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**AD HOC COMMITTEE—CELL TOWER RICHTER PARK  
22-MAY-2014**

Chairman Jack Knapp called the Committee meeting to order at 6:48 pm.

**COMMITTEE MEMBERS PRESENT:** Chairman Jack Knapp, Philip Curran, and Paul Rotello.

**COMMITTEE MEMBERS ABSENT:** None

**Ex-OFFICIO MEMBERS PRESENT:** John Priolo

**ALSO PRESENT:** Laszlo Pinter, Deputy Corporation Counsel; Dennis Elpern, Director of Planning; and Petitioners Robert Eberhard, Chairman and Bill Totten, Vice Chairman, Richter Park Authority.

After making introductions Chairman Knapp stated that the purpose is to give Richter Park Authority the ability to investigate the feasibility of allowing a cell tower to be constructed at Richter Park. He stated that the Richter Park Authority would need to come back to the City Council for approval on a lease including the site of the tower. He gave the committee background information on the issue. He stated that this issue was before the council in July of 2011. He read the motion into the record from that meeting:

Council Member Cavo move to receive the report and adopt the recommendation to authorize the Richter Park Authority to proceed with the inquiry to the possibility of the placement of a cell tower on the Richter Park property with this Council having the final approval or disapproval of said tower. Motion passed 15/3.

Chairman Knapp continued that a deed restriction had been found which needed to be overcome. The Richter Park Authority has received a written waiver from the heir of the original property donor. The waiver has been verified by Corporation Counsel. Finally, Chairman Knapp read a report from the Planning Commission dated 5/22/2014 which gave a positive recommendation to move forward to determine the feasibility of a cell tower at Richter Park.

Chairman Knapp then asked Dennis Elpern, Director of Planning to advise the committee. Mr. Elpern referenced a report dated 5/19/2014

which gave the history of the issue to date and recommendation for desired locations.

Councilman Rotello asked if anyone could waive a deed restriction. Laszlo Pinter, Deputy Corporation Counsel, stated that descendants of the original property owner can authorize the waiver as they have an interest in the property. That is, if the restrictions on the deed were not upheld, the descendants the property or value thereof, would revert to the descendants. A further discussion regarding those with an interest and a legal challenge ensued.

Chief Herald requested that radio transmitter access be granted to Public Safety for any cell tower constructed in that area of town. He continued that there is a need.

Councilman Curran stated that there is a real public safety issue. He asked that if the cell tower is feasible it be done in a way that is not conspicuous and in consideration of the residents in the neighborhood. He added that the city council has asked organizations like the Richter Park Authority to find additional funding sources, which this is one of those opportunities so the council should allow the Richter Park Authority look into it further.

Councilman Rotello expressed his concern regarding the ascetics and health issues. A discussion regarding the proximity of houses and the comments of neighbors at previous meetings ensued.

Councilman Priola commented that there is a need for cell service in the area and he believes that there will be a cell tower built. If the Richter Park Authority can benefit from it is in the interest of the City to move forward and determine the feasibility. Additional discussion of cell towers in the City and the Connecticut Siting Council took place. Mr. Pinter noted that this is a different situation because the City of Danbury would be approving the lease and the site.

**Councilman Curran made a motion to recommend to the City Council the development of a least of City Property at Richter Parke as negotiated by the parties for the purpose of use for a cell tower as further authorized by the Connecticut Siting Council and sent to a Public Hearing as required by law. The motion was seconded by Chairman Knapp.**

Councilman Rotello stated that he is not convinced yet and will not support the motion at this time, but may change his mind.

**Voting in favor of the motion, Knapp and Curran; voting against the motion Rotello. The motion passed 2:1.**

There being no further business before the committee, Councilman Curran moved to adjourn. Councilman Rotello seconded the motion. Vote, all in favor, the meeting adjourned at 7:25 pm.

Respectfully Submitted,

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Jack Knapp, Committee Chairman

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Philip Curran

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Paul Rotello