

November 3, 2020

Email from Michael Colberg

Subject: Further to the October 27 discussion about Verizon/Providence Hall

Sent to: Gramkow, Bowne, Margolis, Steim, Wieman, Cody, Joyner, Johnson, Chameides, Semchenko.

Dear Members of The Planning Board, Mr Mayor, Mr. Chameides,

I attended the October 27 meeting and don't feel like I made the points I hoped to make before my time was up. I hope that you will allow me to make them here.

Although the Verizon representatives stressed that this was about a permit to install 4G technology and that they have no plans to install 5G technology, Verizon is advertising heavily in NY that they are about to commence their 5G rollout.

Victoria Polodora acting in her capacity as attorney for the committee pointed out that in the event Verizon wants to install 5G equipment on Providence Hall they will need to come back to file a new application. That was very helpful information.

What remains unaddressed is that, at least from my perspective, the committee would not be in a strong position to challenge Verizon if they have already granted Verizon permission to install 4G technology at that location.

Hudson loses the ability to strongly and perhaps successfully argue against a future application using reasoning contained in the City's Telecommunications Directives (Chapter 284, Special Use Permit Application) once it has discounted those Directives in a previously granted application. This includes Verizon's failure to provide legally mandated notice to residents of Providence Hall and Warren Street and other areas where it had a duty to notify, its failure to use due diligence to find a more appropriate site, the disruption of the sightline in the Historic District, documentation proving the need to provide service primarily and essentially within the city, the failure to submit a complete application, and other factors such as the failure to allow for a fall zone or provide surge protectors, adequately addressing the changing climate and increased possibility of lightning strikes, wind gusts, hurricanes etc.. All Verizon would need to say is that they have already been granted permission and are already using the roof for a purpose essentially the same as the one they are seeking permission for. Verizon can argue that the time to bring up those objections has passed as the site has been approved despite the existence of those factors.

If the FCC disallows consideration of health and wellbeing factors as a basis for denial then what reason would the committee have left to use to deny Verizon the right to install what may in fact prove to be very dangerous technology on the roof of an old building housing a vulnerable population if they have already been granted permission to install other technology?

There is no point arguing about whether or not the technology is safe. The bottom line is that wide swaths of Europe including The Netherlands, Belgium, Rome, Florence, parts of Africa, Australia, numerous regions within the UK, and many, many other locales including within the US have hit "Pause" because they are not sure about its safety. For example, because of harmful effects of radiofrequency microwave radiation observed in firefighters exposed at their stationhouses, the International Association of Firefighters (IAFF) now has a policy statement which reads: **the IAFF oppose the use of fire stations as base stations for towers and/or antennas for the conduction of cell phone transmissions until a study with the highest scientific merit and integrity on health effects of exposure to low-intensity RF/MW radiation is conducted and it is proven that such sitings are not hazardous to the health of our Members.** Even NYS as of 10/19/19 began the process of pulling together a means of investigating the safety factors present in 5G.

Is it safe? Under what circumstances? The question lingers. Although there are more than 2000 studies saying no it is not safe and to my knowledge not one showing it is, the debate is ongoing so we waste time arguing a position here. The official answer at this time is we do not yet know.

If the FCC was certain that the technology is safe why did it bother going to the trouble of creating a legal shield for the telecommunications companies who are going to use it? It stands to reason that they thought it important to shield companies from liability for doing harm related to this technology because they think they may be doing harm.

With that in mind, it is important to point out that I do not believe that Hudson has a shield from liability. The City of Hudson is also on notice both that this may be a dangerous technology and that many of its citizens have signaled their lack of approval to be subjected to this technology until more is known about safety. This is evidenced by their having signed *I Do Not Consent* forms.

All of this points to a possible scenario in which, down the road, evidence emerges which shows that indeed this is too dangerous a technology to put on top of residential buildings and that it has harmed people. Liability will lie with Hudson not with Verizon because the FCC has shielded Verizon but not Hudson.

This is not a local problem. We stand to be affected by what happens elsewhere. There are many around the world who are scrutinizing the technology - scientists who may discover clusters of certain kinds of damages and lawyers who will jump on it to get compensation for those injured and make names and money for themselves.

Just because the FCC says we cannot take into account the safety of Hudsonites' health does not mean that we cannot. Nor does it mean that we should not. It just means that we cannot use it as a reason to deny their request. But, if we allow the 4G application to go through, we have only the disallowed reason left in our arsenal when they return seeking permission for 5G.

Two additional points. The first is that I have been told/read that it is sometimes possible to repurpose 4G technology and incorporate it as a part of the 5G protocols. I have absolutely no engineering or tech expertise so have no way of knowing whether this is accurate information. If it is, Verizon may not need to reapply. They also may not need to let Hudson know. The second point has to do with the tax status of Providence Hall. As was mentioned at the meeting, it is possible that renting the roof to Verizon affects Providence Hall's tax status. Sam Samchenko did some research around this and was unable to come up with a definitive answer but it is an avenue to explore and poses a possible housing challenge to the residents of Providence Hall.

The last thing I want to say. I was new to the Hudson committee Zoom meeting forum. I am a family systems therapist and also an attorney. I spend my days now working with couples and families from all over North America and Europe. Because I am working deeply with people online, I work really hard to tune into and pay particular attention to how couples/families operate and the communicational dancing that goes on in order to get a sense of what is unfolding. I pay more attention to process than content.

I came to the meeting from work and was wide open. For what it is worth, I saw and felt the Verizon reps tag teaming the committee and residents. It was made easier because they were not introduced at the top and when a question stumped one, another rep popped up to lend a hand. They took as much time as they needed. There were instances during which it was pretty clear to me they were not telling the truth, (site line photos, due diligence) at other times I am pretty sure they were not telling the whole truth (awareness of future plans, discussion of modulation used as a term of art in 5G, lightning, wind and roof status) but we had no opportunity for follow up with questions. This allowed their statements to stand unchallenged.

This is an important thing happening and it may affect Hudson's future not only from a health perspective but from a liability perspective. We are all in this together, and I for one will help in any way that I can. We are all tired, these meetings are long and at the end of the day. I did not accomplish much by trying to share my thoughts in a three minute window during a public online forum. If anything, I felt I directed Verizon's attention toward areas they need to make "shinier" next time.

The three minute model would work were I complaining. I am not. I am trying to lend whatever it is I have to offer if it might be of value and I think/hope this letter offers more to think about than anything I said in a way that acknowledges but is unburdened by the FCC requirement to disregard important portions of reality including government's duty to safeguard a population including some of its most vulnerable citizens.

I wish you all the best

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