

BERLIN TOWNSHIP TRUSTEES

6:30 p.m.

Special Meeting

October 20,

21

HELD AT: Berlin Township Hall, 3271 Cheshire Road, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ron Bullard led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico (Absent), Ron Bullard, Claudia Smith, Fiscal Officer, Theresa Taylor, Assistant Fiscal Officer

ATTENDANCE: Meghan Raehll, Chris Paykoff, Gabriella Taylor and Boyd & Cathy Katter

Bullard stated the special meeting was called to discuss the proposal for a cell tower being located near at 2500 Piatt Road, on acreage owned by the Olentangy Board of Education near Berlin High School. He showed the attendees the proposal letter, dated October 6, 2021, from TowerCo that was sent to the trustees along with a map of the location and the specs of the cell tower. The cell tower would be +/-195 feet tall, approximately 20 stories high.

Boyd and Cathy Katter expressed their opposition for reasons such as but not limited to, the location being so close to three Olentangy Local Schools, the possible long-term side effects on children, employees and those that live in the vicinity and the negative impact on property values. Katter suggested that a possible location could be 'the wedge' on Gregory Road and Cheshire Road.

Bullard stated that he contacted the Ohio Township Association and was told that the trustees can only object if the tower is being placed on residential property but not commercial property. Since the proposed location is on commercial property, only the residents of property that is adjacent and/or adjoins the proposed location are able to object.

Since the Katter's are objecting, the prosecutor has helped write an objection letter to TowerCo. It will then be given to the BZA to hear the case, then the method of appeal would be done through the courts (this is where the safety concerns can be brought to the attention of those involved) and finally, the case will be heard by a judge.

Bullard and O'Brien suggested they get as many residents, school employees and the school board as informed as possible as to what is being proposed.

The following is the formal objection letter from Berlin Township residents, Boyd and Cathy Katter whose property adjoins to the proposed location of the cell tower from TowerCo:

October 19, 2021

As owners and residents of property in Berlin Township that adjoins the proposed site of the wireless cell tower, we would like to have sections 519.02 to 519.25 of the Ohio Revised Code applied. Please know a hard copy letter is currently in the mail to you with concerns that we have about allowing this project to move forward in an area with so many homes and children. Also, a potential negative impact on property values in Berlin Township would be a great disappointment to the many new residents who have chosen our township to invest in with a new home.

Thank you for considering our concerns.

Boyd and Cathy Katter
2379 Gregory Road

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The following letter is from Meghan Raehl in support of The Katter's Family objection:

Dear Trustees,

I am very concerned about the wireless cell tower potentially being placed on or near the Olentangy school property located on 2500 Piatt Rd. in which an elementary (Cheshire) and High School (Berlin) currently reside and in which a middle school will be soon located.

As you may be aware, these towers emit radiofrequency (RF) radiation waves. While shown to be safe for short-term (less than 30 minutes) exposure at certain levels, the researched long-term effects of wireless cell towers near schools are highlighting problematic safety concerns for long-term exposure specifically in children.

In fact, the tower location proposed will not only be near just one school but will be located close to three schools and many children over a period of potentially twelve years will attend that area for kindergarten through twelfth grade. The research demonstrably shows problematic trends for long-term exposure and the verdict is still out on the impact on safety for children.

For example, the American Cancer Society makes it explicit that the results are not clear on the long-term impact of children living near cell phone towers indicating "Most expert organizations agree that more research is needed to help clarify this, especially for any possible long-term effects."

The International Agency for Research on Cancer (IARC), has classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), a category used when a causal association is considered credible, but when chance, bias or confounding cannot be ruled out with reasonable confidence.

In 2018, the National Toxicology program from the US Department of Health and Human Services publishes a study across more than 10 years that indicated demonstrable evidence that rats exposed to high levels of radio frequency radiation developed cancerous heart tumor. Of note, the RFR exposures was intermittent 10 minutes on and 10 minutes off totally nine hours each day. This is comparable to the exposure that many children and teachers will have for a period of a full days spanning wayward of 12 years or more in a number of cases.

The Environmental Health Trust and Children's Health Defense along with a number of other filers very recently won an historic victory against the FCC on August 13, 2021, arguing the FCC failed to adequately assess the risks of wireless radiation to protect humans and the environment from non-cancer effects. Many studies to support their argument were provided with the court siding against the FCC regulations have not been updated since 1996.

In Pearce's recent (2020) work titled, "Limiting liability with positioning to minimize negative health effects of cellular phone towers," the author summarized:

Although direct causation of negative human health effects from RFR from cellular phone base stations has not been finalized, there is already enough medical and scientific evidence to warrant long-term liability concerns for companies deploying cellular phone towers and thus recommended voluntary setbacks from schools and hospitals.

In sum, based on the direction of the longitudinal trends of the long-term effects of such exposure, please act in the best interest to assure the health and safety of the students and do not support a wireless tower on or near the OLSD properties.

Cell towers should be distanced away from schools, hospitals, and daycare facilities to mitigate both the liability and, more importantly, the potentially unsafe environment this structure could have on thousands of children in the years to come. Children are the most vulnerable to RF wave absorption and a number of countries (e.g., India) and other US municipalities have already implemented a required 500-foot setback from schools. Furthermore, the children near this specific tower on Piatt Rd. may have up to twelve years of exposure.

Any wireless towers be placed at a setback of at least 500 feet from the school property line.

Respectfully, Dr. Meghan Raehl

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**RESOLUTION
21-10-10**

MOTION THAT THE BERLIN TOWNSHIP TRUSTEES NOTED AND ACCEPTED THE OBJECTIONS OF TRUSTEE BULLARD AND TRUSTEE O'BRIEN INDIVIDUALLY AND COLLECTIVELY TO THE CELL TOWER BEING PLACED AT 2500 PIATT ROAD. THE BOARD OF TRUSTEES DIRECT THE FISCAL OFFICER TO SEND A COPY OF THIS LETTER TO TOWERCO, WITH THE FOLLOWING WORDING: THIS NOTICE IS TO INFORM YOU PURSUANT TO R.C. 519.211(B)(4)(a) THAT SECTIONS 519.02 TO 519.25 APPLY TO THIS PROPOSAL TELECOMMUNICATIONS TOWER, PLEASE REFER TO SECTION 6.04 (B) OF THE BERLIN TOWNSHIP ZONING RESOLUTION FOR REQUIREMENTS FOR PROPOSED TELECOMMUNICATIONS TOWERS IN AREAS ZONED FOR RESIDENTIAL USE, A COPY OF ARTICLE 6 OF THE BERLIN TOWNSHIP ZONING RESOLUTION CAN BE FOUND ON THE BERLIN TOWNSHIP WEBSITE, THE TRUSTEES CONCUR WITH THE OBJECTION ON THE BASES OF HEALTH, WELFARE AND/OR SAFETY OF BERLIN TOWNSHIP RESIDENTS AND THOSE WHO COME TO THE SCHOOL PROPERTIES

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes and Bullard yes

The following is the objection letter from the Berlin Township Trustees that was sent to David Hockey, postmarked October 21, 2021:

BERLIN
Township Trustees

3271 Cheshire Road
Delaware, Ohio 43015
Phone: 740-548-6350
Fax: 740-548-7458

Trustees
Tom D'Amico
Ken O'Brien
Ronald W. Bullard
Fiscal Officer
Claudia E. Smith

October 20, 2021

TowerCo
Attn: David Hockey
5000 Vallestone Dr.
Suite 200
Cary, NC 27519

Mr. Hockey,

The Board of Trustees of Berlin Township on October 6, 2021, received written notice of your intent to construct a telecommunications tower at property owned by the Olentangy Local School District Board of Education located at 2500 Piatt Road, Delaware, Oh 43015. The Board of Trustees received on **October 19, 2021** a written notice from a property owner whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed requesting that sections 519.02 to 519.25 of the Ohio Revised Code apply to the proposed location as provided under R.C. 519.211 (B)(4)(a).

The Board of Trustees met in open session at a special meeting on October 20, 2021. At this meeting Trustees Ken O'Brien and Ron Bullard made an objection to the proposed location of this telecommunications tower on the basis of health, welfare and/or safety of Berlin Township residents and those who come to the school properties.

This notice is to inform you pursuant to R.C. 519.211(B)(4)(a) that sections 519.02 to 519.25 apply to this proposed telecommunications tower. Please refer to section 6.04(B) of the Berlin Township Zoning Resolution for requirements for proposed telecommunications towers in areas zoned for residential use. A copy of Article 6 of the

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Berlin Township Zoning Resolution can be found at www.berlintwp.us/wp-content/uploads/2019/10/zrc-master-effective-aug-28-2019.pdf.

Sincerely,
Claudia Smith,
Fiscal Officer of Berlin Township

**RESOLUTION
21-10-11**

MOTION TO AUTHORIZE TRUSTEE BULLARD TO EXECUTE ANY AND ALL DOCUMENTS THAT SUPPORT THE OBJECTIONS OF ANY BERLIN TOWNSHIP RESIDENTS, TRUSTEES INDIVIDUALLY AND COLLECTIVELY, IN OPPOSITION TO TOWERCOS PROPOSED CELL TOWER

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes and Bullard yes

**Adjourn-
RESOLUTION
21-10-12**

MOTION TO ADJOURN

Motion: O'Brien
Second: Bullard
Vote: Bullard yes and O'Brien yes

Meeting adjourned by Chairman Bullard at 7:30 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

ABSENT

Tom D'Amico, Trustee