be critical; communications in the area is extremely needed. He noted that clear and concise communications is the key to the radio system. We had numerous motor vehicle accidents along the Lovely Street corridor and he recently happened to drive upon one with a party trapped in the car; he got out of his vehicle and onto his portable radio; the dispatcher was hearing his communications wrong and resources weren't sent as requested; life safety and time is paramount. He noted that all of our patrol officers deal with communication issues. He noted that on the

emergency management side we have bigger disasters, that have happened and are coming with weather changes including snow events, wind storms, and flooding, the Town-wide radio system is not integrated and have very difficult challenges talking from Police to Fire to Public Works to Board of Education; the interoperability hampers Town staff to be able to respond to emergencies and deal with them effectively; unfortunately natural disasters are going to keep occurring and in order to service the public we need to have clear and concise communications so we know where downed trees are and where blocked roads are so we can assess the route to get to your house and mitigate any hazards going on. He thanked Assistant Chief Tom Kline for the five years he has put into this project as well as the Town Manager and Town Council for everything they have done to support this project; it is challenging; and it is in the best interest of public safety and of the Town of Avon employees who are here to serve the public.

Chairperson Maguire reviewed the rules regarding comments from the public; a five-minute time limit will be given to speakers; please state your full name and address for the record; and if you wish to speak a second time you will be called upon after others have had an initial opportunity to speak; and the chat box should not be used to make comments, ask questions, or share resources and nothing submitted will be part of the official record; and the public hearing is not intended to be a question and answer, rather a chance for Council to listen to the audience. She noted that the presentation made by Tom Kline will be made available on the Town's web site tomorrow.

Officer John DeMarco, Union Vice President, Avon Police Department, has been with the Town for five years; we all know this is a public safety concern and assured all that everyone in the department is pretty frustrated with this; when he started he was promised we would have a new radio system that actually functioned as part of his hiring process and that has not happened; this conversation comes up quite a bit; there has been zero progress in this entire process and it is upsetting from a union concern, for individuals, and for the community as a whole because this is an important aspect to policing; we use the radios more than anything else; it is our number one tool to communicate with the resources we need on scene and if we do not have the ability to communicate we cannot do our job correctively at all. He reiterated that it is not like we are asking for fancy, cool police cars or new uniforms or anything fun; we are asking for our radios to work effectively and to communicate appropriately so he can do his job to the best of his ability and genuinely assist you. He added that from a public safety concern you can make your decisions as to if you think public safety is a priority in this Town, hopefully it is and I hope we all can agree on that; from a union concern we are very frustrated with it and will start voicing their opinion a lot more and being a lot more vocal with it for their safety and more importantly the public's safety. He can put together a list for the amount of times, including tonight right before this meeting he missed an assault call that never came over the radio. He can be contacted at (860) 409-4200 and he will gladly discuss exact situations and details. He noted that we would like to see action rather than just continuing the conversation. He expressed appreciation for the time.

Dr. Francesco Lupis, 9 Westbury, reported that he is not only part of the community and neighborhood that is concerned about the tower but he is also a volunteer firefighter and takes time to give back to the community and serve the community in hoping that he will protect it, his family, his children, and his neighbors. The concerns on the radiation and the tower, we spoke to some people over the weekend who were more concerned about the drop in their property values at 20% and will turn this into a disagreement on putting up the tower because of the commercial aspect; this is a safety and security issue; if anybody in the fire department cannot communicate clearly

with the people that are trying to battle the chaos that might be called to your house, this is a safety issue for yourselves; this communications system needs to move forward regardless of the commercial aspect that is attached to it.

Natalie Gauthier, 50 Buckingham Road, reported that she is a homeowner in the area of the tower and based off all of the comments made earlier she is in full support of moving forward and approving this amendment to the point of public safety being a prime priority as well as the schools nearby.

Adriane Mosley, 393 Huckleberry Hill Road, reported that she is a Lieutenant with the Avon Volunteer Fire Department and she cannot currently sign on to her public safety radio at her house and has had the same problem in different parts of Town; everyone agrees that public safety is a priority; if the emergency is at your house don't you want us to be able to get there safely and quickly; adding thirty feet to the tower is not a big change and all of this is regulated. She takes her child to Buckingham Park and if she thought there was any safety concern for her little girl she would not be for it; she does not believe there is a legitimate safety concern, rather more of a safety concern with first responders, fire police, and ems not being to communicate effectively; she is 100% for the amendment to the lease to heighten the tower.

Kelly Natrass, 87 Westbury, reported that this is not a question of supporting public safety and whether you are here supporting the tower or not we can all agree that we 100% support the need for public safety improvements. By giving emergency communication examples to our neighbors right now is wasting valuable time of finding a proper solution; what is not in agreement is the commercial aspect and she would argue most if not all are in support of the commercial piece they do not live within the danger zone of this tower so respectfully they need to support their neighbors who do live in that danger zone. What she has learned over the last month since the day she received this generic letter from Brandon Robertson was that 1) had the letter proposed that a new public safety was being built and it stopped there we would not be having these conversations; instead, this 2-in-1 project that has been labeled public safety is far from that and as a resident of this Town for almost forty years she is so disappointed with our town management and the lack of transparency that she has never seen before; 2) five Town Council members have so many projects going on at the same time and have not been provided any of the necessary information to include visuals, renderings, height requirements, emissions data, etc. to make this decision at this time and are being rushed by the Town Manager to approve this after the Kingswood failure; this still does not make this the right solution; 3) the Town has yet to hire a qualified, licensed, experienced and unbiased consultant to manage this \$4 million project with a proper location identification; and the fact that Kingswood was promised only for public safety with no commercial, yet we are forced over here to take the burden is unacceptable; 4) if community voted you into these Town Council positions to manage our Town projects, not pass them over to regulatory agency which will have complete jurisdiction and dictate our Town's future; 5) as John Zematis stated to us in a private meeting at the police station, we will all find out the health effects of this tower in maybe fifty years. Is the Town legally prepared for the liability of cancers and property value losses? 6) Why are you being asked to amend a lease based off a referendum for the \$4 million in taxpayers' money designated for the Kingswood site? You are approving this before the new referendum vote that will have to take place to change the site and this will allow the commercial aspect to go forward even without the public safety communications part of it. She thought this was just a public safety project. As asked of some of you in person the other night, please focus on that 1%

uncertainty, listening to the neighbors who are the closest to this proposed new tower and refuse the commercial aspect, table this until more proper research can be conducted with experienced personnel that provide fact based information outside Motorola who have one agenda in mind. Just because this project has been going on for a long time does not mean this is the right solution and just because it is adjusted to reuse existing sites this is still a new tower being built and does not make it the right location.

Joseph Zarb, 26 Berkshire Crossing, provided the following statement. Thank you for the opportunity to speak to the council. My name is Joe Zarb and I live at 26 Berkshire Crossing. I am representing the sentiments of the following six Avon residents, and request 20 minutes of time to read a prepared statement: 1. Paul Marshall, 2. Joanie Fedorciw, 3. Carolyn Hovorka, 4. Joe Capozzoli, 5. Carol Ferrara-Zarb, 6. Joe Zarb. My house faces the existing pole, 750 feet directly from my front door. My career includes experience specking, building, deploying, and managing private wireless carrier services for cooperative utilities, using 700MHz spectrum for broadband data and voice services. Working with cooperatives, means the utility owners are the citizens, thus managing the expectations of society was all important. I will submit this written statement to the council and am requesting it be added to the Avon Town Written Record.

Unable to find a document detailing the town council's mission on the Avon Town website, I reviewed the application for service. In the application it states: the Town Council members interests include "the well-being and betterment of our community..." In regard to these interests, I would add a 3rd interest – to be citizen stewards of taxpayer investments.

Please allow this communication to address these three points and why the Town Council must Vote "No" to adding a new significantly heightened four-tier cellular tower, creating a 20% increase in commercial space, to replace the existing three-tier tower. Furthermore, this communication will offer pragmatic steps to assure Avon's first responders have the tools they need to do their jobs.

Before I dive in, I wish to fence the discussion to the main objectives and issues as I understand them based on face-to-face discussions with John Zematis and Tom Kline and other information provided by the town, including Radio Frequency Designs rendered in the last 30 days by the Town's chosen equipment vendor: Motorola.

My understanding is the Town seeks to assure ample handheld and vehicle mobile communications coverage for first responders to communicate and "stay connected" while carrying out their mission. Currently, the town has "dark spots" where first responders are unable to "stay connected"; potentially causing delays and exposing society to a less than optimal level of service. Based on the Radio Frequency designs provided by Motorola, the area of coverage by this new, taller tower, encompasses the area from Northington to The Farmington River, from Collinsville to Unionville, it is approximately a 2.5 mile by $\frac{3}{4}$ mile rectangular area – a very small area given the propagation characteristic of 700MHz spectrum, even with the wooded & hilly terrain. The town's project is to abandon the existing 100 foot cellular tower and add 15 foot Motorola 700MHz whip antennas to the top of the new 120 foot tower, thus providing Avon police and fire departments coverage in this limited area that currently has weak to no coverage.

I wish to emphasize, that almost everyone on this call who objects to this Tower are the same citizens who would benefit from improved first responder coverage. The fact that the very constituents who are most to benefit from this coverage do not wish to have this project implemented as currently proposed, is reason enough for the Town Council to Vote "No" to adding a new heightened four-tier cellular tower in our neighborhood.

Now, to address the Town Council interests: **1. The well-being of our community; 2. The betterment of our community and 3. Citizen stewards of taxpayer investments.**

Regarding “1. Well-being of our community”. The definition of well-being is “the state of being comfortable, healthy, or happy”. The discourse this project has created in our lovely little town should be proof enough that the Council is not living up to its interests on behalf of the town’s citizens. And the discourse is legitimate, in an October 3rd letter to Avon Town Council members authored by Kent Chamberlain, Professor & Chair Emeritus at the University of New Hampshire detailed recent actionable research conducted by a bi-partisan commission included the key finding that “even low levels of wireless radiation have significant effects on humans, insects, and vegetation”, it concluded that such towers require a setback of 300 meters or 1,640 feet – impossible with the current tower or planned new tower. Additionally, a letter dated September 22nd by Dr. Roman Fedorciw, an Avon resident who lives some 900 feet from the proposed tower, cited numerous prior studies that corroborated the University of New Hampshire work. Additionally, he accurately cited that “the precedent of Canton rejecting the Avon tower project due to safety concerns” should act as a model for this Town Council. In the original filing Docket #297 of the CT Siting Council, dated January 24th, 2005 – the original environmental impact and public need proposal noted “The laminated wood pole to be erected by Sprint should have minimal visual impact on the surrounding area. The nearest homes likely to have a view of the tower are at least 1,000 feet away.” A lot has changed in 17 years, including three housing developments surrounding the current existing tower. “Lastly, on October 5th, Cecilia Doucette, director of Massachusetts for Safe Technology, emailed the town council to inform them that CT US Senator Richard Blumenthal called out the telecommunications industry in a Federal Commerce Committee hearing, where they admitted they never performed safety testing before the rollout of 5G. In addition to other warnings, she stated that most Telecommunication carriers are uninsured for the perils posed by wireless radiation. Is the town of Avon insured for the liability they are creating for residents? The fact that the well-being of our community is at stake, the Town Council must Vote “No” to adding a new heightened four-tier cellular tower in our neighborhood.

Regarding “2. The betterment of our community”, I am fully committed to supporting our first responders. Respectfully, for the betterment of our community, the public / private needs must be separated, and the commercial burden of the deployment must not be borne by our residential community, that already lives with the town land-fill transfer station in our neighborhood – we’ve figuratively and literally been dumped on enough. Aside from an opaque potential fiscal incentive from SBA and Verizon to Avon, one fails to see how hosting four tiers of consumer LTE & 5G service by three international corporations across a cocktail of spectrum bands including 3.3-3.8 GHz, 1500 MHz, 1800 MHz, 2.1 GHz, 2.3 GHz, and 2.6 GHz; governed under Federal jurisdiction and whims, can aide in the betterment of our community. Since the proposed project is subject to FCC jurisdiction and multi-national conglomerates that can circumvent state and town laws, the Town Council must Vote “No” to adding a new heightened four-tier cellular tower in our neighborhood.

Finally, “3. Citizen stewards of taxpayer investments.” The town should focus its efforts on cost-effectively meeting its first responder communication needs in the very small and limited coverage area where it is currently deficient. This nearly \$4M project is a massive investment. Some specific actions this council must take before making any decision are the following:

- First, an independent third-party should vet the coverage and ability for Motorola to deliver the required voice and data application services, recusing Motorola from RF Design and project planning. Motorola has no incentive to minimize antenna heights or optimizing a network when a less timely and more profitable approaches can be

- pitched. Motorola has already demonstrated themselves untrustworthy insofar as they proposed tower locations that were later deemed unacceptable, and hence we now have the issue to scramble for alternative locations.
- Second, mimic what almost all neighboring towns have done, co-locate the Whip antennas at the Avon fire Department Company4 on Huckleberry, approximately in the center of the rectangular “dark spot”. Discussions with an RF engineer at a competitive Tower vendor to SBA, I learned that 700MHz repeaters placed at strategic locations on Northington and New Road on utility poles, would enable the whip antennas to be mounted near roof height of Avon fire Department Company4 on Huckleberry – potentially no tower at all. This low-mounted whip antennas and self-contained repeaters that would amplify and replicate the needed decibel level and reduce costs of this project, provide network redundancy, and assure coverage – without a new massive cellular tower.
 - Third, Motorola RF Designs, show a lack of coverage for Roaring Brook School, a focal point given the tragedy at Sandy Hook, the town’s approach is to leverage amplifiers so first responders have coverage in the school building and other known “dark areas”. A very similar approach to what is proposed for the 700MHz repeaters, I just mentioned.
 - Fourth, the town’s Motorola handsets and car units are CBRS enabled for data and voice needs. All carriers in town: ATT, Verizon, & T-Mobile offer priority access licenses to CBRS 3.5 GHz services. ATT FirstNet and Verizon FrontLine are designed for first responders and will help in “dark areas” and reduce the risk and cost of the project by leveraging existing infrastructure and providing commercial-grade redundancy. CBRS and 700MHz will assure wall-penetrating coverage and minimal “network dark spots”.
 - And Finally, I also learned that the number of handsets and mobile car units may be limited due to cost increases and overruns with this project, the CBRS / 700MHz repeater approach will help fund more handsets and car systems helping the town get the highest return from its nearly \$4M investment.

Since the stewardship of this project has relied so heavily on Motorola to the detriment of this project and town, and our first responders now find themselves compromising on the deployment of mobile handsets and car units, new thinking is needed to assure our first responders have the services they need; the Town Council must Vote “No” to adding a new heightened four-tier cellular tower in our neighborhood.

If the Town Council is hell-bent on destroying our neighborhood, quality of life, and property values with a new cellular tower, the following “final four” Options must be exercised first:

Option 1. Re-engage Canton Town and CT Water with a more acceptable joint benefit proposal, CT Water approved Avon's request, but according to Avon Council members, Canton did not. Can't there be a meaningful win-win scenario?

Option 2. Use the original site from the referendum: 170 Kingswood, the higher elevation (over 700ft) and incorporating 700MHz repeaters could also be a viable option, and is what the town voted on and approved, any change would destroy the credibility of the referendum process and cause a bait-and-switch suspicion on all future referendums.

Option 3. Assure the height of the new cellular tower is below the tree line, and only three tiers of service may be supported, identical to the existing tower. Ask SBA to help Sprint and T-Mobile to co-locate their equipment on one tier of the new tower as they are now the same company and no longer need separate tiers. This will free up one of three tiers which can be rented to Verizon,

providing SBA the additional revenue they seek from the project. There are only three national carriers in the US – Verizon, ATT, and T-Mobile, all three will be on the three-tier tower. Why is a fourth tier even being considered? Given the FCC permits an additional 20 feet of pole height will be added by Telecom Carriers after the build, the Town Council approved height of 100' must be considered 120', as all control by the town will be surrendered once approved. Have SBA exercise their right to add 20' to the 100' pole, assuring the "pole extension" has a greatly reduced pole diameter, making it incapable of supporting commercial equipment and workloads but sufficient for the Whip antennas. Add 15' to 20' for Whip antennas and you're at the 146.3' (Pole 130') detailed in the town document 2 – L-3 TOWN ELEVATION PROPOSED. Co-locate ONLY the public responder whip antennas on top of the new "pole extension". The Whip antennas can be side or top mounted and are designed to be impervious to wind, even when mounted at elevation, so do not allow anyone convince you otherwise. The optimal Whip antenna height should be confirmed based on a 700MHz RF design prior to the pole being deployed - the lowest possible Whip antenna height should be employed here for public safety needs only, and no additional commercial communications should be permitted.

Option 4. Hold a new referendum to approve a new site elsewhere.

Without the technical project plan being fully audited by an independent engineering firm and 700MHz repeaters being considered for whip antennas at Avon fire Department Company 4 on Huckleberry as initially discussed or at a minimum exhausting these other "final four" options with the current location, the Town Council must Vote "No" to add a new heightened four-tier cellular tower in our neighborhood. Thank you for your time.

Arnold Chase, 150 Deercliff Road, appreciated speakers pointing out this and that; there is both the reality and practicality to what he is saying and he thinks in analyzing all of the general areas of concern, the most important thing that he has heard tonight is that residents are afraid of being in a danger zone or by having additional carriers on a tower it will further create cancer, etc. It is important to take a minute for the non-technical people to realize just how your cell phone works; this is not like a broadcast tower that radiates out in one direction; cellular phones are bi-directional and the power on the towers on itself is fixed; your cell phone is part of a very sophisticated system whereby the cell phone listens for your phone's signal and wants to see if it can hear it well or not and it orders your cell phone to change its output power, the ratio from minimum to maximum can be a thousand fold; so the further you get from a cell tower, the more and more power your phone is putting out; now why is that important; we've all put a hot dog or other piece of meat in a microwave oven and the microwave energy heats it up; he shared a thermal image of a person's head before they've been on a cell phone and after fifteen minutes and you can see the effect of RF energy on the head and brain; the more power that comes from your phone right by your brain, the more worry there should be; what you are fighting for is the worst possible thing; you want to be as close as possible to those cell towers so the amount of power your cell phone is putting out is as low as possible and as safe as possible for you; he lives across the street from several cell towers and he is thrilled because his phone is always at minimum power and his battery lasts ten times longer than it would if he was in a bad area; understand the science before you jump on the band wagon and saying not in my neighborhood. He heard property values raised and is a specious argument; specious is defined as plausible but actually wrong; look at the property values of homes - he lives across the street from two 300-foot plus towers; has an agent ever said that is affecting your values or any of the homes along Deercliff Road near the towers, no, they are at the top of the market; what does affect it is when you go into an area and can't get cell service; that is what negatively affects your property values. In terms of cell towers, you know things are moving more

and more to cellular data, wireless internet; don't you want that to be as fast and reliable as possible; you are working opposite that. He is on the board of the Talcott Mountain Science Center and they made a deal a few years ago with some cell carriers who provided a generator for the Science Center as part of the deal; you could do a similar thing, ask the carriers to provide emergency power; it is a win-win situation. He knows some people were concerned about Wi-Fi, etc., your cell phone has multiple transmitters and multiple antennas.

Margo Ross, 4 Heathcote, thanked Chairperson Maguire and Mr. Speich for acknowledging receipt of her e-mail and letter; thanked all public officials for their time and efforts given this subject; she asked Council to vote against this lease amendment; she objects on a number of issues; she totally agrees with Joe Zarb and totally disagrees with Mr. Chase; she can tell you that the home values on Deercliff next to those towers were affected and if they weren't there they would have sold for a much higher price; she is a realtor; this issue has an unprecedented number of participants in this Town Council meeting; that should tell the Town Council members that it is highly divisive; there are so many people in the neighborhood that are against this addendum and putting the location of the cell tower; as you said yourself, you have never seen so many participants in a Town Council meeting; we have also submitted names of people who are against this, there have been lists that have been provided to you; the pressure and the guilt should not be put on us as a neighborhood because immediately now you need an emergency safety system; we all agree that the safety system should be optimal but because of the frustration and lack of progress with the issue so far does not mean this is the best choice at this time; she knows that the people who have worked on it think this is the best solution but the neighborhood who are most affected by it are saying this is not the best solution; we have 126 acres at 101 Windsor Court/Found Land, it may cost a little more but that would be an appropriate thing; the other thing that has never been answered and she asked the Town Manager specifically about this at the last neighborhood zoom meeting, why did Canton say no to the proposal; that is an important question to be answer before we can go ahead and subject our neighborhood to this; we are bearing a big brunt of the benefits to the Town by having the Landfill, the extra traffic, the other issues of noise, etc. that goes with it; not the Town and public officials are trying to make us feel like the entire burden of the safety system is on us and if we don't agree to it somehow we are wrong; that is not the situation; we believe that the safety system should be upgraded; you should not do it here and we need to look for some other locations that affect nobody; we are not just saying don't put in our backyard because nobody else cares, we need you to find a location that affects the least number of people so all of Avon is served and not just telling them to take the hit for it; that is not fair, that is not who we are as a Town; promises were made when this initially was built in the early 2000s, most officials were not here then, but when Sprint proposed the initial cell tower there were flow balloon tests and promises to the Town that this would never ever exceed 100 feet; other neighborhoods were built after that knowing that was not going to happen and now you just can't say, we made promises but oh well; we are better as a Town than this; she knows the officials have worked hard on this but because you're frustrated that doesn't mean that we need to just take this to expedite things. Thank you very much.

Julianna Thompson, 22 Berkshire Crossing, resides with her husband and four children, commented that we all agree that we need to make it a priority to solve the public communication issue and tying it together with a commercial cell phone, revenue generating plan is not working and it's not going to work; the delay for what our police and fire need is just going to be prolonged if you don't abandon this Huckleberry Hill site plan; you cannot sacrifice the lives, health, safety

and well-being of one group of people in Avon for the proposed safety of another; it is unethical and it is ridiculous; we have provided you with all of the information about the risks and dangers of this proposed tower to hundreds of Avon residents, especially children; if you don't vote to stop this tower, you will be negligent when even one person, most likely a child, is harmed, it will be your fault if you don't vote no; this decision will follow you all the days of your career and all the days of your life; please keep that in mind as you make your decision; thank you.

Kristen Gibs, 79 Westbury, resides with her husband and two young children, Alexander and Noah, commented that she deeply respect the first responders and is on board with them receiving the communication improvements that are needed; it is kind of being portrayed as it's us versus them and wants to make sure that everyone on the call knows we are all on the same team; we agree that is in everyone's best interest to have a safe community and that includes safety for our children and the equipment necessary to support the first responders; what we are arguing is the way we are going about this; this should not be all or nothing; we should be able to get the first responders what they need without the commercial aspect and detriment to rural Avon; she fully supports the recommendations that Joe Zarb presented; what she does not support is this project's proposed location, commercial carrier tower usage and lack of transparency; the lack of outside consultants to help evaluate locations is really problematic; Motorola being the sole consultant and advising on the locations is a complete conflict and unacceptable; the lack of renderings, RF emission estimates, protections in the contract, property value analysis, general documentation provided to us is an issue; this should not have happened with a project of this size and budget; the lack of proper evaluation of other sites including the firehouse which is only 80 feet difference in elevation to the Landfill and would effectively segment out public safety solution from commercial is an issue; all neighboring towns use their firehouses yet ours wasn't officially evaluating, enough to at least provide a report to us but it is in the main gap coverage area so should have been evaluated; the lack of evaluation of technical solutions that could have solved this matter without major impacts on neighborhoods is an issue; many other towns use smaller scale repeaters or CBRS handsets to minimize gigantic tower solutions, yet these were not properly evaluated and if they were the information was not trickled down to us when requested; the idea of utilizing a commercial cell tower, adding 20% more space for commercial carriers in the name of public safety is a problem; allowing commercial carriers to increase antennas without limits and expand the radiation diameter for the next thirty plus years since the contract will be extended without the consent of those living within the circle is not okay; allowing SBA and CT Siting Council to dictate the future of this tower and the rural character of Avon neighborhoods is another issue; how is Avon even allowing this to happen; why did Avon vouch to protect the Kingswood residents from commercial yet not its own residents, we live here; asking us as parents to potentially sacrifice our children's health for the greater good is really quite bold; anyone who votes for this proposal in its current form should know that you are not only approving the equipment for the first responders but also approving the commercialization of this land and community and unnecessary health risks for our families and our children; if you say yes, you are personally responsible; as an elected official you took an oath to look after the best interests of the entire community, not just some; just yesterday, a city in California had a similar situation to this, a cellular tower was proposed near an athletic field where kids play; there was five Town Council members and all voted against it; they felt that the unknown impacts were too much for the children to bear and burden; not saying it's proof, it's enough, do we want to risk it; we have provided data, not from google searches, we have worked with PhD professionals who study this as a living that said there are risks; to ignore the information provided would be really irresponsible from the Town; so let's hire the right

experts, explore the right technology and assure that we are not damaging this side of Avon based on novice advice; we won't be able to undo this once it's done; we also ask you to take a deeper look into the suggestions that Joe provided; to the Town Council members, after meeting a few she is confident that you would do the right thing to protect all, not just some of us and properly get this project back on track and this can be done without requiring a massive commercial tower radiating day and night in our homes and playgrounds; Avon can do better and they really need to. Thank you for taking the time to listen to me.

Jamie DiPace, 55 Wheeler Road, lifelong resident of Avon and forty-eight year member of the Avon Volunteer Fire Department serving in many different ranks from firefighter to chief and recently retired from the Town of Avon as Fire Marshal and Emergency Management. He has been working with our communication system for many, many years and involved with band-aiding the system as we went along. He is in favor of this communication system, the site as well; today is the anniversary of the 2014 line of duty death in the City of Hartford for Firefighter Kevin Bell; part of the findings through the investigation of his line of duty death was communications and failure of the system to work properly; this stuff can't happen in today's day; he has a list of other line of duty deaths over the years that have happened because of communication system failures; having used that system in major incidents he knows that we will have firefighters inside buildings and we cannot hear them, even thru breathing apparatus and face masks; this system is going to help fix that; he encourages the Council to vote in favor of this system; thanks.

Carolyn Marshall, 27 Berkshire Crossing, is speaking on behalf of her husband Paul and their adult children, and has resided at this address for fourteen years raising their two boys as well as another location in Avon since 1993; their home is at the top of the cul-de-sac and within 500 feet of the current 100 foot cell tower; she has been an active member volunteering in the community and knows a lot of you folks and have wholeheartedly supported our first responders; let me clear, our opposition is not to the need to improvement our public safety communications system, but not at Huckleberry Hill Road within residential neighborhoods; it is not just a public safety communication project; let's please separate private and commercial aspects of this project; we are in opposition and we should not be made to feel that we are the bad guys against the first responders, to the contrary; despite the short advance notice of this issue at hand she took foot to the surrounding neighborhoods to discuss the proposed project with my fellow taxpayers and have also spoken to other Avon taxpayers who live in other various parts of Avon who also opposed this vote to amend the current lease amendment; she finds it interesting and disturbing how many people are unaware of the magnitude and foreseeable consequences of the Town Council voting to amend the lease agreement with SBA TC Assets at Huckleberry Hill Road; for example, the approval by a majority of the Town Council, only five people, to amend a 2004 lease agreement concerning this tower will move this along to an outside regulatory board, the Siting Council, that will then have an exclusive regulatory jurisdiction with the tower's height, capacity, locations, emissions, number of characters, etc. Since when did Avon's leadership not enlist experts when making a massive decision; she knows a different Avon; in the December 2018 referendum for which we both supported and appropriated the \$3.8 million for costs related to the town and public safety communications system replacement project authorizing a bond issuance; that was different than what is being proposed; this bait and switch scenario will raise credibility for future referendums, at least it shall give most taxpayers more scrutiny; the taxpayers expect the Town Council members to consider their fiduciary duties and note what exactly the taxpayers voted for in 2018, a different scope, a different project; she appreciates the work so far done by so many

people; she questions the potential conflicts of interest and reliance on Motorola who has a financial interest; by few members involved in assessing this project so far and the financial incentives, taking the easier and less expensive road for example by not pursuing the FoundLand site which seemed to be influencing not weighing safety for many of those homeowners, those who enjoy the open park spaces. We ask that you secure external experts and auditors to explore whip antennas and repeaters and other locations; there are other options. As you may recall in reading the 2004 Siting Council opinion #297 there were no homes within 1,000 feet back then; the landscape has significantly changed here as there are many homes in this area near the current tower; while it may seem to be logical to locate on an existing site, would that site have been approved given the current residential makeup, she doesn't think so; how in late 2020 did the Town confirm that the transfer station was viable and that funds approved for a public safety system were available when the taxpayers did not vote for that type of project. In nine years Avon will celebrate 200 years as a Town; she asks the Town Council what type of impact will your vote now have on the safety and health and quality of life for your fellow west Avon neighbors; a choice now that you will make that will affect multiple decades; would you vote yes if this tower was in your family's backyard, that is her situation and her family's situation; what liabilities are you willing to undertake; at what cost do you feel that you want to fight this fight; while this may seem like a great solution to some of you, rest assured we know for our family a vote of yes now will move to destroy our neighborhood's natural beauty, quality of life, desirability of buying over here on the west side and most certainly negatively impact the home values not just on Berkshire Crossing but for many nearby streets and neighborhoods; we implore you to pause and consider asking for further options, explore other options; we echo the sentiments of Joe Zarb's thoughtful analysis and solution driven approach; thank you.

David Cunningham, 18 Berkshire Crossing, supports the first responders but this is not the solution for the issue; he fully supports comments made by Joe Zarb and asks that those be fully considered; he wanted to emphasize three points as well: 1) the 146 foot cell tower and structure will impact the health and safety of many residents due to the sports fields and the children's playground nearby; the safety of the children who utilize the soccer, lacrosse, and baseball fields as well as the park for small children are all within 500 feet of the new tower and it's relevant to the Avon Town Council's safety concerns and can be taken into account when you vote to change to amend the agreement; please protect the Avon residents' children including Avon school teams who play there as well as all the people who reside near the proposed tower to deny the amendment and look for other workable solutions; 2) a new bond referendum is necessary if the Huckleberry Hill site is pursued; the 2018 bond referendum lists the Kingswood Drive site for the new tower and it does not discuss adding any additional commercial carriers and equipment to the new tower near a Town used park and a residential neighborhood; a new bond referendum is first necessary so the Town residents can vote on the material changes to the multi-million dollar project that unfortunately will have such negative of impacts in the Town that is being discussed tonight; and 3) the amendment itself is inadequate and no one has talked about that; the Town needs to impose limits on the amount of commercial equipment that can be used on the new tower, which language is not included under the amendment for those that have taken a look at it; it has been referenced, but we are talking about adding thirty years to the lease of the tower; this is the only time that the Town Council or the Town itself can put on reasonable controls to protect Avon residents before you sign that amendment, after that you will not have that control; please use your voice and say no to this amendment with no controls; it is a decision that will last for over thirty years and affect

the next generation of Avon residents as well; please vote no for this amendment on the tower and protect the Town, other solutions can be found to solve the first responder communication issue.

Pamela Cunningham, 18 Berkshire Crossing, thanked the Town Council for the work they do; it is not an easy task and she appreciates the time and consideration you put into each decision including this one; she voted specifically for each of you because of her evaluation of your character and decision making ability; in this case she would respectfully request that the Town Council vote no to the lease amendment as it is currently proposed; based on everything being heard tonight and additional facts she will discuss, the vote would be premature as you don't have the adequate information you would need to make a careful and informed decision about this project for the benefit of all the residents of Avon that you represent; several residents near the tower site, for instance, have repeatedly and formally asked for renderings of what the proposed 150-foot tower would look like and have asked for more specific scientific information about the design of the tower and projected electromagnetic emissions and they have also asked for more detail about alternate sites that the Town claims have been considered but that information wasn't provided in any meaningful way before tonight; if it exists it should have been provided to residents pursuant to Connecticut's Freedom of Information Act before now as it was requested; it appears that the Town did not want residents to make a full and independent exploration about information and thus the Town Council may not have had the benefit of considering all the relevant facts before making such an important decision; in the zoom neighborhood meeting that was held by the Town about this project some time ago, Town representatives mentioned that there are indeed other viable, alternative sites for emergency communications equipment but this is just the cheapest alternative; that should not be the deciding factor in a case where there is so much difference of opinion and so many concerns about health and financial concerns among homeowners; in fact, the Town is going to make money on this venture which has significant commercial aspect; in these circumstances she submits that it is irresponsible and inappropriate for the Town to locate a huge commercial tower in a densely populated residential area of the Town and it's fundamentally unfair to a large group of homeowners who are Avon taxpayers who now will have to face serious concerns about their personal safety and the value of their homes; there are many homeowners who haven't even heard about this project and yet they are very close in proximity to the project and the Town, as far as she knows, only notified a very small number of homeowners directly; there might be other people who are not in a situation that allows them to engage in this video meeting format and didn't receive Town communication; she asks Town Council to consider their interests as well as those people who are speaking tonight; some homeowners may be surprised to find underwater on a mortgage if this tower is built; it is a well-known fact that home values decline significantly after a physical cell tower is located nearby; we fully support and respect our first responders who need communications equipment to keep themselves and us safe in an emergency; nobody disagrees about that however there are several viable alternatives that don't involve putting this type of tower in this site in a residential neighborhood; calling it the landfill is disingenuous and misleading because actually it is around 250 feet from the nearest homes so that needs to be considered and understood by the Town Council and voting on this issue; this type of tower has no business being in a neighborhood; it belongs out by the highway and on the Town neighborhood meeting that was held awhile back on zoom the project representative stated that it is the type of tower you'll see along I-95 and she would like to say there is a reason why you usually see those towers all way out on the highway; it's because it would be completely out of character with a residential neighborhood setting and also it is not just incidental exposure to radiation when you're passing by it on a highway but intense and cumulative exposure, families living in their homes,

sleeping in their beds, or kids playing at the playground or playing soccer or on the fields will experience; her home is located directly across the street from the proposed tower site and again calling it the landfill makes it sound like there are no people around; she can throw a Frisbee to hit the tower site; she wants people to understand how close it is to her home as well as others; it is very frightening and concerning and needs to be considered by our representatives; the lease amendment is also for a thirty-year term and a lot can change in thirty years and the language of the amendment is very loosey-goosey and basically gives carte blanche to the cell phone carriers to add whatever equipment without getting permission from the voters at all; she kindly asked Town Council representatives to think about the word representation; when she voted for the referendum that specifically mentioned a different tower site for a different type of project she never imagined her vote could be used instead to build a tower directly across from her home and her kids' bedrooms; a new referendum would need to take place to get a mandate from Avon voters for the new proposal to even make the Town's proposed action legal and even if it were legal, this location would still be unethical given the potential detrimental health and financial impact on residents; in 2005 the Siting Council, which has final jurisdiction over this matter, permitted a smaller pole would be built on this site below the tree line on the condition that safety would continuously be monitored; the language of their opinion states the Siting Council will require that the power densities be remodeled in the event other carriers add antennas to the tower and the Siting Council also considered the smaller project's aesthetics and how it would fit into the character of the surrounding area, saying the laminated pole would have a minimal visual impact on the surrounding area; the nearest homes likely to have a view of the tower, at least 1,000 feet away; however in this case the nearest home would be only 250 feet away; entire neighborhoods, a playground and sports fields have been built since the Siting Council issued this ruling in 2005 on a much smaller project; a lot has changed since 2005; there will be scores of homes and hundreds of vulnerable children living and playing within a few hundred feet of the proposed tower at all times; please vote no at this time so you will have an opportunity to make a well informed decision for this generation of Avon residents and then next; thank you.

Thomas Armstrong, 19 Berkshire Crossing, commented that his property borders the land that the current cell tower is on; when he purchased his house in 2006 that was not cited on any Avon maps so we did not know it was located there and with all of the construction equipment around when they were building our neighborhood they did not notice it; two and a half years after moving into this house my wife was diagnosed with stage four metastatic breast cancer and we live a shadow from the tower and are exposed to the radiation from that tower every day; some of the people on the Council have said that this is their neighborhood too; this is not your neighborhood, this is my neighborhood, my reality where I live with my children and my wife who is suffering from breast cancer; across the street from me is Mike Galati at 14 Berkshire Crossing and he has colorectal cancer and also exposed to this tower on a daily basis; he would think that the Town Council should really think about their vote; he knows the lawyer pointed out that you don't regulate the emissions but you can protect this neighborhood from any more exposure by adding twenty percent more exposure to radiation with a bigger pole and more radiation and more equipment; we are also basing all of the information about the original cell tower on the twenty-five year old study that was conducted by the cell phone companies and based on equipment from twenty-five years ago and not the 4G or 5G equipment that is going to be put on the cell sites that haven't been studied or around long enough; one thing that Tom Kline said is that we cannot use the FoundLand site because it is a recreation area and this current site is not a recreation area; that is a technicality in that the current cell site is basically on a hiking path and the road to access it cuts through the

hiking path that goes around the Buckingham neighborhood and into the forty acres of undeveloped land behind the transfer station so while it is not on a recreation area you have to walk right by it, the trees along the side of the cell site have the markings for the trails so people hiking can see it, you walk by the fence with all of those signs saying “stay away-danger-electromagnetic activity” and all the warnings that he gets to look out his window and see and now with a bigger, more dangerous tower that you could put here while we can’t look at the Foundland site because it’s recreational, this was recreational land before the cell site went in; thank you.

Rajeev Kumar, 29 Alcott Way, represents some of his friends as well from 25 to 30 Alcott Way; we wholeheartedly support our police, first responders, firefighters, we are safe because of them; as some of our friends have said, we are not against a communications system but we are against the radiation exposure and emissions; almost everybody in this Buckingham community, over the past few weeks have signed a petition, over 50 residents, and sent it to the (inaudible) committee members for not wanting this proposed tower; he has a 3-year old and an 11-year old to play for hours in the yard and we are concerned about the health of our kids and the radiation exposure; we have not done that much research, other technology options has not been explored; commercial addition of owner’s property, we are residents of Avon and is a major aspect that must be considered, we cannot have our property values go down which is a big concern; the way this whole solution has been presented, the cost of the infrastructure and affordability of the solution is only the main reason but if you look at the cell tower locations, most places are not being done in dense populated areas and something that should be considered; almost everybody in each household around the cell tower have some sort of cancer in their family, there may or may not be studies but they are actual observations; we wholeheartedly say that our Town Council vote no.

Lissa and Chris Calma, 73 Westbury, reside with their three children; she is not against any efforts to improve public safety communication in Town; Tom, I appreciate you addressing the options that were considered however she is most concerned about the health risks that this will cause; she recognized Kristen Gibs, Joe Zarb, Kelly Natrass, as well as many of our wonderful neighbors who have done a lot of research and contacting experts on their own time; they all work full-time jobs yet they manage busy schedules and yet they spent countless hours educating themselves and us, our neighborhood, about the risks; our house is 800 feet from the current tower and there are houses so much closer and this really concerns her; she has received info on why this is hazardous to our health yet she still has not heard from the Town of Avon opposing that; she is hoping that the Town of Avon bring in experts and do their own due diligence and exhaust all options and consider our health; she is an Avon resident, a taxpayer and a registered voter; we voted you to protect us Avon residents and I don’t feel our health and well-being is of concern; having a cell tower in my neighborhood, in my backyard, it’s right behind me, scares her; she is scared for her children; she asks our Town Council to vote no; please think about this, would you move into our neighborhood, would you allow your children to come and play in our yards and play with our children; can you reassure me and my family that the radiation will not harm us now or long-term; can you honestly tell me that I will be safe from any radiation; while you may not be able to answer these questions in a public forum, please reflect on these questions as this will affect my family, many families and hundreds of children; thank you for allowing her to share her voice.

Xuan Yang, 3 Ellsworth Place, Buckingham Village, spoke on behalf of her and her husband, Sheuo Liu, and agrees with the prior presenters who did a very good job, Joe Zarb was very well prepared and while he spoke for six people he could have spoken for 60 people or 600 people; she

does not live that close to the transfer station but can feel the pain that the presenters have; first is the health concern; her mom died of breast cancer at 58 and always remember that; she heard some presenters say their neighbors having cancer; that is a big risk that can ruin many families if one member got cancer and passed away and there is a big cost to the family; the tower could hurt the taxpayers' house value and not only the ones close by and that is the residents' lifetime savings, should they be put at risk and it could make it hard to sell; she fully supports first responders and should have the best signals but does not understand how this tower could help them, she does not the devices they use but from personal experience she uses AT&T service and her signal is very good and no communications issue; many friends in central Avon have signal problems with T-Mobile; it is not just a signal tower issue, but could also be a carrier issue; is there a way we can help our first responders get better service and improve their devices to get better signals; many speakers speak very well and about what's on her mind; she wishes our Town Council could vote no for this project.

Lee Wright, 393 Huckleberry Hill Road, voiced his support to giving first responders the kind of communications system they need; Chief Kline did an excellent job of laying out all of the reasons why the location is good, why it is needed; the safety of the first responders is absolutely paramount when it comes to things like this; these are people that for no money put their life on the line every day to help people in need in Avon and neighboring communities and we don't give enough credit to those people; when they say they need something like this, we really do need to listen; the ability to communicate is key in emergency situations not just for their own safety but for the safety of the people they are trying to help; and you could imagine any number of situations where there would be limited or no coverage or signals would fail, information wouldn't be communicated properly and people could lose their life or property is an outcome of that; it is important to look at the big picture when thinking about things like this; he is all for it and urges the Town Council to vote yes on this particular issue.

Steve Nattrass, 87 Westbury, shared that his father is a retired State trooper, his cousin is a retired detective in a town in Connecticut, has several friends in federal law enforcement as well as his uncle who was a chief in a fire department in Connecticut so there is some blue and red blood going through his veins; but as a taxpayer and Avon resident what he finds fundamentally wrong with this proposal is that the taxpayers agreed to the \$4 million for the Kingswood location specifically and for public safety, not commercial gain; the new proposal has not been vetted properly and it has not been done without an assessment by an unbiased third party individual that would be qualified to do so and a vote before the people as well; a person of science himself, when asked about the difference of a cellular phone radiation transmission versus cellular tower transmission, he heard from an individual Kent Chamberlin, Chair and Professor of the Department of Electrical and Computer Science at the University of New Hampshire and shared with us "having a nearby tower is like living with a chain smoker who never sleeps; heading to the danger of a cell tower is that it transmit at a higher power than your cell phone and it uses high gain antennas that increase the power density of the signal it radiates; also your phone communicates with one cell tower at a time; a cell tower communicates with a number of cell phones which means that it is radiating a lot more of the time." Thank you for your time.

Chris Cooper, 7 Heathcote, representing himself, his wife, and their adult children and has lived here since 2002, commented that a lot has been covered already so he will try to streamline it down; we get it, the public safety communications system stinks; the Town speakers at the top did

a disingenuous service in public safety only, selling it as that option only; that is not true, this is a public safety and a commercial enhancement, let's be very clear about that; he laughed out loud when Mr. Robertson indicated that SBA was so amenable to reopening anything and Mr. Robertson was surprised about that; that tells him a lot right there; let's be very clear, if you really want to make this a public safety enhancement, make it just that, drop the commercial aspect, take that radiation off the tower; we did vote in 2018 for the public safety system enhancement but over the last few months when this came to light, we feel this is a big bait and switch and other people have hit on that as well; his background is that he was an RF engineer for thirteen years and worked with FCC specifications and are designed so that signals do not interfere with other radio signals; there is no consideration for impact on human life and that aspect is unknown; you are taking an incredible risk without really vetting what this is all about in this area; after the last meeting he and his wife went over to the tower and urged everyone to walk over there; what was glaring to him, the edge of that ball field can't be more than a 100 feet away; he thinks the Town has a bigger problem, if he was sitting on a Town Council or Zoning Commission or some position of authority he would have signs clearly marking those ball fields and that playground to say there is a potential that you are at risk of electromagnetic interference; the schools use those ball fields for their sports teams and hopes you have waivers with those parents and the officials at the schools know what they are getting into; and Mr. Cunningham's story broke his heart that you are basically one pediatric cancer case away from having a major lawsuit from being exposed and a major risk for the Town and yourselves; he gets that they built that in 2006, two years after but that was a boneheaded move and the Town right now is wide open; this household is no in its present form; we do support better public safety communications but this has not been thought out and would advise you to vote no now and rethink a better play; thank you.

Eric Finucane, 18 Westbury, appreciated the time; like many others who have sent letters and attended meetings regarding this subject we are all in favor of upgrading the communication allowing for first responders to more effectively do their work to protecting citizens of Avon; we are not in favor of how the selection process went regarding the location of the antenna for the system; what should have happened from the beginning or at least after it was determined the original tower was voted down in Canton was to obtain the services of an independent consultant/advisor who would without conflicts of interest or personal bias be able to identify options for this antenna; from the beginning of this process it appears that those making this decision were not fully equipped to handle the scope of this project, for example, how is that nobody could see that the Canton political structure could turn down the application for the addition of the antenna to the existing tower in Canton with a single vote; how is it there was no back-up plan if this location was not approved; we're talking about a \$4 million project that the Town residents voted on, not a small project but it appears from the beginning that those who are in charge of making these decisions were willfully unprepared in managing; this has been over three years since this project has passed and a few months ago we get a letter stating that the decision has been made essentially to replace the existing cell tower at the Landfill with a massive, almost 150-foot huge, gray, ugly, fat metal tower; what kind of dialogue is this for the residents of a Town to be made aware of with this decision with only a last-minute notification of this tower whereas there had been years of planning; this is terrible and it shows lack of professionalism and open dialogue the voters deserve; it appears that whoever is charge of this project knows they made a huge mistake from the beginning and rather than doing the right thing, hiring a consultant to take over the project, they hid their mistakes and hoped they could slip this by and pass without any pushback; anyone looking at this with an open mind would see that this and the Town Manager as

a whole should be embarrassed in the handling of this; this looks like a back door way of getting this tower in, by amending the lease of an existing tower in order to put a brand new tower in; if a brand new tower were to be constructed on public land, does the Town need to vote on this; if so, this is a back door, non-transparent and dishonest way of doing Town business; we have asked for more information from the Town Manager and so far very little has been provided with the exception of today, we all of a sudden have all of these PDFs and a power point presentation; if an independent professional consultant was handling this project all of these items would have been available at their fingertips; because this hasn't been provided to us makes us believe that none of the requested items have been performed which proves the serious lack of due diligence; so what to do now; each Town Council member needs to vote on this proposed location and immediately hire an independent consultant to take over this project; these professionals will independently review all aspects of this project in selection of the antenna location as well as preparing a detailed due diligence report which would include the following, but not limited to this: assure that the system voted on is the appropriate one to accomplish the needs of this project, provide various options in a detailed report of how to utilize the system to accomplish the goals of this project, provide various location options for this system to be placed and prepare detailed analysis of each option, if an option requires a pole to hold part of a system, provide the details along with the cost of construction constructing such a pole as well as rendering and how the pole would look when completed; we never got this at all as well as many of the information as previously noted; gather independent studies on the health impact of the proposed system's antenna would pose to the public, if any, as well as studies regarding cell towers and health impact that would have if an option were to place this antenna on top of new cell systems as this plan wants; if one of the options were the SBA tower, then a detailed report should be created to identify the cost of such an option, legal consultation if it can go around a Town vote on this by doing what is currently suggested in a lease amendment, study identifying if in fact the need for the proposed height of this current proposal is accurate and yet offers no other detailed analysis and if an option to add a system antenna to the existing pole was available, would SBA agree to that; a lease amendment analysis and competitive analysis should be done to make sure the agreement is not weighted heavily in SBA's favor, especially given that this adds another thirty years to the term and a confirmed rendering of how this proposed new pole would look when completed since this has never been done; he mentioned again the ugly, fat, huge gray pole sticking out of the green canopy on Route 44 at the intersection of 179; health studies on cell towers and the effects to the public especially those in the residential area; legally how insurance carriers do not protect the Town if health issues come about related to cell tower emissions; he pleads Council to vote no on this proposed option as it is flawed from day one; the players involved were in way over their heads and from the beginning should have hired a professional, independent advisor to complete and do a proper due diligence on this project; thank you very much.

Devinder Verman, 21 Berkshire Crossing, lives approximately 300 feet from the tower site with his two boys; we fully support the need for the grid and good reception for the first responders; we moved to the west side of Avon because of the landscaping which was free from commercial structures but that seems to be in jeopardy right now; he did not want to repeat the concerns already mentioned by his neighbors but emphasized that the Town should look into the viable options that were mentioned by Joe Zarb; when Mr. Chase talked about the radio frequency impact, we live right at the corner of this existing tower 24/7; we do not have an option to put it away, but rather move out; building a new one with more power should not be considered for health and safety

reasons; he requested that the Town Council not destroy our neighborhood, the quality of life, and the property values with a new cell tower; thank you for your time.

Richard Barry, 15 Wiltshire Lane, resides with his wife and two adult daughters; he provided a letter to the Town Council and won't reiterate the entire thing, but in it he did indicate that they are very supportive of the public safety officials, the communication system, but are very concerned with the impact on the health, the landscape and the aesthetics here in our neighborhoods and the impact on property values, very similar to what others have shared this evening; they did receive a lot of new information tonight and you at the Town have been working on this for four or so years; you have only engaged the impacted parties here really within the last couple of months at the most so we have had limited time to understand this; we heard tonight from a number of public officials that are frustrated and that is understandable but the frustration really has to be directed elsewhere, to the officials that have been leading this effort, as people have mentioned tonight, this could have been done better; the new information that we have been provided tonight almost creates more questions than answers and that is despite the fact that we have requested additional information over the last month or so; for example, at least tonight he learned that there is a threshold requirement for 12 dB when the systems were being considered but he also heard that 8 dB is sufficient for residential properties and the dead zone is really a residential area which there was no information around that tonight; we have not been provided with enough due diligence to properly react as citizens; additionally Attorney Smith laid out what he called different lanes and essentially said that the Town Council is simply responsible for approving the amendment to the lease but that is not accurate; they are actually approving the site where this will be so there is a bigger decision that is being made; we don't believe we have received enough information, we believe there needs to be more due diligence; at this point we strongly urge you to reject the modifications to the existing lease and consider other options; thank you.

Andrew Gromowski, 431 New Road, asked the Town Council for next steps with this after listening to a lot of different voices today; this is a pretty disturbing situation and he does not have a clear view of what is going on here; is there a timeframe that residents should be thinking about.

Chairperson Maguire asked the Town Council if they had any questions, if Town staff wished to provide any further comment. She will close the public hearing if we are ready, we will vote and depending on how the vote comes out we will be taking steps after that; if the vote is in favor, it will go to Planning and Zoning Commission; if we vote no, there will be more meetings.

Mr. Polhamus recognized everyone who wrote to Council over the past month or so and spoke today, the frustration this has caused all of the residents that live in the vicinity of the Landfill and existing tower is palpable; while he was only able to reply to a fraction of the letters received, he assured all that he read every single one; all of us on the Council have been out to the site, driven your streets to look at the tree line, looked at alternative sites in person; he has read the reports submitted by the residents and the report from the New Hampshire Commission for the Safety of Wireless Communications; he has spent countless hours looking over research published online; he is still not an expert, nowhere near, but it is easy to understand the fear; he has new concerns about the safety of our wireless ecosystem; there is a lot of serious accusations levied against the FCC; we should really be safeguarding the public; it is absolutely critical they stay abreast of current research and as technology advances and if plausible causable pathways for adverse effects

are proven, he would hope the regulations on towers, mobile devices, and transmitters and receivers of wireless radiation should be updated; he has to trust that the Siting Council will act quickly to regulate any installations that exceed those limits as they come to light as the science grows; he noted that Mr. Zarb did his research and asked Mr. Kline if he had any comments regarding the use of the firehouse as an option and the repeaters at the firehouse. Mr. Kline commented that if we look at a google map and the distances, that plot of land is fairly small, there is a stream that runs through the back of the property, the adjacent lot is Avon Land Trust property, but from rear parking lot corner to that property, there is a yellow house to the rear of the firehouse and it is 182 feet to the shed in their yard and 200 feet to the house itself; the house across on Huckleberry Hill Road and the neighbor on the other side of the Avon Land Trust property are 233 feet and 245 feet; those structures are comparable to what we are talking about today. Mr. Kline added that some things in Mr. Zarb's letter are not factual; he references multiple frequencies being used; Wi-Fi operates at the same frequencies as the Bluetooth in your phone so whoever is using a Bluetooth earbud tonight is subjecting themselves to 2.4 GHz of energy frequency at understandably a very low power output; like Mr. Chase displayed effects of heating; the frequencies for cellular are in our day to day lives already, Wi-Fi and Bluetooth. Mr. Kline added that all vendors were directed to design a solution using existing sites if possible so it is not that Motorola chose unusable sites as stated by Mr. Zarb. Mr. Kline noted that the system we are talking about uses multiple frequencies in close proximity to each other to provide multiple simultaneous channels of communication; a single 700 MHz repeater is not practical to put on a telephone pole in a trunked P-25 system, to build out a repeater requires space; it would be cost prohibitive to put multiple repeaters in multiple spots; we do have a responsibility to be physically responsible with the project. Mr. Kline noted that we had an e-mail exchange with Mr. Zarb where he asked about CBRS which stands for Citizens Broadcast Radio System and that is a quasi-licensed system for commercial carriers to provide broadcast coverage using microcells; it is not promoted for public safety, it is a broadband data network, i.e. cell phone; you don't see any images of firefighters using it in adverse conditions. Mr. Kline noted that we reached out to Motorola and shared the following with Mr. Zarb: CBRS is a commercial application; Avon has requested is proposing a public safety standards based solution; with CBRS you could be on your own island and have no inherent interoperability moving to a solution such as that; you could conceivably patch together some things in Town to support interoperability with mutual aid partners coming into Town but it would be lights out with CBRS user equipment outside of your service area; although CBRS certainly has its place, you would have significant issues with both operability and interoperability; additionally there would be a significant amount of infrastructure, support and backhaul for that infrastructure that would be required at the 3 GHz operational frequencies for CBRS to cover a municipality the size and topographically challenged as Avon; the CBRS devices are more in line with moto-turbo commercial tier products versus public safety tier equipment from an ergonomics or durability perspective; school department, sure; public safety, definitely not; in general, a large number of lower sites can effectively cover a service area and can probably do it better and offer greater resiliency compared to a few high elevated sites; it would be prohibitively expensive in comparison, that much more equipment, install, site to site transport, emergency back-up power, recurring maintenance and support costs to build out comparable seamless coverage with low sites as is being compared with a two site add-on system. Mr. Kline noted that we showed Canton proof that site would have been beneficial for them, we did coverage studies based on their existing systems, both police and fire, and they still wanted nothing to do with discussing working on that site. Mr. Kline referenced Mr. Zarb's Option 3 of which tree coverage impacts the signal strength so we need to be above the tree height. Mr. Polhamus inquired why

four antennas instead of three if Sprint and AT&T are the same. Mr. Kline responded that he does not know enough about the cellular industry to know when companies merge how that impacts their technology.

Mr. Speich thanked Mr. Kline, the Town Manager, and the Avon Police Department for all the work they have done and bringing in Federal Engineering and Kimball; there may be debate about whether or not we have experts here – he doesn't debate it – you have worked hard and long on this, you are all talented individuals and he trusts what the results of these studies have turned out to be. He inquired about why the FoundLand site was not chosen. Mr. Kline responded that site had potential issues regarding permitting and land use as discovered during the process of investigating that site; it was granted to the Town by an Act of the State and would have to go back through a legislative process to change that; it was only about 1,500 feet to the south so all the same things we are hearing tonight from the neighbors were similar discussions we heard in Canton Planning and Zoning and that site had technical issues with the permitting; we did not think the time and expense to pursue that site when the proposed site was an existing tower site; this was the next best option to pursue for the technical and financial reasons that it is an existing site on Town property; the FoundLand site is a green site with no infrastructure; we have looked at dragging fiber optic cable up to Kingswood which would require trenching two miles on fiber under driveways and disrupting construction there at a cost of about \$250,000; the height required would have been similar to what we originally requested at Kingswood, a 150 foot pole at the top of a ridge and would be very visible from quite a distance. In response to a question from Mr. Speich, the Town Manager responded that the way the Town acquired the FoundLand property back in the 1960s came with significant restrictions; he thinks there is language that would allow the Town to build a school but nothing about a communications tower or infrastructure so the opinion was that since there is no language to that effect and because the deed is so restrictive we would have to go to the State General Assembly and get them to pass a bill amending those restrictions to allow for that type of development on the property. He doesn't want anyone to leave this discussion tonight thinking that the Town didn't answer questions; he was impressed by the answers that the Town gave the people from the last discussion they had. He appreciates all the work that the Town has done on it and the answers given back to the public; kudos to the Town. He takes issue with the fact that this is not transparent; he is not how much more transparent it could be.

Mr. Weber noted that some of his questions have already been addressed and suggested further inquiries about what the FCC will and will not allow. He asked for clarification about what Council's role is here tonight because we are just amending the lease and still has to go through Planning and Zoning. The Town Manager responded that what is before the Town Council right now is an amendment to the existing lease agreement with SBA and what you would be acting on tonight; if approved, the next step in the process is that it would go to local Planning and Zoning and their job would be to review the lease agreement in the context of the Plan of Conservation and Development; assuming Planning and Zoning Commission does that and approves the agreement then our lessee, SBA, would file an application with the CT Siting Council and their process would proceed. Mr. Weber inquired about a timeframe for the process of this. The Town Manager responded that anything would be an estimate; local Planning and Zoning is fairly easy, by the end of the calendar year if Council were to approve this; once it goes to the CT Siting Council it depends on their backlog; a timeline of about three to six months is probably appropriate. Attorney Smith noted that if Council votes to go forward this will put the project before other

agencies who will act within the scope of their jurisdiction and expertise to address the complex issues that have been raised about health, safety, and the environment and consistency with local land use. Mr. Kline noted that as far as the project goes, the system design depends on the locations of the sites; final system design which in turn would determine the final cost can't be produced by any vendor until we have the sites and locations available to build the system out; we have a proposal, that if approved and assuming this site goes through the process and SBA comes back and says they are going to put a shovel in the ground that is when our project would pick back up to finish the final system design and cost pricing, an approximate six to nine month or year process to do that so voters would have the project again especially if the cost and scope changes which obviously we're not using Kingswood. The Town Manager noted that by entering into this agreement the Town is not spending money; there is no appropriation involved with this; it remains to be seen whether or not the scope of the project has changed or the dollar amount is going to change; those two factors are functions of nailing down a site in the western area of Town; without that site we cannot proceed to do any additional work to determine what the total project cost is going to be or determine what the ultimate design is going to be; are we or are we not going to tie into the State system; in terms of process this is what gets the ball rolling for the rest of it; to flip it on its head, the last time we went through this process we followed a very traditional, normal project cadence which is you bring a project to a certain point of design, say 30%, and you don't go for permits or anything else until you have voter approval especially if you are going to another town or to outside agencies; with the correct amount of contingency built into it you get voter approval so you know you have a live project and it is appropriate to incur additional costs and then you go to the FCC, the neighboring town, or whatever other hurdles you have to jump before you put a shovel in the ground; this time we don't want to do that and the first step is nailing down something in the western area of Town; if we were to go ahead and build out the whole system and let's say for the sake of argument that it does require another referendum, it is approved and then the wheels come off with the Siting Council and they don't approve it for some reason; that is why you want to have it locked down.

Mr. Speich inquired if within the lease if we can restrict putting that additional cellular service and still extending the pole to put on the radio antennas. The Town Manager responded that is a possibility; we move three arrays over to the new pole, we put our radio antennas at the top and it does open additional real estate on the pole; he does not know what SBA's reaction would be. Mr. Speich noted that his point is that by putting more on there is a possibility for other things.

Chairperson Maguire asked the public if they had any further comment.

Rajeev Kumar, 29 Alcott Way, stated that he likes Mr. Speich's suggestion; if we could limit the additional exposure by limiting the additional carriers that would be a good compliment.

Margo Ross, 4 Heathcote, understands with the FoundLand site we would have to possibly get the legislature to do a new resolution to address that, but considering how critical our communication safety issue is why is that a big deal; you are telling us how this is such a necessity, why is that the reason not to pursue the FoundLand site; you have 129 acres of open land; to put this kind of cell tower into a neighborhood and not do it on a green site because of money is irresponsible of our Town; we can get the legislature to address this critical issue; then there is no commercial involved and it is just our Town safety emergency system. She has not yet gotten an answer as to why Canton rejected our proposal; if this is such a slam dunk thing for Avon, why did Canton say no;

how could the Town Manager and everybody involved just say they voted no and leave it be; we need to know what that reason is and if we don't know the reason we need to re-engage them in a conversation, find out what their reason was, come to some kind of agreement or negotiation with them to go forward with that; it is a major point that everyone is glossing over. She noted that for our Town Council to go ahead and approve this as it is sounding like some members are in favor of, when you have had so many people speak against it, so many names that have been given to you in petitions against it and so much neighborhood opposition, it would be a failure to not respond to your citizens, the people who vote for you and who you represent; how many issues in Avon get this many people to come out and try to give good reasons shouldn't be passed; if you vote on this and granted it is just an amendment of a lease, that is saying we accept this site, Planning and Zoning is going to okay it or make a few little modifications, and the Siting Council, if this is our major critical safety issue, is going to say yes to it. If you say yes to it, it is a done deal in all likelihood; you are saying okay to this site in a neighborhood where even the people who are going to benefit from the emergency system are saying please don't do it; think about our safety; this is major; you normally don't get this many people objecting to something in Simsbury; thank you very much.

Richard Barry, 15 Wiltshire Lane, commented that he heard a conflict between a Town Council member and our Town Manager; the Town Council member stated that the Town Council is simply amending the lease but the Town Manager stated that first we have to "nail down the site in the western part of Avon"; the decision being made is the location of the site first; you cannot the lease if you don't have the site chosen; he is not sure who is representing the Town on the lease and is surprised that we are this far down the road and have no legal counsel on the lease; leases are negotiated and not dictated by the lessee; the lessor usually dictates how the lease works; he hopes we are getting good legal counsel on the lease.

Thomas Armstrong, 19 Berkshire Crossing, commented on the FoundLand site and that it would cost \$250,000 to bring up the fiber optics to that site and that was a detriment to that location; then we say that amending the lease doesn't cost us anything; it costs us \$280,000 in rent abatement from the last meeting in August; so \$30,000 better for the Town to actually trench the fiber optics up the FoundLand than it would be to use the current site.

Carolyn Marshall, 27 Berkshire Crossing, commented that she and her husband voted for the 2018 referendum because we supported the enhancement of the safety communications; no one disputes that; she would like to understand why Canton denied the Kingswood site and why this cannot be negotiated further; it is an existing site; we went to SBA to renegotiate this lease; our due diligence has not been done and would respectfully ask that we look at all of our alternatives and solution driven answers to this problem that is of great concern to so many people on the western part of our community; we are taxpayers and long standing residents of Avon and we care about the impact that this will make on this part of Town while still fully supporting our first responders, our fire and police who we have gone out of our way to support and appreciate.

Chairperson Maguire noted that there is a lot of testimony here and a lot of questions that people still have; more people want to talk; at this stage, we should keep the public hearing open to a later date, either a special meeting in October or Council's regular meeting in November. Mr. Weber gave his consensus for staff to explore some of the options with the lease and to prepare a thoughtful response. Mr. Speich agreed and thanked everybody tonight for supporting our first

responders; he is a firefighter and has been down New Road many nights when he wished his radio would have worked; be aware that this is a good process and feels strongly about where we are going; a few more questions left but we can come to some kind of conclusion. Mr. Bernetich commented that this past summer he was down by the river where those two kids went in and unfortunately did not make it out, we heard nothing on the radios; he would prefer that we vote on this tonight, his vote is a yes; we need this system, we needed five years ago.

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council continue the public hearing to a future Town Council meeting date, either a special meeting in October or the November 4, 2021 regular meeting.

Mrs. Maguire, Messrs: Speich, Polhamus, and Weber voted in favor. Mr. Bernetich opposed. Motion passed 4-1.

IV. MINUTES OF PRECEDING MEETING: August 17, 2021 Special Meeting
September 2, 2021

On a motion made by Mr. Weber, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council accept the minutes of the August 17, 2021 Special Meeting as drafted.

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

On a motion made by Mr. Weber, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council accept the minutes of the September 2, 2021 Meeting as drafted.

Mrs. Maguire, Messrs: Speich, Weber, Bernetich, and Polhamus voted in favor.

V. COMMUNICATION FROM AUDIENCE - None

VI. COMMUNICATION FROM COUNCIL

Mr. Weber thanked residents for their time and effort into sharing their concerns tonight; we take those charges of our Town Council responsibilities seriously; thank you for making your voices heard; that is democracy in action.

Mr. Speich thanked Sgt. Gannon for meeting him at Arch Road and Old Farms Road regarding potential sight line/safety improvements. He shared that Barbara Martino recently passed away and her and husband, former police chief Jim Martino founded the Avon Food Pantry; some of the donations made in her memory will be used for a new refrigerator for the Food Pantry.

Mr. Bernetich extended thoughts and prayers for the Farmington police officer injured trying to stop a crime in progress; the Farmington community has his support and hopes it all turns out and he heals quickly.

Chairperson Maguire thanked everyone for their comments and letters and thanked Town staff that has been working for years on this project and truly have become amazing experts in this field; the presentation tonight was wonderful. She noted that it is domestic violence awareness month and will be walking with her honorary co-chair Simsbury First Selectman Eric Wellman this Saturday

morning at Fisher Meadows; and the Avon Lions Club is collecting toiletries for Gifts of Love on Saturday from 1:15-4:00 at the Avon Veterinary Clinic.

VII. OLD BUSINESS

19/20-50 Contract Recommendation: Avon Volunteer Fire Department Facilities and Apparatus Master Plan

Chairperson Maguire noted that Mr. Speich, Fire Chief Bruce Appell, and Avon Volunteer Fire Department (AVFD) Board President Mike Galliher were involved in the review process and agree with the recommendation. Mr. Speich reported that they talked to the group being recommended and they liked their approach, their personnel being offered for it, and look forward to working with them to provide this master plan; this is long coming for the AVFD to do this; it will be another look at their apparatus and facilities and give us a better focus going forward for our capital improvement items; he thanked Bruce, Mike, and the Assistant Town Manager. Chairperson Maguire noted the total cost is \$85,000 and the AVFD has agreed to pay \$10,000 of that cost.

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council award a contract to the Center for Governmental Research, Inc. of Rochester, NY in an amount not to exceed \$85,000 to provide a twenty-year master plan for fire department facilities and equipment.

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

21/22-19 Appointment: Building Code Board of Appeals (R – 12/31/2023)

On a motion made by Mr. Speich, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council table agenda item 21/22-19 Appointment: Building Code Board of Appeals (R – 12/31/2021) to the November 4, 2021 meeting.

Mrs. Maguire, Messrs: Bernetich, Weber, Speich, and Polhamus voted in favor.

21/22-20 Appointment: Committee on Aging (D – 12/31/2021)

On a motion made by Mr. Polhamus, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council table agenda item 21/22-20 Appointment: Committee on Aging (D – 12/31/2021) to the November 4, 2021 meeting.

Mrs. Maguire, Messrs: Weber, Bernetich, Speich, and Polhamus voted in favor.

VIII. NEW BUSINESS

21/22-21 Approve Proclamation: Jamie DiPace, CT State Firefighters Association Hall of Fame Induction

Chairperson Maguire noted that Jamie DiPace was recently inducted into the CT State Firefighters Association Hall of Fame. Mr. Speich read the following proclamation aloud.

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

WHEREAS, the Connecticut State Firefighters Association Hall of Fame Award is awarded annually to recognize present and former members of the fire service that have served their department and state-wide fire service organizations in a manner beyond normal expectations, and;

WHEREAS, James “Jamie” DiPace has been selected as a 2021 inductee to the Hall of Fame due to his lifetime commitment to fire prevention, fire protection and emergency management in the Town of Avon and across the State of Connecticut, and;

WHEREAS, Jamie joined the Avon Volunteer Fire Department (AVFD) in 1973 and has served the community for forty-six years as a member, lieutenant, captain, deputy chief, assistant chief, and as fire chief for 16 years, from 1995-2011, and;

WHEREAS, Jamie also served the Avon community as the Town’s Fire Marshal, Assistant Building Official and Emergency Management Director for twenty-four years, until retiring in 2020, and to this day serves in a voluntary capacity as the Town Council’s representative to the AVFD’s Board of Directors, and;

WHEREAS, Jamie’s career has included active participation in many regional, state, national and international fire service organizations, often in a leadership capacity, including time as President of the Connecticut Fire Chiefs Association, President of the Capitol Region Fire Marshals Association, and Vice-Chair of the Capitol Region Emergency Planning Committee, among others, and;

WHEREAS, Jamie’s contributions to the community throughout his career have been numerous including the introduction of the Student Tools for Emergency Preparedness (STEP) program at Thompson Brook School and serving as co-chair of the committee that was responsible for the construction of the Avon-Farmington Shared Live Fire Training Facility using mostly donated funds, and;

WHEREAS, Jamie’s exemplary leadership skills and ability to keep a cool head in a crisis were essential to the Town’s response to a number of emergency and disaster situations including the 2005 Avon Mountain accident, during which he served as Incident Commander and was recognized and honored for this role with a Connecticut State Firefighters Association Merit Award, the Avon Lion’s Club Citizen’s Award and the Thompson Brook School Community Hero Award. More recently, Jamie provided leadership as the Town’s Emergency Management Director during Winter Storm Alfred in 2011 and the COVID-19 pandemic, and;

WHEREAS, Jamie’s most significant gift to the community is his tireless dedication to keeping the AVFD entirely volunteer. His ongoing advocacy for volunteer firefighters is unmatched and the Avon community has only benefited from his efforts.

NOW THEREFORE BE IT RESOLVED that the Avon Town Council, on behalf of the residents of Avon, Connecticut, does hereby proclaim October 8, 2021 as Jamie DiPace Day in Avon in recognition of his induction into the Connecticut State Firefighters Association Hall of Fame and his lifetime of service to the Avon community.

Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber voted in favor.

Mr. DiPace expressed thanks; everything that we do is a team effort with the help of Town Council and the team with the Avon Volunteer Fire Department; this was the result of his family’s support and the support of others. Mr. Bernetich thanked Mr. DiPace for his service.

21/22-22 **Review, Discuss, and Possible Approval: Proposed Paver Patio at Schoolhouse No. 3, Fundraiser by Avon Historical Society**

Robin Baran, 182 Woodford Hills Drive, reported that she is volunteering for the Avon Historical Society for a fundraiser; Schoolhouse No. 3 is located at 8 East Main Street built in 1823 and originally located where the Avon Free Public Library resides; it was closed as a school in 1949 and moved to its current location in 1985; it was leased to the Avon Historical Society for 99 years and the building itself will turn 200 years old in 2023; it sits on property owned by the Town; the Avon Historical Society will be 50 years old in 2024; these anniversaries are an opportunity for celebration of our local history and also with the 2019 discovery of the 12,500 year old Paleoindian site this would be a great opportunity and location to have exhibits displaying that; the plan is to reopen this building as a modern museum to Avon history for these anniversaries, hopefully in the spring of 2024; the footprint will remain the same but the interior will be updated and the newly renovated basement will be a meeting space which the Town is working on now along with archival storage; the upstairs will be dedicated exhibit space; this building is the east anchor of the center of Town and the new Avon Village Center as the west anchor traveling along one sidewalk; the estimated cost of repairs and upgrades is \$110,000; the Town has budgeted \$30,000; the Society will raise the remaining \$80,000; to date they have raised \$45,000 from individuals, companies, and family trusts; an additional \$35,000 needs to be raised to finish the construction including an additional \$20,000 for professional exhibits of the artifacts; in all, \$65,000 is needed for it to be open by spring of 2024. She added that they are planning to do something similar to what Lights On Avon did with an engraved brick paver fundraiser; the existing location already has a small pocket patio and the space will be renovated to have engraved pavers under the trees; the goal is to sell 750 pavers at either \$100 each and some will be \$250 for local business which will net about \$59,000. She noted that Midwest Engraving, specializes in paver projects for non-profits nationwide, provided pavers for the Simsbury Veterans Memorial walkway three years ago outside the Simsbury Public Library. She added that the Society will also apply for various grants for the exhibit portion of this project. She is here to request Council's approval for the Avon Historical Society to raise the funds necessary to complete the project by replacing the existing paved seating area with an engraved paver area as the land is Town property. Chairperson Maguire inquired about Tablescape which Ms. Baran thinks will be continue to be its own separate event.

On a motion made by Mr. Polhamus, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council approve the proposed paver patio project at Schoolhouse No. 3 to be fundraised by the Avon Historical Society.

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

**21/22-23 Request to Amend Avon Volunteer Fire Department LOSAP By-Laws:
Increase Annual Contribution to \$500**

The Assistant Town Manager reported that this contribution is funded by the Avon Volunteer Fire Department (AVFD) out of their operating grant they receive from the Town each year; per the LOSAP by-laws; amendments are required to be approved by the Town; this amendment has already been approved by the AVFD Board of Directors.

Mike Galliher, Board President, Avon Volunteer Fire Department, stated that this is something we have been working on for a number of years; it will help with their retention and a small change that will go a long way.

On a motion made by Mr. Polhamus, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council approve an amendment to the Length of Service Award Program (LOSAP) By-Laws to increase the annual contribution from \$300 to \$500 annually, retroactive to July 1, 2021.

Mrs. Maguire, Messrs: Polhamus and Weber voted in favor. Messrs: Bernetich and Speich recused themselves due to a conflict of interest. Motion passed 3-0-2.

21/22-24 Review, Discuss, and Set Public Hearing: Fire Fighter Tax Abatement

Chairperson Maguire noted that last year we increased the benefit from \$1,000 to \$1,500 at which point we discussed increasing it to \$2,000 in October 2021. Assistant Town Manager reported that the Avon Volunteer Fire Department (AVFD) has requested to increase the maximum benefit from \$1,500 to \$2,000 beginning on the October 2021 Grand List and to provide the same benefit to retired members that meet certain criteria in their regulations. She noted that this proposal is a net revenue loss; we estimate the additional financial impact of both proposals would be about \$47,000 annually, \$18,000 for the benefit increase and \$29,000 for the retiree benefit; if Council is interested in pursuing further the only action tonight is to set a public hearing for November.

Mike Galliher, Board President, Avon Volunteer Fire Department, stated this is another issue of great interest to the Avon Volunteer Fire Department; there was a recent legislative change, Public Act 19-36, that allows the limit to increase to \$2,000; we think this is a good retention tool.

Jamie DiPace, 55 Wheeler Road, past Fire Chief/current member of the Avon Volunteer Fire Department, commented that this is being used all over the State; we are a year behind most of the State; and he supports both requests.

In response to an inquiry from Mr. Polhamus, Mr. Galliher responded that 10 activity points is roughly two drills. Mr. Polhamus recognized this is a hit on our revenue but anyone can be a firefighter and reap the benefits and hopes they take that opportunity; he is in support. Mr. DiPace clarified that this money comes from the assessed values of all properties in Town; the amount of the increase is minor compared to the assessed value of properties in Town. Chairperson Maguire noted that we have a volunteer fire department; we are very fortunate.

On a motion made by Mr. Polhamus, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council set a public hearing to be held at their November 4, 2021 meeting to consider amending and restating Town Ordinance Chapter 55, "Taxation" with recommended changes falling under Section 55-34.

Mrs. Maguire, Messrs: Polhamus and Weber voted in favor. Messrs: Speich and Bernetich recused themselves due to a conflict of interest. Motion passed 3-0-2.

21/22-25 Review, Discuss, and Set Public Hearing: Potential Acquisition of Property Located at 503 West Avon Road

Chairperson Maguire reported that we are looking at purchasing property across the street from the Avon High School and Company #3 at 503 West Avon Road; purchase price is approximately \$275,000; we need to set a public hearing; it is a strategic location without restrictions; the house would likely be demolished. The Town Manager noted that the proposed timeline runs through

the end of December when we would hope to close on the property; we are estimating an additional \$25,000 in other costs including legal fees; an appropriation would likely be closer to \$300,000; the funding source would be Unassigned Fund Balance; we have done this before, a drawdown from Unassigned Fund Balance and then commit to reimbursing it through the next capital budget; purchase and sale agreement would be approved following the public hearing, then a referral to Planning and Zoning Commission pursuant to 8-24, and then approval of the appropriation. Mr. Speich noted that this is a great opportunity in a good location for the Town.

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council set a public hearing to be held at their November 4, 2021 meeting to consider an acquisition by the Town of real property consisting of approximately four (4) acres, commonly known as 503 West Avon Road in the Town of Avon, now or formerly owned by Judith E. Root, and all improvements and appurtenances thereto for the purchase price of \$275,000.00, plus additional costs related to the aforesaid acquisition, due diligence, abatement and demolition of the aforesaid property.

Mrs. Maguire, Messrs: Bernetich, Speich, Weber, and Polhamus voted in favor.

21/22-26 Contract Recommendation: Health & Welfare Benefits Consultant

Chairperson Maguire noted that Town staff has been pleased with Lockton's service to date and wish to continue the relationship for another two years; the cost would be \$69,000 from October 1, 2021 to September 30, 2022 and \$71,000 from October 1, 2022 to September 30, 2023; these costs are split between the Town and Board of Education, 40/60 respectively.

On a motion made by Mr. Weber, seconded by Mr. Speich, it was voted:

RESOLVED: That the Town Council approves a two-year extension of the original contract with Lockton Companies, LLC to provide health and welfare benefit consultant services from October 1, 2021 through September 30, 2023.

Mrs. Maguire, Messrs: Bernetich, Weber, Polhamus, and Speich voted in favor.

21/22-27 Review, Discuss, and Possible Approval: DOT Encroachment Permit, Route 44 Tunnel Mural

Chairperson Maguire noted that we have been part of Bike Walk Avon for over a year and we have worked hard to enhance the bike trail; there is a local artist, Christy Hickey, who is interested in painting a mural inside the Route 44 underpass with services on a voluntary basis and materials will be donated. Mr. Weber noted that Ms. Hickey has painted a mural on the side of the building at Hopmeadow Brewing Company; good local artist and local business person as well. He wondered as an extension to this project if the area near Whole Foods just past the tunnel which is currently overgrown can be improved. The Town Manager responded that we can take a look at it. Chairperson Maguire suggested perhaps a great opportunity for an Eagle Scout Project. Mr. Polhamus shared a suggestion about adding lighting in that area. The Assistant Town Manager responded that we are trying to figure out how to best do that as there is no existing electrical service in that area.

On a motion made by Mr. Weber, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council approve the proposed design for the Route 44 Tunnel Mural as part of the State encroachment permit application.

Mrs. Maguire, Messrs: Speich, Weber, Polhamus, and Bernetich voted in favor.

21/22-28 Approval of Motor Vehicle Tax Refunds, \$3,238.66

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council approve motor vehicle tax refunds as follows: VCSF Auto Leasing Co. \$1,042.04; Daimler Trust \$1,036.22; and USB Leasing LT \$1,160.40.

Mrs. Maguire, Messrs: Speich, Weber, Polhamus, and Bernetich voted in favor.

21/22-29 FY 22/23 Budget: Approve Capital Budget Review Schedule

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council approve the following FY 22/23 Capital Improvement Program Budget Review Schedule as follows:

Thursday, November 4th	Regular Town Council Meeting (7:00 p.m.)
	7:00 p.m. Recreation and Parks
	7:30 p.m. Engineering
	8:00 p.m. Public Works
Thursday, December 2nd	Regular Town Council Meeting (7:00 p.m.)
	7:00 p.m. Board of Education
	7:30 p.m. Police Department
	8:00 p.m. Fire Department
	8:30 p.m. General Government

Mrs. Maguire, Messrs: Speich, Polhamus, Bernetich, and Weber voted in favor.

21/22-30 Approve 2022 Meeting Schedule

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council adopt the following schedule of meetings in accordance with P.A. 723 of the 1967 Session of the Connecticut General Assembly, the following is a schedule of meetings for the Year of 2022 and January of 2023.

- Thursday, January 6, 2022
- Thursday, February 3, 2022
- Thursday, March 3, 2022
- Thursday, April 7, 2022
- Thursday, May 5, 2022
- Thursday, June 2, 2022
- Thursday, July 28, 2022
- Thursday, September 1, 2022
- Thursday, October 6, 2022
- Thursday, November 3, 2022
- Thursday, December 1, 2022
- Thursday, January 5, 2023

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: No highlights were provided.

Misc. B: Construction Update: The Town Manager highlighted that we received two kind e-mails from West Avon Road residents who were happy with the outcome of the Synthetic Turf Field Project with how it works in the evening, the lack of lighting disturbance and pleased with the plantings.

Misc. C: American Rescue Plan Act: The Town Manager noted work continues on this item.

Misc. D: Pavement Management: The Town Manager noted this item will be on the Council's November meeting agenda.

Misc. E: Flag Policy: The Town Manager noted this item will be on the Council's November meeting agenda.

Misc. F: Avon Winterfest 2021: The Town Manager noted we are working with a local 501-3c organization regarding this event.

Misc. G: Knights of Columbus Use of Thompson Road Property: The Town Manager reported that the Knights of Columbus have decided not to pursue the use of Thompson Road property for the event in September 2022.

Misc. H: Town Manager Outside Activities: No highlights were provided.

X. EXECUTIVE SESSION: Pending Claim/Litigation

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council enter into Executive Session at 11:49 p.m.
Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber voted in favor.

The Town Manager, Assistant Town Manager, the Town Attorney, and Clerk attended the session.

XII. ADJOURN

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council adjourn the meeting at 12:10 a.m.
Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber voted in favor.

Attest: Jennifer Worsman, Clerk

Town Council Public Hearing

*Amendment to Lease between the Town of
Avon and SBA 2012 TC Assets,
LLC for the property located at
277 Huckleberry Hill Road*

Thursday October 7, 2021 at 7:00 p.m.
via GotoMeeting

Introduction

Tom Kline

- Assistant Chief, Avon Volunteer Fire Department
 - Joined 2004, last 8 years as Assistant Chief
- Senior Network Administrator, Avon Public Schools
 - 2019 - Present
- CT State Certified Firefighter, HazMat Operational, Fire Officer, Fire Service Instructor
- National Incident Management System Certifications 100, 200, 300, 400, 700, 800
- Began in Fire Service in 1993
- FCC Amateur Radio License since 1993
- 20+ years in audio/visual production engineering
- MS in Computer Information Systems Security

Public Safety Radio



Images copyright Motorola Solutions. Town of Avon RFP 16/17-12 Technical Proposal, August 2017



Public Safety Radio



Images copyright Motorola Solutions. Town of Avon RFP 16/17-12 Technical Proposal, August 2017

Public Safety Radio

ALWAYS AVAILABLE

Your mission critical operations depend on reliable voice PTT communications all the time, everywhere you operate. Why not demand the same reliability from your data service. You can depend on ASTRO 25 data the same as you already trust your ASTRO 25 PTT service for:

- Resiliency Against Service Disruptions
- Coverage Everywhere You Need It
- Security



SUPER STORM SANDY WHEN WILL IT OCCUR AGAIN?

DURING SUPERSTORM SANDY THERE WERE:

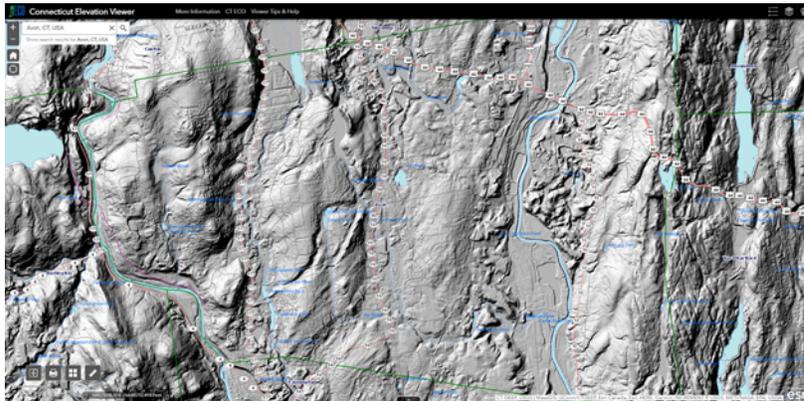
25 % OF CELL SITES IN THE 10-STATE REGION OUT OF SERVICE

18 DAYS BEFORE CARRIERS RESTORED FULL SERVICE

0 PUBLIC SAFETY SYSTEMS ADVERSELY AFFECTED

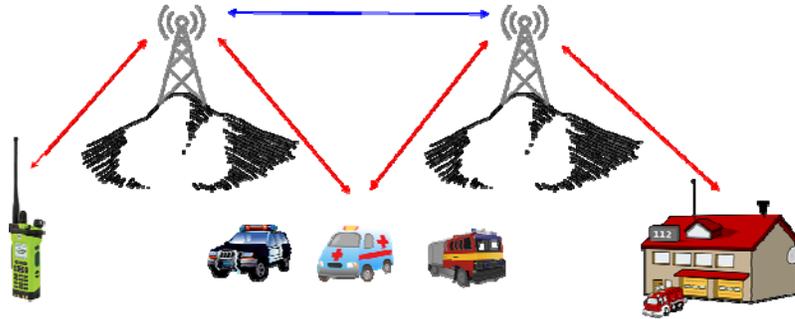
Images copyright Motorola Solutions. *Town of Avon RFP 16/17-12 Technical Proposal*, August 2017

Avon's Topography



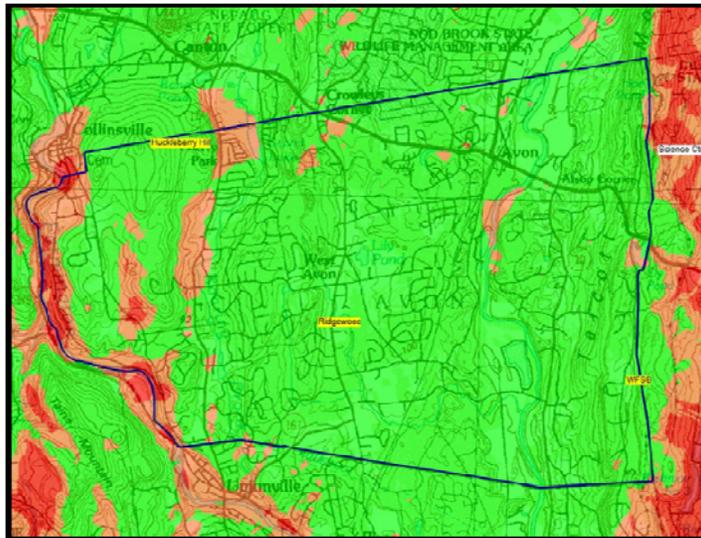
[UCONN Connecticut Elevation \(Lidar\) Data](#)

Radio Systems



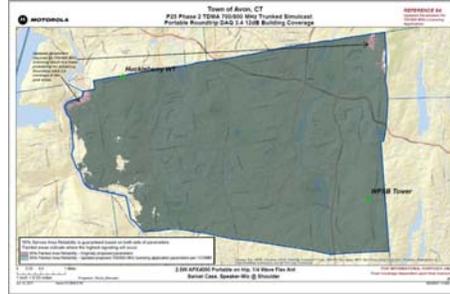
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Clip art from <https://publicdomainvectors.org/en/public-domain/> under the Creative Commons Public Domain Deed CC0.

Existing System – Talk-Out 12 dB In-Building Coverage



Original System Proposal (Design #1)

- August 2017
- 2 site solution using existing locations (WFSB tower on Deercliff, existing public safety tower on Kingswood)
 - WFSB – transmit @ 300 feet; receive @ 325 feet
 - Kingswood - transmit @ 135 feet; receive @ 150 feet
- Coverage Specification: 95% coverage of a portable radio in a building with 12db signal loss delivering an audio quality rating of 3.4.



What is Building Loss?

TYPE	DEFINITION	POSSIBLE LOSS (dB)
Large (Class I)	Large downtown building, large commercial building, or large enclosed shopping mall	20
Medium (Class II)	Small to medium size stores, small apartment buildings, or a small to medium size factory or office building	15
Light (Class III)	Residential buildings (1-2 story) and small commercial buildings	8 - 12

What is Delivered Audio Quality?

Channel Performance Criteria (CPC): Minimum design performance level in a faded channel. CPC is the Delivered Audio Quality (DAQ), as defined below:

DAQ 1	Unusable, speech present but unreadable.
DAQ 2	Understandable with considerable effort. Frequent repetition due to noise/distortion.
DAQ 3	Speech understandable with slight effort. Occasional repetition required due to noise/distortion.
DAQ 3.4	Speech understandable with repetition only rarely required. Some noise/distortion.
DAQ 4	Speech easily understood. Occasional noise/distortion.
DAQ 4.5	Speech easily understood. Infrequent noise/distortion.
DAQ 5	Speech easily understood.

Evaluation of Alternate Sites

Benefits of Using Existing Sites:

- Infrastructure such as power, communications, and roadways are already in place.
- State law favors co-locating services on existing structures vs building new (CGS 16-50aa).
- Already approved for such use
- Listing of existing cell towers from the CT Siting Council website (November 2019)
- [Google Earth Map of Siting Council Sites](#)
- [UCONN Connecticut Elevation \(Lidar\) Data](#)

Evaluation of Alternate Sites

Drawbacks of Using Undeveloped "Green" Sites

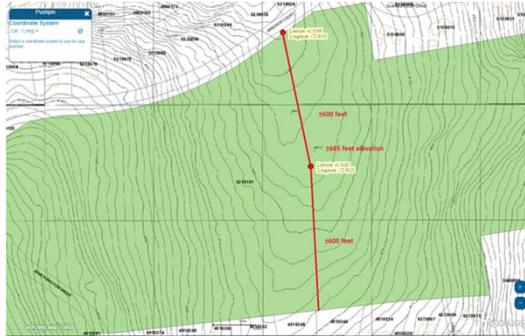
- Infrastructure needs to be planned, approved, and constructed
- Land acquisition and/or land use issues
- Planning and zoning approval
- 2016 Plan of Conservation and Development
- Significantly higher cost to implement

Evaluation of Alternate Sites

- Huckleberry Hill Recreation Area
- AVFD Fire Station, Company #4
- Farmington Woods Water Tank
- Found Land
- Avon Transfer Station

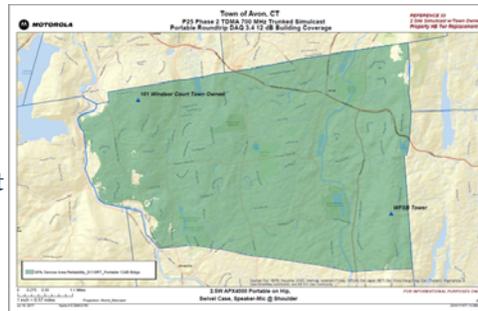
Alternate Site – Found Land

- Town-owned property located at 101 Windsor Court
- Location at the center of the property was selected for evaluation.
- Approximately 1300 feet south of Kingswood site.



Alternate Site – Found Land (Design #2)

- Found Land (135' transmit, 150' receive).
- Requires 150' tower on a green site.
- Land use restricted by CGA Special Act (1963).
- 1/3/00, Council discussed cell tower at this location and determined that an act of legislature would be required to change permitted use.
- Approval by P&Z required.
- Approval process would extend project by years.



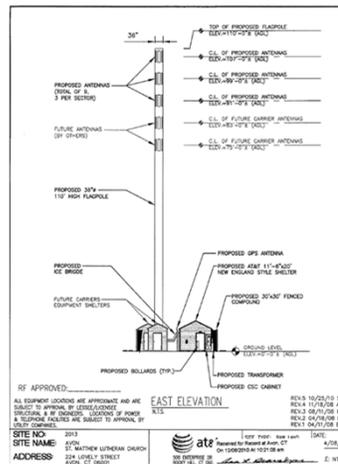
Alternate Site – 244 Lovely St. (Design #3)

- Existing tower to rear of St. Matthew's Church.
- Would not provide coverage over Northington Ridge with WFSB site.
- First design that incorporates a tower at the Transfer Station to fill coverage to west.
- Lovely - transmit 70 feet; receive 80 feet
- Transfer Station – transmit 65 feet; receive 75 feet



Alternate Site – 244 Lovely St. (Design #3)

- Tower is a hollow pole with cell antennas encased inside.
- Tower design does not provide for external mounting of additional antennas.



Town of Avon Land Records Book 617 Page 398-404
First Amendment to Memorandum of Lease

Alternate Site – 277 Huckleberry Hill

- Town owned property used as an active Landfill until 1994.
- Neighboring properties on Westbury building in 1995 ([Town of Avon Assessor](#))
- Neighboring properties on Buckingham Road built in 2003
- Buckingham playground built in 2006. ([Hartford Courant Article](#))
- Sprint (now SBA) cell tower built in 2004.
- Neighboring properties on Berkshire Crossing built in 2005.
- Currently used as a recycling and waste Transfer Station.
- Future system designs focused on this site because:
 - Town owned property that can not be otherwise developed.
 - Not used for recreational purposes.
 - Existing tower, roadways, electric and fiber optic service.
- New public safety tower or colocation on existing tower was yet to be determined but location was identified as the best option for system redesign.

Alternate Site – 277 Huckleberry Hill (Transfer Station)

- Existing cell tower built in 2004.
- 100 foot wood laminate pole.
- 3 cellular carriers on pole.
- Current lease provides for use by public safety equipment but highest available location is 70', too low for adequate coverage.
- Application submitted to SBA in February 2020 to start discussion of colocation.



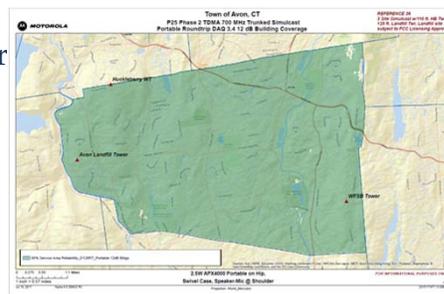
Alternate Site – 277 Huckleberry Hill (Transfer Station)

- SBA advised only available space would be below existing equipment and guy wire supports.
- Motorola advises that is too low to achieve coverage goal
- Town discussed building separate tower on property for public safety but could cause interference to existing services violating lease agreement.
- Building a new site is more expensive than collocating.



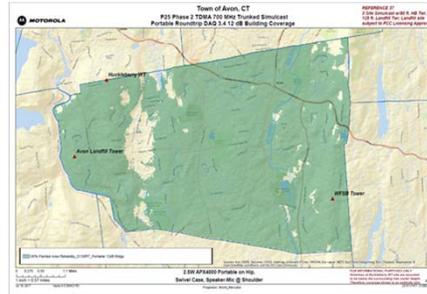
Design #4

- December 2019
- Alternate design of a shorter proposed tower on Kingswood Drive, WFSB, and Landfill sites
- Kingswood transmit 100' receive 110'
- Landfill transmit 115' receive 125'
- WFSB Transmit 300' Receive 325'



Design #5

- January 2020
- Alternate design using 80' tower on Kingswood Drive, WFSB, and Landfill
- Kingswood transmit 80' receive 70'
- Landfill transmit 115' receive 125'
- WFSB Transmit 300' Receive 325'
- Motorola notes that:



This coverage is an estimate only since predicting coverage through close in tree clutter is not an exact science. The calculated added attenuation for this site to account for this clutter significantly degrades the expected coverage from this site. As a result, even with the addition of the Landfill as a third site, 95% service area reliability for 12 dB building coverage is not expected, and cannot be guaranteed, based on an 80 ft. tower at the Huckleberry site.

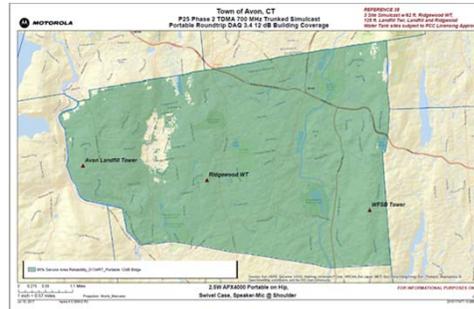
Alternate Site – Ridgewood Water Tank

- Existing site used for current public safety system as well as Verizon and AT&T
- Antennas are mounted on top of the 60' water tank on CT Water property
- Town has agreement dating back to early 1980s with Avon Water Company, now CT Water, and written permission to include this site in future plans
- [Google Map](#)



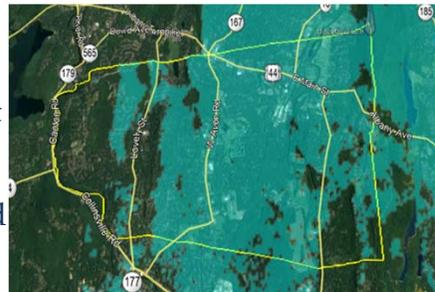
Design #6

- January 2020
- Alternate design using existing water tank site on Ridgewood Road, WFSB, and Landfill sites
- Ridgewood water tank transmit 62' receive 62'
- Landfill transmit 115' receive 125'
- WFSB transmit 300' receive 325'



State of CT Radio System

- January 2020
- Began discussions with State of CT representatives and Motorola to see what options might be available.
- Town staff performed radio testing throughout town and inside town buildings to get an idea of the coverage provided by the existing State system.
- Closest State tower is near Heublein Tower at the Avon/ Bloomfield/ Simsbury border.



Map provided by CT DESPP LMR Unit showing on-street coverage.

Spring/Summer 2020

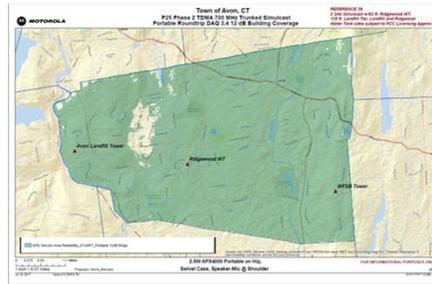
- Early days of COVID-19 pandemic
- April 2020
 - Town engaged Motorola to evaluate State System.
 - Coverage determined to be insufficient on existing single state tower alone.
 - Additional towers would be necessary to fill the coverage gap.
- May – December 2020
 - Motorola continues 3 site system design as an add-on to state system.
 - Project update provided to Council in September 2020
 - SBA colocation discussions move forward
 - Motorola pauses design work until Town can confirm Transfer Station site is a viable option.

Design #6

- January - May 2021
- New year brings staffing changes to Motorola project team.
- SBA lease agreement negotiated to replace the wood pole and provide space for public safety at the top.
- Detailed review of hardware options and quantities conducted to try to reduce overall system cost.
- Identified in-building solution for Roaring Brook School should acceptance testing not pass at that location (bi-directional amplifier).

Design #6

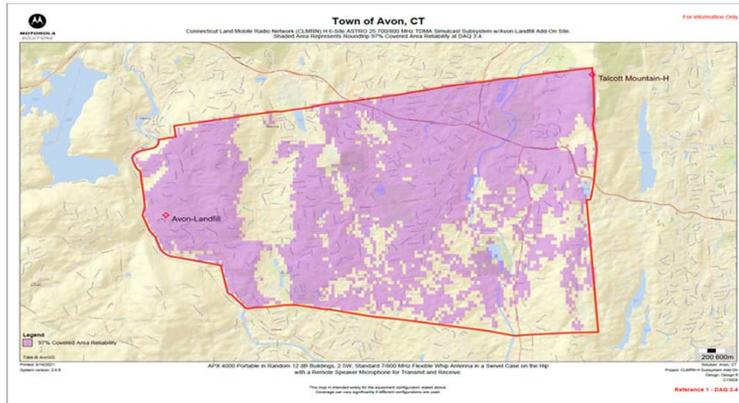
- July 2021
- Motorola delivers updated proposal for a 3-site system that is integrated with the State system
- Relies on the State system for "core" system components
- Project placed on hold pending SBA lease agreement and tower replacement



Design #7

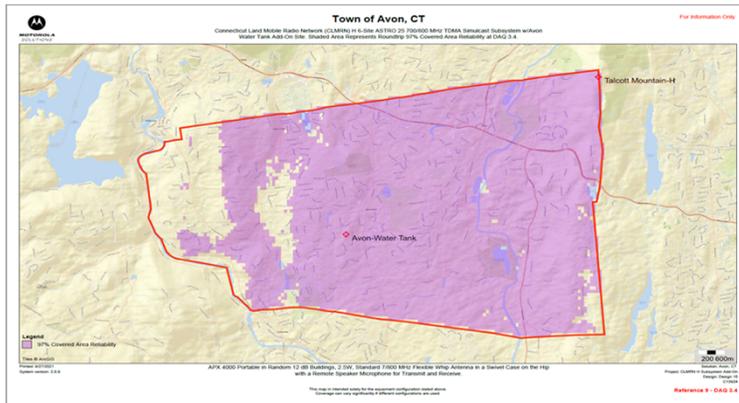
- August 2021
- Review of the proposed design revealed that the Avon WFSB and State Heublein Tower sites are approximately 3 miles apart and on the same ridgeline
- Both sites have similar equipment and functionality
- Town asked Motorola to examine coverage by changing the design from a 3-site sub-system of the State to adding 1 or 2-sites (Landfill and Ridgewood) directly to the State system
- This would drop WFSB from the design and hopefully reduce cost
- Other municipalities have completed similar projects (Bloomfield) to utilize the State system directly and boost the coverage in their town by funding and building additional sites
- Motorola has provided coverage maps but has not done detailed engineering revisions or cost estimates for this alternate design option pending confirmation of the SBA tower replacement

Design #7(A)



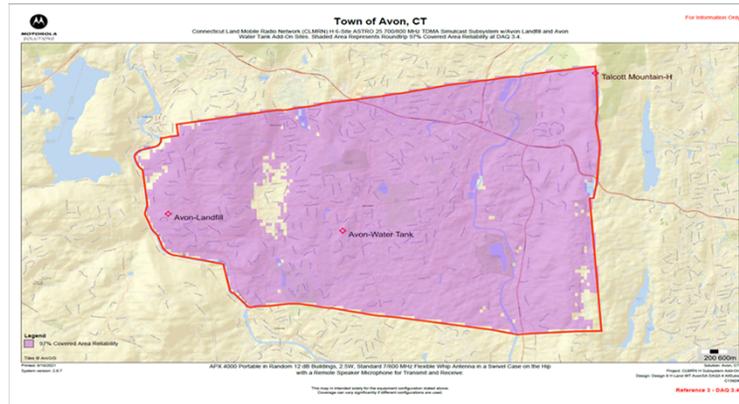
State Talcott Mountain & Transfer Station sites

Design #7(B)



State Talcott Mountain & Ridgewood Road sites

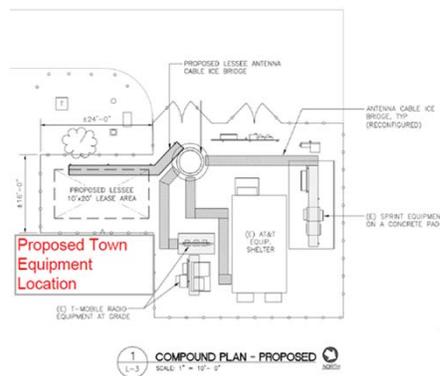
Design #7(C)



State Talcott Mountain, Transfer Station & Ridgewood Road sites

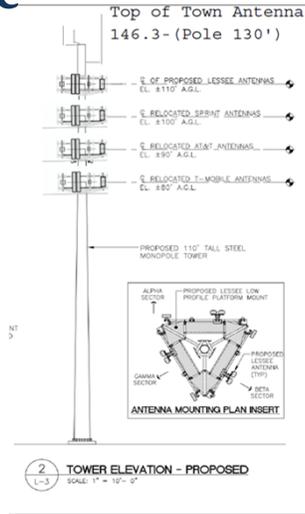
Proposed Changes to Transfer Station Site

- Lease amendment would allow SBA to construct a 130 foot self supporting monopole tower within the existing 60 foot by 60 foot fenced in area
- Existing wood pole and supporting guy wires would be removed



Proposed Changes to Transfer Station Site

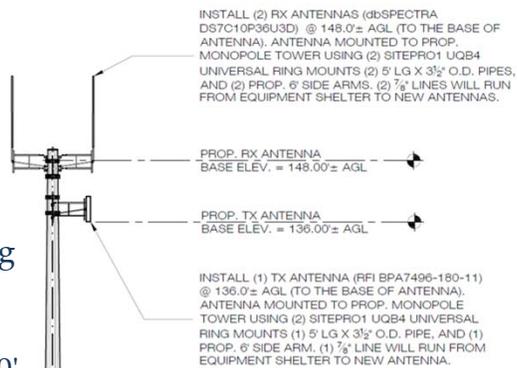
- Three existing cellular tenants would return to their existing locations on the new tower at 80, 90, and 100 foot elevations
- Space for a fourth cellular tenant would be open at the 110 foot elevation
- Town of Avon equipment would be at the 120 and 130 foot elevations



Proposed Antenna Detail (TOA)

This image is from the original 2017 Motorola proposal detailing antenna models and mounting. Proposed design for Landfill site utilizes the same antennas and mounting hardware with revised elevations:

Receive antennas at 130'
Transmit antenna at 120'



Proposed Antenna Detail (TOA)

- (2) Receive Antennas
- dbSpectra DS7C10P36U-Series
- 3 inch outside diameter
- 16.3 feet total length, including 35 inches of mounting mast length
- Fiberglass covering is "horizon blue" color
- [dbSpectra product spec sheet](#)



Proposed Antenna Detail (TOA)

- (1) transmit antenna
- RFI Technology Solutions BPA7496-180-11
- 60 x 10.4 x 6 inches
- Housing is light gray
- [RFI Technology Solutions spec sheet](#)



Public Safety RF Power

[Google Earth View](#)

Public safety system power output is dependent on final system design but would not exceed the maximum effective radiated power as licensed by the FCC.