

**RESOLUTION 100918-3**

**WHEREAS**, On or about July 13, 2018, State Representative Frank Farry, along with 34 co-sponsors, introduced House Bill No. 2564, entitled the Small Wireless Facilities Deployment bill, and

**WHEREAS**, The Borough of Gettysburg has a vested interest in protecting and managing its public rights-of-way, and

**WHEREAS**, the Borough of Gettysburg holds a multiyear lease with a small cell site provider(s), or desires to enter into future lease agreements with small cell site providers, and

**WHEREAS**, it is in the political and financial best interest of the Borough of Gettysburg to retain exclusive control over the negotiation, terms and conditions, and the permitting of small cell sites with small cell site providers in the public rights-of-way, and

**WHEREAS**, House Bill No. 2564 strips municipalities of their zoning and permitting authority by not requiring new poles and wireless facilities to: (1) be subject to zoning approval; (2) be maintained in good condition, order, and repair; (3) comply with collocation incentives to place antennas on existing poles or buildings rather than construct new poles; (4) be limited to certain zoning districts or specific roads provided that there are ample areas available for such facilities; (5) employ stealth technology so as to be as unobtrusive as possible; or (6) be subject to insurance and indemnification requirements – forcing municipalities to approve any facility proposed by a wireless company regardless of its appropriateness, and

**WHEREAS**, House Bill No. 2564 drastically reduces right-of-way fees, thus unnecessarily placing additional financial burdens on municipalities for the recovery of costs to review wireless applications, the permit and approval process, inspection of facilities, traffic management during installation, and other aspects of right-of-way management – forcing local tax payers to subsidize the wireless industry, and

**WHEREAS**, House Bill No. 2564 shortens the application review and approval process time, or ‘shot clock’, to an unreasonably short timeframe - which would prohibit the ability of any municipal staff or board to adequately review and process permit applications, thus deeming the permits as approved under federal if the municipality fails to act in the unreasonably short timeframe,

**THEREFORE, BE IT RESOLVED**, that the duly elected Council of the Borough of Gettysburg, Pennsylvania, a municipal corporation, and a political subdivision of the Commonwealth of Pennsylvania, **OPPOSE House Bill No. 2564** and encourage the members of the State Legislature to do the same.

**ADOPTED** on this 9<sup>th</sup> day of October, 2018, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

**BOROUGH OF GETTYSBURG**

By:

  
Susan C. Naugle

President of Borough Council

**ATTEST:**



Sara L. Stull

Borough Secretary



# Gettysburg

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Charles R. Gable, MPA - Borough Manager  
Sara L. Stull - Borough Secretary  
Harold A. Eastman, Jr. - Borough Solicitor

10 October 2018

State Representative Honorable Dan Moul  
District Office  
30 West Middle Street  
Gettysburg, PA 17325

Dr. Mr. Moul:

The House of Representatives is currently considering House Bill No 2564, entitled the Small Wireless Facilities Deployment Bill.

**Please consider this correspondence as formal notification that the Gettysburg Borough Council is unanimously opposed to this legislation and asks that you also oppose this legislation.**

The following motion was unanimously passed at its October 9, 2018 meeting and is enclosed for your reference:

**A motion to adopt a resolution opposing House Bill No 2564 entitled the Small Wireless Facilities Deployment Bill.**

The Bill as drafted would have significant negative effects on local municipalities to autonomously negotiate contracts with prospective companies, impede a Municipality's right to manage its public rights-of-way, and infringe on the ability of a municipality to set zoning standards within their respective jurisdictions.

Thank you for your consideration in this matter.

Sincerely,

Charles R. Gable, MPA  
Borough Manager

Enclosure

CC: Borough Council  
Senator Richard Alloway  
Dan Cohen, The Cohen Law Group