

**Special Calais Selectboard Meeting with  
Vermont Telephone Company, Inc. (VTel) and Department of Public Service**  
Approved

Calais Elementary School  
April 15, 2015

Selectboard Chair Denise Wheeler called the meeting to order at 6:32pm. Present were Attorney Elizabeth Kohler, Downs Rachlin and Martin, representing VTel; Gordon Matthews, VTel Site Acquisition Manager; Jim Porter and Dan Burke, Vermont Dept of Public Service; Calais Selectboard members Rose Pelchuck, Denise Wheeler, Scott Bassage and John Brabant; Donna Fitch, Clerk; and members of the public.\*

Attorney Dan Burke explained the application process, referring to statute 248a "Process for the Siting and Deployment of Telecommunications Facilities." (Handout attached.) He stated the major players are the applicant, the Public Service Board, and the Dept of Public Service (DPS), which advocates for people. He explained the three different types of applications and the requirements of each. Mr. Burke recommended that if a person or group wants party status they should seek counsel from a local attorney. The town and the Selectboard automatically have party status. The town must file notice with the Dept of Public Service (within a 21 day period) if it wants party status. The DPS is hiring an aesthetics person to look at co-location. Jim Porter said DPS will make every effort to help prose litigants. The Agency of Natural Resources will file any concerns they have regarding natural resources such as wildlife. The Town Plan is referenced, but not zoning regulations.

Elizabeth Kohler presented for VTel. She referred to 1) the 248a process and 2) reviewed the project details and site plan, including 140' monopole, 20' x 20' fenced-in compound with 2 equipment cabinets and a 10' x 10' slab. Access is a road to a woods trail. Power will be brought to the site. 3) Ms. Kohler reviewed wireless coverage explaining that Federal stimulus money was made available to bring high speed wireless to under-served areas, up to 25 Mbps for downloads. The tower will bring service to 1,179 homes. 4) Aesthetics: Ms. Kohler presented a map of the view shed and photos of the balloon test that was done earlier in the week.

The Selectboard expressed concern that, while they were notified of the first balloon test, they were not notified of the second test which took place April 8. Ms. Kohler said they were on a tight schedule with the weather, the tests are not required but are important to educate people, and adequate warning was given for the first test. Gordon Matthews said someone had interfered with the first test. Therefore, it was necessary to perform a second test, which he assured attendees took place from the same locations as the previous test.

John Brabant encouraged VTel to communicate and to be inclusive and sensitive to the communities they serve. Expressing concern about how fast VTel was moving, John asked if VTel could extend the time of submitting their application to give the Selectboard time to put

their comments in writing. Ms. Kohler said they hoped to file the application by April 17, but they were waiting on other deliverables. She said they could hold off a week.

Scott Bassage asked why this location was chosen and characterized the neighborhood as "Vermont in the 1960s," stating this technology is inappropriate in this neighborhood. He asked about co-location. Ms. Kohler said the site was chosen after assessing many factors, including was it the right area to tie into their coverage network and avoidance of unreasonable aesthetic impact. Mr. Matthews said other sites in the region were reviewed and that VTel co-locates where it can. Mr. Brabant expressed distress over the 248a process which he said is disrespectful of people and needs to be fixed. His comments were met with a round of applause.

Senator Anthony Pollina said he shares Mr. Brabant's feelings, and he was in attendance to view the quality of communication. Mr. Porter pointed out that 248a sunsets in 2017. Representative Janet Ancel said this issue is important to Calais, she had received a number of emails, and she was present to hear the discussion for herself. Mr. Bassage said he urges the DPS to look at zoning. Jan Ohlsson, Calais Planning Commission member, said she was appalled that zoning laws were not considered. Zoning laws are updated annually, but the Town Plan is only updated every five years, she said, and now the legislature is considering instituting 10-year Town Plan updates. She asked if VTel coordinates with other companies. Ms. Ohlsson also asked if VTel was willing to work with the town as high speed internet is a service the town wants and co-location is important in both the Town Plan and in the town's zoning regulations. Ms. Kohler said that VTel does work with other companies; some sites are co-located on other companies' towers, but they cannot coordinate their frequencies.

The 1,179 "rooftops" serviced were identified by the Federal government in 2008 as underserved and then Federal grants were directed to these areas. Ms. Ohlsson asked how does VTel know these people are still under served. Ms. Kohler said that if there is one provider in an area, the area is still considered underserved. Calais resident Steve Murphy questioned the sense of urgency and Ms. Kohler referred to the upcoming construction season and the goal of constructing this year. Mr. Matthews said there are grant deadlines as well. Several residents expressed frustration with the process and wished that VTel had worked with the town earlier.

Additional concerns and questions asked by residents covered pricing, safety, how the location was chosen, accuracy of 1,179 "rooftops," and availability of data from other the other sites that were investigated.

Rick Delphia was especially concerned about the location as he said the tower is 300' from his house. Ray Peeler provided a hand-out from the World Health Organization "International Agency for Research on Cancer Classifies Radio Frequency Electromagnetic Fields as Possibly Carcinogenic to Humans" dated May 31, 2011. Mr. Matthews stated Federal law regulates emissions and said that a permit cannot be denied based on emissions.

The joint meeting ended at 9pm and the Selectboard continued meeting, discussing the next steps to be taken.

Scott Bassage made a motion to send a letter to VTel Wireless, Inc. by Friday, April 17, 2015, to include the following concerns, with copies to the Department of Public Service, and authorizing Denise Wheeler to sign the letter on behalf of the Selectboard.

- 1) Possibility of co-location
- 2) Request an extension of time before VTel files its petition
- 3) Reference the Calais Town Plan
- 4) Reference Calais Land Use and Development Regulations (zoning)
- 5) Explore existing sites that have not yet been considered
- 6) Character of the neighborhood

Rose Pelchuck seconded the motion. The motion passed 4-0.

A motion was made, seconded and passed to adjourn the meeting at 9:26pm.

Respectfully submitted,

Donna Fitch, Clerk

\*Others present: Ben Shadis, Ivan Shadis (The Bridge), Mary and Terry VanVeghten, Sandra Robinson, Peter Wells, Marge Garfield, Art Edelstein, Steve Zind (VPR), Jan Ohlsson, Eric Blaisdell (Times Argus), Mona Lutz, Mary Porter, Cynthia Johnson, Ray Pealer, Peter Harvey, Michelle Meacham, Rick Delphia, Scot C. Richards, Kelley Hunter, Warren Coleman, Renee Grzankowski, Tammy Leno, Doug Guy, Michael Birnbaum, Jim LaPaglia, Stephen Murphy, Matt Lutz, Michael Zahner.