

Board of Selectmen
Minutes of 06/26/06
Approved 7/24/06

An audio recording of this meeting is available. Persons desiring a copy of this audio recording should contact the North Hampton Town Office at 603-964-8087.

I. Call to Order

Chair Emily Creighton called the meeting to order at 7:03 p.m. There were also present Mr. Donald Gould, Selectman, Mr. Henry Marsh, Selectman, Attorney Robert Ciandella and Michael Pardue, Town Administrator. Mr. Pardue served as the Recording Secretary for this session.

Mr. Phil Wilson, Chair of the North Hampton Planning Board, having a quorum of members present, called the Planning Board to order at 7:04 p.m.

II. Selectmen Items

A. Siting of Personal Wireless Facilities Discussion

Ms. Creighton began this portion of the meeting with opening remarks urging all people present to be respectful of one another's opinions and viewpoints.

Ms. Creighton mentioned that the Board had received over 50 letters stating that they would like the Town to resolve the inadequate wireless coverage. She continued by offering an "Opening Statement" that served to outline the Board's position in regards to wireless coverage (or the lack thereof) and the Board's commitment to finding a practical, conforming solution to the wireless siting issues.

Ms. Creighton next advised those in attendance that she and her fellow Board members were prepared tonight to offer a proposal for an alternative antenna structure, allowing for a solution to wireless telecommunications in North Hampton as well as to related litigation issues.

Ms. Creighton, Mr. Gould and Mr. Marsh then read aloud from a document entitled, North Hampton Board of Selectmen's Proposal for Alternative Antenna Structure Solution to Telecommunications and Litigation Issues. (A copy of this document is included with this set of meeting minutes).

Ms. Creighton read aloud the section of the proposal entitled, "Background".

Mr. Gould read aloud the section of the proposal entitled, "Our Plan". Mr. Gould also pointed out to the audience two poster sized photographs that were on display depicting two forms of alternative antenna structures that are available. One photo depicted a flag pole; the other illustrated an observation platform.

Mr. Marsh, following his portion of the presentation, reminded people that there was at one time, near the intersection of Mill Rd. and Atlantic Ave., a platform similar to the one shown in the photograph. At that time, he reports the platform was used for the launching of skeet.

Ms. Creighton summarized the proposal by stating, "We believe the choice is clear" as is found on page 5 of the Proposal as attached to this set of meeting minutes.

The Board then opened the meeting for questions and comments from those in attendance.

Mr. Phil Wilson, Chair of the Planning Board, spoke next. Mr. Wilson stated that the Planning Board approved a telecommunications concept in late 2005 (referring to a Distributed Antenna System hereafter referred to a DAS).

Mr. Wilson also addressed the Boards comments regarding "competing interests" and further stated that he believes an alternative antenna structure is a temporary solution, not capable of handling future technologies as opposed to a DAS that Mr. Wilson suggested, in his opinion, to be "Technologically Agnostic".

Attorney R. Ciandella addressed the duties of the Planning Board's authority as related to the siting of an alternative antenna structure.

Mr. Robert Field, a resident of Mill Rd. and also a lawyer representing a client in this matter, asked the Board to consider other options while considering historical matters of the Town.

Attorney Field cited his concerns relative to the actions of the Board of Selectmen, suggesting that the Board has been pursuing an alternative for "a number of months".

Attorney Ciandella responded to Mr. Field's comments as did Selectman Gould.

Mr. Chris Ganotis, Co-Chairman of the North Hampton Conservation Commission spoke, asking that his stated comments (as were supplied in writing) be entered as a part of the official meeting minutes (see attached). Mr. Ganotis then read aloud to those in attendance a three page document he had written and signed as Co-Chair of the North Hampton Conservation Commission.

Ms. Creighton then cited to Mr. Ganotis that the deed associated with 57 Woodland Rd., does not appear to reflect that the entire parcel to be conservation land.

Dr. Joseph Arena, identifying himself as a member of the North Hampton Planning Board, stated that he is opposed to the recently proposed revised telecommunications ordinance. Dr. Arena further cited that he supports DAS, urging the Board of Selectmen to support the already approved DAS, stating that "I for one do not want to see these ugly towers". Dr. Arena repeatedly stated that the Town already has a solution (referring to DAS).

Dr. Arena further referenced that he absolutely despises towers and the litigation that goes with this process and that he will never support a tower being constructed while he is on the Planning Board.

Ms. Creighton spoke of her concerns about going to the beach area and not having any cell service available to her, should an emergency arise.

Mr. Jack Sanders, an attorney for North Hampton Coalition for Wireless Service LLC. Attorney Sanders offered a copy of a Commentary he had written, and that was subsequently published in the 6/22/06 Portsmouth Herald newspaper.

Attorney Sanders spoke in support of the siting of a telecommunications tower as being discussed tonight and applauded the efforts of the Board of Selectmen.

Attorney Sanders referenced that the Planning Board has only approved a DAS concept and nothing more. He cited his belief that an actual plan to implement DAS has not been approved.

Attorney Sanders addressed language contained within the deed of the Buffington Property.

Mr. Marsh asked Attorney Sanders to re-read the conservation restriction shown in the paperwork relative to the Buffington property. Mr. Sanders did so.

Mr. Bob Landman of 34 Post Rd. spoke next.

Mr. Landman read aloud a letter submitted by his wife, Jenifer Landman as written to Mr. John Anthony Simmons, Chair of the ZBA. Ms. Landman's letter served to oppose the siting of an alternative wireless structure in the area currently under consideration.

Mr. Landman spoke in favor of the existing wireless ordinance, citing that he, along with Attorney Ciandella, had developed the current (existing) ordinance.

Mr. Landman recommended the Board exercise patience in this effort, challenging the Board to "keep an open mind" in relation to this topic.

Mr. Brian Warburton, Seacoast Regional Supervisor for Department of Resources and Economic Development spoke in support of having wireless service on the North

Hampton seacoast. Mr. Warburton stated the importance of having cell service available for his staff, particularly in the event of an emergency as was experienced last year in Hampton. In closing, Mr. Warburton urged the Board to keep moving forward in their pursuit of wireless communication technology.

Mr. Bob Silver of 3 Sea Rd. spoke to the fact that he has two children in college, each with nationwide wireless calling plans and he cannot communicate with them from his home via cell phone due to the lack of wireless coverage. Mr. Silver credited the Board with trying to be creative in their approach to allow for cellular service.

Mr. Denis Kokernak, a resident of Ship Rock Rd. in North Hampton (Mr. Kokernak holds a permit issued by the Town Of North Hampton Planning Board to implement DAS in North Hampton) and is the owner of Thera Research, Inc. introduced one of his technology consultants, Mr. David Maxon.

Mr. David Maxon, a municipal wireless consultant spoke in support of DAS, explaining some of the technology associated with such a system. Mr. Maxon spoke of the difference between "in vehicle service" and in building service".

Mr. Maxon, again speaking as a representative of Mr. Kokernak, stated that Thera Research, Inc. has spoken to both PSNH and Verizon regarding the use of utility poles for a DAS. Mr. Maxon did not elaborate on the content of the referenced discussions.

Next, Mr. Jim Bassett, legal counsel for Mr. Kokernak, (Thera Research), spoke. Attorney Bassett referenced certain portions of the Town's existing Wireless Telecommunications Facilities Ordinance in his comments.

Mr. Denis Kokernak spoke, from his perspective, of the history of 57 Woodland Rd., the terms and conditions associated with said property and pointed out that the Selectmen had not referred to this property as conservation land.

Mr. Kokernak spoke further on a DAS project in Nantucket, MA.

Mr. Maxon then spoke to the previously reference Commentary as written by Attorney Sanders.

Mr. Marsh inquired of Mr. Kokernak as to what is preventing him, Kokernak, from implementing his proposed DAS project in North Hampton.

Mr. Kokernak responded, referring to himself as "an enabler" in this matter and that there are numerous DAS experts available to aid in the effort going forward.

Ms. Creighton spoke that she does not see the DAS "happening". She also stated that Mr. Kokernak was being disingenuous as it was his lawyer's written statement to the Planning Board (that 57 Woodland Road was Town owned land available for a tower siting and his deed passed on to the Town with only 10% of this parcel restricted) that

prompted the Board to look at this land parcel as a possible site for an alternative antenna structure.

Ms. Donna Kokernak interrupted the conversation stating that, in her opinion; 57 Woodland Rd. was “gifted” by the Kokernak family as “Conservation Land”.

Ms. Kokernak read aloud a prepared statement citing the background of her husband, Denis, stating that he is not promoting DAS “for money”.

Mr. George Lagassa spoke on behalf of Mr. And Ms. Brad Johnson, opposing the placing of a tower at 57 Woodland Rd.

Mr. Lagassa cited his belief that the Board of Selectmen, in his opinion, has been “secretive” in their deliberations concerning cell towers.

Members of the Board responded to the charges of “secretive deliberations” as referenced by Mr. Lagassa.

It was also noted by Ms. Creighton that the Board has not had a “vote” on this topic and that the purpose of this (tonight’s) meeting was to present a proposal and have discussion.

A resident of 11 Ship Rock Rd. spoke of his concern that this issue is serving to divide the towns people and urged the Board to consider the benefits of a DAS.

Mr. Tim Harned of Lovering Rd. spoke to the (intended) restrictions on 57 Woodland Rd. He suggested that the Board of Selectmen seated in 2001 may have “missed a step” at the time the land was conveyed and that the current Board should work to address that “oversight”.

Mr. Harned further urged the Board to not take land for a tower that had been previously gifted to the town for conservation purposes.

Ms. Laurel Pohl, of North Rd. inquired about the previous position statements cited by the Board.

Mr. Gould stated that the Board had read aloud at their regular, noticed public meetings of 6/17/05 and 7/25/05 Position Statements regarding their efforts related to wireless communication in North Hampton and that those statements were appended to the minutes for those meetings.

Ms. Tyler Buffington of 61 Woodland Rd. cited the process she went through with regard to the land she once owned (57 Woodland Rd.) and how “upset” she is that this land is being considered for a “tower”.

Mr. Bob Land, Post Rd, spoke of the importance of the town considering DAS. He cited, in his opinion, many benefits associated with DAS and the “major asset” it could be to the Town of North Hampton.

Dr. Joe Arena again spoke in favor of a DAS.

A resident of 32 Maple Ave. (Mr. Law) spoke in favor of DAS.

Mr. Phil Wilson again spoke, stating that it is his opinion that the town, as a whole, should work together for the good of the town. He urged the Board to support the DAS concept.

Ms. Creighton thanked those in attendance for their participation and comments.

Ms. Marsh urged the people to recognize that the Board is not against DAS.

*At this time, many of those in attendance left the meeting hall, with only the Board, Mr. Pardue, Mr. Mabey, Chief Page and Ms. Pohl remaining.

B. Encumbrance of Funds for Police Department

Chief of Police Page spoke of the department’s plan to purchase ballistic shields and that the shields best suited for the departments needs are more costly that initially envisioned. Chief Page discussed various calibers of bullets and the stopping power need for the safety of officers. Chief Page requested that the Board approve the encumbrance of \$3,000 to the new (2006-2007) police department budget so the department can fund the purchase of more appropriate ballistic shields.

Some general discussion ensued regarding the “shields” and the encumbrance process.

Motion/Vote: Mr. Marsh made a motion to encumber \$3,000 from the current 2005-2006 police budget to the 2006-2007 police budget, placing the encumbered funds in the “new equipment line” of the police budget. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0.

At the conclusion of the topic of encumbering funds for the police ballistic shields, and prior to further discussion, Mr. Gould advised that he would like to make a statement for the record. Mr. Gould advised that as people were exiting the meeting he, Gould was approached by Chris Ganotis, Chairman of the Conservation Commission. Mr. Gould cited that Mr. Ganotis stated to him (Gould), “Your fight has just begun and I’ll personally see to it that everyone in town gets you”.

C. Woodknoll and Birch Rd. Flooding Update

Code Officer Richard Mabey gave the Board an update on the flooding issues related to the Woodknoll and Birch Rd. area. Mr. Marsh stated that he has photos, that date back

only 10-15 years ago that shows a “lake in there” referring to the property owned and / adjacent to the property owned by Mr. Little.

Mr. Gould referenced the fact that Ms. Knowles consented previously to allow water to dump on the property she owned and subsequently sold.

Chief Page provided the Board with an update on the computer that will be provided for the staff responsible for the voter checklist.

III. Adjournment

Motion/Vote: Mr. Marsh made a motion to adjourn. Mr. Gould seconded the motion. The vote was unanimous and so moved 3-0. Meeting adjourned at 10:41 p.m.