

During the regular meeting of the Gaithersburg City Council on April 11, 2016, the topic of potential installation of cell towers in Washingtonian Woods, Wesleigh, and Rio was discussed. Notice of the agenda for the meeting was announced just a few days before the meeting. Residents of Wesleigh and Washingtonian Woods contributed to an overflow crowd. Attendees expressed unanimous concern about the impending project, the way decisions have been made to date, and the way information has been communicated to the communities affected. Information from the meeting, including a PowerPoint, can be accessed at: <http://www.gaithersburgmd.gov/government/city-projects/small-cell-facilities>

Notes taken by Washingtonian Woods representative during the April 11 meeting include the following:

--Federal regs (both from 1996 Telecom Act and 2012 Wireless Act) allow private vendors (the one talking with the city at the moment is Crown Castle) access to residential areas to install 25-30' high poles with data-boosting equipment either in them or adjacent to them. Each tower can accommodate 3 different carriers (Verizon, Sprint, etc.). Fiber optic cable would have to be run underground to connect the towers to provider hubs.

--There was significant discussion about what the regs really allow with the city attorneys interpreting them as giving broad powers to the tower companies. There were several regulatory attorneys among homeowners who raised significant questions about the interpretations presented.

--the technology is micro cellular optical repeater equipment to provide faster data (does not impact phone service)

--The city needs (under the federal regs) to develop an approval process for use when it is approached by vendors. Federal regs give timeframes (60-150 days) for action and provisions for what MUST be in the document and what is prohibited. From the city lawyer's perspective, the city has little recourse in opposing an application. Even the placement of the poles (city prefers that they be at intersections but the vendor can say they need to be on residential streets to accomplish coverage, etc.) is an area where the city has the burden of proving why the vendor's proposal is unacceptable. Again, there was significant question from citizens about the accuracy of the legal interpretation.

--Crown Castle has been talking with city staff for some months but this was reportedly the first time the city manager has briefed the city council. Who would approve the contracts was discussed--staff function v. city council. The feedback from citizens clearly was that the council needed to be directly involved in this. A number of comments were made about whether the council was acting in the best interest of the citizens and questions about whether the council was being proactive on this.

--Crown has named Washingtonian Woods, Wesleigh, and Rio as neighborhoods in which they

would like to put towers (without assessment of data needs or wishes of the residents--no one at the meeting said they were having trouble with speed or access to data and no one said they wanted the towers). There was no explanation why these neighborhoods were chosen.

--residents listed many concerns including decreased property values, health and safety issues, who would own and maintain the poles (including who would be responsible for damage to property in case of storm/lightening), this technology will quickly become obsolete, aesthetic issues with unsightly poles.

ACTIONS the council agreed to take:

Will confer with legal team and clarify what the regulations really require

Will develop a project page on the city website to post updated information and answers to the many questions that were asked

Will schedule (and publicize) further work sessions and city council meetings

Kathleen McCann

5/1/16