

Cold Spring Fire Company No.1

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Hon. Michael Bowman, Mayor
Village of Nelsonville
258 Main Street
Nelsonville, New York 10516

Re: Waiver of Grade Requirement for Up to 15%

Dear Mayor Bowman:

The purpose of this letter is to confirm that I have reviewed the plans presented by Homeland Towers, LLC for the location of a cell tower at 15 Rockledge Road, Nelsonville, NY which requires approval by my office as it relates to the grade of the driveway leading to the tower site. It is my opinion that an up to 15% grade to access the tower site is acceptable.

In rendering my opinion, I have considered the following factors:

1. While we generally avoid grades up to 15% for access to residential and commercial development, cell tower sites experience significantly less vehicular traffic thus the risk of emergencies due to the use of the access road are significantly reduced.
2. Historically, cell tower fires have been due to vandalism or utility worker error- such as incidents related to welding. Those fires typically result in brush fires, which are responded to by brush trucks and ATVs. It appears from the plans that adequate security fencing has been provided around the immediate cell site which would reduce the risk of vandalism. The Department has a brush truck and an ATV both which can traverse the grade in the event of a brush fire. Also, the design accommodates the turning radius of the Department's largest apparatus.
3. Due to material construction, cell tower components have high fire ratings, which also limit the burden on fire response; and
4. Unlike general construction practitioners, the level of skill required for cell tower construction is usually greater than that of customary skilled labor. While accidents do happen, we anticipate that site safety and precautionary measures will be exhibited that would lessen the burden of emergency response on the access road during construction.

Lastly, on behalf of myself and the members of the Department, we would like to express our extreme displeasure with any party that may choose to use us or view us a pawn in the lawsuit against Homeland Towers, LLC. As you know, questions of access and grade are technical and not political.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Merrigan Chief". The signature is written in a cursive, flowing style.

Thomas Merrigan, Chief