Hamlin Town Board Public Hearing Meeting
May 13, 2024

The Hamlin Town Board held a Public Hearing meeting in the Hamlin Town Hall located at 1658 Lake Road, Hamlin, New York. The meeting was called to order at 6:30 pm by Supervisor Baase.

Present: Councilperson Jennifer Voelkl, Councilperson Rick Wright, Councilperson Joel Yager, Councilperson Phil Hurlbutt, Supervisor Steve Baase.
Also present: Town Clerk - Patty Jo Groenendaal, Code Enforcement Officer - Cheryl Pacelli, Town Attorney – Maureen Werner, Assessor – Liz Spencer, Jason & Kelly Delvecchio, Ron & Vicki Breslawski, Ed Breslawski, Art & Shirley Holcomb, Jay Kurtz, Richard & Susan Sullivan, Juanita Suarez, John Scanlan, Kim Day, Susan Marino, Diane Delosh, Emilie Schue, Chris Cole, Amanda Colletti, Robert D.

BROADCASTED LIVE: https://www.youtube.com/watch?v=TY15-KzV7_w

APPROVAL OPEN THE PUBLIC HEARING TO CONSIDER THE APPLICATION FOR A CELL TOWER LOCATED AT 901 NORTH HAMLIN RD. BY BLUE SKY TOWERS III, LLC

Resolution #146 Motion made by Councilperson Yager and seconded by Councilperson Wright to open the public hearing to consider the application for a cell tower located at 901 North Hamlin Rd. by Blue Sky Towers III, LLC.
Polled votes: Councilperson Voelkl aye, Councilperson Wright aye, Councilperson Yager aye, Councilperson Hurlbutt aye, Supervisor Baase aye. Motion carried.

Robert D. – From Blue Sky Towers III, LLC filling in for Jared Lusk, reviewed the need and how this location was selected. We need to reach the neighboring cells without interrupted service.

Richard Sullivan – What type of radiation will this cell tower emit and will it affect the residents in close proximity?

Sue Marino – Consultant for the town, I do not work in the industry, I work for the municipalities. I have reviewed the application and as far as the electromagnetic fields or as you referred radiation, there are government standards and Federal regulations as far as what level is allowed. The town is only allowed to review if they are within that limitation or not. We are not allowed to set a standard. A tower in a field is not a concern however if that tower is on top of a building that is another story.

Richard Sullivan – What type of radiation will this cell tower emit?

Robert D. – I will offer two things, first is this is all preemptive this we already indicated so none of this is actually available for discussion or implementation top that's the Federal Law that's the preemption provided that we are at the levels we are supposed to be at. Having said that I am never happy with that because it leaves people uncomfortable. This is a radio signal, that same signal you get from a radio or television station. What we have here is a radio signal that is extremely low power because it can't interfere with neighboring cells.

Richard Sullivan – the strength of these radio signals, do they present a health hazard to anybody in proximity and if so, what distance would there be a health hazard?

Robert D. – The short answer is no as long as we are within the FCC limits.

Richard Sullivan – When you say low power can you tell me in watts?

Robert D. – I hate to state that I am not the RF engineer and it varies from 100 watts. I do not know what this one is and how many channels there are.

Richard Sullivan – It is obvious that I am opposed to this tower in view of my front yard. I am not comfortable with any radiation low or high. I believe it will have an adverse effect on property values. As a resident of 39 years, I do not want the tower due to health effects and property value. I would assume the property owner will receive some kind of rent, $60,000 a year? Can you discuss that?

Baase – It is not that much. The Town has two towers on their property one is about $1,000 per month. The other tower is about $600 per month.

Richard Sullivan – Then there is the reassessment, mine just recently doubled. I would like on public record that I am opposed to this tower for the constant radiation on the residents, for the unsightly thing being constructed and the adverse effect it will have on real estate. Another issue is the eagle nest in close proximity to this tower. Has there been any studies on this?

Resident – This is a highway for migratory birds and what about the blinding light?

Baase – I believe there will not be a light.

Resident – Is there going to be something noisy?

Baase – There will be a generator that will occasionally turn on.
Robert D. – The generator will only be use during an emergency when the power goes out.

Richard Sullivan – Is there a timeline for construction?

Baase – They need to do soil test yet. It will be a bit before construction.

Sue Marino – If the carrier can prove a need, which they have. They also have to prove minimum height requirements. The town has a very strict law on this. The Town can not say no if they have proven a need. In this case they have shown the least obtrusive location. (She shows the 6" thick application version has been turned in) and we have reviewed it in every detail. Center for Municipal Solutions I have never seen another town with a migratory bird clause like Hamlin. As for the Eagle's nest here, I do not believe it is that specific. I have seen quite a few towers with osprey nest.

Resident – What is the land lease? And the number of years?

Robert D. – Typically five years with a four- or five-year renewal.

Jason Delvecchio – How close to Federal Wetlands? I see on the map it is close to a wetland.

Baase – They are, the setbacks are 200' from wetlands.

Jason Delvecchio – according to the map it is only 100'. It says Federal wetlands right on the map.

Baase – the Federal wetlands have to be a quarter of an acre, I think. I'm not quite sure about the exact number but we did look at that. The square footage of the wetlands is not big enough.

Jason Delvecchio – How much will the property value go up?

Sue Marino – Your property value will go down 15%

Jason Delvecchio – We are the second highest assessed in the Town of Hamlin.

Liz Spencer – You are definitely not.

Baase – The farmer that owns that land will have their taxes increase because now it is considered Industrial/commercial land. People complain that they cannot get cell service.

Jason Delvecchio – They get their tower and everything is hunky dory and the residents in the area are going to remember this during election time for our town.

John Scanlan – I did try to print out the 506-5 that covers telecommunication. He read from page 5 of 23.
C. *Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.*
It couldn't be two smaller towers? I looked at the application and there is not a single picture depicting the 170' tower over the 50' ft trees
Reading law
D. *Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.*
My big question is if 8,699 out of the 8,700 residents say they don't want this, will it go through anyway?

Baase – The tower can have three other carriers on it.

John Scanlan – Have we looked at the option of two towers or three towers at a lower height. The tower at 170' I'm sure will have a light on it. If the 8,000 residents don't want it will it still happen?

Sue Marino – A light is required at 200' unless it is close to an airport

Maureen Werner – First no decision has been made. Verizon has submitted it to the town, the town has given it to the consultant to review to make sure it fits Town law and Federal law. Under Federal law we cannot deny them if it is proven they need it. This is where voting for your State and Federal Representatives will help.

John Scanlan – The 170' did anyone look into that it is the visual.

Robert D. – The question comes up a lot about the height but the towers have to clear the tree line. This is not a receive only like television, the cell phone has to send back to the antennae. In addition, snow and rain plays a role in reception as well. As for stealth, we have looked for a silo, a church steeple but at 170' there is nothing available. There is no right or imperative that you can't see public utility infrastructure, you see water tanks, you see guard rails, all this is to

serve the public. As for the property I have seen studies where property value goes up because people want to have that access. Especially when people work from home.

Juanita Suarez – The people that move out to the farm land the beauty of the land. They move here to get away from people. I live on five acres, I see land. Aesthetics is important to me you can't get that back. Financial outcomes our houses will go down in value 15%. This is Hamlin, this is a poor community. We don't have casinos paying our taxes. The two Eagles that live there they don't know about the tower. We are looking at convenience. Why are we looking cell, cell, cell? We have heaven here and all we can think about is putting up another cell tower come out here. If there is a problem get in your car. Okay so you can go into the city you go to a McDonald's, Burger King or Walmart you will get plenty of service.

Baase – If someone is attacking you or your house is on fire, I don't think you're going to drive to McDonald's for emergency service.

John Scanlan - We have Verizon service and we have two three bars all the time and we are right in the middle. I'm not sure again why we need it. It's for their own infrastructure for their business.

Baase - You are on camera now. You can go on YouTube and see it there.

Jason Delvecchio - How long has the permit been drawn up for?

Sue Marino - They don't have a permit yet. The applicant started in 2021 and was silent and then resurrected the project recently.

Baase - There was a balloon test last year.

Sue Marino - There was a balloon test in 2021. It was advertised. Notices were sent out. (Residents commented they didn't get one) There were pictures in the application of the balloon test.

Kim Day - Okay, these 5G towers any that are being put up for a faster communication and it collects data for faster internet. This is being endorsed by the who? Any kind of frequency that emits Electromagnetic Field that penetrates into one's body. They can change a frequency at any time. Radiation causes cancers, brain tumors, multiple sclerosis, sleep deprivation, stroke, dizziness and infertility. I would like to talk about the environment and how this affects us human beings and animals. This affects animals and the number one pollinator in the world, bees. This is very concerning. It will kill the bees and without bees we won't have plants. We won't have crops for the farmers. We don't have enough evidence. This is detrimental to the

health, are animals and the plants. The World Health Organization is not on our side. They're about greed.

Hurlbutt - Where is this information from?

Kim Day - These are studies that have been done by Cornell Medical School, doctors and Harvard University. They have been silenced. (Kim addressing Robert D.) You can't specifically answer our questions. You are not qualified to do so; you really need to be.

Basse - We are not attacking people.

Kim Day - I apologize, I did not mean to be attacking. I just don't understand why someone who is representing a company and he can't answer our questions. Such as what type of radiation. This is about money. This is about greed. This is about big tech.

Jason Delvecchio - Question for the Town Board. Who owns the tower across from the marina?

Baase – AT&T

Jason Delvecchio - Who owns the property?

Basse – Gene Dollard

Jason Delvecchio - So we are going to have multiple towers and multiple companies?

Baase – When these companies find a dead zone they put a tower up.

Maureen Werner. They actually have to prove a need and why they can't collate with other towers.

Jason Delvecchio - I work for another municipality I know how it works. After tonight it's going to pass.

Maureen Werner -The Town Board needs to abide federal law.

Art Holcomb - I am going to be directly south of the tower looking out my picture window. I got communication because my property backs up to the property of the tower. My neighbor next door to me did not get a letter, most of the people on my road did not get anything. I know you mentioned it in the paper. I think you would have to fill up the gymnasium if the people were notified in a proper manner. I would like to go on record that I am not in favor of it.

John Scanlan - When will we hear the next step of this?

Baase - We will vote on it tonight.

Richard Sullivan - A lot of the residents that are opposed to this could not come tonight; they do not want to see this constructed.

Jay Kurtz - I have looked at the maps of the wetlands and the creek is at 250 ft elevation. The people that live on top of the hill at Chase Road are roughly 30 ft higher there will be other companies on this Tower which will then increase the level of radiation,

APPROVAL TO CLOSE THE PUBLIC HEARING ON THE APPLICATION FROM BLUE SKY TOWERS.

Resolution #147 Motion made by Councilperson Yager and seconded by Councilperson Wright to close the public hearing on the application from Blue Sky Towers.
Polled votes: Councilperson Voelkl aye, Councilperson Wright aye, Councilperson Yager aye, Councilperson Hurlbutt aye, Supervisor Baase aye. Motion carried.

ADJOURNMENT:

Resolution #148 Motion was made by Councilperson Hurlbutt and seconded by Councilperson Wright, requesting Town Board approval to adjourn the meeting at 7:17 pm as all business had been concluded.
Polled votes: All in Favor. Motion Carried.

Respectfully submitted,

Patty Jo Groenendaal
Hamlin Town Clerk