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AD HOC REPORT
Cell Tower- Richter Park

Honorable Mark D. Boughton, Mayor
City Council Members

June 22, 2011

Chairman Knapp called the meeting to order at 6:45pm. Council members Colla and Perkins, John Priola and Bill Totten, Richter Park Authority members and Robert Eberhard, Chairman of the Richter Park Authority were in attendance. Also present were Dennis Elpern, Planning Director; Laszlo Pinter, Deputy Corporation Counsel. Ex-officio members Taylor, Chianese, Nero, Cavo and Teicholz, and interested members of the public

Chairman Knapp stated that the purpose of the meeting was to discuss allowing the Richter Park Authority to move forward to research the placement of a cell tower on Richter Park land. Chairman Knapp read a letter dated January 25, 2011 from Mayor Boughton requesting the Council to recognize and authorize the Authority to inquire into the placement of a cell tower. A letter from the Planning Commission dated June 20, 2011 stating that the motion to accept was defeated due to a tie vote.

John Priola gave an overview of the proposal. The park is in need of funds for improvements and to implement the Master Plan. The placement of a cell tower would generate income and they would like authorization to proceed. Upon the request of Mr. Elpern, Mr. Priola advised that approximately \$2,500 per month might be generated or the lease could be bought up front, which would generate a significant amount of revenue. Three locations have been identified as possible sites. Additional information was provided in the packets distributed to committee members.

Council member Chianese requested information on the purpose of the donation from Stanley Richter and questioned if this was moving away from the purpose of the park. The Authority has not submitted financial statements to the Council. If the tower is allowed at Richter Park, does this have implications for other locations in the City. He also asked if the Friends of Richter Park have been approached.

Mr. Eberhard stated that certain powers have been granted to the Authority by ordinance. The only use in the deed was a stipulation for recreational purposes and the Authority looks to co-operate with the City.

Joe Cavo stated that the authorities and agencies have been asked to become self-sustaining and that the Authority is looking at ways to do that in order to implement the Master Plan for the park.

Council member Taylor commented that cell towers generate services everyone needs and in his experience, cell towers seem to fade into the background.

Atty. Pinter advised that the land is owned by the City of Danbury. The City has a say in the use/lease of the property. Step one is to determine if the Authority should proceed with the idea of placing a cell tower on park land and any lease would both go back to the Council. The Council would decide whether to execute a lease, what kind of a lease and then would go to the Siting Council.

Upon the inquiry of Council member Colla, Mr. Priola advised that the revenue generated from the cell tower would be used for improvements to the infrastructure. The number of rounds played has remained steady for the past few years at approximately 44,000 to 45,000. A surcharge has been enacted for the Master Plan and they are trying to create ways to provide additional funding. By creating a driving range, a significant amount of revenue could be generated.

Upon the request of Council member Perkins, Atty. Pinter explained that the Parkland Preservation Ordinance, under consideration by another Ad Hoc Committee, that the Richter Park Authority is different in that Richter Park is not a City park. It has been authorized for certain uses that do not usually fall into park land. Because this particular authority has developed a master plan, the council has already been granted certain allowances. The Council has the right to restrict the use of the property.

Mr. Elpern suggested that the Authority be sure to provide the Council with enough information for them to make a reasonable decision. Location, height, health issues and information regarding what the tower would look like from all angles should be detailed.

Atty. Pinter advised that the Committee is being asked to allow the commercial use by lease of a City property and the funding used by the Authority for further recreational purposes. If the authority is provided and the lease is executed, then the decision goes to the Siting Council of the State of CT and at that point much of the decision making on the tower is out of the Authority's control. If the Siting Council feels that there is a gap in service and wants the tower placed at the park, they will move forward, regardless of any strenuous objections. There is no guarantee that the revenue generated will go to the Authority. The City could allow all, part or none of the revenue to go to the Authority.

Council member Colla moved to recognize and authorize the Richter Park Authority to inquire into the placement of a cell tower facility at a location yet to be determined on its land, seconded by Council member Knapp. Council member Perkins stated that he was concerned about the unknowns and could not vote in favor at this time. Council members Colla and Knapp voted in the affirmative and council member Perkins voted in the negative. ***Motion passed 2/1.***

At 7:40pm, council member Perkins moved to adjourn, seconded by council member Colla. ***Motion passed by unanimous vote.***

Respectfully submitted,

Jack Knapp, Chairman

Phil Colla

Duane Perkins

/dg