

PUBLIC HEARING  
“Town of Meredith Telecommunication Tower and Facilities Law”  
June 3, 2008

The Town of the Meredith Town Board was held on Tuesday June 3, 2008 at the Meredith Town Hall. The following were in attendance:

Supervisor: Keitha Capouya

Council Members: Ronald Bailey  
Daniel Birnbaum  
Roger Hamilton  
Paul Menke

Highway Superintendent: William Jester

Clerk: Betsy K. Clark

Townspeople: 8

The supervisor called the meeting to order at 7:06 p.m.

The Town clerk announced the dates of publication of the Public Hearing notices and read the Public Notice of Public Hearing.

The Supervisor stated this is a Telecommunications Tower Law to replace the one that was written in 2001. The reason we wanted to replace it was when we began working on the cell tower that is to be constructed on Town property we found that there were some important things missing. We tried to incorporate them in this regulation. She gave some examples of what was changed and why e.g. putting consultant fee's in so there's money form the applicant to pay the consultant fees, a few changes for protection for Town, height restrictions and a waiver clause.

She then announced we have had written comment from Mark Goldberg's law firm. Also they have received comments from a telecommunications industry organization. Keitha then asked if anyone else has comments we would be happy to hear it now.

Mark Goldberg requested a brief moment and said he would like go over the letter that was written by Douglas Dimitroff from his firm Phillips Lytle. His firm is representing SBA Towers II, LLC. He said he would like to highlight some issues they think are important.

Re: Letter form Mark Goldberg's Firm is attached to the minutes for reference to the following comments.

Mark Goldberg commented on the language in the law regarding co-location. One of the issues is height. The second issue is the some of the language that may violate the Telecommunications Act in particular page 3 the term modification. The next issue is on page 6 section 506 G dealing with the camouflage language.

Keitha said that most camouflage is just paint.

Mr. Goldberg said the next issue to highlight page 7 paragraph 25 in the letter about long term plans. The next concern is Section 610 A2 is again a concern that may conflict with the Telecommunications Act.

Keitha commented that an order of priority is an order of preference, which does not mean you have no choice.

The last issue Mr. Goldberg highlighted is the limitation of height to 160 ft is noted on page 9 paragraphs 34 of Mr. Dimitroff's letter. In the letter Mr. Dimitroff does suggest language.

Keitha stated that is part of the purpose of the waiver. She said that would require simply telling the Planning Board why you would want to do a taller tower.

There was some further discussion between Mark Goldberg and the Board regarding the height. He then asked the Board to consider the comments submitted by his firm.

Keitha said "we will certainly go over all of this and consider what was said seriously."

Keitha then asked if anyone else had comments.

Tara Collins thanked the Board for the time they've spent and the Public Hearing and she supports the more complete regulations. She would like to see a formal plan for blanket coverage of the Town. She said in the best interest of the residents we need to have a plan to provide everyone with coverage as well as taking into account the health and welfare of the community. In regards to Tower height she thinks they should be kept at a minimum and waivers executed on a very prudent basis. She also said she would like to see a longer balloon test. She would also like a more of a clear cut plan of what will be on towers. Tara also suggested that the Town get the maximum revenue from these multi national organizations. This is for the benefit of the Town and its residents and it would be nice to maximize those revenues. She said wants to remind "that the law is for the best interest of the Town and its residents and while it is great to consider those interests of the developers and installers, that it is the higher objective of our Town Laws to do what's best for our people. As good neighbors we want to be sure that everybody's happy also with our new businesses which we definitely need, but also with the long term residents. She thanked the Board for their time and service and bringing us into the 21 century."

Keitha said she thinks one of the things that can be dealt with, one of the important issues is height because of the visual impact. The feeling is if we can achieve good coverage at a minimum visual impact that's what we should do. That's why there is a line in this that no tower should require federal lighting because of its height. It makes it less troublesome. She said even that where there are compelling reasons to do so the Planning Board would be in a position to waive, if it was really impossible to get coverage without going above 200 feet and if it was a very critical area. It would be nice to get coverage beyond Route 28. Keitha then asked if anyone else would like to comment.

Mark Goldberg did comment on one more concern about having money spent unnecessarily because there is money being held in escrow.

Keitha asked for anyone else that would like to comment and there was none so the following motion was made to adjourn the Public Hearing.

A motion was made by Roger Hamilton to close the Public Hearing. The motion was seconded by Ron Bailey and the Public Hearing was adjourned at 7:30 p.m.

Respectfully submitted,

Betsy Clark  
Meredith Town Clerk