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TOWN OF BURLINGTON

Meeting Minutes

DEPT./BOARD: Board of Selectmen
DATE: April 14, 2021 Special Session Small Cell
Wednesday
TIME: 6:30 p.m.
PLACE: Cisco Webex Meeting

Members Present for virtual meeting: James Tigges, Chairman; Nicholas Priest, Vice-Chairman; Robert Hogan, Michael Runyan

Member Not Present: Joseph Morandi

Staff Members Present: John Danizio, Acting Town Administrator

Chairman Tigges called Select Board meeting to order at 6:30 p.m. followed by the Pledge of Allegiance. Selectman Priest read a statement that this meeting was being held via teleconference pursuant to Governor Charlie's Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, with this meeting of the BOS being held by teleconference and the public was advised on how to join the meeting. Town Administrator Paul Sagarino (T.A. Sagarino) added that all votes taken by the BOS would be required to include a roll call.

097 Public Hearing
Opened 2/22

**Grant of Location-Small Cells Wireless Installation
in public right of way near 44 Burlington Mall Road
New Cingular Wireless PCS, LLC ("AT&T")
Application_ CRAN_RCTB_00070_1011**

Present representing the town was Attorney Donna Brewer, Miyares and Harington LLP and wireless engineer David Maxson, Isotrope, LLC. Attorney Brewer noted that the shot clock date is April 19, 2021. Mr. Maxson described how he would be verifying all the documents submitted by the proponent to verify capacity and gaps in service.

Present at the continued public hearing was Attorney Edward Pare, Rudnick, representing AT&T and David Ford from Cingular Wireless seeking approval for a small cell wireless facility as they relate to 5G, and Attorney Brewer reminded all that health concerns cannot be used as a reason to not allow 5G according to the FCC laws. The town will be accepting of the guidelines created by the FCC that must be followed by the installer of the equipment.

Discussion included:

- David Maxson: small cell towers on buildings have diminished capacity;
- Kristin Kassner: satisfied with stand-alone pole which should be installed at same height as street lights and be the same black color;

BOARD OF SELECTMEN:

JOSEPH MORANDI, CHAIRMAN ♦ JAMES TIGGES, VICE-CHAIRMAN ♦ ROBERT HOGAN ♦ MICHAEL RUNYAN ♦ NICHOLAS PRIEST

- Attorney Pare: match height of agreed-upon, stand-alone pole to be installed to the existing, surrounding light poles, just over 30'; three locations to consider for the pole with best location being in island;
- Don Haes, Radiation Safety Specialist for AT&T: there will be no interference with emergency vehicle signals
- Chairman Tigges: the pole would not be maintained by the town; center island location would not be effected by sidewalk plows;
- Attorney Brewer: amend application to request permission to put in a stand-alone pole;
- Member Hogan cautioned having pole obstruct handicapped crossings;
- Public: Ruth Rinn was informed that there is no limit set in the current policy and the FCC would not allow it-town will ensure no redundancy;

Conditions Discussed:

- No disruption of electrical service during installation and the pole is not to be serviced by the town.
- The applicant will pay the town \$500 for processing each annual re-certification and \$270 annually for the use of the right of way.
- If the equipment is to be changed out, a new application should be submitted.
- Applicant should respond within 30 days to any request by the Select Board or the Code Enforcement Official to verify that the emissions of the facility remain compliant with FCC standards.
- The facility will be corrected within 30 days of notification of any violation.
- Installation and maintenance should not cause any disruption to nearby municipal facilities and equipment.

Motion: Member Runyan moved to close the public hearing. Seconded by Member Hogan with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved to approve the Grant of Location for a small cell wireless installation in the public right of way near 44 Burlington Mall Road for Cingular Wireless PCS, LLC ("AT&T") for Application CRAN_RCTB_00070_1011 with conditions as discussed for locations D, C, A, B. Seconded by Member Runyan. Seconded by Selectman Runyan with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Amended Motion: Member Priest moved to amend to select D as the primary site and A as the secondary site with the opportunity for flexibility for placement of pole D pending any placements or concerns with the flexibility for pole A +/- 15 feet in either direction to maintains the medium with upon consultation with Town Engineer and Town Administrator with final selection being approved by the Select Board. Seconded by Member Runyan with Member Hogan voting nay, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (3-1-0 with Member Hogan voting against)

Motion: Member Priest voted to allow an amended to the application to reflect that applicant was allowed to install a pole no higher than 30' for small cell facility without lights. Seconded by Member Runyan with

Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved that the newly installed pole is to remain painted black. Seconded by Selectman Priest with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved that all equipment would be incorporated within a shroud/inside the pole and not be outside of the pole except for the antennae at the top of the pole at 22' 6". Seconded by Member Priest with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved that all ground equipment would be buried underground or be inside the base of the pole. Seconded by Selectman Priest with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

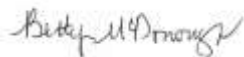
Motion: Member Hogan moved that the newly installed pole would not block site distance at any intersections. Seconded by Member Priest with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved to approve said application subject to conditions discussed as well as separately voted on. Seconded by Member Priest with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Hogan moved to authorize the Town Administrator to sign the decision on behalf of the Select Board. Seconded by Member Runyan with Member Hogan voting aye, Member Priest voting aye, Member Runyan voting aye, Member Morandi voting aye and Chairman Tigges voting aye and motion passed. (4-0-0)

Motion: Member Runyan moved to adjourn at 9:06 p.m. Seconded by Member Hogan and approved. (5-0-0)

Submitted by,



Betty McDonough
Recording Secretary