

From: KShea@To: [chair@town.rutland.wi.us](mailto:chair@town.rutland.wi.us), [clerk@town.rutland.wi.us](mailto:clerk@town.rutland.wi.us),

Sent: 6/8/2014 4:30:46 P.M. Central Daylight Time

Subj: Petition 10672/CUP 2270 for the proposed rezoning and CUP for a proposed 486 feet. (Town of Rutland)

Dear Town Officials:

First let me thank you for your service to this Town. It is truly unfortunate that this matter has returned for review. I will not be able to attend the meeting this Thursday but wanted to formally state Margaret's and my opposition to this petition. I will limit my comments to those that the new statute purports to limit local government action, however, I believe this law may violate Wisconsin's Constitution concerning Private Laws and as such should be overturned by the Courts. In addition, given the fact that there was no public hearing on the amendment to our statutes I will urge Senator Fred Risser to introduce legislation to repeal this law. Unfortunately, those actions will not happen this week. Nevertheless, I believe you can make the findings of fact to reject this Petition on its face.

**As to Public Health and Safety:**

Whilst the FCC and Broadcasters have stated for years that there is no health or safety associated with the radio frequency emissions from a high power FM broadcast antenna, there position is based on old studies and a comfort/influence by broadcasters to ignore dangers from absorbing such radiation (N.B. the FCC guidelines were published in 1999 OET Bulletin 56, query is it reasonable to rely on such a document on non-ionizing radiation safety which is nearly 15 years old?). More and more we are finding fault with similar government health regulations. In matters of health and safety of its citizens I believe the Town and County need to find that such risks are unnecessary to assume. Please see information from this group of scientist that call into question radiation from sources such as high power FM broadcast antennas. <http://www.bioinitiative.org/> Specifically, this report: <http://www.bioinitiative.org/report/wp-content/uploads/pdfs/BioInitiativeReport2012.pdf> would give the Town and county sufficient basis for finding that this tower raises public health and safety issues.

Thus, the objective of rejecting this zoning change is to **protect the health of the citizens of Rutland from RF radiation**. The minimum to accomplish this is to **reject the zoning change which would subject the citizens to this public health threat**.

**As to reasonably accommodating radio broadcast services:**

The rejection of the petition for rezoning by the Town and County does not prohibit the provision of such [radio broadcast]services in the political subdivision. Nor does it does not adversely affect radio broadcast services in the political subdivision. In fact, if this antenna were located in Rock County (still in the zone permitted by the FCC) then this station would be received by the residents of both Dane and Rutland township.

Further, the broadcaster may choose (if hasn't already) to stream his station on the internet thus making it available to the residents of Rutland and Dane County and thus not need to relocate from its current site.

Wis. Stat. 66.0406 speaks to "broadcast services" not to a single broadcaster seeking to maximize profits. By rejecting this zoning change the action will not prohibit or have the effect of prohibiting the reception [provision] of radio broadcast services in the political subdivision. Only if the Town erected a Dome over the Township which would be resistant to radio frequency broadcast signals the Town would be in violation of this statute.

**Conclusion:**

I believe the memo from the broadcaster's attorney attempts to paint a picture that Town of Rutland and Dane County have no choice but to approve this petition. While I can understand why he would so argue I urge the Town to ignore this self-serving argument and reject the zoning change sought by Stoughton Farms.

Thank you for putting up on the Town's website the various relevant documents. It was helpful having these documents so readily available.

Respectfully submitted,

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