

**TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2018-4**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA IN OPPOSITION TO HOUSE BILL 1620, ENTITLED THE “WIRELESS INFRASTRUCTURE DEPLOYMENT BILL”**

**WHEREAS**, Broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, the Board of Supervisors of Tulpehocken Township supports the deployment of broadband services – both wired and wireless – in our community and throughout the Commonwealth; and

**WHEREAS**, A relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

**WHEREAS**, Pennsylvania municipalities are charged by state law with management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

**WHEREAS**, Pursuant to federal law, municipalities have the right to regulate the “placement, construction, and modification” of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

**WHEREAS**, Specifically House Bill 1620, entitled the “Wireless Infrastructure Deployment” bill would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for these facilities; and

**WHEREAS**, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, thereby forcing taxpayers to subsidize wireless companies for the management of their facilities; and

**WHEREAS**, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

**WHEREAS**, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

**WHEREAS**, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.

**WHEREAS**, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620.

**WHEREAS**, If the Pennsylvania General Assembly is permitted to abolish municipal right-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow.

**NOW THEREFORE BE IT RESOLVED**, That the Tulpehocken Township Board of Supervisors does hereby express its opposition to HB 1620 because it is not in the best interests of Pennsylvania.

**FURTHER RESOLVED**, That this Resolution shall be sent to our State Representative(s), State Senator, Governor, and all Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned.

**FURTHER RESOLVED**, That if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

**FURTHER RESOLVED**, That all Resolutions or parts of any Resolution inconsistent with this Resolution are hereby superseded.

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**IN WITNESS WHEREOF**, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 2<sup>nd</sup> day of January, 2018.

BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA

By:

Ray O. Leck  
Chairman

Richard A. Kramer  
Member

Austin H. Tuck  
Member

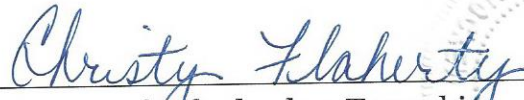
Attest:

Christy Flaherty  
Secretary



CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of TULPEHOCKEN TOWNSHIP, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 2<sup>nd</sup> day of January, 2018.

  
Secretary of Tulpehocken Township



Dated: January 2, 2018