

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, February 24, 2021

7:00 PM

Remote Meeting via Zoom

Members Present:

Mitchell H. Greenwald, Chair
Philip M. Jones
Gladys Johnsen (arrived at 7:12 PM)
Catherine Workman

Members Not Present:

Kate M. Bosley

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rhett Lamb, Assistant City
Manager/Community Development Director
Kürt Blomquist, Public Works
Director/Emergency Management Director
Mari Brunner, Planner

Chair Greenwald read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. Chair Greenwald called the meeting to order at 7:04 PM. He stated that he is filling in for Chair Bosley, who is celebrating her daughter's birthday tonight. Roll call was conducted.

1) Terri O'Rorke – NH Resolution for Fair Nonpartisan Redistricting

Chair Greenwald asked Terri O'Rorke to speak.

Terri O'Rorke of 34 Hillside Avenue read the following statement:

“Good evening committee members,

My name is Terri O'Rorke, and I reside at 34 Hillside Ave.

Every 10 years, every state uses the new Census data to reapportion its voting maps, which is a process called redistricting. The NH Constitution requires one representative for every 3,290 citizens. Redistricting is supposed to be a fair, transparent, nonpartisan process. When those maps get manipulated to benefit one political party over another, that process becomes known as 'gerrymandering.'

Gerrymandering is what happened to many NH voting districts in 2011. A small handful of people created the maps behind closed doors. There was no public input, because no maps were shown. In 2011, many NH towns of 3,290 citizens or more did not get their own representatives

as constitutionally required. An independent analysis later discovered 24 towns had been gerrymandered.

In 2019 and again in 2020 bills for an independent redistricting commission were passed by the NH House and Senate but were repeatedly vetoed by the Governor.

Bipartisanship is imperative. An equal number of Democrats, Republicans and Independents would be a fair representation. They would also need to listen to their constituents, who would need to view the different versions of the maps as they are drawn, allowing for transparency. These maps should reflect common interests such as schools and businesses, while not showing favor or disfavor to any racial or language groups.

The NH Resolution for Fair Nonpartisan Redistricting is a nonbinding measure being proposed in more than 100 cities and towns throughout NH. The Resolution will send a message from our city to our elected officials in Concord that NH voters want the redistricting process to be fair, transparent and nonpartisan.

I urge all members here to give this Resolution serious thought and consideration to formally adopt it along with the full council.

Thank you."

Councilor Jones thanked Ms. O'Rorke for her letter. He continued that he knows Ms. O'Rorke knows this, but for the benefit of others: this does not really pertain to Keene because Keene's legislative districts fall within the wards. He sees where Ms. O'Rorke is coming from, as there are other communities with that type of population around the state that are being gerrymandered. He wants to make sure the public understands that is where Ms. O'Rorke is going with this. Ms. O'Rorke replied yes, she wants Keene to stand in solidarity with all the towns and cities to show that NH as a whole will not stand for gerrymandering.

Councilor Jones stated that pretty soon, Mayor Hansel will appoint a committee to do the districts in Keene and Ms. O'Rorke could consider volunteering to join that committee. Ms. O'Rorke replied that she might do that.

Chair Greenwald stated that he served on the Redistricting Committee last time. He continued that it was very intense, to keep all of the wards balanced and to keep some common sense to it. There was a lot of representation from different corners watching and making sure the numbers added and it all made sense. Absolutely, in Keene it made sense; there was no monkey business. He hopes the rest of the state keeps going with that.

Chair Greenwald asked if there were any further questions from the committee. Hearing none, he asked if members of the public had any questions.

Councilor Williams stated that he is in favor of this. He continued that gerrymandering undermines people's faith in democracy and leads to higher levels of partisanship. He would like to see maps drawn to encourage more competitive districts, but gerrymandering does the

opposite. When politicians run in competitive districts it means that they have to work to reach out to all their constituents, but with gerrymandered districts, all the action is in the primary and the voters of the other party get shut out. He is very opposed to gerrymandering and in favor of writing this letter.

Chair Greenwald asked if there was any further comment. Hearing none, he asked if the City Attorney had anything to add. The City Attorney replied no, this is a policy question for the committee and the City Council to move forward on.

Chair Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the Mayor submit a letter to the Governor, to Senator Kahn, and to the City of Keene legislative delegation in support of fair non-partisan redistricting legislation pending before the State Legislature.

2) The Downtown Re-Opening Committee and Keene Young Professionals Network - Keene Food Festival – Request to Use City Property

Chair Greenwald asked to hear from Kürt Blomquist.

Kürt Blomquist, Public Works Director/Emergency Management Director, stated that he and Councilor Remy will both be addressing this item tonight.

At 7:12 PM, Chair Greenwald noted that Councilor Johnsen had arrived. The Councilor requested her vote in favor be recorded for the previous motion – which she heard, but was unable to unmute her microphone to verbally state her vote.

Mr. Blomquist stated that the City has been working with the Keene Young Professionals Network (KYPN), looking at the food festival, which is being proposed for June 5. They are at a point where they can make a recommendation to the committee and the full City Council for the various permissions that the group needs to move forward with their event. They are looking to close down Central Square, which Councilor Remy can talk about in more detail. The group plans on having the event open to the public between 12:00 PM to approximately 5:00 PM, but there will be additional time on either end for setup and breakdown. He asked Councilor Remy to share more information about the event.

Councilor Remy stated that the KYPN is excited and thinks this will be a great event for a reopening for downtown. They have space to hold 15 different restaurants, spaced out with two parking spaces per restaurant with one in between. He continued that these are all Keene restaurants. They are prioritizing the restaurants whose traffic will be impacted by the event, right around Central Square. They want to make sure that those restaurants have first right of refusal on participation. After that, the KYPN will be reaching out to some other restaurants, to fill in the additional spaces. On private property they intend to have a beer-tasting area with small samples, so they can include some of the local breweries as well. Keene is being

spotlighted for having some of the best breweries in NH. They want to recognize and include these breweries as well. In the gazebo area they would be doing food and cooking demonstrations. People could come watch Chef Luca or other local chefs. There will also be a hot pepper-eating contest, so he hopes people bring their brave friends.

Councilor Remy continued that the food festival would operate based on tokens. There would be three check-in areas. People would buy, for example, a token for \$2, or 15 tokens for \$20, or whatever the pricing ends up being. People would trade in those tokens for food at the booths. At the end of the event, all profits from the food would be returned to the food vendors. Any bracelet sales for access to the breweries would be returned to the breweries. The intent for KYPN is to walk in with \$10 and hopefully walk out with \$10. It will be net neutral to KYPN. The (idea of this) event originally came out of the City Manager's Reopening Committee. It was Chef Luca's idea. The City did not want to run it themselves so the KYPN stepped up to run it as the event management.

Councilor Johnsen stated that she is excited to see this, and she congratulates the people who have put this together. She continued that Keene has done a lot of this in the past, and it is exciting to see the KYPN put this together.

Councilor Jones thanked Councilor Remy for finding a sponsor. He continued that he served on the Reopening Committee and is thus very aware of this festival. He noted that initially the event was proposed to occur in May, and there was a concern about the construction on Roxbury Street. Now that the event is pushed back until June, will Roxbury Street be an issue.

Mr. Blomquist replied that from a construction standpoint, it will be deeper into it. He continued that the City will be having the contractor secure the area so that it is passable by pedestrians for that weekend. The contract requires that by the end of Fridays, each week, the area is passable.

Councilor Remy stated that they were originally looking at May 15 and shifted it to June 5 for a couple of reasons, the primary one being that Keene State College (KSC), because of its late start, will be in session until May 29 and they thought it would be good to have the festival a little bit after that for folks coming in and out of town. He continued that also, having the event three weeks later than originally planned gives three more weeks to get more people vaccinated. No one knows, of course, what the situation will look like in June and they would not want to try and guess, but three more weeks is three more weeks.

Chair Greenwald asked if there were any further questions from committee members, other City Council members, or the public.

Mr. Blomquist stated that this evening the committee will be recommending approval with the standard conditions that go with all licenses dealing with insurances and indemnification, and they will be authorizing the closure of Central Square, and authorizing Central Square to be in the control of KYPN. The City will be requiring them to comply with whatever conditions are in

place regarding the current State of Emergency, and there are other miscellaneous things. They will also be authorizing free parking within the footprint, during the event. Chair Greenwald asked if that includes the parking lots. Mr. Blomquist replied no, the free parking is just within the footprint area of the event. They want to encourage people to come, certainly, using the City's facilities to support those activities. Chair Greenwald asked if the free parking will be on all of Main Street, or just Central Square. Mr. Blomquist replied just Central Square.

Chair Greenwald made the following motion, which was seconded by Councilor Jones.

By a vote of 4-0, the Planning, Licenses, and Development Committee recommends the Keene Young Professionals Network be granted permission to use downtown City rights-of-ways including the Common on Saturday, June 5, 2021 to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- The Petitioner is responsible for compliance with the Governor's COVID-19 Pandemic Emergency and Executive orders and any City Ordinance that addresses the COVID-19 Pandemic Emergency that may be in place at the time of the event.
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated by the City Council to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 4, 2021 to Monday June 7, 2021, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 12:00 PM to 5:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 4, 2021 to Monday June 7, 2021, and spaces within the event footprint on the day of the event;
- Other licenses issued or granted within the event foot print or in the downtown maybe suspended for the period of the event if determined appropriated by City staff.
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

3) **Presentation – Commission to Study the Environmental and Health Effects of Evolving 5G Technology**

Chair Greenwald stated that this has been open for discussion numerous times and they are looking for a balanced discussion. He continued that this is informational. The PLD Committee needs to be educated on the subject. There are different parties who will be speaking tonight. The initial presentation will be ten minutes in favor, ten minutes opposed, and followed up by any additional questions at three minutes per speaker. He asked speakers to remain on point, adhering to the philosophy of “the longer a conversation goes on, the less likely the focus of absorbing the information is.” As part of the 5G conversation, they are discussing 5G or 4G technology installations on public ways. It really is not a discussion of 5G or 4G as such. It would be helpful if presenters kept that in mind.

Rhett Lamb, Community Development Director/Assistant City Manager, stated that the first two speakers are members of the State Commission that issued its report fairly recently. First is Kent Chamberlin.

Kent Chamberlin stated that he is following up on his January 21 letter to the PLD Committee, in which he gave an outline of the majority report for the Commission to Study the Environmental and Health Effects of Evolving 5G Technology. He continued that the PLD Committee asked him for more information. The people who signed the majority report included two physicians, two PhDs, and people who study toxicology and epidemiology, and they concluded that 5G should be treated very carefully. The question he has been asked is how they came to that conclusion. On the screen, he is showing six peer-reviewed articles, and he will briefly show the title of each and a quote from each, and share the conclusions he draws from it.

Dr. Chamberlin continued he is a professor at the University of New Hampshire (UNH), has a PhD, and his specialty of study is electromagnetic fields. He has done research for more than 20 research sponsors and has been an associate editor for IEEE, the premiere publication in this discipline. He is familiar with and has done a lot of work with referee publications and believes that is probably the only way they are going to not run into problems with fake news.

Dr. Chamberlin continued that the following articles are representative of the types of articles the Commission has run into to come to the conclusions they came to. First is “*Exposure to Nonionizing Electromagnetic Fields Emitted from Mobile Phones Induce DNA Damage in Human Ear Canal Hair Follicle Cells.*” The quote from the article highlights that yes, you can get damage to the human ear as a result of exposure to cell phone radiation. He can make it available to anyone who wants it, because anyone can go and find the entire article to read. The second article is “*Exposure to GSM Cell Phone Communications Alters Gene Expression, Proliferation, and Morphology of Human Skin Fibroblasts.*” Fibroblasts are the cells that help you make more skin, and obviously, you do not want to be interfering with that. The quote from the article is: “*Findings show that electromagnetic fields have significant biological effects.*” This is in the publication *Oncology, Research, and Anti-Cancer Drug Design*. He is getting these articles from a range of publications. There are thousands of publications that talk about

the deleterious health effects of exposure to cell phone radiation. The third article is *“Microwave Frequency Electromagnetic Fields Produce Widespread Neuropsychiatric Effects, Including Depression.”* The important thing about this article is it gives a mechanism showing how small or low-level electromagnetic fields, like the fields generated by cell phones, can affect your brain. These are called the voltage-gated calcium channels. Article four, which is part of just a smattering of a selection of articles, is *“Low-intensity Microwave Radiation Induced Oxidative Stress, Inflammatory Response, and DNA Damage in Rat Brains.”* They expose rats to cell phone radiation 24/7 and see significant neurological effects. The fifth article is *“Radiation and Male Fertility.”* This one says that from currently-available studies it is clear that electromagnetic radiation has deleterious effects on sperm count, morphology, and motility. It affects cell metabolism. This is a study looking at biological effects due to exposure to cell phone radiation. The sixth article, which was convincing to the (signers of the majority report) is *“Radiofrequency Radiation Injures Trees Around Mobile Phone Base Stations.”* This means that if you install a cell tower where there is surrounding vegetation, it will impact that vegetation. The reason this was so impactful to the Commission members was thinking about how if cell phone radiation will damage trees and vegetation, what will it do to humans?

Dr. Chamberlin continued that conclusions the majority drew from this research is that cell phone radiation, including 5G, poses a significant threat to human health and the environment. Thousands of papers support that. He does not see how anyone could come to the conclusion that cell phone radiation will not hurt you. The papers he showed are indications and documentation showing that it can cause harm. The relative risk is not clear and more research will be necessary to determine what that is. What relative risk is all about is how risky exposure to cell phone radiation is compared to, say, smoking. We know that smoking is a problem, and at this point we have identified how much of a problem, but what we do not know at this point is how risky exposure to cell phone radiation is.

Dr. Chamberlin continued that they (the Commission members who signed the majority report) are not anti-5G. They would like to see it rolled out. They would like to see it rolled out safely. They need to determine what the level of risk is before they can do a cost/benefit analysis. As an example, we know that we lose about 35,000 people to traffic fatalities each year, but we feel like it is worth it, obviously, because we keep driving. It may be that rolling out 5G makes sense, from a cost/benefit standpoint, but we do not know what the downside is at this point without more research. One of their findings is: before we move forward with a rollout of 5G, we should find out more about the risks that are involved. We know there are risks; we just do not know how severe those risks are.

He continued that another conclusion they came to, which he thinks the PLD Committee needs to hear, is that this is not a scientific issue. He is a scientist and he came to the Committee acting as a scientist, but the Commission found out that this is not a scientific issue but a political one. A question that arises is: where are the regulatory agencies? If we have something that would harm the public, how come the regulatory agencies are not involved? The answer is given in a report by Harvard. Even the title of that report indicates what is going on: *“Captured Agency: How the Federal Communications Commission is Dominated by the Industries It Presumably Regulates.”*

A quote from that report is that *“Industry controls the FCC through a soup to nuts stranglehold that extends from its well-placed spending in Congress to its control of the FCC’s Congressional oversight committees, to its persistent agency lobbying.”* We are dealing with a political issue, and that is why one of the recommendations of the report is for our federal delegation to do something to help get the FCC to re-do its policies. Fortunately, things seem to be happening on that front. There has been a suit, which seems to be successful – the FCC was sued for dismissing the evidence of serious health impacts on wireless technology. It says the FCC summarily dismissed 1,700 findings of evidence, including peer-reviewed studies that show radiation contributes to cell damage, DNA damage, infertility, and so on and so forth. Apparently the judges are responding, with one of the judges to saying, *“I’m inclined to rule against you.”*

Dr. Chamberlin stated that he would encourage any town to try and postpone what is going on with regards to the rollout of 5G, because he thinks there are going to be changes in the rulings from the FCC regarding radiation threshold limits. He thinks they will become more realistic in the future and cause the cell towers to provide less of a hazard in the near future.

City Attorney Tom Mullins asked if Dr. Chamberlin could provide the case citation with respect to the quotation on the case he was talking about. He continued that it does not have to be right now, but it would be great if he could get that information to the City. Dr. Chamberlin replied absolutely.

Councilor Johnsen asked: if this becomes a political issue, how can they be assured that politics does not play games, so that for sure, the scientists truly support what they believe in? Dr. Chamberlin replied that they have to go back to the science. He continued that they need more science. He thinks their recommendation to bring our federal delegation in to putting pressure on the FCC to have more realistic radiation thresholds is probably the number one thing that can be done at this point. At that point, once they have realistic radiation thresholds in place it will lessen the possibility of games being played.

Councilor Workman stated that one thing she kept coming back to while listening to Dr. Chamberlin’s presentation was the generalization of the articles referenced seemed to be about the dangers of cell phone radiation in general, not specific to 5G. She continued that she thinks he may have answered that when he answered Councilor Johnsen’s question. Does that have to do with the lack of research done specifically on 5G right now, or is there another reason? Her second question is whether Dr. Chamberlin has a ballpark figure for a threshold on what would be realistic, in his professional opinion.

Dr. Chamberlin stated that regarding the first question, it turns out that cell phone radiation in general is the concern, not 5G necessarily. He continued that 5G is kind of a marketing term, because companies can do 5G in very different ways involving a wide range of frequencies. When he talks about the concerns that addresses not only 5G, but also 2G, 3G, and 4G. Regarding the second question, other countries have come up with their own thresholds. The US has some of the highest thresholds in the world, thus, they can look to other countries. Russia, for example, has a threshold 100 times lower than what the US has. It would take additional

research before there were definitive answers about what is safe. He has a lot to say about that but does not have enough time right now, but they can look to other countries and they have to look at the research to come up with realistic values.

Chair Greenwald stated that he will open the floor up to further questions after the other presenter has presented. He asked David Maloney, representing the Commission's minority report, to present.

David Maloney stated that he is the Director of Local Affairs with CTIA. He continued that CTIA is the trade association for the wireless communications industry. His colleague, Beth Cooley, has appeared before the PLD Committee in the past. On November 1, 2020, the Commission to Study the Environmental and Health Effects of Evolving 5G Technology issued its final report. In the report, the Commission's majority makes 15 recommendations. Those recommendations have no basis in scientific fact, are irresponsible, and will subject the state and any localities implementing these recommendations to needless and expensive challenges that will drain time and resources from the more important and credible priorities. As an initial matter, contrary to the position taken by the Commission's recommendations, the science related to radiofrequencies, wireless devices, and health is well studied and well known. CTIA is not a scientific agency, however, the consensus of the US and international scientific community is that there are no known adverse health risks from the levels of radiofrequency energy emitted at the frequencies used by wireless devices, including cell phones, and facilities, including small cells.

He continued that in 2019, the FCC reassessed the available science, including studies related to the safety of 5G networks and based on the relevant scientific research, and concluded that wireless devices and small cells are safe when they adhere to the FCC's current radiofrequency exposure limits, as required by law. Numerous independent analyses of peer-reviewed studies conducted over several decades by national and international organizations support the safety of the FCC's radiofrequency exposure limits, concluding that there are no known health risks to humans from radiofrequency energy emitted by wireless devices and infrastructure. Thus, the scientific consensus, as evaluated by experts, international standard-setting bodies, and federal health and safety agencies, is that wireless devices and base stations at the FCC's exposure levels are safe. Given this scientific consensus, the recommendations in the majority report exceed what a reasonable response should be to the evidence on this issue.

Mr. Maloney continued that moreover, courts have consistently rejected efforts by states to regulate wireless devices or equipment based on alleged health effects from radiofrequency emissions. Specifically, federal pre-emption bars state or local efforts to require modifications to devices, additional warnings or disclosures, or zoning or placement decisions of towers or equipment, based on perceived safety concerns. Congress has long exercised federal authority over radio waves, through the 1934 Communications Act, its creation at the FCC, the Telecommunications Act of 1996, and its delegation of authority to the FCC to regulate all technical aspects of wireless communication. Because of the need for an efficient and effective national telecommunications system, Congress and the FCC have emphasized the importance of uniformity in the regulation of wireless phones and equipment, such that the same phone that

works in NH works in every other state. National uniformity ensures accessibility and compatibility. In contrast, state-by-state regulation would disrupt that system, place burdens on industry, and make phones and service more expensive for consumers.

He continued that radiofrequency emissions are critical to wireless communication. Congress instructed the FCC to regulate radiofrequency emissions to ensure a proper balance between an effective communications system and consumer protection. Based on recommendations from blue chips standard-setting organizations and based on a consensus of the federal health and safety agencies, such as the FDA, EPA, and OSHA, in 1996 the FCC adopted a radiofrequency emissions standard that protects consumers at 50 times below the level at which adverse biological effects were observed in laboratory animals. In reality, wireless devices and equipment operate at well below the FCC limit. In 2019 the FCC and the FDA, after reevaluating the standard, confirmed the adequacy of the standard in protecting consumers and workers. The standard applies to radiofrequency emitted from 5G systems. The FCC and FDA have declared that phones and equipment compliant with the FCC standards are safe for use by all workers and consumers, including children. Courts have repeatedly upheld the preemptive effect of the FCC's regulations which bar state regulation in the form of legislation, rules, or court cases that are based on claims that FCC-compliant phones are unsafe. Courts have also banned state or local disclosure requirements, holding that the FCC disclosure are adequate to inform the public without over-warning.

Mr. Maloney continued that finally, the majority report runs counter to what NH and Cheshire County residents say they want. In a Harris Poll survey conducted late last year, 89% of residents said access to reliable, fast wireless is critical, and nearly 8 in 10 support wireless infrastructure upgrades to increase connectivity. Additionally, a majority of Cheshire County residents stated that access to 5G is important. Unfortunately, these viewpoints are absent from the recommendations in the majority report.

Chair Greenwald asked if there were any questions from the committee. Hearing none, he asked if members of the public had any questions or comments.

Lori Schreier, of 916 River Rd, Westmoreland, member of NH for Safe Technology, stated that she has spoken at the previous meeting and other meetings. She continued that she submitted the proposed amendments to the Ordinance and the accompanying memorandum on January 22. She still hopes that the PLD Committee and the City Council will consider amendments to the Ordinance to further protect public welfare and interests, including the economic interests of property values and things of that nature when small cells are placed next to homes. There are a series of recommendations in the report from the Commission, which include increased insurance protections for the City and its citizens, and increased setbacks and spacing of small cells from each other and from residences and schools and other vulnerable populations. There are other things that can be done, including the letting the public know where the small cells are, having notices written, having warning labels on the small cells, and also having regular testing of the radiofrequencies from these small cells. There is nothing that she is aware of that would prevent the City from doing these things and still having 5G in the community. It is simply balancing the needs for telecommunications and protection of the public.

Ms. Schreier continued that she urges the Committee and the City Council to continue to review these proposed amendments and other changes that can enhance the benefits to the citizens of Keene and to continue to look at the science. The science is clear, as Dr. Chamberlin expressed. It is just a matter of whether they are going to believe the science from the non-biased scientist or the science from the industry, which has financial gain as a big priority for the information, and the FCC, which is pretty much a captured agency as Dr. Chamberlin expressed. She thanks the Committee for taking this up and continuing to look at this. There is a lot of information in the Commission report and she encourages them to look carefully at it.

David Juvet stated that he is the Senior Vice President with the Business and Industry Association, NH statewide Chamber of Commerce. He continued that his business address is 122 North Main St, Concord. He was a member of the Commission, along with Dr. Chamberlin. They were on different sides of this issue. Dr. Chamberlin was a part of the majority report, and he was a signer to the minority report. He wants the PLD Committee to understand that one of the frustrations of the minority was that this Commission and its work was short-circuited by the COVID-19 pandemic. They lost months and months of work and time that could have been used to allow more diverse opinions from different sources. He thinks Dr. Chamberlin is correct, but he slightly disagrees; he thinks it is both a scientific and a political issue. It is certainly a political issue and he ventures to say that if this Commission were reorganized under the current House and Senate leadership the members of the Commission would probably look far different than the ones that were on the previous Commission. He thinks the best thing the Commission could have done, recognizing the many months' time that was lost and the inability to present opposing perspectives from equally credible scientists, would have been to extend the life of the Commission beyond the November deadline date, but that was not done. Much of the minority's frustration was over the information that the minority members of the committee felt they never had the chance to present.

Chair Greenwald asked if there were any questions from Committee members. Hearing none, he asked for further public comment.

Jennifer Friedman, of 7 Allen Ct, stated that her husband Paul Friedman is present with her. She continued that they were surprised by a letter right after Thanksgiving saying that a cellular company wanted to put a 5G tower basically on their neighbors' front lawn. It is 30 feet from their neighbors' house and less than 100 feet from their house. She and Mr. Friedman bought their home in August and the company is putting a 40-foot tower in front of it. She has a lot of concerns health-wise. From the political point, how will she ever sell this house, should she ever want to, with a giant cell phone tower out in front of it? She contacted Mr. Blomquist and expressed her concerns to him. She and her husband live across the street from the hospital. There is a huge amount of frontage over there in front of a commercial parking lot. There are certainly other places where they felt that this tower could have gone, that was not literally in someone's front lawn. After her conversation with him, Mr. Blomquist went back to the cellular company and they came up with a bunch of reasons why that was not the best spot for it. Thus,

here she is at this meeting, and is hearing [Mr. Maloney] say that there is absolutely no recourse that she and her husband have and there is nothing they can do about this. That is a horrible position to be put in. It is very frustrating and upsetting, and the FCC has basically tied their hands by saying the companies can put the towers wherever they want and there is nothing they can do. She does not understand how that can be.

Councilor Giacomo stated that the tower that is going in the yard near the Friedman's is not 5G. He continued that regarding Ms. Schreier's comments about their being nothing in these amendments that would prevent 5G from going in, as a matter of fact, there is. The setbacks that have been established in the amendments are 1,500 feet. It just so happens that 1,500 feet is the maximum range of a 5G cell tower, assuming that there are no obstructions. Here in Keene there are trees and houses. A neat fact about 5G is it does not penetrate those things, for the same reason it does not penetrate human bodies. Thus, the 1,500 feet that is put in there absolutely precludes 5G small cells from going in, because it actually undermines the technology and the technological limits of this.

He continued that lastly, he wants to consider how cellular towers actually work. People think of them as radio towers, pumping out radio waves all the time, which are going out to your house. In reality, if there is actually any damage that could be caused by electromagnetic radiation – which, again, the studies on are very spurious; there are some real sketchy publications being referenced – it is coming from your phone handset that you hold next to your head. This is the reason your phone dies so quickly when you do not have cell service. The phone has to try harder and harder, pumping out more and more to reach these towers. The towers are not completely passive, but mostly passive. If you do not want any cell waves in your life, he recommends making a personal choice to get rid of your cell phone.

Councilor Giacomo continued that the problem here is that these recommendations from the state go in a lot of different directions, not just 4G or 5G. As Dr. Chamberlin said, they are about 2G, 3G, and even wifi. There is a recommendation to remove wifi from schools. This recommendation comes in the middle of a pandemic, and they are recommending removing the one thing, wireless connectivity, that is keeping schools able to do things. It is a phase-out plan over five years, granted, but still, it is a part of this report. The report has a lot of items and he feels like a few of them were cherry-picked for Keene. Those actually effectively ban this technology for Keene. 2G and 3G are more dangerous – those are the longer wavelengths that actually can penetrate your body. The shielding effect prevents that, and he is surprised that an electrical engineering professor does not recognize that. These 2G and 3G technologies have been around for several decades and yet we have not seen increases in brain cancer, despite the phones being next to people's heads with the more dangerous waves. There is a lot of science and he thinks they should look to the science and stop blaming 'captive agencies' and believing disinformation.

Terry Clark stated that he opposes the expansion of 4G technology into 5G technology. He continued that at the County level they are advocating for towns in Cheshire County to move

toward fiber optic cable agreements instead of high frequency wireless. That is exactly one of the recommendations from the State Commission to the schools – to get off wireless and go back to fiber optic cables, because first, fiber is much safer than high frequency wireless. As he told the Committee several months ago, the US military once considered using high frequency wireless as a weapon. Second, fiber consumes much less energy than high frequency wireless, and energy conservation is a major goal in this city. Third, property values decrease with high frequency wireless installations. Conversely, property values increase under fiber technology. And considering the state’s regressive tax structure, our tax base in Keene and that in other towns really depend upon an increasing property value. Our current, new Ordinance allowed five 4G wireless permits that can be easily upgraded to 5G once they want to. Two of them are at the ends of residential driveways in the Medium Density neighborhoods in Ward 3; he is really sorry for them. It seems like it is water over the dam now. The residents of Keene need the PLD Committee’s help in the future. They are facing danger from powerful people that they should not have to face alone. All City Council members took oaths to protect the health and safety of citizens. He asks them to please recraft this Ordinance and give citizens the protections that they deserve.

Kyle Orangio stated that he is calling on behalf of the nonprofit, nonpartisan organization Global Disinformation Index (GDI). He continued that he is in Miami, FL. It came to the GDI’s attention that the City was considering a ban on 5G technology and they wanted to give their nonpartisan opinion on the matter. As global experts on disinformation they felt compelled to weigh in with background on the malicious manipulation of this issue by state and other actors. They would hate for residents of Keene, NH to be deprived of this important technological development at the hands of malicious state and other disinformation actors seeking to hamper innovation and deepen the digital divide. Since the organization’s inception in 2018, the GDI has worked to track, disrupt, and defund disinformation. They pride themselves on being nonpartisan and therefore able to provide objective views on contentious topics, including the disinformation campaign surrounding fifth generation telecoms known as 5G.

Mr. Orangio continued that one of the ways GDI classifies and tracks disinformation is “adversarial narratives.” Those are intentionally distributed narratives that seek to enrage, divide, or erode trust in institutions and are intentionally misleading and often carrying a risk of harm to vulnerable individuals or groups. As is often the case with adversarial narratives, there is some kernel of truth involved that is twisted or misrepresented. This is very much the case with 5G. The GDI has been mapping disinformation campaigns about 5G since they emerged in 2016 and the five themes upon which they were founded: health, which seems to be the biggest concern for the City Council and the community; environment; big government; national security; and the economy. The GDI has done a report on this, which he is happy to share with the Committee if there is an email address he can send it to. They discovered that this anti-5G movement has been propped up for years by a series of half-truths and has received amplification, foreign and domestic, in order to generate long-term conflict, slow progress, and try and further hamper innovation in the US and Europe. In the GDI’s view, it would be highly detrimental to the citizens of Keene to restrict access to advanced digital technology based on

unfounded claims and the malicious actions of state-sponsored disinformation actors. They sincerely urge the PLD Committee to consider the information they have laid out in their report to assess the Committee's and community's concerns about the issue.

Chair Greenwald stated that he is not aware of any other call-ins. Mr. Lamb replied that there is no one else with their hand raised to speak. Chair Greenwald asked if anyone who has already spoken wants to speak again.

Councilor Johnsen stated that this is mind-boggling, and what she would really like to see, as a professional researcher, is a debate where they have solid questions and where each side can answer the questions based on scientific evidence, because she trusts the science.

David Maloney stated that to the point about the science, as you look at this, the majority report relies on these individual studies rather than the thousands of studies that have been done on these issues over the course of decades. He continued that they have chosen to cherry-pick a small assortment of these studies to hold up and say "This is the direction you should go in." The science does not support it. On top of that, other states have investigated this issue, and they have come to a different conclusion. Vermont, Hawaii, Oregon, and Louisiana have come to a different conclusion than the New Hampshire Commission has. That is an important point to make. [The minority signers] are talking about decades of research going back decades, regarding the health issues. If you go through the minutes of the Commission's meetings, so much time was dedicated to the health and safety of wireless devices or the concentration of conversation around five or six studies, rather than the preponderance of evidence that exists around these issues. Thus, to Councilor Johnsen's point, the science on this is settled.

Kent Chamberlin stated that [the majority signers] looked at the body of evidence. He continued that yes, there is contradictory evidence, contradictory articles. There are some articles that say there are no problems, but a lot of the articles show that there are significant problems, as he outlined and showed. They did not focus on a narrow band of articles; they looked at the whole body of evidence, which suggests that there is a problem. When they were first trying to determine whether or not smoking was a problem, there was a lot of conflicting information. The fact that five out of six smokers do not contract lung cancer is contradictory evidence. Right now there is a strong body of evidence that the Commission looked at and followed in coming to the majority report's conclusion.

Jennifer Friedman stated that to reiterate, she understands that technology is advancing and that there are needs in the community that this is going to address, but she feels very strongly that those needs have to be met while also considering the health and safety and property values of individual citizens. She continued that it is very hard to understand how people can be putting these towers right in someone's front yard in the middle of a neighborhood. It does not seem to make sense. There have to be some parameters and guidelines that protect people, both physically and financially, from these unsightly 40-foot towers with [emissions unknown], and from having large corporations place these directly in front of people's homes. She understands

that the towers need to be some place, but they do not need to be 30 feet from somebody's house. It is ridiculous that nothing stops a company from coming in and doing that. If there is any way that a Planning Board can put some guidelines around that, she would strongly [suggest that]. She thinks it may be too late for her and her neighbors, but there are lots of other people in town that this is going to come to. She understands that any cellular company can come in and do this. They can all put their own towers all over town, wherever they want. It just seems unfair.

Lori Schreier stated that to underscore what the Friedman's are saying, and to go back to the recommendations she made about the setbacks, apparently if you read the setbacks carefully there are no setbacks for how far or how close the small cells can be to residences. She continued that she understands that the City Council has every legal right to put in a reasonable setback, based on aesthetics and economic reasons, to protect property values and the aesthetics of the community, to have some distance between the small cells and homes and vulnerable populations. It does not have to be 1,500 feet as the Commission recommends for health reasons, but certainly they can find a reasonable setback, and that is what she truly hopes the PLD Committee will look at very carefully.

Councilor Giacomo stated that he agrees with Councilor Johnsen's concerns and thinks there is a need for good science to be brought forward on this. He continued that the problem is that all the studies that were brought before this Commission, the Commission brought forward eight experts and of those, seven were anti-5G activists or enthusiasts. The eighth one was cut off and was not allowed to finish what he was speaking about. All the studies that were presented to the Commission were absolutely all on one side of the argument. These are studies that are published in some pretty fringe journals – a lot of them reference each other instead of referencing new data. Of the data that is presented - for instance, the hair follicle cancer one – the hair follicles that had cancerous issues were not even on the side of the head that the cell phones were on. There was an important rat study that is referenced constantly, and for some reason, only the female rats got it, without explanation of why this is the case. The science is out there. The problem is that the Commission was convinced that the science from the agency that is tasked with doing this is not to be believed. They decided that because [the FCC] is a so-called "captive agency," this means they are not to be believed and their science is just thrown out. There is good science there. It is done by the correct people who are supposed to be providing that science. The problem is that doubt has been sown. Sowing doubt is the whole function of disinformation campaigns. That is a big problem.

Chair Greenwald stated that he wants to remind everyone that the PLD Committee is not voting yes or no on this. This is an informational discussion. The discussion is about the cell transmitters on the public way. It is still up to the private citizen and homeowner or landowner if they want to locate it. They are talking about City property, basically. The information about potential dangers or lack of dangers is very informative and to him it is very confusing. The science and experts make very serious arguments and are very committed to their positions.

Chair Greenwald asked if there is anyone who has not spoken twice who has more to say. Hearing none, he called again on Kent Chamberlin.

Dr. Chamberlin stated that regarding the term “anti-5G,” he thinks he got lumped into that category and it is absolutely untrue. He continued that when he came onto the Commission he was Chair of the Department of Electrical and Computer Engineering. He is a great advocate, especially in electromagnetic wireless, and became concerned about the health risks of 5G when he started reading the publications. These publications were called “fringe publications,” and that is absolutely untrue. He got together with the librarian to rank the journals in which these appeared. They are rock solid, which high indexes, citation ratings, with high impact factor. They looked through who the reviewers were. Yes, there are not good articles and not good publications out there about 5G, but the ones the Commission looked at and trusted are indeed from very respected publications.

The City Attorney stated that Mr. Maloney referenced a number of states that had considered the issue, and his question is whether any of those resulted in some sort of legislative action, and if so, could Mr. Maloney provide that?

Mr. Maloney replied that these have been issued by the state’s health department agencies. He continued that he thinks this is the first Commission report but states have looked at this, and yes, he can share some of that information with the City Attorney.

Councilor Jones stated that he does not agree with staff’s recommendation to accept this as informational, especially after listening to Councilor Johnsen. He continued that if they accept this as informational, it does not even go on the table to the City Council. He thinks this needs discussion by the full City Council. It means they would not be able to act on this again until the next calendar year, according to their bylaws, unless there is some substantial change. He disagrees with the wording of the recommended motion and he does not know what kind of wording to use; he does not like the idea of placing this on more time, either.

Chair Greenwald stated that for clarification, they have just heard a presentation of information; they are not taking action in support of or opposed to this. To his mind, that would not fall under the category of something they can only act on once a year. This is not an Ordinance or Resolution; this is just a presentation. He asked the City Manager for guidance.

Elizabeth Dragon, City Manager, stated that tonight they were focused on the State Commission’s report and this is really about getting a better understanding of both the majority report and the minority report. She continued that that was something that the City Council said they would do last year when they adopted the Ordinance – they wanted to come back and talk about the report. There is still an item on more time, from Councilor Clark, to talk about the Ordinance and whether or not to amend it. That item will still come back before the Committee and have a conversation with the full City Council. Chair Greenwald stated that would fall under the once a year concept.

The City Manager stated that she wants to thank Dr. Chamberlin and Mr. Maloney for taking so much time to do this for the City. She continued that it is a very complicated subject, and the City really appreciates them coming here and not only giving them a really great synopsis of both reports, but also sitting with the Committee all night and answering questions. They really appreciate it. Chair Greenwald agreed.

Chair Greenwald asked if members of the public had any further questions or comments.

Mr. Juvet stated that the City Attorney was asking if Mr. Maloney knew of any legislation throughout the rest of the country, and he does not know the answer to that, but he does focus on the NH legislature and can tell him that as he mentioned last month, there is no legislation that has been submitted for this session relating to any of the recommendations coming out of the Commission, which is rather remarkable because one of the ardent, anti-5G voices on the Commission is now a state Senator. He does not know why there has not been some type of legislative proposal.

Councilor Jones stated that he thanks the City Manager for the clarification. He continued that he is looking at the list of more time items and sees that Councilor Clark's is on there, relating to small wireless facility development in the public rights-of-way. He thinks there are some amendments that can be done and that would be the right place. He takes back what he said about this being accepted as informational.

Councilor Johnsen stated that she thinks the Senator would be a good piece of this conversation. She continued that she has really enjoyed listening to Councilor Giacomo and also Dr. Chamberlin. She felt like she heard from both of them very concise statements and she thinks Jay Kahn could be a good person to, in a sense, lead this kind of discussion. She puts that out there for her fellow Councilors. She knows they have heard a lot of this before, but she is completing her first year and she has to hear a lot more.

Chair Greenwald made the following motion, which was seconded by Councilor Jones.

By a vote of 3-1, the Planning, Licenses, and Development Committee recommends that the City Council accept the presentation from Commission to Study the Environmental and Health Effects of Evolving 5G Technology as informational. Councilor Johnsen was opposed.

Chair Greenwald stated that the agenda is concluded and he wants to end by wishing Chair Bosley's daughter a happy birthday.

There being no further business, Chair Greenwald adjourned the meeting at 8:30 PM.

Respectfully submitted by,
Britta Reida, Minute Taker