

My name is Donald Galante and I have been a sitting Councilman in Little Silver for 15 years. I am the liaison to the Governing Body for Capital Projects and have been involved in this project from its inception. I compiled the following statement to the best of my knowledge.

Sometime in the early 1990's an application came to the Borough to erect a cell tower on the property owned by Builders General. I have been told the Borough argued against the tower but eventually was forced to allow construction sometime around 1994.

Telecommunications Act of 1996

In 1996 then-President Bill Clinton signed the Telecommunications Act of 1996 (TCA) into law.

- The TCA makes it unlawful for local government to prohibit, or have the effect of prohibiting, the functionally equivalent services.
- The TCA prohibits local government from unreasonably discriminating among providers of functionally equivalent services.
- The TCA requires that local government act on any authorization to place, construct, or modify personal wireless services within a reasonable period. For the purposes of this section the Federal Communications Commission (FCC) has clarified a reasonable period to mean 150 days for the review of a siting application.
- The Telecommunications Act of 1996 is the applicable Federal statute in regard to the consideration of environmental effects of RF emissions during the siting process for wireless facilities. Regarding Common Carrier radio service, the Telecommunications Act of 1996 states the following:
- **“No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such a facility complies with the Commission’s regulations concerning such emissions”**
- <https://www.fcc.gov/general/telecommunications-act-1996>

Federal Regulations

- The licensee planning to operate the proposed monopole falls under the jurisdiction of the FCC. Under the authority granted by the Telecommunications Act of 1996 (and stated in Title 47 CFR, Part 1, section 1307 b), the FCC has mandated that all FCC licensees must be in compliance with RF emissions guidelines, as defined in OET Bulletin 65, no later than September 1,2000.

- Additionally, as of 1997 the FCC had already made compliance with Bulletin OET 65, a prerequisite for new Common Carrier station authorization.

Continued History of Cell Towers in Little Silver

- In and about the year 2000 another application was presented to erect a tower at the Borough DPW garage. Through discussions and negotiations, the Borough was able to agree to an extension of the Builders General Tower avoiding the construction of another tower in town.
- In 2002 the governing body rezoned the Borough owned properties to have more control of the process as to location, height and use of a potential tower.
- Two Municipal property zones were formed the MP1 zone which included the Borough Hall and DPW, all other Borough owned property was zoned MP2.
- In 2011 the Police chief requested funding be budgeted and an analysis done on the current Communications tower because of the conversion to narrow band. In 2012, we investigated purchasing another used tower from a local community but it was agreed the cost to refurbish and reconstruct an 85' to 100' tower was a equivalent to a new tower. Superstorm Sandy hit and did damage to our antenna equipment, the Technician refused to climb our equipment and a bucket truck was brought in. The equipment was repaired but we agreed a new Communications tower was necessary. The tower would address the locations in town where we have weak radio coverage and communications became spotty. In 2013 the Governing Body put aside \$26,000 in the 2014 Budget to begin the process and in 2014 allocated another \$40,000 for the 2015 budget.
- In June of 2014 an application to install network nodes on top of the CVS Pharmacy was filed with the Zoning office, the application was denied and sent to the Planning Board.
- In March of 2015 Verizon noticed all property owners within 200 feet of said CVS property as to a Planning Board hearing for an application to install cell nodes on the roof of CVS.
- In April of 2015 the applicant brought the application to the Planning Board for a hearing. It was at that hearing that I informed the Planning Board and the applicant of the Ordinance restricting cell installations to certain Borough zoned properties.
- At the May 2015 Borough Council meeting I informed the Governing Body of the application to the Planning Board and suggested we investigate the potential of the applicant constructing a tower on our property which would also encompass our six-emergency management communications antenna. We then agreed to send a press release out and invite input from the community at our July 6 Council meeting.

- The Press release was sent out in June to The Two River Times, Red Bank green, Hub, and the Asbury Park Press. Notice was also placed on the Borough Website.
 - Two River Times June 11, 2015, “**Little Silver to Replace Cell Phone Tower**” discussing the Communications tower and discussions with Verizon.
 - Red Bank Green June, 2015 “**Little Silver antenna plan advances**” discussing the communications tower and Verizon. In this article, it was noted Assemblyman Declan O’Scanlon mentioned we should have a courtesy review of the project by the Planning Board. It was also mentioned by Councilman Dane Mihlon that we should consider noticing the residents within 200 feet of the project.
 - Word on The Shore June 12, 2015, “**Little Silver Proposing to Build Cell Tower Downtown**” Communications discussion and Verizon mentioned.
 - The Word on the Shore article was reposted on to The Little Silver Moms Facebook page with Comments.
 - The Borough Newsletter in July carried 6 paragraphs and in detail explained the Boroughs thought process on the Communications tower the potential to save money and have Verizon build the tower for rent abatement in leasing space on the tower for antennas. The Mayor specifically invited the Public to the July 6 meeting for comment.
- The process then began to study the Fiscal, structural, health aspects of the new tower.
 - **Fiscal**, the original estimates for income to the Borough were lower than was eventually finalized in the lease with Verizon. We designed the tower with 4 carriers in mind because we knew under the TAC and FCC guidelines we could expect eventually the big four carriers would apply and we would have to accommodate them. We did not want to have to build another tower in the downtown area where the demand has grown. Another point since the development of smart Phones in 2007 the number of towers and subscribers has grown at a breakneck pace there are now over 630,000 towers and 1.9 million antennas in the US. There are 27 towers and 224 antennas within 4 miles of downtown including prominent locations such as Monmouth Medical Center and Riverview Medical Center (www.antennasearch.com). The Verizon lease is for 25 years based on 4 5 year options with a 3% escalation per year. The first carrier will net the Borough \$1,312,533.52 over 25 years. The second through fourth carriers if they come on will bring at a minimum since we will set the minimum bid at the first carrier level an estimated \$3,937,600.56 for 25 years, totaling \$5,250,571.57 over 25 years which will go to reducing the

taxes paid by our residents. The average household in Little Silver will have their taxes reduced by an estimated \$2,300.00 over 25 years if all the expectations are realized. We have also put aside the \$150,000 we would have had to spend building our new Communications tower which was negotiated into the new lease.

- **Structural**, any tower rising 95 feet in the air needs to be well anchored to a sizeable foundation. We knew the tower would be specked out to carry 4 providers, 6 communications antennas and needed to be close to the radio equipment in Borough Hall. We also knew we needed to provide uninterrupted service while construction was going on. So, the old antennas needed to be kept intact and removed when the new antennas went live. We decided on the Monopole as opposed to a lattice tower to keep all the cabling inside. We were also advised by the engineers that a tree tower would stand out much worse because of the dark color and no existing sizeable trees nearby.
- **Health**, at the time we used multiple sources to research the health questions. We have listed the resources below we used to research the question.
 - Federal Communications Commission (FCC)
 - American Cancer Society (ACS)

American Cancer Society

- Cell phones communicate with nearby cell towers mainly through radiofrequency (RF) waves, a form of energy in the electromagnetic spectrum between FM radio waves and microwaves. Like FM radio waves, microwaves, visible light, and heat, they are forms of non-ionizing radiation. This means they do not directly damage the DNA inside cells, which stronger (ionizing) type of radiation such as x-rays, gamma rays, and ultraviolet (UV) light are thought to be able to cause cancer.
- Public exposure to radio waves from cell tower antennas is slight for several reasons. The power levels are relatively low, the antennas are mounted high above ground level, and signals are transmitted intermittently, rather than constant.
- At ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safe exposure set by the Federal Communications Commission (FCC) and other regulatory authorities, it is very unlikely that a person could be exposed to RF levels in excess of these limits just by being near a cell phone tower.
- The 3 expert agencies that usually classify cancer-causing exposures (carcinogens) – The International Agency for Research on Cancer (IARC), the

National Toxicology Program (NTP), and the US Environmental Protection Agency (EPA) – **have not classified cell phone towers specifically as to their cancer-causing potential.**

- <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>

World Health Organization (WHO)

- World Health Organization On cell phone health affects and how exposure to cell phone emissions goes down in presence of strong by signal: quote from below link, “Using the phone in areas of good reception also decreases exposure as it allows the phone to transmit at reduced power.” <http://www.who.int/mediacentre/factsheets/fs193/en/#>
- WHO paper quote: “Despite extensive research, to date there is no evidence to conclude that exposure to low level electromagnetic fields is harmful to human health.” The extensive research is over 25000 studies. Link: <http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>
- WHO quote: “Because exposure to the radiofrequency (RF) fields emitted by mobile phones is generally more than a 1000 times higher than from base stations, and the greater likelihood of any adverse effect being due to handsets, research has almost exclusively been conducted on possible effects of mobile phone exposure.” Link: <http://www.who.int/features/qa/30/en/>
- WHO quotes re base stations and public health: Link: Electromagnetic fields and public health Base stations and wireless technologies <http://www.who.int/peh-emf/publications/facts/fs304/en/>
- Conclusions:
 - Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.”
 - “Recent surveys have indicated that RF exposures from base stations and wireless technologies in publicly accessible areas (including schools and hospitals) are normally thousands of times below international standards.”
 - “In fact, due to their lower frequency, at similar RF exposure levels, the body absorbs up to five times more of the signal from FM radio and television than from base stations. This is because the frequencies used in FM radio (around 100 MHz) and in TV broadcasting (around 300 to 400 MHz) are lower than those employed in mobile telephony (900 MHz and 1800 MHz) and because a person’s height makes the body an efficient receiving antenna. Further, radio and television broadcast stations have

been in operation for the past 50 or more years without any adverse health consequence being established.”

- “Over the past 15 years, studies examining a potential relationship between RF transmitters and cancer have been published. These studies have not provided evidence that RF exposure from the transmitters increases the risk of cancer. Likewise, long-term animal studies have not established an increased risk of cancer from exposure to RF fields, even at levels that are much higher than produced by base stations and wireless networks.”
 - The international Agency for research on Cancer (IARC)
 - <https://www.iarc.fr/>
 - National Toxicology Program (NTP)
 - <https://monographs.iarc.fr/ENG/Monographs/vol102/mono102.pdf>
 - Environmental Protection Agency (EPA)
 - <https://www.epa.gov/>
 - Harvard Campus Services Environmental Health & Safety
 - <https://www.ehs.harvard.edu/sites/ehs.harvard.edu/files/CellphoneTowerFacts.pdf>
 - US Food and Drug Administration (FDA)
 - <https://www.fda.gov/radiation-emittingproducts/radiationemittingproductsandprocedures/homebusinessandentertainment/cellphones/default.htm>
 - Multiple articles in Scientific America
 - <https://www.scientificamerican.com/>
 - It was also noted that there have been over 25,000 studies done about cell towers and independently cell phones. We could not find any conclusive evidence about cell towers as to a connection between the tower and health risk in an uncontrolled aspect. What we found was a heightened level of concern about cellphone use and proximity to the body but still not conclusive to the effect.
- In September of 2015, at an open meeting of the Governing Body an ordinance was introduced to allow a lease of a portion of Borough Property for a communications tower.

- Following that ordinance introduction in September of 2015 notice of the pending ordinance regarding the lease of Borough Property for a Communications tower was published in the Two River Times.
- In October of 2015 The Ordinance was adopted to allow a lease of a portion of Borough Property for a Communications tower.
- Following the adoption of the Ordinance a notice was sent to the Two River Times in October of 2015 and was published.
- On February 11, 2016 notice was sent by registered mail to all residents within 200 feet of Borough Hall of the plans that Verizon would present a review and recommendation hearing on the Communications Tower at the February 25, 2016 Planning Board meeting. On February 11, 2016 notice of Verizon appearing before the Planning Board on February 25, 2016 was published in the Two River Times.
- In March of 2016 Word on the Shore published **“New Cell Tower will be erected in Little Silver”** which discussed the Communications tower and Verizon as to construction and a cell platform.
- In the Little Silver March Newsletter of 2016 the Mayor dedicated four paragraphs to reiterate the information about the Communications tower and once again spoke of Verizon and their participation in the project.
- During the next 8 months lease negotiations continued with Verizon and a lease was executed in November 2016.
- It was noted in the March 2017 Newsletter that pre-construction meeting had begun and once again information on the tower was in the Mayors column.
- In the April Newsletter, the Mayor once again discussed the Tower and that construction would begin.
- I want to mention that starting in the beginning of this process some 2 and ½ years ago at times information was posted to the Borough website regarding the intent and progress of the project.
- I also want to convey that the Governing body has always been open to public comment and responsive to requests since I have served on Council. This project is no different, during the many open discussions we experienced minimal participation by the public at the meetings and received a fair amount of limited input in public. I truly believe had we experienced more public input, taking into consideration the Federal Regulations, the cell Phone demand and the need for a 95-foot communications tower for our safety equipment behind Borough Hall. We may have been able to alter the approach.

- For anyone who wants a copy of my statement I will request it be posted on the Borough website. www.Littlesilver.org