

Board of Selectmen  
Special Meeting

November 6, 2019  
9:30 A.M. Town Hall

Present: Bruce Adams, Chris Garrity and Jeff Parkin.

Also present: Darlene Brady, Melissa Cherniske, Mitch Cohen, Lesly Ferris, Lynn Harrington, Donna Hayes, Leah Pullaro and Matt Starr.

Mr. Adams called the meeting to order at 9:34 a.m.

The pledge was recited.

**Approval of Minutes:**

Mr. Adams made a motion to approve the October 1, 2019 Board of Selectmen's Regular meeting minutes, as submitted. Mr. Garrity seconded the motion and the motion carried.

Mr. Adams made a motion to approve the following Board of Selectmen's Special meeting minutes:

- October 4, 2019
- October 8, 2019
- October 18, 2019

Mr. Parkin seconded the motion and the motion carried.

**Written:**

Mr. Adams stated that there are two written reports, attached:

- October 31, 2019 Staff Report from LUA Donna Hayes
- October 21, 2019 letter from Attorney Jeff Sienkiewicz

Mr. Garrity made a motion to authorize First Selectmen Bruce Adams to sign and return the October 21, 2019 letter from Attorney Jeffrey Sienkiewicz as a retainer agreement. Mr. Parkin seconded and the motion carried.

**Social Services Assistant:**

The Social Services Assistant Hiring Sub-committee submitted a recommendation to the Board of Selectmen for the open position (attached). Mr. Adams made a motion to hire Deborah Christensen as the Social Services Assistant to fill the ten (10) hour per week position, to start as soon as possible at the rate of \$16.00 per hour, with a ninety-day (90) review, with the potential of an increase to \$18.00 per hour. Mr. Parkin seconded the motion and the motion carried.

**Ball Fields:**

Mr. Adams provided a brief history of the Kent Center School Ball fields and the sub-committee that was created to oversee the maintenance of the fields. He added that the Board of Selectmen made a motion at the last Regular BOS meeting to disband the KCS Playing Field Sub-committee and turn the oversight and budget line to the Park and Rec Commission. Park and Rec Commission Chairman Lynn Harrington stated Park and Rec is not the only entity that uses the fields. She noted that Kent Center School also uses the fields and they should have some say in the oversight of the fields.

RECEIVED FOR RECORD  
KENT TOWN CLERK

2019 NOV -8 A 9:16

TOWN CLERK

BY

*[Signature]*

Mr. Garrity made the motion to put the oversight of the KCS Ball Fields and budget to the Park and Rec Commission. Mr. Parkin seconded the motion. Mr. Garrity and Mr. Parkin voted yes. Mr. Adams voted no. The motion carried.

**KVFD Boat Purchase:**

Mr. Adams reported that he had anticipated the chairman of the KVFD Boat Purchasing sub-committee to have a report and a discussion on which boat KVFD would like to purchase. He added that no discussion was made at the KVFD meeting and the chairman of the sub-committee resigned after the meeting. KVFD Boat Purchasing sub-committee member Matt Starr added that two bids were received and reviewed at the meeting. Mr. Starr stated that both bids were over the grant money, and KVFD does not have any additional funds to coverage the overage. The sub-committee did discuss ways to reduce the cost: going to pick-up the boat and not paying for shipping. Mr. Starr questioned the request from Mr. Adams to have an agreement for the boat to allow the Town to utilize the boat. Mr. Adams stated that he obtained the grant, and he wants a one-line sentence in the agreement that allows the Town to utilize the boat if a need arises. Mr. Garrity stated that KVFD is primarily made up of town residents and, if a need in town arose, he believes that KVFD would offer the boat. Mr. Garrity stated the grant was obtained for KVFD to purchase a boat, and no agreement is necessary.

**Streetscape:**

Mr. Adams stated that the Board of Selectmen had come to an agreement on the Streetscape project at the Special BOS meeting on Friday, November 1, 2019. Mr. Adams made the following motion:

Pursuant to the Streetscape Bond Resolution adopted at the May 16, 2019 referendum the Board of Selectmen move for the complete renovation of the sidewalks as described below. The motion is based on a plan that provides the best long-term safety and economic value to Kent and its citizens.

**Scope of project:**

**Part I**

- North Main Street
  - Monument to Kent Green Blvd Exit (East side)
  - Monument to Fife and Drum parking lot (West side)
- South Main Street
  - Monument to Kent Greenhouse (West side)
  - Monument to South Commons Road (East side)

**Part II**

- Bridge Street
  - Monument to Elizabeth Street (North side)
  - Monument to Housatonic River Bridge (South side)
- Maple Street
  - Monument to Maple Street Ext. (North side)
  - Monument to KVFD driveway (Southside)

**Bid packets to Include:**

- Material pricing
  - Concrete and granite curbing
  - Asphalt and granite curbing
- Three additional crosswalks in the vicinity of the House of Books (10 North Main Street), in the vicinity of the Fife and Drum Restaurant (53 North Main Street) and Swift Lane with DOT approval
- Provisions for conduit for street lamps (24 recommended all on North Main Street) and possible future needs
- Alternate line items could be included for bid pricing

The plan should be sent immediately to Millone & McBroom for the design of a formal plan and creation of a bid package.

The total cost of the project shall not exceed the \$2,925,000 to be bonded and the \$900,000 in grants and \$100,000 in the Five-Year Capital Plan

Mr. Garrity seconded the motion and the motion carried.

#### **Cell Tower Proposal:**

October 18, 2019 letter from SAI Group LLC - 38 Maple Street

Mr. Adams stated the letter serves as notification that three (3) antennas will be removed and replaced.

October 22, 2019 letter from State of CT – 38 Maple Street tower

Mr. Adams stated the letter confirms that the Connecticut Siting Counsel is in receipt of the request to modify the tower at 38 Maple Street.

October 16, 2019 packet from Cuddy & Feder - Bald Hill Road or 93 Richards Road

Mr. Adams stated the letter provides an overview of the proposed wireless tower to be located at one of two candidate sites identified by Homeland Towers: Bald Hill Road or 93 Richards Road and the next steps in the process. Mr. Mitch Cohen of Richards Road expressed his concern with the proposed Tower site on Richards Road. He added that there are other sites with less or no impact on residents. Donna Hayes stated that the Board of Selectman should have a public hearing prior to December 16, 2019. Mr. Cohen added that he would like to be notified of the Public Hearing so that he could be present and let “them” know this is not a slam dunk, and he is prepared to throw tons of money at the issue. Mrs. Hayes stated that Danny Soule of LCD is very aware and involved with this project. Mr. Starr stated that the local emergency responders have not been informed of any of the proposed changes or additions to the Wireless Telecommunication system. He added that LCD does have a lot of information gathered on alternative sites for proposed towers. Mrs. Hayes stated that a meeting should be scheduled with the P&Z Chairman, the new First Selectman and herself to discuss the public hearing.

October 28, 2019 packet from Crown Castle -136 Bulls Bridge

Mr. Adams stated the letter proposes to replace six (6) antennas with six (6) new antennas and modify the mount pursuant to the Mount Analysis.

#### **Highway CDL Maintainer update:**

Mr. Osborne stated the probationary period is up for the two new hires, and he would recommend a \$0.50 per hour increase at this time. Mr. Adams made the motion: Kevin Hill and John Cox have successfully completed the probationary period and, per the recommendation of Highway Foreman Rick Osborne, Kevin Hill and John Cox will receive a \$0.50 per hour, increase effective Monday, November 11, 2019. Mr. Parkin seconded the motion and the motion carried.

#### **Assessor Software Security:**

Assessor Patty Braislin has sent an e-mail to the Board of Selectmen asking about the security of the Town computer system and if her department should look into alternatives for back-up and storage of information. Mr. Garrity stated that the new First Selectman is more knowledgeable about technology, and this item should be kept on the agenda.

#### **Appointments:**

Mr. Garrity made a motion to approve the following appointments:

Municipal Agent	Leah Pullaro	2 Years	11/30/19	11/30/21
P&Z – Alt	Anne McAndrew	2 Years	11/30/19	11/30/21
P&Z - Alt	Adam Manes	2 Years	11/30/19	11/30/21
P&Z – Alt	Rich Chavka	2 Years	11/30/19	11/30/21
Town Attorney	Randall DiBella	2 Years	11/30/19	11/30/21
	Cramer & Anderson			
Emergency Man Director	Susie Rundall	2 Years	11/30/19	11/30/21
Emergency Man Deputy	John Grant	2 Years	11/30/19	11/30/21
Animal Control Officer	Lee Sohl	1 Year	11/30/19	11/30/20
Animal Control Assist.	James Sohl	1 Year	11/30/19	11/30/20
Tree Warden	Bruce Bennett	1 Year	11/30/19	11/30/20
Conserv. Comm. – Alt	Melissa Cherniske	3 Years	12/2/19	12/5/22
Conserv. Comm. – Alt	Elizabeth Baker	3 Years	12/2/19	12/5/22

Mr. Adams seconded the motion and the motion carried.

#### **Report of First Selectman:**

Mr. Adams stated that he does not have an official report. He stated that he has been working on a Town Information Booklet. He added that it is in the very beginning stages.

#### **Report of Selectmen:**

Mr. Garrity had no report.

Mr. Parkin had no report.

#### **Report of Treasurer:**

Mrs. Herbst provided additions to the Approved Vendor List. Mr. Parkin made a motion to approve the Additions to the Approved Vendor List FY 2019-2020, as submitted. Mr. Garrity seconded the motion and the motion carried.

**Tax Refunds:**

Mr. Adams made a motion to approve the following eight tax refunds:

- Anderson, Lars \$9.31
- JP Morgan Chase Bank \$64.98
- Kent Housing for the Elderly Inc. \$3,895.25
- Rybczyk, Kelly \$121.53
- Schultek, Edward \$250.65
- Tao, Jean \$45.16
- Financial Ser Veh Trust \$21.21
- Landrigan, Edward \$59.03

Mr. Parkin seconded the motion and the motion carried.

Mr. Parkin stated that he found his time as a Selectman both enjoyable and challenging and he thanked the Board.

Mr. Adams stated that he also found his time as First Selectman enjoyable and challenging at times. He thanked Mr. Parkin for serving and wished Mr. Garrity continued success in his next term as a Selectman.

Mr. Garrity thanked both Mr. Parkin and Mr. Adams for their service. He added that it has been challenging but successful.

Mr. Adams made a motion to adjourn the meeting at 11:22 a.m.

  
Joyce Kearns  
Administrative Assistant

*These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.*

**WARNING  
SPECIAL MEETING OF BOARD OF SELECTMEN**

**TOWN CLERK  
KENT, CONNECTICUT**

**A SPECIAL MEETING OF THE BOARD OF SELECTMEN WILL BE HELD**

<b>WEDNESDAY, NOVEMBER 6, 2019</b>	<b>9:30 A.M.</b>	<b>TOWN HALL</b>
<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>

**NOTICE OF SPECIAL MEETING:**

(Must be filed not less than 24 hours prior to holding a meeting)

**AGENDA**

**Approval of minutes**

- |    |                  |                 |
|----|------------------|-----------------|
| a. | October 1, 2019  | Regular Meeting |
| b. | October 4, 2019  | Special Meeting |
| c. | October 8, 2019  | Special Meeting |
| d. | October 18, 2019 | Special Meeting |

**Written Communication**

- |    |  |
|----|--|
| a. | October 31, 2019 Staff Report from LUA Donna Hayes     |
| b. | October 21, 2019 letter from Attorney Jeff Sienkiewicz |

**Social Services Assistant**

**Ball Fields**

**KVFD Boat Purchase**

**Streetscape**

**Cell Tower Proposal**

- |    |  |
|----|--|
| a. | October 18, 2019 letter from SAI Group LLC - 38 Maple Street                     |
| b. | October 22, 2019 letter from State of CT – 38 Maple Street tower                 |
| c. | October 16, 2019 packet from Cuddy & Feder<br>Bald Hill Road<br>93 Richards Road |
| d. | October 28, 2019 packet from Crown Castle -136 Bulls Bridge Rd                   |

**Highway CDL Maintainers update**

**Assessors software security**

**Appointments**

**Report of First Selectman**

**Report of Selectmen**

**Report of Treasurer**

- |    |  |
|----|--|
| a. | Additions to Approved Vendor List FY 2019-2020 |
|----|--|

**Tax Refunds**

**BOARD OF SELECTMEN**

**JOYCE KEARNS  
ADMINISTRATIVE ASSISTANT**

**DATE OF TOWN CLERK NOTIFICATION**

**"An equal opportunity employer and service provider"**





## TOWN OF KENT LAND USE OFFICE

### STAFF REPORT

DATE: October 31, 2019

FROM: Donna Hayes, CZEO

#### Building Department:

	OCTOBER	Y T D
Permits Issued:	47	121
Total Construction Value:	\$1,678,222	\$6,574,802
Fees:	\$10,808	\$42,448
Waived:	\$0	\$0

#### Planning & Zoning:

- Permits Issued: 16 (October)
- Certificates of Compliance Issued: 0 (October)
- Applications before the Commission: (October)
  - Application #44-19SP, Dolores R. Schiesel, Esq. for Roberti Family, LLC, 175 Carter Road, change of use from single family dwelling and accessory dwelling unit to convalescent home, Map 14 Block 21 Lot 35. **(CONTINUED TO THE NOVEMBER MEETING AT WHICH TIME A DECISION WILL BE MADE.)**
  - Proposed Change to Town of Kent Zoning Regulations: addition of the definitions of: "Retail Stores"; "Retail Stores – Firearm/Ammunition"; "Firearm"; and "Ammunition" and the inclusion of "Retail Stores – Firearm/Ammunition" as a special permitted use under Sections 4124, 4224 and 4324. **(CONTINUED TO THE NOVEMBER MEETING)**
  - Lot Line Revision. Elaine Freeman, 0 Birch Hill Court and 9 Birch Hill Court, elimination of lot line in order to combine both lots into one, Map 5, Block 10 Lots 13 and 15. **(APPROVED)**
  - Application #77-19C, 24 South Main St, LLC, 24 South Main St., change of use from mixed use to residential apartment, Map 19 Block 13 Lot 44. **(APPROVED)**

#### Inland Wetlands:

- Approved: OCTOBER
  - NONE

- **Pending: OCTOBER**

- Application #1208-19F, Jamie Lintner of Forest Works, LLC for The Kent School Corporation, forestry operation supporting a marked timber thinning and timber stand improvement, Map 2 Block 5 Lot 8. **(CONTINUED TO NOVEMBER)**

**Zoning Board of Appeals:**

- Before the Board: October
  - NONE

**Architectural Review Board:**

- **Approved: October**
  - No applications before the board.

**VIOLATIONS:**

- The Building Official, Fire Marshal and I went on a site walk at Camp Kenmont/Kenwood to review violations of work performed without permits.
  - Still waiting to hear who the new management team is.

**OTHER:**

- I was on vacation September 30<sup>th</sup> to October 15<sup>th</sup>.
- I will be away from November 7<sup>th</sup> to November 12<sup>th</sup>.
- I attended two conferences:
  - *Understanding Federal Corps Permit Application and Mitigation Regulation Requirements* presented by the NWCD, CT Association of Wetland Scientists and the US Army Corps of Engineers.
  - *Planning & Zoning for Solar Installations in NWCT* presented by NHCOC.





Allingham,  
Readyoff &  
Henry, LLC

Attorneys at Law

Attorneys at Law

54 Bridge Street

New Milford, CT 06776

[www.allinghamlaw.com](http://www.allinghamlaw.com)

Phone: 860-350-5454

Fax: 860-350-5457

October 21, 2019

Bruce Adams, First Selectman  
Town of Kent  
41 Kent Green Boulevard  
Kent, CT 06757

Re: Schaghticoke Indian Tribe

Dear Bruce,

I had an opportunity to review the narrative portion of the March, 2019 petition for federal acknowledgment submitted by the Schaghticoke Indian Tribe (SIT) to the Office of Federal Acknowledgment (OFA). The supporting materials were not available. The names and addresses were redacted from the membership list, so that list had no value.

On April 10, 2019, the Office of Federal Acknowledgment rejected the submission. The reasons for rejection concerned the format in which the petition had been submitted. The petition did not comply as to form with the new Federal acknowledgment regulations. A new submission by the Schaghticoke Indian Tribe is anticipated.

The materials reviewed describe the Schaghticoke Indian Tribe's claims to federal acknowledgement. Until about 1985, the SIT appears to make the same general claims as were made by the Schaghticoke Tribal Nation (STN). I could not identify any substantive new evidence upon which the SIT relied to establish political authority and community for those periods in which such evidence was found lacking for the STN. Generally speaking, the SIT claims seem to suffer from the same deficiencies as did the STN's petition.

The SIT's membership criteria and the STN's membership criteria seem to be somewhat different, and with a different membership base, it is possible that the evidentiary requirements will be different. I haven't been able to analyze this issue due to lack of a useable membership list, but the fact that the OFA had previously determined that both the SIT and the STN derive from the same historical tribe will be significant.

For the period after 1985, the SIT claims that the STN was a splinter group. The new regulations provide that splinter groups will not be acknowledged. The SIT addresses this by claiming that it is the true historical tribe. It claims that since the STN is the splinter group, the split should not preclude the BIA from recognizing it.

In the past, the Town's position was that if the evidence established that the Schaghticoke group was legally entitled to federal recognition, the Town would not oppose the petition simply

for the sale of opposition. The problem for the SIT is that the evidentiary record developed to date appears not to support the continued existence of the SIT as an Indian tribe from historical times to the present. While the new regulations focus on the period from 1900 to the present, a question as to historical existence remains since the BIA previously determined that the Schaghticoke Indians did not exist as an Indian tribe for substantial periods in the 19th century. An interesting legal question is whether the doctrine of collateral estoppel will apply with respect to the determination of the SIT's petition.

In the past, the attorneys for the State of Connecticut, Kent School, CL&P and I joined together to share information, strategy and out of pocket expenses for historical research and expert witness. This worked out quite well, saved the Town money, and allowed us to efficiently respond to the STN's claims.

With the Town's consent, I will enter into a similar arrangement with the attorneys for the State and for Kent School.

At present, I recommend that the Town budget \$150,000 for the response to the SIT petition. This includes a budget for \$50,000 for shared experts (1/3 of an estimated total of \$150,000) to assist in the response. I'm not sure when the full brunt of such expense might be felt as that depends to a large degree on when the SIT refiles its documented petition. We are gearing up, however, for an immediate response. I continue to charge the Town at the rate of \$190.00 per hour for my legal services, plus my actual out of pocket expenses.

If this is acceptable, I would appreciate your signing and returning a copy of this letter as a retainer agreement. In particular, I want the Town to be aware of the potential expense for expert witnesses as the other parties are requesting that I commit to the expert witness expense as part of our common interest defense agreement. The parties will remain responsible for their own legal fees.

If the financial arrangement is acceptable, please sign and return the enclosed copy of this letter once the Board of Selectmen have approved.

Please feel free to call if you have any questions or concerns.

Sincerely,  
  
Jeffrey B. Sienkiewicz

JBS/jbs

//clients/Kent/ Schaghticoke/2019-10-18 Bruce Adams

Accepted and Agreed

Town of Kent

by \_\_\_\_\_



**TOWN OF KENT  
SOCIAL SERVICES OFFICE**

**MEMORANDUM**

**November 2, 2019**

**TO: Board of Selectmen**  
**FROM: Leah Pullaro, Social Services Director**  
**RE: Hiring of Social Services Assistant**

On Saturday, November 2, 2019 the Social Services Assistant Hiring sub-committee met with two candidates for the social services Assistant position. As you recall, this position was approved and started July 1, 2019.

The sub-committee believes that Deborah Christensen has the experience necessary to fill the position with minimal training. She has seen the job description and understands the role she will play in the Social Services Department, including the Senior Center.

Discussion with the sub-committee regarding salary, resulted in a suggested hourly rate of \$16.00 per hour with a 90 day review, with the potential of an increase to \$18.00 per hour.

Thank you.

## Kent Park and Recreation

Lesly Ferris, Director  
P.O. Box 678  
41 Kent Green Boulevard  
Kent, CT 06757-0678

Telephone 860-927-1003  
Fax 860-927-1313  
parkandrec@townofkentct.org  
www.kentctparkandrecreation.com

To: Kent Board of Selectmen

From: Lesly Ferris



Date: October 22, 2019

Re: Playing Fields Oversight

The Kent Park and Recreation Commission at its October 21, 2019 monthly meeting approved 5-1 the following motion:

"Park and Recreation establish a playing fields subcommittee with one representative each from Board of Education, Park and Recreation and Board of Selectmen with oversight by the Board of Selectmen."

The commission respectfully requests Playing Fields be an agenda item for the Board of Selectmen's November 6, 2019 meeting. Representative(s) of the commission plan to attend this meeting to discuss Park and Recreation's position.

Thank you.



Greg Milano  
SAI Group, LLC  
12 Industrial Way  
Salem, NH 03079  
860-707-9001  
gmilano@saigrp.com

October 18, 2019

Melanie A. Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**Notice of Exempt Modification – New Cingular Wireless PCS, LLC (AT&T) CT1288**  
**38 Maple Street, Kent, CT 06757**  
**N 41.721902**  
**W -73.474963**

Dear Ms. Bachman:

AT&T currently maintains nine (9) antennas at the 140-foot level of the existing 150-foot monopole at 38 Maple Street, Kent, CT. The tower is owned by American Tower Corporation and the property is owned by the Town of Kent. AT&T now intends to remove three (3) Powerwave antennas and replace them with two (2) DMP65R-BU4DA CCI antennas and one (1) DMP65R-BU6DA CCI antennas. These antennas would be installed at the 185-foot level of the tower. AT&T also intends to remove three (3) Ericsson RRUS-11 remote radio units and install three (3) Ericsson 4449 B5/B12 RRUS and three (3) Ericsson B14 4478 RRUS.

This facility was approved by the Siting Council in docket #353 on April 24, 2008. This approval included the condition that the tower height be limited to 150 ft. Since no change to the existing tower height is proposed, therefore this modification complies with the aforementioned condition.

Please accept this letter as notification pursuant to Regulations of Connecticut State Agencies § 16-50j-73, for construction that constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.C.S.A. § 16-50j-73, a copy of this letter is being sent to Bruce K. Adams, First Selectman for the Town of Kent, Kent Land Use Department, as well as the property and tower owner.



The planned modifications to the facility fall squarely within those activities explicitly provided for in R.C.S.A. § 16-50j-72(b)(2).

1. The proposed modifications will not result in an increase in the height of the existing structure.
2. The proposed modifications will not require the extension of the site boundary.
3. The proposed modifications will not increase noise levels at the facility by six decibels or more, or to levels that exceed state and local criteria.
4. The operation of the replacement antennas will not increase radio frequency emissions at the facility to a level at or above the Federal Communications Commission safety standard.
5. The proposed modifications will not cause a change or alteration in the physical or environmental characteristics of the site.
6. The existing structure with mount modifications and its foundation can support the proposed loading.

For the foregoing reasons, AT&T respectfully submits that the proposed modifications to the above-referenced telecommunications facility constitute an exempt modification under R.C.S.A. § 16-50j-72(b)(2).

Sincerely,



Greg Milano



SAI Group, LLC  
12 Industrial Way  
Salem, NH 03079  
860-707-9001  
gmilano@saigrp.com

Attachments

cc: Bruce K. Adams - First Selectman  
Donna Hayes – Land Use Administrator, Kent Land Use Department  
Town of Kent- Property Owner  
American Tower Corporation - Tower Owner (via e-mail:  
Ryan.Tierney@americantower.com)





# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

October 22, 2019

The Honorable Bruce K. Adams  
First Selectman  
Town of Kent  
Town Hall  
41 Kent Green Boulevard  
P. O. Box 678  
Kent, CT 06757-0678

RE: **EM-CING-068-191021** – New Cingular Wireless PCS, LLC (AT&T) notice of intent to modify an existing telecommunications facility located at 38 Maple Street, Kent, Connecticut.

Dear First Selectman Adams:

Pursuant to the Regulations of Connecticut State Agencies Section 16-50j-72, the Connecticut Siting Council (Council) is in receipt of a request to modify an existing telecommunications facility located in the Town of Kent.

In accordance with Section 16-50j-73 of the Regulations of Connecticut State Agencies, on October 18, 2019, written notice of the intent to modify the existing telecommunications facility was provided to the Council, the property owner of record and the chief elected official of the municipality in which the existing telecommunications facility is located.

Should you have any questions or comments regarding the above-referenced request, please feel free to call me at 860-827-2951 or submit written comments to the Council by November 5, 2019.

Thank you for your consideration.

Sincerely,

Melanie A. Bachman  
Executive Director

MAB/IN/emr

c: Donna Hayes, Land Use Administrator, Kent Land Use Department, Town of Kent  
John A. Johnson, Chairman, Planning & Zoning Commission, Town of Kent





445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Lucia Chiochio  
[lchiochio@cuddyfeder.com](mailto:lchiochio@cuddyfeder.com)

October 16, 2019

**VIA OVERNIGHT MAIL**

Bruce K. Adams  
First Selectman  
Town of Kent  
Kent Town Hall  
41 Kent Green Blvd  
Kent, CT 06757

Re: Homeland Towers, LLC and New Cingular Wireless PCS LLC ("AT&T")  
Proposed Wireless Telecommunications Tower Facility  
Bald Hill Road - OR - 93 Richards Road, Kent, Connecticut

Dear First Selectman Adams:

This letter is being submitted to you on behalf of Homeland Towers, LLC ("Homeland Towers") and New Cingular Wireless PCS, LLC ("AT&T") with respect to the above referenced matter involving a proposed wireless telecommunication tower facility to be located at one of two candidate sites identified by Homeland Towers. One candidate site, identified as Candidate Site A, is located at Bald Hill Road and the other site is identified as Candidate Site B and is located at 93 Richards Road. Only one site is needed by AT&T and as such only one facility would be constructed. The purpose of this letter is to commence a formal consultation process with you and other Town officials prior to any application being filed by Homeland Towers and AT&T with the Connecticut Siting Council. Enclosed you will find a Technical Report prepared by Homeland Towers and AT&T which includes information on AT&T's need for the new tower, alternatives evaluated, and the environmental effects of the proposed candidate sites as identified at this time.

**Background and Need for the Tower**

Homeland Towers is an innovative company that provides wireless infrastructure solutions to meet the wireless communication needs of communities. Homeland Towers works closely with municipalities, commercial wireless carriers and public safety agencies and has installed numerous facilities (communications towers, antennas, and supporting equipment shelters and other infrastructure) throughout Connecticut, New York and New Jersey. This specific project is the result of years of review to provide reliable wireless services to the central portion of the Town.

As you probably know through your own experience, the exponential growth in consumer use of mobile data and overall network demands requires the development of additional wireless infrastructure to reliably serve the public. Indeed, the use of mobile data in 2017 quadrupled since 2014, which is 40 times the volume of data traffic in 2010.<sup>1</sup> As shown in the Technical

<sup>1</sup> See CTIA report: State of Wireless 2018: <https://www.ctia.org/news/the-state-of-wireless-2018>.



Report materials including data from AT&T, this proposed tower facility at one of the candidate sites would provide reliable 4G LTE service to hundreds of residents in the area and several miles of main and secondary roads.

### The Tower Project

For this project, Homeland Towers collaborated with AT&T and is proposing a new tower at one of the candidate sites to meet AT&T's and other FCC wireless carriers' need for new infrastructure to reliably serve the public in the immediate area. Candidate Site A is an approximately 2-acre unimproved parcel located on the western side of Bald Hill Road. At Candidate Site A, the proposed facility would consist of a 154' tall monopole within a fenced compound in the southwestern section of the property. Candidate Site B is an approximately 6.8-acre parcel improved with a commercial building located at 93 Richards Road. At the Candidate Site B, the proposal consists of a 175' tall monopole and fenced equipment compound in the northeastern section of the property. As noted above, AT&T only needs one proposed facility and as such, only one facility will be constructed. Homeland Towers would own, maintain and operate the tower facility subject to any approval the Connecticut Siting Council may issue for the project.

Should the Town EMS, fire or police services have a need at this location, they could be accommodated as well. The tower and fenced compound are designed to support the antennas and equipment of other FCC licensed wireless carriers. The facility will be unmanned with no sanitary or water facilities and will generate an average of one vehicle trip per month by each carrier at the site, consisting of a service technician in a light duty van or truck.

### State Siting Council - Balance Of Need With Environmental Impact

Connecticut State policy generally recognizes the need for new towers to serve the public and has designated the Connecticut Siting Council as the state agency with responsibility for reviewing and approving specific tower proposals. The Siting Council will evaluate this project once an application is filed with the agency. The Siting Council will evaluate each proposed candidate site by balancing the need for a tower with any significant adverse environmental impacts. The Siting Council's evaluation will result in their selection of one of the proposed candidate sites. Jurisdiction over any proposed cellular telecommunications facility rests exclusively with the Siting Council and would be in lieu of local zoning, wetlands and other types of municipal land use review and approvals.

### Town Input & Procedural Next Steps

Homeland Towers and AT&T are providing the enclosed Technical Report to the Town of Kent in accordance with Section 16-50l of the Connecticut General Statutes. The statute requires consultation with a municipality in which a tower facility is proposed prior to submission of an application with the Siting Council. The purpose of the local consultation is to give the municipality in which the facility has been proposed an opportunity to provide the prospective applicant with any recommendations or preferences it may have prior to the filing of an application with the Siting Council.



Upon review of Section 16-50l(g) of the Connecticut General Statutes, you will note that municipalities also have the option of conducting a noticed public information session on any proposed wireless telecommunications tower facility. State law requires any such information session to be held by the Town during the first 60 days of the 90-day period afforded to the municipalities for consultation with a prospective Siting Council applicant. As such, should Kent elect to conduct a public information meeting regarding this project, it should occur on or before December 16, 2019. For such public information sessions, our typical practice is for introductions to be made by a municipal official, have the project team make a presentation (usually a power point) and then respond to public questions moderated by a local official or agency.

In advance, we thank you for your consideration and will follow this correspondence with a call to your office to discuss next steps regarding the municipal consultation process. We look forward to meeting with you further on this project and learning more about Kent's interests, concerns and any recommendations prior to filing an application with the Siting Council.

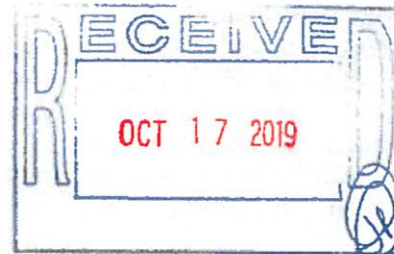
Very truly yours,

A handwritten signature in blue ink, appearing to read "Lucia Chiocchio".

Lucia Chiocchio

Enclosure

cc: Planning & Zoning Commission  
Manuel Vicente, Homeland Towers  
Raymond Vergati, Homeland Towers  
Harry Carey, AT&T  
Jessica Rincon, AT&T  
Project Consultant Team







Crown Castle  
3 Corporate Park Drive, Suite 101  
Clifton Park, NY 12065

October 28, 2019

Melanie A. Bachman  
Acting Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

**RE: Notice of Exempt Modification for Crown Site BU: 841293**  
**136 Bulls Bridge Road, Kent, Litchfield County, CT 06785**  
**Latitude: 41° 40' 53.85" / Longitude: -73° 29' 11.8"**

Dear Ms. Bachman:

AT&T currently maintains nine (9) antennas at the 180-foot level of the existing 179.813-foot monopole at 136 Bulls Bridge Road, South Kent, Connecticut 06785. The tower is owned by Crown Castle. The property is owned by South Kent School. AT&T proposes to replace six (6) antennas with six (6) new antennas and modify the mount pursuant to the enclosed Mount Analysis.

The facility was approved by the Connecticut Siting Council on February 24, 1994, Docket Number 162. This approval included the following conditions:

1. The self-supporting monopole tower shall be no taller than necessary to provide the proposed cellular communications service and in no event shall the tower structure exceed a total height of 197 feet above ground level with antennas and appurtenances.
2. Prior to the commencement of construction, the Certificate holder shall prepare a Development and Management (D&M) Plan for this site in compliance with sections 16-50j-75 through 16-50j-77 of the Regulations of State Agencies. The D&M Plan shall include detailed plans for the tower and tower foundation; the locations of all antennas to be attached to this tower to ensure maximum sharing of the tower; detailed plans for an access way from a public roadway, including all improvements and gates installed in the access way; utility line installation; equipment building plans including elevations; detailed plans for site clearing and tree trimming; detailed plans for erosion and sedimentation control; and plans for the installation of the security fence. The D&M Plan shall be submitted to the Council for approval prior to the commencement of tower construction.
3. The Certificate holder shall comply with any existing and future radio frequency (RF) standard promulgated by State or federal regulatory agencies. Upon the establishment of any new governmental RF standards, the facility granted herein shall be brought into compliance with such standards.
4. The Certificate holder shall provide the Council a recalculated report of electromagnetic radio frequency power density if and when the circumstances in operation cause a change in power density above the levels originally calculated and provided in the application.

The Foundation for a Wireless World.

CrownCastle.com

5. The Certificate holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing. Should any agreement, including sharing of this tower, be reached prior to construction of the tower, detailed plans for the third party's equipment shall be included in the D&M Plan.
6. If the facility does not initially provide, or permanently ceases to provide, cellular or other services following completion of construction, this Decision and Order shall be void, and the tower and all associated equipment shall be dismantled and removed or reapplication for any continued or new use shall be made to the Council before any such use is made.
7. Unless otherwise approved by the Council, this Decision and Order shall be void if all construction authorized herein is not completed within three years of the effective date of this Decision and Order or within three years after all appeals to this Decision and Order has been resolved.

This modification complies with the aforementioned conditions.

Please accept this letter as notification pursuant to Regulations of Connecticut State Agencies § 16-50j-73, for construction that constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.S.C.A. § 16-50j-73, a copy of this letter is being sent to the Honorable Bruce K. Adams, First Selectman of the Town of Kent, to Donna Haynes, Land Use Administrator, and to the land owner South Kent School. Crown Castle is the tower owner.

1. The proposed modifications will not result in an increase in the height of the existing tower.
2. The proposed modifications will not require the extension of the site boundary.
3. The proposed modification will not increase noise levels at the facility by six decibels or more, or to levels that exceed state and local criteria.
4. The operation of the replacement antennas will not increase radio frequency emissions at the facility to a level at or above the Federal Communication Commission safety standard.
5. The proposed modifications will not cause a change or alteration in the physical or environmental characteristics of the site.
6. The existing structure and its foundation can support the proposed loading.

For the foregoing reasons, AT&T respectfully submits that the proposed modifications to the above-reference telecommunications facility constitutes an exempt modification under R.C.S.A. § 16-50j-72(b)(2). Please send approval/rejection letter to Attn: Anne Marie Zsamba.

Sincerely,

Anne Marie Zsamba  
Network Real Estate Specialist  
3 Corporate Park Drive, Suite 101  
Clifton Park, NY 12065  
(201) 236-9224  
annemarie.zsamba@crowncastle.com

Attachments:

cc: Mr. Bruce K. Adams, First Selectman  
Kent Town Hall  
41 Kent Green Blvd.  
Kent, CT 06757  
860-927-4627

Donna Hayes, Land Use Administrator  
Land Use Department  
Kent Town Hall  
41 Kent Green Blvd.  
Kent, CT 06757  
860-927-4625

South Kent School  
40 Bulls Bridge Road  
Kent, CT 06785

<u>Vendor Name</u>	<u>Vendor Type</u>	<u>Department</u>	<u>Invoice Date</u>	<u>Dept Approval</u>	<u>Invoice Amount</u>
1 Holiday Designs	Retailer	Town Hall	07/23/2019	7/22/2019	162.99
2 NE Turf Management	Service Provider	KCS	6/11/2019	9/17/2019	770.00
3 J & J Log and Lumber Corp	Retailer	DPW	9/13/2019	9/13/2019	186.00
4 Colarusso Blackto Co	Retailer	DPW	8/26/2019	9/19/2019	250.74
5 Berkshire Refrigeration Sv	Service Provider	Sn Cntr	9/20/2019	9/26/2019	\$717.80
6 Glow Universe	Retailer	P/R	9/24/2019	10/15/2019	\$234.50
7 Polsinello Fuels, Inc.	Retailer	DPW	-	-	-
8					
9					

The vendors and invoices listed above have been reviewed and approved by a majority of the Board of Selectmen. Pursuant to said approval they have been added to the existing **Approved Vendor List** for FY 2019-2020

Approved at the Special Selectmen's meeting held on:  
see minutes

11/5/2019

**Detail of service or material provided by new vendor**

- 1 32" 5 point star tree topper, LED white lights
- 2 "balanced feeding to entire field" (KCS ballfields, owned by Kent School, LT leased by KCS)
- 3 Two 2.5 x 8 oak and eight 1 x 6 oak
- 4 3.98 tons of Ct Class 2 blacktop
- 5 sv call for freezer
- 6 glowstick neclaces for Halloween Safety Campaign
- 7 DPW requested completion of a credit application to establish account for fuel purchases

8  
9

RECEIVED FOR RECORD  
KENT TOWN CLERK

2019 NOV -8 A 9:16

BY TOWN CLERK

Annually, on the anniversary of the Fiscal Year, the vendor list is pared down to only Vendors utilized during the last FY.

A list is compiled and submitted to the Board of Selectmen for acceptance and in due course, becomes the "Approved Vendor List" for the current Fiscal Year.

Any vendors that are presented for payment that are not on the annual approved list are submitted to the next Board of Selectmen's meeting for approval and subsequently are added to the Fiscal Year "Approved Vendor List".

This activity is undertaken each Fiscal Year.





Joyce Kearns &lt;adminassist@townofkentct.org&gt;

**Fwd: FW:**

1 message

Joyce Kearns &lt;adminassist@townofkentct.org&gt;

Tue, Sep 10, 2019 at 3:59 PM

To: Bruce Adams &lt;firstselectman@townofkentct.org&gt;, Chris Garrity &lt;cgarrity@townofkentct.org&gt;, Jeff Parkin &lt;jrparkin@townofkentct.org&gt;

Cc: Patricia Braislin &lt;assessor@townofkentct.org&gt;

Bruce, Chris and Jeff -

Attached is an e-mail Patty Braislin asked be forwarded to the BOS.

----- Forwarded message -----

From: Patricia Braislin &lt;assessor@townofkentct.org&gt;

Date: Tue, Sep 10, 2019 at 3:14 PM

Subject: FW:

To: &lt;adminassist@townofkentct.org&gt;

Cc: Deborah Devaux &lt;taxcollector@townofkentct.org&gt;

Joyce,

Some info from Bob for you and BOS Would you please send the BOS a copy of his email.

Thank you,

Patty

From: Patricia Braislin &lt;assessor@townofkentct.org&gt;

Sent: Tuesday, September 03, 2019 12:00 PM

To: 'Bob Leigh' &lt;bleigh@yucatech.com&gt;

Cc: Deborah Devaux (taxcollector@townofkentct.org) &lt;taxcollector@townofkentct.org&gt;

Subject: RE:

Hi Bob,



If we go with Vision for hosting our Vision software how will that impact the need to coordinate various functions such as bridging data with Quality software?

Could that be a problem with the new Version 8? Would there be a need for some local updates to allow the change?

Thank you for your concern,

Patty

From: Bob Leigh <[bleigh@yucatech.com](mailto:bleigh@yucatech.com)>  
Sent: Wednesday, August 28, 2019 10:26 AM  
To: Patricia Braislin <[assessor@townofkentct.org](mailto:assessor@townofkentct.org)>  
Subject: Fwd:

a reason to host your vision at vision...

dispersed databases are not as likely to be compromised in an attack.

Just food for thought.. we do everything we can to protect our customers. but everything you can do helps also.

----- Forwarded message -----

From: Ken Berube <[kberube@yucatech.com](mailto:kberube@yucatech.com)>  
Date: Wed, Aug 28, 2019 at 8:42 AM  
Subject:  
To: Bob Leigh <[bleigh@yucatech.com](mailto:bleigh@yucatech.com)>

## Hackers expect ransom

### Wolcott school district's computer system still locked up

BY MARTHA SHANAHAN

REPUBLICAN-AMERICAN

WOLCOTT — Elementary school teachers will start their first day of school today without access to their lesson plans, three months after hackers started holding the district's computer systems hostage in exchange for a ransom that officials are preparing to negotiate and pay.

The unidentified attacker — or group of attackers — took over the district's computer system during the final week of the 2018-2019 school year, using a malicious software that also locked up computer systems in 22 Texas towns lastweek.

The virus blocked school staff in the central office, business office and all five Wolcott schools from accessing their internal files, Superintendent Anthony Gasper said Tuesday. "All of our systems were infected," he said. "Every computer in the district, every server, every network switch. It basically meant that every file that was stored on a network drive or a hard drive was locked."

It did not affect the external PowerSchool

software containing students' grades or schedules, Gasper said.

"No private data was in jeopardy," he said.

In a message embedded in the malware that infected the district's computers, the hackers demanded a ransom in bitcoin, an untraceable digital currency.

An information technology firm working for the district and a newly hired IT director have worked all summer to recover much of the data that the hackers blocked them from, Gasper said. But they **See HACK**, Page 8A

Gaspar

RA ARCHIVES

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## HACK: Negotiations with hackers ongoing

*Continued from Page One*

have not been able to recover the teaching materials and lesson plans that teachers and staff at the town's two elementary schools.

"We've spent the whole summer making some progress, but we have some left," he said.

School district staff are planning to negotiate with the perpetrators of the attack to pay some of the ransom and gain access to the remaining encrypted data. At a meeting Monday night, the school board approved Gasper's request to allocate money for the ransom.

Gasper did not say how much money the hackers demanded, citing the ongoing negotiations with the perpetrators of the attack. The district's new IT director, Alexander Pagan, sent an email to an address provided by the attackers Tuesday morning, Gasper said.

"The ransom request is not exorbitant," he said. "It's not a large amount of money."

The amount of money the school board approved is public information, but was not available Tuesday before records from the meeting were finalized. Members of the school board either declined to speak to a reporter on the record, or did not respond to voicemails asking for comment Tuesday.

Gasper said he would not reveal the amount Tuesday night, but did not confirm or deny reports from other district officials that school board approved \$10,000 for the ransom. But, he said, the amount was less than the \$10,000 upper limit at which school board must solicit bids before spending.

"I'm at a point of trying to negotiate with these people ... and to spend the least amount of the board's money as possible," he said. "I don't want to pay any more than we need to, even if it looks like it might work."

"The board appreciated just how disruptive losing all their files would be for our individual teachers," Gaspar continued. "Every document that teachers would have created and stored on our network is now locked and not accessible to them. That's lesson plans, unit plans — everything that they may have created — is now unavailable to them."

District officials consulted with the Connecticut Intelligence

Center, an intelligencegathering partnership of federal, state and local law enforcement agencies. Experts from the center told them the group that created the virus that was used in Wolcott, a ransomware called Sodinokibi, are relatively sophisticated and have often responded to receiving ransom money by releasing the data.

"This was not a low-level hacker," Gasper said. The Connecticut Intelligence Center experts did not tell school officials where the hackers might be located.

The hackers that attacked Wolcott used the same ransomware used last week to encrypt the data of computer systems in 22 Texas towns last week, leaving them unable to process credit card payments or parking tickets. The Associated Press reported that the Texas attack instigated a statewide disasterstyle response that includes the National Guard and a widening FBI inquiry.

The Department of Homeland Security issued a warning on Aug. 21 calling ransomware attacks "the most visible cybersecurity risk playing out across our nation's networks, locking up private sector organizations and government agencies alike."

The DHS warning urged victims of the attacks "to consider ransomware infections as destructive attacks, not an event where you can simply pay off the bad guys and regain control of your network."

Ransomware attacks are not new to Connecticut municipalities. In March, Plymouth's municipal and police department computer servers were infected with a ransomware making their files useless. Plymouth mayor Mayor David V. Merchant refused to pay the bitcoin ransom the attackers were demanding, and hired team of IT experts managed to restore all the encrypted files.

Colchester's municipal systems were hit with the same ransomware as Plymouth in February, and West Haven experienced an attack in October 2018 that prompted the city to pay a \$2,000 ransom in bitcoin to regain access to its files.

10/28/2019

Town of Kent CT Mail - Fwd: FW:

Wolcott Mayor Thomas G. Dunn said he was aware of the attack on the school district's networks, but was not aware on Tuesday that the school board had voted to approve any money for the ransom.

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**Ken Berube**  
Yucatech Inc.  
860-307-2514  
[kberube@yucatech.com](mailto:kberube@yucatech.com)

--  
  
**Yucatech Inc.**

Bob Leigh  
1-860-302-8115  
[bleigh@yucatech.com](mailto:bleigh@yucatech.com)

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Joyce Kearns  
Administrative Assistant  
Town of Kent  
PO Box 678  
Kent, CT 06757  
860-927-4627