

Exhibit 4
Additional Appellant Letter

Copies to the Mayor of Peoria – Cathy Carlat and to all Council Members- Vicki Hunt ,Carlo Leone, Michael Finn, Jon Edwards, Bridget Binsbacher, and Bill Patena.

Additional copies to the Arizona Superintendent Public Instruction- Diane Douglas and Melissa Sigmund AICP Principal Planner and Cody Gleason.

To all recipients of this information please be sure to read the information on the pages with the heading (SCHOOL NEWS) Thank You

TO ALL CITY COUNCIL MEMBERS AND THE MAYOR

Subject: Conditional Use Permit for a 65 foot tall wireless communication facility on the Peoria Elementary School property, known as CU16-0022 – Shangri-La.

When this proposal was put forth at the Elementary school there were a number of residents that attended, and the presentation took over an hour.

The presentation, dealt mainly with the aesthetics of the site. Pertinent questions were not answered, and some were totally ignored. Then, when attending the December 15, 2016 planning and zoning hearing, residents were allowed only 3 minutes to be heard, yet the third party representing the applicant was allowed to speak for over 15 minutes. These proceedings seem, extremely lopsided, toward the applicant, and little to no concern of the public's concerns, were entertain. Please keep in mind, [Peoria Ranked as 7th Best City to Live in U.S.](#) Peoria is the only city in Arizona mentioned in this list, which is a testament to smart growth and development. I, for one, want Peoria to keep its rating and to even progress to a higher level. I believe that we can achieve that goal, by continuing to work together with our elected officials and having good and open lines of communications in order to share information that will further those goals. I had made a number of calls to P.U.S.D and to superintend Dr. Darwin Stiffle along with E-mails wanting to know answers to questions such as, who approves the applicant to go ahead with the request to the zoning board. What agreements, have been approved between the P.U.S.D and the applicant? Under what authority was this done since school property is paid for by property owner's school taxes? Is the P.U.S.D accountable to our elected officials of the City of Peoria, and if so to what degree? Who negotiated, what amount would be charged to lease this space, and since it was mention it would be \$400.00 per month, was consideration given, to the fact, that the applicant wants to lease out two other lower locations on this tower to other cell companies such as sprint, T-mobile, etc, and if that be the case, would each tenant be paying the school district separately, which would increase the income by three times and if not, and it is a flat fee, why? Why was it not, negotiated to charge 10% of all revenue of the traffic being transmitted over this tower?

As of this date I have never received an e-mail or phone call to discuss these issues from P.U.S.D. I am very disappointed with P.U.S.D unresponsiveness. May be these question should be answered by

[Arizona Superintendent of Public Instruction - Diane Douglas](#)

In my conversations with Cody Gleason he informed me that the P.U.S.D. is a separate entity and was not accountable to the City of Peoria. He also stated that according to the FCC ruling, a permit could not be denied based on health issues.

Additionally, during the presentation that was given to the public at the Peoria elementary school, questions were asked and a majority of the answers were misleading. For instance, when the question was asked, what exactly is this tower? The answer was, it is a communications tower, used for communications like the phone company use's it facilities for communication purposes. This reply, equates, this communication tower with that of a land line Phone Company, and gives the impression that this is part of the phone company. Not true! Telephone companies are regulated under the Telecommunication Act passed by congress, were as wireless providers are non-regulated and do not have the ability to claim right of way, or Eminent domain. When the question of why 65 feet tall, the answer was because, that was, what was needed to cover the half mile area. Anyone knows, that even a hand held walkie talkie's can transmit any were from 1 to 5 miles and you do not have to be 65 feet in the air to accomplish a communication link between the two units. When pressed on this issue Mr. Jason Sanks, snapped back in his response, that this, is what the radio engineers required and that's all there, is to it. Once again, misleading information. It is in fact, what the radio engineers want but is not, what is required to cover a half mile radius. I do not want to get into a technical argument but rather, get to the meat & potatoes of this issue.

Given the facts of the FCC ruling that a permit could not be denied due to health concerns, nor, could we object about the board of education leasing out school property, because they were a separate entity, we might as well, just throw open to doors, to Verizon, AT&T, Sprint, T-Mobile and whatever other wireless, providers that wants access to all, of our elementary and high schools in Peoria and surrounding areas. After all we are being asked to set aside our zoning regulations, such as height of 50 feet limitations, ignore the objections of the residents, and ignore the fact that this is a residential area along with ignoring the fact that the board of education is now entering into a joint commercial business ventures. Yet the

primary questions were never answered by the applicant. Such as how many customers in this half mile area will be affected, if the permit was denied and to what extend? Other than a strictly business revenue generation, what is the dire necessity, to have this tower at this location. On what grounds does the applicant base his request? This area already, has not only cell service, but additionally also has wireless internet service. I have friends and neighbors in this area that have Verizon wireless service for internet access and none of them have any problem getting on to the net and getting their e-mails or surfing the net. I will be attaching a map of a four mile square area surrounding this proposed site which shows 75 towers and there locations. Additionally you will see Verizon 65 foot tower 3 tenths of a mile from the proposed site. You will also notice there are a 105 foot Verizon tower at 1.75 miles and two other cell towers at 95 feet and 85 feet in height at a little over 3 miles from this proposed site. So you may ask why this tower is being proposed at this site. Well, in the applicants presentation they did state that this site is focus on 4G-LTE and the, simplest explanation is that the "G" in 4G stands for generation, because 4G is the fourth generation of mobile data technology, as defined by the radio sector of the International Telecommunication Union (ITU-R). LTE stands for "Long Term Evolution" and applies more generally to the idea of improving wireless broadband speeds to meet increasing demand.

So what we are looking at in this issue is a tower that will be used to improve wireless broadband speeds. Not a telecommunications tower for strictly cell phone calls. When these proposals are put forth, most laypeople automatically think, it is just for making calls and it is part of the phone company, and the impressions that are implied by these applicants give a false sense that it is ok and even the FCC ruling tends to confirm those misconceptions by its ruling that permits cannot be denied for health concerns. However we have other means of getting control of our school properties, for I have not found any law that requires a municipality or school district to sub lease school property just for the asking by large industry named companies that wants to increase their bottom line and market place penetration. We should not be rubber stamping every conditional use permit that is requested without doing our due diligence, so to avoid being misled. Let's keep in mind a short time ago another large industry told the public

there was no scientific proof, that there was a link between cigarette smoking and lung cancer. We all know better now and that information was out there long before action was taken. So I find it very curious that the FCC would make a ruling stating permits cannot be denied for health reasons on one hand and then turns around in 1996, and established RF exposure safety guidelines for wireless devices in the U.S. One of these limits is expressed as a SPECIFIC ABSORPTION RATE or ' SAR' which is a measure of the rate of absorption of RF energy in the body. The FCC has required that the SAR of a handheld wireless device not exceed 1.6 watts per kilogram, average over one gram of tissue. This begs the question of what is the wattage output of a cell tower and what distance would be required to meet that same standard for safety reasons. This seems to be a direct contradiction, or as a famous American native saying states (white man speaks with fork tongue.)

In keeping within the directive of the FCC ruling we must ignore the multiple studies that have been done in other countries. One German study showed cancer rates more than tripled among people living within 400 meters of cell phone towers. It also found that those within 100 meters were exposed to radiation at 100 times normal levels. We must also ignore an Israeli study that found risk of cancer quadrupled among people living within 350 meters (1,148 feet) of a cell phone transmitter, and seven out of eight cancer victims were women. Also an Australian study found that children living near cell towers developed leukemia at three times the rate of children living miles away.

You can get a quick snap shot, which will take about ten minutes, of the research and studies done in Australia by Dr. Devra Davis if you go to YouTube video the truth about mobile phones and wireless radiation. It will be an eye opener. These studies have been performed by world renowned scientist and astoundingly, the federal government does not allow rejection of cell phone towers based on health risks, accord to a 2005 article. And a Google search found no evidence that this situation has changed. Yet over 1.9 million cell towers have been approved nationwide without federal studies to assure safety of those living nearby, and lack of knowledge and conflicting information or lack thereof by our government has

produced this situation. We are now looking at a twelve year gap that while technology has progressed from G2 to G3 and now to G4, yet our government still has not given any safety guidance when it comes to cell towers. While many other countries are exposing cause an effect relationship between cell towers and health concerns. Oh I failed to mention that the government of India passed a law ordering cell phone towers to lower their power output by 10 percent. So once again, we cannot deny a permit based on health concerns. However there are many other reasons to reject this permit such as I had previously stated that we are not here to sub lease school property to any commercial concern to improve their bottom line or to give them an unfair advantage of market penetration and by lowering their costs of doing business if the permit is allowed. Since this is not an essential service it would be easy to deny the permit given the fact that all the residents that surrounds the school are against approval of this project. Also it was ludicrous of the photo shop picture of what the site would look like with the 65 foot pine tree, since the picture was taken at about 100 yards away and of course as anyone knows the further away from an object you are the small the object appears to be.

I have lived in Peoria since 1994 and I have never seen a 65 foot tall pine tree in the city of Peoria have you? This could also have repercussions on property prices as more and more information becomes available and maybe when the FCC unmutes itself on the subject matter. I also believe that the environmental agency of the city of Peoria should have a RF meter to do a stare and compare of RF radiation on properties such as the elementary school and then take a reading at the Peoria high school football field and do a comparison. Just for due diligence sake, and accurate knowledge of what is going on even when the FCC is mute.

The city of Peoria has a great opportunity not only to deny this permit on legitimate grounds, but to then take it a step further, and move to put in place regulations that would deny any permits to any commercial concern, when it is to be located on school property. This would show the rest of the country that that the City of Peoria is in fact progressive and a leader not a

follower when it comes to its zoning regulations and to, smart growth and development. By placing school grounds off limits to any type of commercial use will resolve multiple issues. This type of action will also negate any concerns of possible health effects long term. It would also keep commercial concerns to designated commercial areas. By doing so the FCC directive becomes mute.

At this time I would like to thank all the commissioners for their time in this matter, and I hope I have been of assistance in forwarding this information to help everyone make an informed decision

Respectfully Yours

Mr. Ernest deCiutiis
Jan, 05, 2017

CAMPANELLI & ASSOCIATES, P.C.**(516) 746-1600**

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School News

News of governments, other than the United States, banning Cell Towers near Schools; and U.S. School Districts and PTAs bucking the U.S. Government by opposing them as well:

Faced with scientific evidence of a link between RF emissions and childhood leukemia, Countries other than the United States have banned or are in the process of banning, the installation of Cell Towers within 1,500 feet from schools.

In stark contrast, the U.S. government has not only refused to entertain similar restrictions, but has, instead, been engaged in ongoing efforts to empower the wireless industry to install Cell Towers and Cell Antennas virtually anywhere they desire, including atop public schools, with virtually no government oversight or regulation [See [Government Related Information & Links](#)]

Across the U.S., State Officials, School Districts, School Boards and PTAs are bucking the federal government, and a movement to exert pressure upon Congress to change the Telecommunications Act of 1996 is underway.

The success of such movements will depend upon whether enough citizens can organize and thereby exert enough pressure to outweigh the lobbying efforts of the \$60 billion-dollar-per-year wireless industry.

Video addressing how the FCC has failed to protect school children - [Cell Tower Radiation Pollution](#)

Connecticut House of Representatives passes bill to restrict the installation of Cell Towers within 750 feet of a School, by a vote of 139-0 - Bill now heads to the Senate - April 28, 2010 - [Video](#)

BRAG Report recommends that schools, school districts, municipalities and states call upon the FCC for a ruling that requires Cell Towers be set back at least 1,500 feet away from schools - April 26, 2010 - [Business Wire](#)

Los Angeles Board of Education Votes to Prohibit Cell Towers Near Schools - "There is growing evidence that the radiation they emit, even at low levels, is dangerous to human health" - [Press Release](#)

Los Angeles Board of Education formally condemns the placement of Cell Towers near schools, and requests that the Los Angeles Board of Supervisors demand that the Telecommunications Act of 1996 be revised to allow local governments to consider the potential adverse health impacts upon children - December 8, 2009

Oregon School Board Votes to Ban Cell Towers on School Properties, and to oppose the installation of Cell Towers on Adjacent Properties - [OregonLive.com](#)

New Ruling Supports School Cell Tower Ban in Maryland

→ "There is no safe level of microwave radiation for children" - [RadiationEducation.com](#) - [Video](#)

Oregon: Mount Tabor PTA Passes Resolution Opposing Installation of Cell Tower Adjacent to Middle School - September 14, 2010

"When it comes to protecting children, you take as few chances as possible" - Canadian School District votes to oppose all Cell Towers within 305 Meters of its schools

Citing Health Concerns, European Parliament Adopts Resolution to Keep Cell Towers a Safe Distance From Schools - April 2, 2009 - [Full Resolution](#)

Radio Frequencies emitted from mobile phone towers will have deleterious medical effects to people within the near vicinity according to a large body of scientific literature. Babies and children will be particularly sensitive to the mutagenic and carcinogenic effects of the radio frequency radiation. It is therefore criminal to place one of these aerials on or near a school.

Helen Caldicott, MD, Pediatrician and co-founder of Physicians For Social Responsibility

Connecticut PTA adopts resolution to support legislation requiring that Cell Towers be kept 1,500 feet from schools, and that, to the extent that they are already within 1,500 feet, they be removed at the cost of their owner - [Connecticut PTA Resolution](#)

Los Angeles Councilwoman Janice Hahn moves to prevent placement of Cell Antennas near schools - November 18, 2009 - [Press Release](#)

Brattleboro Vermont residents say No Cell Tower on School Grounds - January 12, 2011

No Cell Towers Near Schools - [Facebook Link](#)

No Towers at Schools - [ExpelCellTowers.org](#)

New Zealand: Green Party Calls for Banning All Cell Towers Near Schools - [News Story](#)

The President of The Irish National Teachers Organization Calls for a Ban on Cell Towers Near Schools - "Individuals have a choice whether to use a mobile phone or not. With a phone mast near a school, children have no choice" - [Cellular News](#)

The Association of Teachers and Lecturers which represents more than 160,000 staff members of schools across the UK has called for the removal of Wi-Fi from schools citing potential health concerns for the children - April 8, 2009

Belgium Court Bans Cell Tower near Elementary School Citing Health Concerns - September 6, 2009 - [News Story](#)

School Cell Tower Denied - Proposed construction of a Cell Tower at Florida Middle School Defeated - Tampa, FL - [Watch Video](#)

Cell Tower a No Go - Residents Say No Cell Tower at Middle School - Tampa, FL

School Board: No interest in Cell Tower Proposed For Elementary School - Wykoff, NJ - [News Story](#)

After parents successfully defeated Cell Tower on School Grounds, company obtained permission to build it adjacent to School, and without notice. Parents had no opportunity to stop it

India Moves to Ban Cell Towers Near Schools - [Story Link](#)

Telecom Towers Tsunami - There are medical and political ramifications to Cell Tower siting in our country - B. Blake Levitt, former NY Times Science Writer - [Article Link](#)

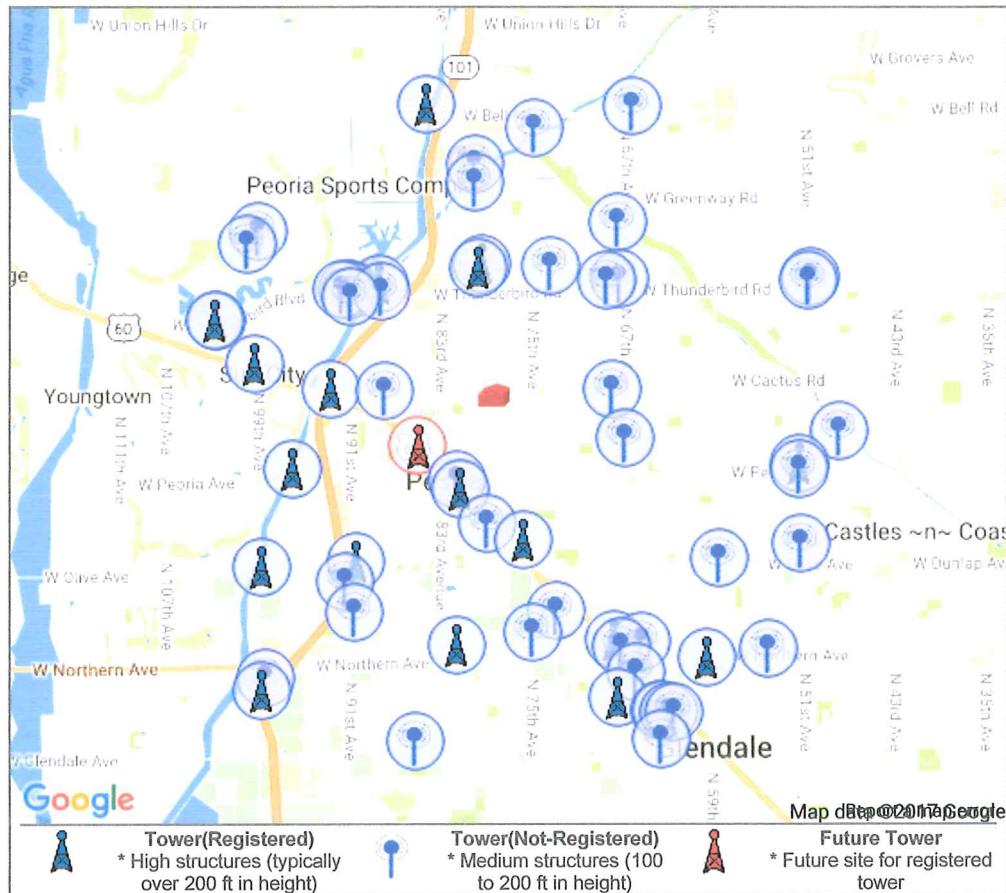
Parents Fighting Cell Tower Over School - "Keep it away from our kids", they say - Oceanside, CA - [News Story](#)

Proposed Playground Cell Tower Nixed by Effective Public Education Campaign in North Idaho - Lake City, ID - [News Story](#)

Elementary School to Close, Citing Planned Construction of Cell Towers on Roof of Building - Santa Cruz, CA - [News Story](#)

After hearing from students, School Board bans Cell Towers from Schools in District - Surrey, Canada - [YouTube Video](#)

• Tower Structures - (11621 N 77th Dr, Peoria, AZ 85345)



Tower Search Results!



Alert! 60 Towers (19 Registered, 41 Not Registered) found within 4.00 miles of 11621 N 77th Dr, Peoria, AZ 85345.



Info! The NEAREST Tower is .88 miles away and is owned by Towerco.



Alert! One New Tower Application found within 4.00 miles of 11621 N 77th Dr, Peoria, AZ 85345.

Tower Type	ID Num	Site Owner	Height	Dist
Registered	(1)	Verizon Wireless (vaw) Llc	65 feet	.92 miles
	(2)	At&t Mobility Spectrum Llc	75 feet	1.25 miles
	(3)	Sct Five Llc	82 feet	1.47 miles
	(4)	At&t Mobility Spectrum Llc	81 feet	1.51 miles
	(5)	Ccatt Llc	92 feet	1.99 miles
	(6)	Verizon Wireless (vaw) Llc	105 feet	2.12 miles
	(7)	Ccatt Llc	62 feet	2.31 miles
	(8)	Ccatt Llc	84 feet	2.35 miles
	(9)	Ccatt Llc	53 feet	2.56 miles
	(10)	Insite Towers, Llc	104 feet	2.61 miles
	(11)	Sba 2012 Tc Assets, Llc	65 feet	3.03 miles
	(12)	Alltel Communications Southwest Holdings, Inc.	55 feet	3.07 miles
	(13)	Sba 2012 Tc Assets, Llc	70 feet	3.19 miles
	(14)	Ccatt Llc	55 feet	3.29 miles
	(15)	Sba 2012 Tc Assets, Llc	67 feet	3.36 miles
	(16)	Sba Monarch Towers I, Llc	65 feet	3.48 miles
	(17)	At&t Mobility Spectrum Llc	70 feet	3.57 miles
	(18)	T-mobile West Tower Llc	70 feet	3.59 miles
	(19)	T-mobile West Tower Llc	85 feet	3.99 miles

 Not Registered	(1)	<u>Towerco</u>	65 feet	.88 miles
	(2)	<u>Crown Castle Usa For Sprint</u>	65 feet	1.11 miles
	(3)	<u>American Tower-schaumburg, IL</u>	61 feet	1.26 miles
	(4)	<u>At&t Wireless Services</u>	70 feet	1.41 miles
	(5)	<u>Nextel Communications</u>	90 feet	1.48 miles
	(6)	<u>One Comm</u>	80 feet	1.53 miles
	(7)	<u>Alltel Communications Inc</u>	60 feet	1.77 miles
	(8)	<u>Alltel Communications Of Nebraska Inc</u>	57 feet	1.89 miles
	(9)	<u>At&t Wireless Services</u>	90 feet	1.92 miles
	(10)	<u>Verizon Wireless (yaw) Llc</u>	83 feet	2.02 miles ✓
	(11)	<u>Alltel Communications Inc</u>	142 feet	2.17 miles
	(12)	<u>At&t Wireless Services</u>	107 feet	2.19 miles
	(13)	<u>One Comm</u>	91 feet	2.23 miles
	(14)	<u>One Comm</u>	90 feet	2.27 miles
	(15)	<u>At&t Wireless Services</u>	76 feet	2.29 miles
	(16)	<u>Crown Castle International</u>	192 feet	2.31 miles
	(17)	<u>Onecom</u>	90 feet	2.32 miles
	(18)	<u>Crown Castle</u>	194 feet	2.49 miles
	(19)	<u>T-mobile West Corporation</u>	65 feet	2.53 miles
	(20)	<u>At&t Wireless Services</u>	64 feet	2.66 miles
	(21)	<u>Cricket Communications</u>	81 feet	2.66 miles
	(22)	<u>American Tower-schaumburg, IL</u>	77 feet	2.74 miles
	(23)	<u>Kent A. Harrison (mc)</u>	64 feet	2.84 miles
	(24)	<u>Sue E Walters</u>	299 feet	2.88 miles
	(25)	<u>Aviation System Associates Inc</u>	88 feet	2.97 miles
	(26)	<u>American Tower Corp.</u>	72 feet	3.37 miles
	(27)	<u>Sba Towers</u>	75 feet	3.41 miles
	(28)	<u>Onecom</u>	76 feet	3.43 miles
	(29)	<u>One Comm</u>	76 feet	3.45 miles
	(30)	<u>Verizon Wireless (yaw) Llc</u>	59 feet	3.46 miles ✓
	(31)	<u>At&t Wireless Services</u>	80 feet	3.48 miles
	(32)	<u>Nextel Communications</u>	84 feet	3.51 miles
	(33)	<u>John E. Monday (mc)</u>	72 feet	3.51 miles
	(34)	<u>Nextel Communications</u>	84 feet	3.54 miles
	(35)	<u>American Tower-schaumburg, IL</u>	78 feet	3.68 miles
	(36)	<u>John E. Monday (mc)</u>	86 feet	3.70 miles
	(37)	<u>Crown Castle</u>	71 feet	3.79 miles
	(38)	<u>American Tower Corp.</u>	80 feet	3.82 miles
	(39)	<u>Crown Castle Usa</u>	75 feet	3.85 miles
	(40)	<u>Zach Shor</u>	160 feet	3.88 miles
	(41)	<u>Glendale, City Of</u>	80 feet	3.93 miles
 Future	(1)	<u>Peoria Unified School District</u>	69 feet	1.12 miles

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Arizona Superintendent Public Instruction – Diane Douglas

Allow me to introduce myself, my name is Ernest deciutiis and my address is [REDACTED] my E-mail address is [REDACTED]
) my cell # is [REDACTED]

I am writing to you, and forwarding information that I believe is extremely important, for everyone in our neighborhood, and our community at large. This is in reference to the proposed (Conditional Use Permit for a 65 foot tall wireless communication facility) know as CU16-0022 – PHO Shangri-La.

I would like to give you a small glace of my back ground, so you are not mislead in your thinking about my intentions. Many years ago I was a TV repairman. I also was part of a large radio club both, for short wave and citizen band, so I have a greater understanding of radio transmissions and technical subject matters than the average layperson, and have been involved in the technical field all of my adult life and now, I am in my late sixties and under good conscious, I have to join, with all of my neighbors that live in the homes surrounding the Peoria elementary school, in responding strongly against this project going forward.

Having attended the presentation given by the applicant at the Peoria elementary school and the, planning and zoning commission hearing, it has become clear, how wireless industry has manipulated, and seduced local school boards and municipalities to permit these projects to be built in residential zoned areas of our communities.

First and foremost, dangling the carrot of extra income for the school budget is very tantalizing. Who would object to outside income to the school district that would help with the school budgets? Secondly, the applicant immediately points to the FCC directive that permits, cannot be denied based on health risk due to high exposure to radiation from these cell sites. As you will see with the attached information, that the FCC has been mute on this subject since 2005. Unlike many other countries, and their world renowned scientists that have conducted many years of research since 2005, which shows a clear link between increased detrimental health effects to people that are in close proximity to these cell towers. Other countries and school boards, in our country are taking actions

to protect their citizens and school children. Now, knowing of these, ignored scientific studies, it would be morally reprehensible, not to inform the parents and staff of the exposure to RF radiation they would be subject to on a daily bases, if this project is allowed to go forward.

Given this information which is not new, and given the facts that other municipalities, and school boards and state governments, such as Connecticut, Los Angles, Oregon, have already, prohibit cell towers near schools, we are left with no other choice but to join with them in asking the Superintendent of Public Instruction and the Peoria Union School District to reverse its position and to disallow any access to school properties for the purpose of building a cell site.

Respectfully Yours,

Peoria Elementary School Neighborhood Association

Petition Against Proposed Cell Site at the Peoria
Elementary School

Residential Neighborhood Association
Surrounding Peoria Elementary School

Name

Address



NAME _____

ADDRESS