

LEGAL NOTICE

TOWN OF DEEP RIVER

Special Town Meeting

Tuesday March 22, 2011 @ 7:00 P.M.

Town Hall Conference Room

To act on the following matters:

- 1] Does the Legislative Body exempt the Town of Deep River from the use of a public bidding process for the potential sale of the perpetual easement to the cellular tower located on Town property?
- 2] To accept the offer of \$320,000 from TowerCo for the purchase of the perpetual easement rights.

Dated at Deep River, CT, this Friday, March 11, 2011.

Board of Selectmen:

Richard H. Smith

Arthur R. Thompson

David N. Oliveria

RHS/jk

RETURN

I CERTIFY THAT I, RICHARD H. SMITH, First Selectman of the Town of Deep River, caused a copy of this notice to be posted on the Public Sign Post in the Town of Deep River on March 11, 2011, and I caused a copy of said notice to be published in the Middletown Press, a newspaper having a circulation in said town, in its issue of March 15, 2011.

Richard H. Smith

SPECIAL TOWN MEETING

March 22, 2011

A Special Town Meeting was held on Tuesday, March 22, 2011, in the Deep River Town Conference Room. The three selectmen were present as well as town attorney, Jane Marsh. The audience consisted of 5 citizens and 2 local reporters. Margo Hilfinger and Rich Strukus were filming for the Public Access channel.

Dick Smith called the meeting to order at 7:02 p.m. A motion to appoint David Oliveria as moderator was made by Art Thompson and seconded by Lori Guerette. Motion carried. The moderator appointed Amy Winchell as clerk of the meeting, who then read the call. A motion to accept the call as read was made by Dick Smith and seconded by Lori Guerette. Motion carried.

A motion to accept item 1 of the call was made by Art Thompson and seconded by Lori Guerette.

1] Does the Legislative Body exempt the Town of Deep River from the use of a public bidding process for the potential sale of the perpetual easement to the cellular tower located on Town property?

DISCUSSION: Dick explained that twelve years ago TowerCo entered into a twenty-five year agreement to lease the land their cell tower stands on from the Town of Deep River. Recently they made an offer to the town to buy out their lease for \$226,000. Another company also made an offer of \$220,000 for the same property but with the request for 25-50 feet more to put up additional buildings. The town refused both offers. On January 21, 2011 TowerCo came back with another offer of \$320,000. The other company then offered \$1000 more which warranted the question in item 1. Jane Marsh advised that putting this particular situation out to bid would open the town up to a cumbersome and ineffective bidding process yielding a wide variety of offers, including non-serious offers, and could result in the town losing the current valid offer from TowerCo. She felt negotiating would not work in the town's favor.

Art felt the current rate of advancement in technology could render this cell tower useless in less time than is on the lease and that the lump sum is good compensation for the lease. Dick explained that TowerCo pays Deep River for the use of the land while individual carriers also pay rent to have an antenna on the tower. He pointed out that the town had already seen a loss of \$4,800 per year of that rental income with the loss of a carrier. With the current trend of communications companies merging, we will almost certainly lose more revenue this way. Dave Oliveria pointed out that when the tower is no longer useful, TowerCo will pay to remove it. Dick added that, if we accept the current offer from TowerCo, they will also cover legal and closing costs. Furthermore, if anything ever happens to the town's antenna at John Winthrop Middle School, it would be nice to have the option to put an antenna up on the cell tower. Margo Hilfinger asked where the lump sum will go in the budget. Dick and Dave explained that the current lease will be taken out of the revenue stream and the lump sum will go into a non-allocated general fund for non-recurring capital projects. The Board of Finance will decide how the money gets spent. A resident asked if the site within the fenced area of the cell tower would be affected once the perpetual easement rights were purchased. Dick stated there would be no changes within the site.

Another resident asked why this special meeting was not advertised on the community bulletin board by Devitt Field. It was in the paper, posted on the signpost outside of town hall, and on the website but Dick said that, in the future, he will try to make sure it gets on the community board as well.

There being no further discussion, item 1 was APPROVED UNANIMOUSLY.

A motion to accept item 2 of the call was made by Art Thompson and seconded by Russell Marth.

2] To accept the offer of \$320,000 from TowerCo for the purchase of the perpetual easement rights.

A resident commented it was unlikely the tower would become obsolete anytime soon or TowerCo would not be that motivated to buyout their lease. Jane said TowerCo does not want some other company owning the land their tower is on.

There being no further discussion, item 2 was APPROVED UNANIMOUSLY.

A motion to adjourn was made by Art Thompson and seconded by Lori Guerette. Motion carried. The meeting was adjourned at 7:22 p.m.

ATTEST: _____
Amy M. Winchell, Town Clerk