

HUDSON, NH BOARD OF SELECTMEN
Minutes of the Public Hearing of October 30, 2001
Re: Wireless Communication Towers

Selectmen Ann Seabury, Rhona Charbonneau, Shawn N. Jasper and Robert E. Clegg, Jr. (Terry Stewart was absent.) Paul D. Sharon, Town Administrator; Priscilla Boisvert, Executive Assistant; Sean T. Sullivan, Director of Community Development; Police Lt. Don Breault; Richard Maddox from the Planning Board; Jeremy Mueller; Nextel representatives; five others; Dennis Shaughnessy, SUN

Chairman Seabury opened the Public Hearing at 7:30 p.m. The Pledge of Allegiance was led by Selectman Jasper. She said this hearing was being held because parties are interested in installing wireless communication antennas on the Gordon Street water tower.

Community Development Director Sean Sullivan said Nextel approached him several months ago and asked if the Town would allow the placement of a cellular antenna on top of the Gordon Street water tank. This request went before the Board of Selectmen who, on August 28, sent this to a Public Hearing. Following the meeting on the 28th, Mr. Sullivan met with Town staff to review Nextel's proposal. Both Chiefs had some concerns but have informed Mr. Sullivan that they wouldn't have major objections with the lease proposal if certain language is included in the lease. The Police Chief was particularly concerned with the issue of interference with their communications equipment. The Fire Chief had concerns, such as fence repair and gravel replacement, etc. around the perimeter of the location of the water tank. Mr. Sullivan had asked Nextel to forward RFP's they have used in other communities and he tried to tailor that to Hudson. This is still a working document, and the language that the two chiefs suggested needs to be incorporated. It might be prudent to see if there were other interested companies.

Patrick Nysten, Leasing and Zoning Specialist for Nextel said he'd like to review some key issues regarding their proposal to lease the Gordon Street water tank for the purpose of installing a wireless communications facility. He introduced his Nextel colleagues who were John Desarro, a Frequency Engineer, Bill Blake, a Construction Manager who would answer any technical concerns regarding their proposal, and John Kovacs, the Regional Director for Nextel's North Region.

Mr. Nysten said they were trying to cure an existing coverage gap in the vicinity of Central Street/Route 111/Belknap Road. The water tank would lend itself for tower placement in lieu of building a new tower in that area. It's height, location and elevation lend itself well to filling the coverage gap. The installation would be inconspicuous. They had provided a copy of a similar design they are doing in Manchester. It involved mounting fiberglass panels to the top of the tank. The other major component is an equipment shelter, which is a prefab structure located somewhere near the base of the tank to house radio equipment. They have some other ancillary equipment, such as cables which would run from the radios to the antennas themselves. There is adequate room to meet all of the applicable setbacks. A proposal such as this benefits the users in the community and the Town, as it would provide added revenue. Another point is the public safety aspects. They all know that wireless communications can play a significant role in managing all sorts of emergencies and disasters.

Police Lt. Don Breault said, on behalf of Chief Gendron and the Police Department, that as long as the language of the contract is written as the Chief wants, with no interference or interruption to Police service communications, it is acceptable.

Richard Maddox, Vice Chairman of the Planning Board, said there is a site plan presently before the Planning Board that shows a Nextel tower at that Central Street location. He asked if that would go away if the water tower proposal is approved. Mr. Nysten said it would. Mr. Maddox wondered if the Town's ordinance covering communication towers would be adhered to and complied with. Mr. Sullivan said from a zoning perspective, yes.

Selectman Clegg asked Mr. Maddox if there were any other issues he wanted to see addressed, other than the site plan. Mr. Maddox said no, reiterating that there was a site plan before them that showed a footprint of a Nextel tower. Mr. Nysten said if they get approval for placing antennas on the water tank, there would be no need for a tower in that other area.

Mr. Sharon said the RFP is drafted to provide for as many as three coexisting companies on that site and believed Nextel would have tower rays on top of the tank. Mr. Nysten said they are fiberglass panels, four feet tall and six inches wide, mounted to the top of the tank, just high enough to clear the tree canopy.

Selectman Clegg asked who was going to build the building, if there were going to be three providers. Mr. Sullivan said the first provider could erect the shelter with the design for three users to share space. Another alternative would be that each would come in with a separate site plan that would include their own structure. Some structures are as small as a 3 x 4 metal cabinet, or up to an 8 x 10 structure. Either alternative would work.

Mr. Kovacs said until they know what other carriers bid on the RFP, it will be hard to design a facility. Nextel uses an 11' x 20' shelter. Selectman Clegg asked if they were going to have generator for backup. Mr. Kovacs said no. In the event on an extended power outage, they would cart in a generator. Mr. Sullivan said if Nextel doesn't have a power generator on site, other telecommunication providers typically would. It's likely that that proposal would be included on a site plan from a Planning Board perspective. He's seen backup sources right on the site, within or just outside the shelter, typically propane.

Chairman Seabury asked how staff's concerns were going to be resolved, if they approve this. Mr. Sullivan said they would have to meet on site with the Nextel representatives, followed by an agreement in writing of what needs to be accommodated. Both the Chiefs felt that this was a workable situation, but it would need to be resolved prior to the erection of the antennas on the water tower. Chairman Seabury has not looked at the physical site, but the tank must be very tall. Mr. Sullivan said it was about 75' high, tucked into the woods. The panels and mounting frame are about 10 feet high. Mr. Nysten said there is a lot of mature vegetation around the tank, which provides nice camouflage.

There being no more questions, Chairman Seabury asked if the Board wanted to pursue this.

Selectman Clegg didn't know why they were doing an RFP instead of just entering into negotiations. Mr. Sharon said they would be opening it up to competitive bids. Selectman Clegg asked, knowing what the value of tower space is, why they would open it up to competitive bidding and sell cheap. Mr. Sharon said they aren't, they are trying to buy high. Selectman Clegg disagreed, saying there isn't a communications vendor out there who is going to bid high. They should start negotiating at market rates. He didn't have a problem with putting this structure on a water tower. Selectman Charbonneau asked if, legally, they have to go out to bid. Selectman Clegg said they didn't with the State. Selectman Jasper said they have to go out to bid when they purchase something, not to lease something. He thinks they could well enter into negotiations. He would like to see if there are other vendors who are interested, to eliminate as many tower sites as they can, but if they do this the right way, it won't preclude someone else. Mr. Sharon said they are opening up an RFP to three highest bidders. If they can negotiate leases without competitive bidding, there's nothing to preclude three separate negotiated leases. Selectman Jasper said it's important that everyone in the industry be aware that they are doing this, so they can come forward if they are interested as long as they do this in such a way that space remains on the tank. Mr. Nysten said Nextel has a coverage gap and this will tie into their existing network but other carriers may not have a need for this.

Chairman Seabury asked if someone wanted to make a motion. Selectman Clegg moved that the Town enter into negotiations with parties interested in putting communication antennae on the Gordon Street water tower. However, he thinks the Board needs to meet in Nonpublic Session first to set the parameters. Selectman Jasper said they were still in a Public Hearing, so they couldn't make motions. Chairman Seabury asked if anyone else wished to speak. Mr. Maddox asked the Board to clearly state who will be the applicant if this comes before the Planning Board, so there are no misunderstandings. Mr. Sharon asked if he was suggesting that the Board of Selectmen would be the applicant. Mr. Maddox said if they want to designate them for that part of the proposal, or however it works out with the Community Development Director. He didn't want people to come before them saying they are representing the Town when they aren't.

There being no further comments, Chairman Seabury closed the hearing at 7:55 p.m. and said she would entertain the motion. Selectman Clegg reiterated his earlier motion, but it was determined that this was a public hearing and not a posted meeting. They will have to wait until the Board's next meeting on November 13 to formalize the motion. Mr. Sharon said they can be guided by the consensus of the Board. Selectman Clegg wanted to discuss it in Nonpublic to set the parameters. Selectman Jasper said, in the interim, they would be welcome to start something off by sending a proposal forward. Selectman Clegg said it would be easier if the Board knew who they wanted so they can sit down and negotiate. Selectman Jasper agreed.

Recorded and Transcribed by Priscilla Boisvert
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