

Zoning Board of Appeals Meeting Minutes

Minutes of January 20, 2016

Continued Hearing from December 9, 2015 on the petition of Verizon Wireless of 900 Elm Street, Manchester, NH for a Special Permit to construct a 150- foot monopole telecommunications facility with associated antennae and equipment on property located at 30 Huntoon Memorial Highway, Leicester, MA

Members present: David Kirwan, Chair; Vaughn Hathaway, David Orth, Vice Chair; Paul Schold, Jim Buckley, Clerk

Alternate members present: Jim Reinke, Mary Moore, Dick Johnston

Before the Meeting was Called to Order, Mr. Gregg Richardson, representing the abutters, asked for a Point of Order. He requested for David Kirwan to recuse himself as Chair because of his affiliation with Verizon 14 years ago. He was employed by Verizon for 24 years, but has not worked for Verizon since 2002. Mr. Richardson claimed Mr. Kirwan would not be able to be an unbiased participant and should remove himself from these proceedings.

Mr. Kirwan explained he has not been a Verizon employee for 14 years nor does he receive any financial benefit from Verizon.

Mr. Orth informed Mr. Richardson that the meeting has not been called to order; therefore what he was presenting, will be taken out of order and will not be part of this meeting.

Mr. Hathaway spoke on the discrepancies with Mr. Richardson's claim.

At this point Meeting was called to order at 7:55PM

The Board took under consideration Mr. Richardson's request. After discussion of the Board, it was agreed Mr. Kirwan remain as Chair and should not recuse himself and that the meeting be continued in order to obtain an opinion from Town Counsel.

Mr. George Leary, 487 Pleasant Street stated he felt Mr. Kirwan did not have a conflict and asked for the meeting not to be continued.

Mr. Hathaway noted because the question was raised, a legal opinion was needed before moving forward. All Board members agreed.

At this point, Mr. Richardson withdrew his request of recuse.

Mr. Victor Manougian, Attorney for Verizon asked for a continuance in order for the Board to obtain legal opinion from Town Counsel.

Mr. Kirwan informed the public that after further discussion with his Board members, all agreed Mr. Kirwan not recuse himself and all agreed continuing the meeting until Town Counsel can review the situation and provide the proper manner on how to proceed.

Mr. Leary requested again not to continue and asked for the meeting to proceed.

Mr. Kirwan reiterated that the Board felt the issue needed Town Counsel's opinion.

Mr. Tom Buckley, 76 King Street asked for the meeting to proceed.

Mr. Hathaway explained because the issue was raised, it needed to be addressed.

Mr. Leary reiterated he felt there was not a conflict.

Mr. David Wright, 7 King Street Ext. said he agreed with the Board and that the meeting should be continued in order to get a legal opinion.

Mr. Michael Knox, 750 Whittemore Street said he agreed with the Board and explained why the meeting needed to be continued when a question of ethics is raised and why the Board needed to get Counsel's opinion before moving forward.

At this point, Mr. Kirwan informed everyone present that the Board has discussed and agreed the meeting needed to be continued in order to bring the issue before Town Counsel for an opinion.

MOTION: Mr. Orth moved to continue the hearing for 30 Huntoon Highway Cell Tower to February 17, 2016 at 7:30PM in the Town Hall Auditorium in order to get Town Counsel's opinion.

SECONDED: Mr. Hathaway – Discussion: None

VOTE: All in Favor

Meeting adjourned at 8:15PM

Respectfully submitted:

Barbara Knox

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