



BERCHEM MOSES.COM

75 Broad Street
Milford, CT 06460
T: 203.783.1200
F: 203.878.2235

1221 Post Road East
Westport, CT 06880
T: 203.227.9545
F: 203.226.1641

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SENIOR COUNSEL

- Paula N. Anthony ◆
- Alfred P. Bruno
- Jacob P. Bryniczka
- Eileen Lavigne Flug
- Peter V. Gelderman ◊
- Desi Imetovski
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PLEASE REPLY TO WESTPORT OFFICE

September 5, 2017

Ms. Elizabeth Camerino-Schultz
Director of Real Estate
Aquarion Water Company of Connecticut
835 Main Street
Bridgeport, CT 06604

Re: Town of New Canaan: Water Tank in Waveny Park

Dear Ms. Camerino-Schultz:

I serve as Town Attorney for the Town of New Canaan. First Selectman Rob Mallozzi has asked me to write to you regarding Aquarion’s apparent directive to the Town and the commercial telecommunication companies that have antennas on the Waveny Park water tank instructing them that they must remove the antennas permanently by November, 2018. Although the Town has not received anything in writing from Aquarion with such a decision, a series of telephone calls between the Town, Homeland Towers, and Aquarion all point in this direction. Presently these antennas serve an extremely valuable function for New Canaan residents, not only providing emergency communication services, but providing quality cellular service to a wide area. The removal of these commercial and Town antennas without an adequate replacement will cause a severe hardship for the Town and its residents.

I call your attention to the Telecommunications Facility Development and Easement Agreement dated September 15, 1998 between the Town and BHC Company, the predecessor to Aquarion. This agreement outlines the respective obligations of the parties, including Aquarion’s plan “to lease space from time to time to commercial service providers ... for the installation of telecommunications equipment which will facilitate wireless communication service to the Town and surrounding areas.” The agreement further notes that the Town currently holds certain reversionary rights in the event that the subject property is utilized for purposes other than for water storage and delivery purposes. The Town agreed to waive these rights to

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accommodate the concurrent use of the tank and the property as a communications tower and water tank.

Most importantly, Paragraph 5 of this agreement provides that Aquarion can terminate any tower lease with or without cause "subject to the approval of the Town, which approval will not be unreasonably withheld ..." As of this date, the Town has not approved the termination of the tower lease for the commercial telecommunication companies. Further, the value of maintaining these commercial telecommunication antennas to the Town is extremely high, until such time as the Town finds some suitable alternative.

Accordingly, this letter is to advise you that the Town has not approved the termination of any leases, nor has the Town consented to Aquarion's apparent refusal to negotiate with the telecommunications carriers for additional leased time on the water tank. The Town looks forward to hearing from you so that we can continue this discussion leading to an extension of the leases until such time as the Town reasonably approves their removal.

I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ira W. Bloom".

Ira W. Bloom

IWB:jfk