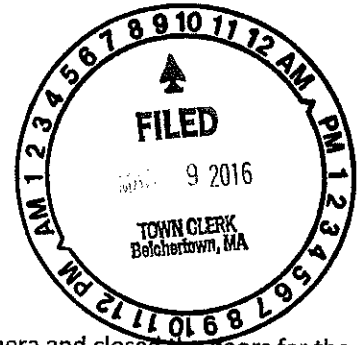


*Belchertown Planning Board
Executive Session Minutes
December 22, 2015*



From the regularly scheduled planning board meeting, the board continued without camera and closed the doors for the executive session. Present were the five board members, D. Albertson, town planner, and S. Gay, minutes.

Motion D. Beaudette to enter into executive session in accordance to MGL 30A, Section 21, Subsection 3. Second D. Lusignan, Roll call vote: Daniel Beaudette, aye; Michael Hofler, yes; Christopher Laurenzo, yes; Donna Lusignan, yes; James Natle, yes.

As previously noted, the board will not reconvene in open meeting following this session.

The board went over options presented by town counsel in the executive session held on December 14, 2015. It was noted that town counsel recommended we not contest an appeal made by Verizon.

The board discussed the possible responses to Verizon's complaint. It was noted the board could not require more than what is on the plan presented to them and agreed to by Verizon. Also noted was the board received what they asked of the applicant during the review. D. Lusignan had gone through all of the meeting minutes for this application, and noted that the board's requests had been addressed.

They discussed and agreed to the final terms of their response. The board agreed to not defend the appeal, and to request the previous offers made by Verizon representatives. It was agreed that any defense would be expensive and the town would very likely not win. This is the alternative that costs the town the least money and it still is not a permit granted by the board; rather it is a judgement by a federal court.

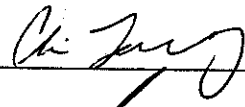
The board discussed involving the neighborhood so the neighbors could understand the process, reasoning and implications of any decision. D. Beaudette noted that it would be an opportunity to restate all the arguments. M. Hofler said the board wanted to look for resolution with neighbors and manage expectations. He noted they could let them know (neighbors) that there was no ability to win and the board could respectfully note they lost but that the board understood the neighborhood's concerns. Other members said they would note they had no option but to end the suit because of the court's judgement, but at least the board did not give a permit to Verizon. They want the Aldrich Street neighbors to know that they did not change their minds, but that they couldn't win this suit even if they spent an expected \$70,000.00 to defend their position. In effect, the board's decision was taken away by judicial fiat.


The board discussed their options and realized that as this appeal is under the Federal Telecommunications Act, they have very little standing. If the appeal had been to state court on the special permit denial, the board would have a very good case. Under the telecommunications act, though, the board would need to somehow demonstrate that the decision was not a denial of service for Verizon. Town counsel has advised that the burden of proof is on the board and case law is heavily weighted to the applicant. D. Lusignan said her research shows that over the past 12 years, there have been 112 cases under the federal telecommunications act and every municipal defense has lost.

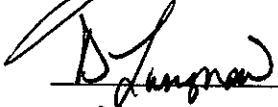
The board wants Verizon to build to what they had committed to do and honor what they promised. M. Hofler again emphasized that there be no illumination on the upper part of the tower, and he would like the bottom part of the tower to be painted a mottled brown. They board wants to see if the applicant is still willing to do the radio frequency tests for the neighbors, as they had offered through counsel. If Verizon is offering, the board will take accept their offer.


Motion D. Beaudette to recommend to counsel that we not defend the appeal by Verizon for the Aldrich Street cell tower, with the understanding that Verizon will adhere to what they had agreed to as of the date of the decision, with the caveat that there

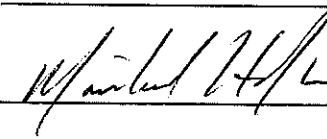
will be no lights on the tower, including status LEDs, the bottom third of the tower be painted a mottled brown to blend with the surrounding forest, and that if they are still offering the annual radio frequency tests and reports, we accept that. **Second: M. Hofler**


Christopher Laurenzo, Chair


James Natle, Vice Chair


Donna Lusignan, Clerk



Daniel Beaudette

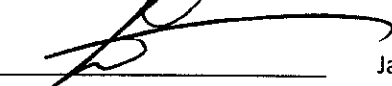

Michael Hofler

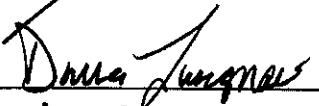
Executive Session final motion:


Motion D. Beaudette to come out of Executive Session for Verizon Aldrich Street cell tower decision, Second J. Natle, Vote D. Beaudette aye; M. Hofler aye; C. Laurenzo aye; J. Natle aye; and D. Lusignan aye.

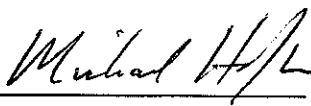
Motion D. Beaudette to adjourn meeting at 10:00 pm, Second M. Hofler, Vote 5-0-0.


Christopher Laurenzo, Chair *CPJ 3/8/16*


James Natle, Vice Chair *J.N 3/8/2016*


Donna Lusignan, Clerk *D.M. 3/8/16*


Daniel Beaudette *DRB 3/8/2016*


Michael Hofler *(circled) 3-8-16*