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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1101

New Cingular Wireless, PCS, LLC, Petition for
a Declaratory Ruling That No Certificate of
Environmental Compatibility and Public Need
is Required to Install a Stealth Rooftop
Telecommunications Tower on the Roof of the
Existing Building Located at 79 Park Avenue,
Danbury, Connecticut.

Continued Public Hearing held at the
Danbury City Hall, Council Chambers, 155 Deer
Hill Road, Danbury, Connecticut, Tuesday,
August 19, 2014, beginning at 6:30 p.m.

H e l d B e f o r e:
ROBERT STEIN, Chairperson

Nationwide - 866-534-3383 - Toll-Free

1 A p p e a r a n c e s :

2 Council Members:

3 PHILIP T. ASHTON

4 DANIEL P. LYNCH, JR.

5 LARRY LEVESQUE, ESQ.

6 PURA Designee

7 ROBERT HANNON,

8 DEEP Designee

9

10 Council Staff:

11 MELANIE BACHMAN, ESQ.,

12 Executive Director and

13 Staff Attorney

14 DAVID MARTIN,

15 Siting Analyst

16

17 For New Cingular Wireless PCS, LLC:

18 CUDDY & FEDER, LLP

19 733 Summer Street

20 Stamford, Connecticut 06901

21 By: CHRISTOPHER B. FISHER, ESQ.

22 cfisher@cuddyfeder.com

23

24

25

1 THE CHAIRPERSON: Good
2 evening, ladies and gentlemen. Good evening.
3 I'd like to call to order this meeting of the
4 Connecticut Siting Council, today, Tuesday
5 August 19, 2014, at approximately 6:30 p.m.

6 My name is Robert Stein. I'm
7 Chairman of the Siting Council. Other
8 members of the Council present are
9 Mr. Hannon, who's designee from the
10 Department of Energy and Environmental
11 Protection; Mr. Levesque, designee from the
12 Public Utilities Regulatory Authority;
13 Mr. Ashton; and Mr. Lynch.

14 Members of the staff are
15 Attorney Bachman, who is our executive
16 director; and Mr. Martin, our siting analyst.

17 This is a continuation of a
18 public hearing that began at four this
19 afternoon. Copies of the hearing program and
20 the Council's Citizen Guide to Siting
21 Procedures are available for members of the
22 public on that podium over there.

23 This hearing is held pursuant
24 to the provisions of Title 16 of the
25 Connecticut General Statutes and of the

1 Uniform Administrative Procedure Act upon a
2 petition from New Cingular Wireless PCS, LLC,
3 for a declaratory ruling that no certificate
4 of environmental compatibility and public
5 need is required to install a stealth rooftop
6 telecommunication tower on the roof of an
7 existing building located at 79 Park Avenue,
8 Danbury, Connecticut. The petition was
9 received by the Council on May 1, 2014.

10 This petition is also governed
11 by the Telecommunication Act of 1996, which
12 was administered by the Federal
13 Communications Commission. This act
14 prohibits this Council from considering the
15 health effects of radio frequency emissions
16 on human health and wildlife to the extent
17 the emissions from towers are within the
18 federal acceptable safe limit standards,
19 which standard is also followed by the State
20 Department of Public Health.

21 Please be advised that the
22 state statute concerning proposed cell towers
23 within 250 feet from schools is not based on
24 health effects from radio frequency
25 emissions. The state statute is based on

1 adverse visual effects of the proposed cell
2 tower on the scenic quality of the
3 neighborhood in which the school is located.

4 The Council's legal notice of
5 the date and time of the hearing was
6 published in the Danbury News Times on
7 July 15, 2014. On August 1, 2014, the
8 Petitioner erected a sign at the proposed
9 site to inform the public of the name of the
10 Petitioner, type of facility, hearing date,
11 location and contact information of the
12 Council.

13 On June 10, 2014, and this
14 afternoon members of the Council, staff and
15 the public personally conducted a field
16 review of the proposed site in order to
17 observe firsthand the potential effects of
18 the proposal.

19 This hearing session tonight
20 has been reserved for the public to make
21 short statements into the record. These
22 public statements are not subject to
23 questions from the petitioner or the Council,
24 and members of the public making statements
25 may not ask questions of the petitioner or

1 Council.

2 The statements will become
3 part of the record for Council consideration.
4 A sign-up sheet is available for those who
5 would like to participate located right here
6 on this podium. As a reminder to all,
7 off-the-record communication with a member of
8 the Council or a member of the council staff
9 upon the merits of this petition is
10 prohibited by law. Also there are two
11 sign-up sheets, one for elected officials and
12 one for the public.

13 I wish to note for those who
14 are here and for the benefit of your friends
15 and neighbors who are unable to join us for
16 the public comment session, that you or they
17 may send written statements to the Council
18 within 30 days of today and such written
19 statements will be given the same weight as
20 if spoken at the hearing.

21 We ask each person making a
22 public statement in the proceeding to confine
23 his or her statements to the subject matter
24 before the Council and to avoid unreasonable
25 repetition so that we may hear all the

1 concerns you and your neighbors may have.
2 Please be advised that the Council cannot
3 answer questions from the public about the
4 proposal.

5 In fairness to everyone who
6 wishes to speak oral statements will be
7 limited to three minutes. A verbatim
8 transcript will be made of the hearing and
9 deposited at the Danbury City Clerk's office
10 for the convenience of the public.

11 A VOICE: Say what?

12 THE CHAIRPERSON: Okay. I
13 will read it again. A verbatim transcript
14 will be made of the hearing and deposited at
15 the Danbury City Clerk's office for the
16 convenience of the public.

17 Before I call on members of
18 the public I request the Petitioner to make a
19 brief presentation to the public describing
20 the facility, where it's located, why it's
21 necessary, and what alternatives were
22 investigated.

23 MR. FISHER: Thank you
24 chairman. Good evening. My name is Chris
25 Fisher. I'm a representative of AT&T.

1 Also with me are Mr. Foley,
2 who's the professional engineer that's done
3 the site civil engineering work; Tony Wells,
4 who's done the radio frequency engineering
5 and assessment of the safety at the facility;
6 Mr. Kerry with AT&T's government affairs.

7 This is just a brief
8 presentation to orient you to the project.
9 This particular facility is proposed on Park
10 Avenue, 79 Park Avenue, which is the Summit
11 apartment building.

12 Right now this is just a map
13 of existing AT&T coverage and its 4G LTE
14 network. There's some stars on the map. If
15 I could just orient you quickly, this is the
16 airport here in gray. There's an AT&T
17 facility on one of the commercial buildings
18 located adjacent to the airport. The next
19 nearest facility between your neighborhood
20 and that facility would be right across the
21 street here at the AT&T switching station
22 across from city hall.

23 The objective of this proposal
24 on this map, areas that are shown in green
25 and orange are generally reliable high-speed

1 available services. The proposal is the
2 yellow star right in the middle of the map.
3 That's the location of the building and the
4 service improvements fill in, in green and
5 orange when you go back and forth mostly
6 along Park Avenue the immediate residential
7 neighborhood at the school itself.

8 This is just -- and this was
9 in the actual petition materials and the
10 subject of some of the examination earlier
11 today. These are some statistics about the
12 need for the facility in AT&T's network.

13 This particular area of
14 Danbury there are several thousand residents,
15 obviously, the school and other areas where
16 AT&T is looking to provide its service in a
17 more reliable fashion. The proposal itself
18 has to be located in that particular area of
19 the city. If you go back to the slide I
20 showed you some of the other areas we already
21 are serving the mall, downtown, and points
22 outside of this particular community.

23 This is just one of the site
24 plans that's in the proposal. Park Avenue is
25 here to the right on the screen. This is the

1 actual building and the site plan. This is a
2 slightly better elevation. This is the front
3 of the building, so if you were standing on
4 Park Avenue looking at the building, what you
5 see now, it's a multifamily apartment
6 building.

7 There's an existing stairwell
8 on the very front and at the top of the
9 building, that's a couple of apartment units
10 that are at the very top in the rear of the
11 building. The proposal is right in the
12 center of the screen -- to extend the
13 stairwell a little over 14 feet in height.
14 The dimensions on the width are a little over
15 10 feet and 13 feet.

16 So what you see at the very
17 top, antennas would be installed behind an
18 actually enclosure. You wouldn't be able to
19 see the antennas or the steel superstructure
20 that would be extended above the stairwell.

21 This is it inside, a plan view
22 of the building looking from one of the
23 adjacent parcels.

24 We've had Mr. Wells do several
25 analyses of the building, the rooftop areas

1 of public accessibility to determine that the
2 facility is safe and in compliance with FCC
3 standards.

4 This particular visual, which
5 is part of the larger report in the Council's
6 records, is intended to show that even if you
7 were standing on the rooftop and you were
8 there and the antennas were operating a
9 hundred percent of the time you're still
10 below the FCC standards for public health and
11 safety.

12 Additionally there were some
13 concerns I know raised in some of the
14 materials that were sent to the Council about
15 RF safety limits and we did a number of
16 different points of analysis in and around
17 Park Avenue Elementary School. And in the --
18 this is the table, and without getting into
19 too much technical jargon, the facility, at
20 every one of those calculated points is well
21 below the FCC standards. And there was
22 several points of questioning this afternoon
23 from the Council on that particular
24 information.

25 As far as the visibility, the

1 visibility is highly localized because this
2 is a relatively short facility. The overall
3 height is just a little over 50 feet above
4 ground level. So visibility on this map,
5 which is yellow, is some of the adjacent
6 multifamily sites -- not going to be visible
7 from the school itself, through the treeline.
8 This structure on the roof would be visible.

9 And then we have a couple of
10 photos where there's better points of view.
11 This is existing conditions. This is with
12 the structure installed on the roof. This is
13 another photo a little bit further down the
14 street. That's as proposed. Again, a
15 slightly different perspective.

16 And in this photo Park Avenue
17 School is to your left on this side of the
18 street.

19 The proposed. And this is
20 right in front of the building.

21 And proposed.

22 Thank you, Chairman.

23 THE CHAIRPERSON: Thank you.

24 We'll now call and start with
25 Council Member Rotello from the City Council

1 of the City of Danbury.

2 PAUL ROTELLO: Good afternoon
3 Chairman Stein and members of the Council.
4 I'm Paul Rotello. I live nearby on 13 Linden
5 Place here in Danbury. It's around the
6 corner from the proposed structure. It's not
7 quite in the neighborhood, but it's close
8 enough. I actually went to school there.

9 I'm also a member of the
10 Danbury City Council, elected to represent
11 the neighborhood and would like to welcome
12 you all to Danbury and thank the members for
13 granting my request for a hearing and for
14 coming all the way to City Hall today on a
15 day that certainly calls for the outside, at
16 least, at any number of lovely Danbury
17 recreational destinations enjoying weather
18 that can only be described as wonderful.

19 We all appreciate your
20 commitment in coming down here and listening
21 to us today. It's very important that you do
22 so and we're glad that you have.

23 Speaking of which, I'm sure
24 most of us would rather be someplace else on
25 this late afternoon, too, and that brings up

1 an interesting question, because, frankly,
2 many are asking ourselves why we are even
3 here to begin if this petition to place a
4 dozen antennas across the street from
5 Danbury's largest elementary school is
6 absolutely necessary.

7 It seems instead somehow
8 unnecessarily intrusive. There are countless
9 locations in a city of this size that are,
10 shall we say, less disruptive and that do not
11 require the placement of a dozen radiating
12 antennas inside a 250-foot bounded area
13 confining children for hours on end 180 days
14 year.

15 This proposed antenna array
16 would be some 200 feet or less from 82 Park
17 Avenue, the campus of Danbury's largest
18 elementary school, the Park Avenue School.
19 PA 12-165, the petition refers to this as
20 16-50 PA-1g, does not specify, to my
21 satisfaction, that the border must be the
22 building, as Petitioner implies. Indeed
23 other connection school buffer prohibitions,
24 smoking, drugs weapons, et cetera, whether
25 specified or not are interpreted to mean

1 distance to property borders, and rightly so
2 as students are often outdoors for
3 recreation, instruction, pickup or drop offs,
4 daily queuing, or any number of other
5 activities that illustrate the maxim that a
6 school is much more than a physical
7 structure.

8 So absent other mitigating
9 language I have to conclude that the petition
10 is already afoul of the relevant statute by
11 being short of the 250-foot limit. And since
12 the Mayor of Danbury is not here opining that
13 the facility will not have a substantial
14 adverse effect on the esthetics or scenic
15 quality of the neighborhood, and with all due
16 respect to this Council and its findings, the
17 esthetics of the proposed radiationally
18 translucent new tower structure do not even
19 begin -- do not even begin to fit in with
20 anything already around it, the mitigating
21 factors of PA12165 aren't met.

22 Now, if it's true that some in
23 New England cover their little 2 or 3-foot
24 wide chimneys with white clapboard -- and
25 that is true. As a matter of fact, you'll

1 find this directly across the street from the
2 school on what we call the new condominiums,
3 but they're probably 20 years old at this
4 point.

5 If they do cover the small
6 little chimneys with white clapboard, it's
7 also true that something new of this
8 dimension is so out of character, so
9 different in size and scope as to make those
10 other comparisons meaningless. We're talking
11 about something across the street that
12 preexists of maybe 2 to
13 3-feet-square-by-3-feet high. You're looking
14 at something that perhaps contains 20 to
15 30 cubic speed of space.

16 This proposed structure would
17 probably contain 2,000 to 3,000 cubic feet of
18 space. This is an order of magnitude bigger
19 than anything else in the neighborhood.
20 Everything else is small-scale New England.
21 This is industrial scale and gigantic. I
22 mean, dogs and wolves are both mammals. We
23 get it, but one is tolerated while one is
24 not.

25 An iPad on a highway

1 billboard -- analogies are as endless as they
2 are awkward. The fact is that if you're
3 basing this limitation on esthetics, in my
4 opinion, you have to find that the Petitioner
5 has not met the statute. At this point I'd
6 stop right here to urge the Petitioner to
7 find a location that best satisfies our
8 statutes, but again, you know, that's your
9 purview.

10 As for safety, children play
11 and parents can regularly be seen bringing
12 their children to and from the school along
13 the walk directly in front of the planned
14 cell tower addition. If the structure were
15 to fail it would cause disruption clearly,
16 but it might even cause injury in addition to
17 the potential danger it presents all the time
18 to the building residents inside.

19 I am not going to speak about
20 the influence, positive or negative, to the
21 residents inside 79 Park West. They have not
22 asked me to. This is something between them,
23 their association and perhaps even you folks.
24 But it is not a building that I would live in
25 if a tower like this was on the roof. But

1 again, that's up to them. So --

2 There is however the impact of
3 a noisy 50,000-kilowatt generator on that
4 property, and that impacts people, not just
5 at the property, but it impacts people in the
6 city itself. It's a 50,000-watt generator,
7 according to the Petitioner, with an inboard
8 fuel storage bladder of some 150 to
9 200 gallons.

10 I believe it must be a diesel
11 system. If it was natural gas -- I've
12 installed a few natural gas generators --
13 they don't have any onboard fuel storage, and
14 gasoline is somewhat inappropriate for a
15 generator of that size because of torque
16 issues. So I don't know this for a fact.
17 I'm just assuming that it's diesel fuel.

18 But anyway, it's in the
19 parking lot. And I'm sure you did today go
20 back there. There's a bump out, an earthen
21 bump out, which I believe at present holds a
22 refuse facility and I believe that's where
23 they're planning on putting the generator, if
24 I remember from the sidewalk I was on a
25 couple of months ago.

1 And as a property manager I
2 have to tell you anything that you put in a
3 parking lot or near a parking lot is going to
4 get hit by something. It's just a matter of
5 course. Whether it's a building or a tree or
6 anything else, we try to make anything we put
7 in our parking lots either completely
8 indestructible or flexible enough to collapse
9 and to be rebuilt at a fairly low cost.

10 Snowplows, cable trucks, all
11 kinds of things are going to be back there in
12 close proximity to this unit. They could
13 split that bladder, the fuel could run down
14 the parking lot. I know it's alarmed. I
15 know there's telemetry back, but I mean, you
16 know, what's it take to get these guys there?

17 I can tell you that bladder is
18 going to be split and the fuel is going to
19 come out before anybody comes here to mop it
20 up. What happens at that point? It runs
21 down the parking lot west and it runs through
22 a channel that's adjacent to the Still River.

23 Now there is a rail trail
24 there. So you go down a hill, there's a dip,
25 and then there's an ancient rail bed that was

1 built in the 1800s. And the Petitioner has
2 claimed that that's good enough to separate
3 any fuel spill from the Still River. I don't
4 happen to believe that. I grew up in this
5 neighborhood, and I can tell you that's a
6 permeable berm. It's ancient. It's
7 decaying.

8 The last train that went
9 across those tracks was a circus train, and
10 it derailed. This is probably four or five
11 years ago. The tracks need a lot of work.
12 It used to be a Conn-rail line and it used to
13 go across the Hudson, but the bridge burned
14 years ago. And since that happened the line
15 has fallen into disuse, and it was sold to a
16 small operator in Connecticut, in northern
17 Connecticut with big plans to extend the line
18 up to whatever, but they really haven't done
19 anything because they just can't afford it,
20 so it's decaying and any fuel that were to
21 fall in the swail between the tracks at the
22 Still River could, in my opinion, easily
23 migrate into the Still River. That's
24 important. The Still River is not just a
25 little River that connects New York State to

1 Danbury and eventually the Housatonic and
2 Long Island Sound, we drink out of the Still
3 River. We have at the Kenosia Fields about a
4 mile from here tap both surface and aquifer
5 for our supplemental drinking water.

6 As a matter of fact, we're in
7 a big fight with the State right now because
8 we use the lake to recreate. We swim in it,
9 and they are telling us, you cannot swim in
10 this body of water because you drink out of
11 it, even though we don't actually drink out
12 of it right now. The most we've ever done is
13 transfer some of the water from the Kenosia
14 Fields, the Still River, to some of our other
15 reservoirs pretreatment, treat it, mix it and
16 then drink it.

17 There may come a time when
18 we're actually tapping it directly. That
19 hasn't happened yet. But the city is
20 growing. It's not a shrinking city. It's a
21 growing city. And while we may be drinking
22 out of the Kenosia River at some point
23 soon -- that's a very likely possibility --
24 there are also possibilities that we could be
25 drinking out of the Still River downstream

1 from this project. And if we are in that
2 position several years from now, a decade,
3 whatever and there's an accident upstream,
4 that's going to directly affect our drinking
5 water, so that's a problem.

6 And, for good reason, the City
7 has very strict prohibitions on placing
8 anything within the aquifer, within the
9 watershed, and alongside the corridor,
10 especially farther upstream where we're
11 actually tapping at present the lake, the
12 Kenosia Field. So that's a continuing issue
13 and it's always of great concern whenever we
14 do anything that could potentially jeopardize
15 our water supply.

16 It's got to be stressed also
17 that where wireless telecommunications
18 facilities under city jurisdiction may be
19 permitted in all zoning districts -- and I
20 was on the zoning commission when we examined
21 these proposals. And literally during the
22 middle of our examinations we were shut down
23 by the courts, who took the authority away
24 from us, most of it, we still have some
25 authority.

1 And while we permit them --
2 there's no prejudice here -- we permit them
3 in all zones, it is true that the placement
4 is subject to the standards and requirements
5 set forth in the regulations which exist
6 today. The location preference guidelines
7 provide for the general order or preference
8 of the location of such a facility. Of the
9 six locations identified, the least desirable
10 is within a residential zoning district.

11 I mean, it just makes a lot of
12 sense if you have an isolated commercial
13 district or a retail district that doesn't
14 have much activity particularly at nights and
15 weekends of no effect, it really
16 esthetically -- I don't want to bring up the
17 "R" word, but doesn't have any emissive
18 effects on anyone else, it's probably a good
19 idea to use that for your first choice if you
20 can. And that's what we have done.

21 So the six locations
22 identified, the least desirable is within the
23 residential zoning district, and this, by the
24 way -- I know you men and women are not that
25 familiar with Danbury -- this is one of the

1 most densely populated areas in town as well
2 as having this gigantic school, which in
3 September will be the biggest primary school
4 in Danbury. We're spending millions of
5 dollars expanding it, and that's another
6 thing.

7 You know, we've expanded this
8 school east, and that's as far as we can go,
9 but the next expansion of the school will
10 probably put it closer to this building. We
11 would probably buy the house next door and
12 use that for an annex. And then you'd
13 actually have a school structure right inside
14 the apron of the shadow of the tower.

15 Now there's no plans to do
16 that, but we have consultants that are
17 telling us that we need to expand our
18 schools, and it is much, much cheaper to
19 expand one than to build a new one. So we're
20 doing this to several schools right now.

21 There's a ribbon cutting here
22 tomorrow at four o'clock in the afternoon for
23 a brand-new expanded old-school. Park Avenue
24 will have a ribbon-cutting hopefully if we
25 get this done in time before the students

1 come in, although it's been such a huge
2 project there, there's some debate whether
3 that's going to happen. But there will be a
4 ribbon cutting at Park Avenue and several
5 other schools in Danbury. Our surrounding
6 communities are shrinking. They're losing
7 student population. We are gaining. Our
8 schools are getting bigger.

9 So 79 Park Avenue is zoned
10 RMF4. As such it is land in the least
11 desirable location for a stealth tower
12 facility, the least desirable, park Avenue,
13 this highly dense, highly populated section
14 of the city. For these and other reasons I
15 respectfully request that the Council denies
16 Cingular's application, and instead advises
17 it to choose an alternate location much
18 farther from the school and the brand-new day
19 care facility that's going in around the
20 corner. I found AT&T to be a good corporate
21 citizen throughout the years, but believe, in
22 this instance, the company has simply
23 misjudged.

24 Thank you for your
25 consideration this evening.

1 THE CHAIRPERSON: Thank you.

2 Next, Ann Marie Seavy --

3 ANN MARIE SEAVY-CIOFFI:

4 Seavy-Cioffi.

5 THE CHAIRPERSON: Please spell
6 your last name.

7 ANN MARIE SEAVY-CIOFFI: It's
8 Ann Marie, two words A-n-n, space, capital
9 M-a-r-i-e. Last name, capital S-e-a, "v" as
10 in Victor -y, hyphen, capital C-i-o, "f" as
11 in Frank -f as in Frank -i.

12 Good evening to everyone.

13 AT&T doing business as
14 Cingular wireless -- this is obvious -- but
15 has Petition 1101 before the Connecticut
16 Siting Council for a decision to install a
17 stealth cell phone tower across the street
18 from my house and less than 250 feet from the
19 Park Avenue School campus.

20 Many studies by scientists
21 worldwide warn that constant exposure to
22 microwave radiation has effects on health;
23 for example, constant exposure will produce a
24 25 percent increase in brain cancers within 2
25 to 10 years for those that are constantly

1 exposed.

2 The United States regulations
3 are the most liberal in the world. Studies
4 in Great Britain have shown that
5 schoolchildren are especially vulnerable to
6 the dangers of microwave radiation due to the
7 fact that their skulls are thinner because
8 they are forming and growing. There have
9 also been studies that show more incidences
10 of childhood leukemia and autism occurring
11 when a cell tower is located near a school.

12 The Connecticut State
13 regulation states that the cell tower must be
14 250 feet from the school. The law is not
15 specific as to school campus or building. It
16 seems this tower will be 270 feet from tip of
17 the tower to the nearest desk, or that is my
18 understanding how the distance was measured.
19 Those concerned about the children in the
20 neighborhood argue that the law is not
21 specific and it is less than 250 feet to the
22 school property from the tower.

23 In addition to this, homes
24 surrounding the tower will lose value because
25 the public perceives that the tower is

1 hazardous to their health. This represents a
2 taking from homeowners with no compensation
3 by AT&T. In addition to this, people with
4 certain types of heart pacemakers could be
5 endangered from being in the area of the cell
6 tower. This, too, represents a taking.

7 For myself I will not live
8 across the street from this tower because it
9 is my personal belief based on all the
10 science I have read from medical journals and
11 science journals worldwide that the constant
12 exposure will be harmful to my health. This
13 is a violation of my 14th Amendment rights.

14 I will have to move from the
15 home that I love and have lived in for 23
16 years and planned on living in through my
17 retirement. This, too, represents a taking
18 by AT&T of the quiet enjoyment of my home.

19 Studies also show that many
20 people who live near cell towers and are
21 constantly exposed to microwave radiation
22 suffer from sleeplessness, migraine
23 headaches, and a lack of ability to
24 concentrate. Should AT&T prevail I will not
25 endanger my health by continuing to live

1 there, but the schoolchildren have no choice.
2 I can move but the neighborhood children have
3 to go to school there from kindergarten
4 through fifth grade.

5 I realize that, according to
6 the law, we can't discuss health effects, but
7 it's still my personal belief. I have a
8 petition here that was submitted to the
9 Council signed by 555 residents of Danbury
10 stating: "Pursuant to the First Amendment of
11 the U.S. Constitution right of the people to
12 petition government, we the undersigned
13 citizens of the City of Danbury, Connecticut,
14 hereby oppose Petition 1101 before the
15 Connecticut Siting Council because it is
16 hazardous to the health of our citizens,
17 their families, and especially their
18 children."

19 Also I am an AT&T customer. I
20 have been since cell phones are used, and I
21 get very good service. Everyone I've talked
22 to in the neighborhood who uses AT&T gets
23 very good service. There's no question about
24 it.

25 So I ask the Council to

1 please, don't approve this petition. It's
2 too close to those children. And also I ask
3 AT&T to please withdraw this petition as a
4 measure of goodwill towards the children in
5 that Park Avenue School. Where will greed
6 the stop?

7 Thank you.

8 THE CHAIRPERSON: Thank you.

9 LJ. Is this --

10 LAURENCE CIOFFI: Laurence
11 Cioffi.

12 Thank you chairman Stein and
13 everyone coming out here, a few people. I
14 want to speak extemporaneous.

15 I figured out about 20 minutes
16 ago I was going to speak.

17 THE CHAIRPERSON: Do you want
18 to make sure the stenographer gets your name?

19 LAURENCE CIOFFI: Laurence
20 C-i-o-f-f-i.

21 Twenty minutes, I'm going to
22 speak extemporaneously. I'll try not to
23 wander.

24 I realize that the main within
25 the law, it's esthetic. I understand that,

1 but I'm speaking to the Petitioners. I just
2 want to speak about the people.

3 You know why you got a small
4 turnout here? I'm a member of the
5 neighborhood. Many of these people, they're
6 husbands, and they have two, three jobs.
7 That's why you don't -- you have a small
8 turnout. These are lower middle-class
9 working people. As you know, there is no
10 more middle-class in this country. It's
11 going down.

12 But in terms of the people, we
13 had people who couldn't participate. I got
14 about 300 of the 500 signatures. I just want
15 to talk briefly about the people who came out
16 and wanted to sign. About eight out of ten
17 would sign. There would be some. They were
18 from Brewster. They were from New York.
19 Others just didn't know about it. Yet about
20 an average eight, eight of out ten would sign
21 that I would ask.

22 But when I would ask mothers
23 with children --

24 THE CHAIRPERSON: Could you
25 please address the Council and also stick to

1 the topic.

2 LAURENCE CIOFFI: Thank you.

3 All right. I'm telling you
4 about the people that don't want it. Nine
5 out of ten of the mothers signed the petition
6 because they didn't want it. They didn't
7 want it in their neighborhood.

8 And the point that I'm making
9 is you've got 500 people. And you've got one
10 personhood of a corporation, if you want to
11 believe it's a person -- and for business
12 purposes, the Fourteenth Amendment, we live
13 in a democracy. And I don't -- I would
14 appeal -- I understand the law, the laws that
15 have provided it.

16 It's more easier to put up on
17 an existing structure, et cetera, and don't
18 speak of the health effects, but when you've
19 got 500 people versus one. If you want to
20 give personhood to a corporation I won't deny
21 that. I mean, I don't believe corporations
22 are people. I'll believe a corporation is a
23 person when they get a colonoscopy. They
24 don't die. They don't get cancer. They
25 don't get married. They don't have children.

1 These 500 people back here
2 have children. They're mothers. They don't
3 want it. And why am I bringing that point?
4 Because if we're in a democracy -- and there
5 will be more petitions, by the way -- but if
6 you've got 500 people and more coming, where
7 is the equity here? It's not just the law.
8 Jurisprudence is law and equity. You've got
9 500 people.

10 You would wonder, is it a
11 democracy, or is it the best democracy money
12 can buy, with all due respect to AT&T. I've
13 got nothing against the corporate, but it's
14 one person. If you want to take at this
15 personage, that's really it's -- so the
16 people don't want it and I submit to you that
17 that counts for something, 500 to 1, and so
18 forth.

19 Thank you.

20 THE CHAIRPERSON: Eileen
21 Sapan. I apologize in advance if I'm
22 mispronouncing people's names.

23 EILEEN SAPAN: Eileen Sapan,
24 E-i-l-e-e-n, S-a-p-a-n.

25 So good evening to everybody.

1 I first of all just want to say that I am an
2 AT&T customer in my home, which is at 93 Park
3 Avenue, which is directly behind where the
4 cell phone is suggested to be placed. I'm
5 also a customer on my cell phone as well, and
6 my cell phone works perfectly fine in my
7 home. So I don't feel there's any reason why
8 we need the cell phone tower there.

9 Many scientists around the
10 world have done studies to find that these
11 cell phone towers cause brain tumors, cancer,
12 leukemia, suppressed immune function,
13 depression, miscarriages, Alzheimer's,
14 multiple sclerosis, Lupus and behavioral
15 problems.

16 A study done by Bruce Hawking
17 in Australia found that children living near
18 a cell phone tower in Sydney had more than
19 twice the rate of child leukemia than
20 children living more than seven miles away.

21 Another study done by a doctor
22 done in Germany found that dairy cows that
23 were kept in close proximity to cell phone
24 towers for two years had a reduction in milk
25 production along with increased health

1 problems and behavioral abnormalities. A cow
2 with abnormal behavior was taken away from
3 the cell phone tower, and the behaviors
4 subsided within five days. When the cow was
5 brought back near the cell phone tower the
6 behavior problems came back again.

7 Us as taxpayers have invested
8 a lot of money in revamping Park Avenue
9 School. So many children do not have a
10 choice but to attend this school. We are a
11 residential community that really does not
12 need to use our cell phones at home. I don't
13 understand why we would want to jeopardize
14 the health and well-being of all these
15 children.

16 I would like you to place this
17 tower in a more -- well, sorry. I would like
18 you to place this tower in a more commercial
19 area such as closer to the mall, which they
20 said they have a tower down there, but
21 somewhere else that's more commercial.

22 I'm a mother of three small
23 children. We don't have the option to move.
24 My children have to attend Park Avenue
25 Elementary School. My children will be

1 exposed to radiation 24 hours a day, 7 days a
2 week. So I beg for the well-being of my
3 family, my community and all of those
4 children at Park Avenue School that you guys
5 find a different location to place this
6 tower.

7 I thank you all for your time.

8 THE CHAIRPERSON: Thank you.

9 Those are the only people who
10 have signed up. Is there anyone who has not
11 spoken who wishes to speak?

12 Yes, sir?

13 Just make sure you spell out
14 your name.

15 BENJAMIN CHIANESE: My name is
16 Benjamin Chianese, C-h-i-a-n-e-s-e. I'm also
17 a member of the Danbury City Council. As you
18 know, Danbury has 21 city council members.
19 There are two per ward. Park Avenue is what
20 they call is in sixth ward, and that's two
21 council members. Paul and myself are those
22 two members.

23 MR. LYNCH: Could you speak
24 into the microphone?

25 BENJAMIN CHIANESE: Those are

1 those two members that represent the sixth
2 ward.

3 And when I was sitting back
4 there, I was just listening to the speakers
5 and they kept using the word "stealth." You
6 know, the whole tower is going to be
7 stealthy. You won't be able to know it's
8 there, but when you think of the word
9 "stealth," that's exactly what it is. You
10 don't know it's there.

11 They mentioned the airport.
12 They mentioned the mall, but you can ask
13 anybody in this audience tonight, they didn't
14 even know it existed. So in that case it is
15 stealth, because no one knows it's there. A
16 lot of times when they want to come into
17 downtown urban areas they try to blend it in
18 with the existing. I use the word again,
19 "existing" area. For example, church
20 steeples.

21 Again there was one on West
22 Street in Danbury. The First Congregational
23 Church, there's a cell tower in there. It's
24 not an AT&T tower, but there's one in there.
25 No one probably knows it exists. There's

1 also a recommendation to put one at St.
2 Peter's Church on Main Street as well. I
3 believe there might be a tower in there as
4 well.

5 So when you look at the word
6 "stealth," that's what it means. You don't
7 know it exists, but the applicant today wants
8 to put one on a building that's already the
9 tallest structure on Park Avenue. And to
10 increase it another 14 feet higher, you're
11 going to tell the residents that there's not
12 a cell tower in there when it's the tallest
13 structure on that street. It's probably one
14 of the tallest structures if you took a, as
15 the crow flies from that way and spread out,
16 there probably won't be anything taller than
17 that structure, given where it is.

18 So as you drive by people are
19 going to say, oh, there's the cell tower.
20 Oh, that's a cell tower in that building.
21 You're not going to be able to convince
22 anybody otherwise that a cell tower does not
23 exist. So to say that it's a stealth tower,
24 I don't know if this Council can really buy
25 that, because again being a stealth is not

1 knowing it exists.

2 And, you know, we all use our
3 phones. We all know the joys that one
4 exists, but you have to make it compatible
5 with the surrounding neighborhoods. There
6 are existing areas where I think a cell tower
7 could go. We have a park no more than
8 probably a mile away. There's a water tank
9 there that's a hundred feet high. Has that
10 been looked at for a suitable location? Have
11 they even come to the City of Danbury and
12 asked for our assistance to find suitable
13 locations as well?

14 I mean, by putting a cell
15 tower, and again as was mentioned, in one of
16 the densest neighborhoods in our city, I
17 don't think that's the right way to go. Now
18 what precedents are we establishing if you
19 allow it here? Then maybe you could allow it
20 on some other neighborhoods that happened to
21 be on top of a mountain within a
22 neighborhood. Where does it end? Most of
23 these stealth towers are in commercial retail
24 districts. And I think we still should
25 continue that.

1 Thank you.

2 THE CHAIRPERSON: Thank you.

3 Again, is there anybody else
4 who has not spoken?

5 (No response.)

6 THE CHAIRPERSON: Okay.

7 Before closing this hearing the Connecticut
8 Siting Council announces that briefs and
9 proposed findings of fact may be filed with
10 the Council no later than September 18, 2014.

11 Again, anyone who desires to
12 make his or her views known to the Council
13 may file written statements with the Council
14 within 30 days of the date hereof. Copies of
15 the transcript of the hearing will be filed
16 at the Danbury City Clerk's office.

17 And I hereby declare the
18 hearing adjourned. Thank you, all for your
19 participation. Drive home safely.

20 (Whereupon, the above
21 proceedings were adjourned at 7:14 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 40 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Continued Public Haring in Re: PETITION NO. 1101, NEW CINGULAR WIRELESS, PCS, LLC, PETITION FOR A DECLARATORY RULING THAT NO CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED IS REQUIRED TO INSTALL A STEALTH ROOFTOP TELECOMMUNICATIONS TOWER ON THE ROOF OF THE EXISTING BUILDING LOCATED AT 79 PARK AVENUE, DANBURY, CONNECTICUT, which was held before ROBERT STEIN, Connecticut Siting Council Chairperson, at the Danbury City Hall, Council Chambers, 155 Deer Hill Road, Danbury, Connecticut, August 19, 2014.

Robert G. Dixon, CVR-M 857
Court Reporter
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