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May 23, 2018

Zoning Board of Appeals
Town of Leicester
Washburn Square
Leicester, Mass.

Re: Cellco DBA Verizon Wireless vs. Town of Leicester Zoning Board of Appeals

Dear Members:

With this letter I repeat my previous information to you regarding the current status of this case and the reasoning behind my request that you conduct an open meeting to consider the recent settlement offer from Verizon. You may share this informational letter at your public hearing.

You are hearing this matter as a result of a federal pretrial conference procedure where Verizon has made a settlement offer and I have requested the federal court judge for time and the opportunity to bring this offer back to the zoning board of appeals to be considered in an open and duly notified public hearing. The federal court judge is aware of this open meeting and has set the trial dates in July to give the Zoning Board of Appeals the time necessary to notify the public and to hear these settlement options.

This matter is scheduled for trial in the Springfield Federal District Court to begin on or after July 10, 2018. Federal procedure requires that the parties conduct any settlement

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discussions prior to the trial and inform the court that good faith settlement discussions have occurred. In this case, Verizon counsel has made a written settlement offer to me which I have conveyed to you and which I summarize below. Because the Zoning Board of Appeals is a public body in the Commonwealth and is governed by the requirements of General Laws ch. 40 A and General Laws ch. 30 A (the Open Meeting Law), any settlement which will result in a final order and judgment of the court must be agreed upon by the zoning board of appeals in an open meeting and after due and proper notice. The federal judge agrees with me in this regard and has postponed the trial of this matter until the zoning board has had the opportunity to consider the offer in a public hearing after notice. Your decision to accept one of the two options presented by Verizon will result in a settlement of this case and at your direction I will so enter an agreement for a final judgment. If you decline the settlement offers, I will proceed to try the case and the federal court will make a final and binding judgment which may affirm your denial of the permit or grant a permanent permit to Verizon with the original configuration and height applied for in Verizon's original application. You will not be able to accept any settlement offers to lower the height of the tower or reconfigure the antenna designs once final judgment is entered.

There is no appeal from your decision to accept one of the two settlement options offered. Any appeal will be from the final judgment of the Federal District Court entered consistent with your acceptance of the offer.

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The settlement offer from Verizon is in the form of two options:

Option Number One: lower the height of the tower by 20 feet and maintain the original 12 panel antenna configuration as presented in the original application for the permit.

Option Number Two: lower the height of the tower by 20 feet and install flush mounted antennas which may limit collocation on the tower.

At the public meeting, Verizon will not discuss other sites for the location of a tower. If there is some meaningful discussion regarding configuration of the tower and the antenna panels and the board believes that continuing the public hearing will be of benefit to the process, you may so continue the hearing, however, it is expected that the hearing will last only one night and that a decision to accept or decline the offers will be reached by the board on the evening of May 29, 2018. Issues relating to building in the vicinity of the water line easement are reserved to the building inspector and not part of this discussion.

For reasons relating to the integrity of the trial process, I will not be in attendance.

Thank you again for the opportunity to assist you in this matter, I remain,

Yours truly,

Joseph C Cove, Esq.

cc: Mr. David Genereau
cc: Mr. David Maxson
cc: Ms. Michelle Buck
cc: Attorney Andrew Hamilton