



Land Use-Urban Redevelopment Committee – Board of Representatives

Bradley Bewkes, Chair

Nina Sherwood, Vice Chair

Committee Report

Date: Wednesday, October 18, 2023
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

The Land Use Committee met as indicated above. In attendance were Chair Bewkes and Committee Member Reps. Adams, Campbell, Garst, Grunberger, Matheny, Mays, Sherwood, Summerville, and Tomas. Excused was Committee Member Rep. de la Cruz. Also present were Reps. Boeger, Fedeli, Figueroa, Goldberg, Jacobson, Moore, Pollack, Stella, and Walston; Burt Rosenberg, Law Department; Judge Robert Holzberg; Attorney Alfred Smith; Rob Brown, M.D.; B. Blake Levitt, Dr. Devra Davis, and Theodora Scarato, Environmental Health Trust; Kent Chamberlain, University of New Hampshire; and Joseph Sandri, National Spectrum Management Association.

Chair Bewkes called the meeting to order at 7:01 p.m.

| Item No. | Description | Committee Action |
|---------------------------------------|---|-------------------------|
| Possibly in Executive Session: | | |
| 1. LU31.032 | APPROVAL; Agreement with AT&T/Verizon re Placement of 5G Equipment on City-Owned Utility Poles in Municipal Right-of-Way. 09/05/23 – Submitted by Mayor Simmons 09/28/23 – Recommended to Steering by Committee 10-0-0 | Failed 1-8-0 |

The invited guests each gave presentations and overviews as follows:

Judge Holzberg noted the following:

- He leads the ADR practice at Pullman & Comley and conducts mediation.
- The Governor's office asked him to act as a mediator between the 5 largest cities and the 5G carriers to come up with a model application process for carriers to deploy their equipment in City rights of way. The Governor felt it was critical that all citizens have access to modern technology.
- The parties came up with model agreement, now before the committee, which will guide the application process. The agreement has already been approved by Hartford and Bridgeport.
- This is a matter regulated largely by federal authorities; there is a very narrow role for municipalities in terms of review of these applications.
- This is not a proposed contract; it is a model application process. There is no application before the Board at this point; and the dangers of radio frequency are not relevant to this process.

- If the FCC has approved the radio frequency that the carriers use, that is the beginning and end of the discussion as to local siting by municipalities.
- Municipalities can't rule on this; this is similar to the inability of a municipality to change the speed limit on a federal highway.
- The cities can regulate aesthetic issues and the time frame, but that is all that cities can consider.
- The conversation regarding health and safety should be deferred until an application is actually before the City.

Al Smith noted the following:

- He is an attorney and was approached by the Governor's office to represent the cities in the above mediation.
- The regulation of telecom equipment is almost entirely preempted by federal law. Municipalities have limited ability to regulate the equipment.
- This model agreement includes advantages in terms of City review of aesthetics. Any attempt by a state or local government to apply different standards or deny an agreement which meets the standard will fail. This proposition has been tested in the Courts by municipalities and has failed.
- Any applicant must demonstrate that the installation will comply with the FCC requirements.
- The law says that health concerns are to be raised with the rule-making entity, the FCC. There are very few opportunities for the municipalities to engage.
- This proposal would give Stamford more rights than it would typically have, including oversight of construction and aesthetic plans, deployment and provide equitable access.

Dr. Rob Brown, a radiologist, spoke about the health effects of radiation and radio waves from cell phones and cell phone towers. Dr. Brown shared the [attached presentation](#). Light, x-rays, magnetic fields and radio frequency radiation all penetrate through the body and can affect atoms and molecules. Exposure to radio frequency radiation can cause individual cells in the body to become stressed; the longer a cell is stressed, the greater the likelihood that it may malfunction. The impact of that malfunction depends upon which cells are damaged. The high frequency band of 5G. Doesn't or shouldn't penetrate more than a few millimeters into the skin, but there are glands near the skin's surface, such as the thyroid gland.

Blake Levitt reviewed the [attached presentation](#) with the Committee.

Devra Davis, reviewed the [attached presentation](#) with the Committee.

Kent Chamberlain stated that low level radiation is harmful to humans and the environment; more protective designs can allow use of these technologies with less harm. Mr. Chamberlain reviewed the [attached presentation](#) with the Committee.

Theodora Scarato shared the [attached presentation](#) with the committee

Joseph Sandri reviewed the [attached presentation](#) with the Committee.

Committee members discussed this item with the invited guests. Items discussed included the following:

- Robust coverage can be provided without exposing people to excessive radiation
- There are ways to use safer technology, such as wired and corded connections
- There is not a quantum difference between 4G and 5G; 5G provides greater radiation but also better communication because of the narrower steered beam
- People may be willing to trade health concerns for better connectivity

- Communities want better reception and the ability to call 911 anywhere in the state; can get good connectivity with a weak signal, depending on placement of antennas
- The smaller antennas are closer to peoples' homes, so people are getting more radiation than when the antennas were a mile away
- Higher frequencies are higher power which could have greater biological effects; this needs to be studied
- The intensity of the radiation from all of these different sources is being increased and people are not correlating their symptoms, such as sleeplessness, ringing in their ears to their radiation exposure; only people with electrohypersensitivity correlate their exposure to their symptoms
- The DC Court of Appeals in the decision discussed noted that these issues are still under the purview of the FCC
- The FCC's limit is based upon a studies of rats and monkeys in the 1980s
- The radiation with the rats could tolerate was divided by 50 for the general population and by 10 for workers
- Small cells can be located outside of an apartment widow
- A single 5G antenna system can have more than 100 different signals
- The residual legislative powers of the City are enumerated in page 5 of the agreement, including requiring a structural analysis, an RF report, compliance with exposure standards, and local permitting requirements
- The issue before this committee is not approval of the siting of any facility; this is just approval of a process; this agreement gives more authority to regulate providers than the City would normally have; the only issue is a uniform application process
- Smaller antennas are closer to living spaces
- 4G and 5G records are all available from PURA and can be made available to the committee
- 5G is a wider spectrum
- The contract before the committee requires the telecommunications companies to comply with FCC standards
- The agreement permits as of right erection of minitowers and poles in rights of way
- Regular monitoring should be stipulated
- A requirement could be placed in the template and ask the providers for a checklist of materials that would be publicly reviewable and peer reviewable
- Reports generally don't show enough data that would allow a professional spectrum manager to assess whether or not they're measuring properly for Rf exposure before they deploy
- The changes in technology are providing more different types of radiation all at once; the testing was done with a small part of the spectrum
- The FCC limit is based on a deck of cards; the rats were not exposed to the spectrum that is being proposed in the contract
- An antenna outside a house would have the equivalent of a near and far field exposure at the same time in a broadband frequency that has never been adequately tested or investigated for the proper biological effects
- Regular surveillance and monitoring should be stipulated in the agreement
- The FDA nominated the National Toxicology Program to study how the limits were based on the animal studies with under 60 minutes of exposure; they found evidence of cancer in the male rats and DNA damage in the mice and rat groups from long term chronic exposure. There has been no analysis of what this study means for humans; the FDA rejected the study
- Rare highly malignant brain tumors were found in animals exposed to base station radiation
- This template is before 5 cities, including Stamford; Hartford and Bridgeport have approved it with no changes, and the other 2 cities are considering it.

- The invited guests have explained the science, but there may be another perspective given the FCC standards, which has not been presented.
- People who live further from a cell would generally have less radiation, but sometimes there is less radiation right under a site.
- Radiation exposure is greater and more acute from a mobile phone than from small cell tower, but a small cell tower does not get turned off
- If a cell tower is far away, a homeowner can turn off the electronics in their home and not be exposed
- Some people are so sensitive to exposure to radiation that they can't be in a room with a cell phone
- How to balance the risk from 5G radiation vs. the risk of not being able to make a 911 call?
- Towers can be placed far enough away so that people are not overly exposed
- We need to rely on the technology that is currently in the marketplace
- Going against the carrier's rules may result in a lawsuit
- Cities have put in setback requirements
- The FCC has failed to look at the effects of cumulative exposure over time
- An Australian study found that children near cell towers had higher total exposure
- Electrohypersensitivity is a rare phenomenon. People tend to know it if they're getting headaches or things are happening with direct exposure. But, people don't connect their insomnia to whether or not they've been sleeping with their iPad on their chest. They don't connect their arrhythmia to the fact that they've been exposed.
- The strongest physical reactions can happen at the lowest intensity exposures; far field exposures actually are equally as dangerous in some capacities as near field exposures are to the head.
- Regulation of this equipment is primarily the responsibility of the federal government, which limit the land of municipal regulation; Cities can regulate construction, fees, time, aesthetic standards; all of these need to be reasonable and can't materially interfere with the deployment of the equipment
- If the Board rejects this, the carriers would have the option not to deal with Stamford, or to make applications through the existing process (In Hartford ATT made application for 7 facilities which were denied. ATT sued claiming that Harford was acting in violation of federal law; ultimately Hartford settled and approved the units; the fees were substantial)
- Section 10 of the agreement which provides that the carriers will defend and indemnify the cities for all the claims arising out of the acts or emissions of a carrier and the performance of the activities permitted by this agreement and or the installation, operation, maintenance, repair, and or removal of the facilities unless the damages are caused by the negligence or willful misconduct of the City; the City would be protected regardless of insurance coverage
- Trees have been found to die back and self-prune around radio frequency radiation
- Radio frequency, radiation, and electromagnetic fields from power lines in in certain circumstances, have been found to affect what's called the honey bee dance, which is, when they dance out a very complex signal to the hive on where different pollinating flowers are located.

A motion to approve Item No. 1 was made, seconded, and failed by a vote of 1-8-0 (Rep. Adams in favor; Reps. Bewkes, Campbell, Garst, Grunberger, Matheny, Sherwood, Summerville, and Tomas opposed).

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| 2. LU31.033 | REVIEW; Update on Upcoming Projects Planned by the Mill River Collaborative. 10/05/23– Submitted by Rep. Adams | Recommitted to Steering 10-0-0 |
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A motion to recommit Item No. 2 to Steering was made, seconded, and approved by a vote of 10-0-0 (Reps. Bewkes, Adams, Campbell, Garst, Grunberger, Matheny, Mays, Sherwood, Summerville, and Tomas in favor).

Rep. Matheny adjourned the meeting at 11:41 p.m.

Respectfully submitted,
Bradley Bewkes, Chair

This meeting is on [video](#).