

ACT NOW TO PROTECT DEMOCRACY- RESTORE HOME RULE, OUR LOCAL ZONING BYLAWS!

So far we've successfully blocked the Massachusetts Municipal Association's unnumbered bill to put wireless telecommunications antennas in all zoning districts with no hearing and only a building inspector's quick approval.

NOW we MUST work to INCLUDE State Senator Susan C. Fargo's Senate Budget Amendment #588 which passed unanimously on May 24! Senate Budget Amendment #588 REMOVES the wireless telecommunications' companies "public utility" status and PRESERVES local zoning authority.

PHONE AND WRITE TODAY to your state representative and tell him/her to urge House Speaker Thomas M. Finneran and the House and Senate Conference Committee to INCLUDE SENATE BUDGET AMENDMENT #588 in the Final State Budget. They will meet any day now to decide the makeup of the final Budget. The Committee Reps are Paul Haley, Harriett Stanley and Walter DeFilippi. We MUST have Senate Budget Amendment #588 included so it will be voted into law to protect and preserve Home Rule.

Passed overwhelmingly in the Senate last week (see State House transcript), Senate Budget Amendment #588, "Siting of Telecommunications Facilities", reads: "Section 3 of Chapter 40A of the General Laws, as appearing in the '1998 Official Edition, is hereby amended by adding the following clause to the end of the second paragraph: "For the purposes of this chapter, the term public service corporation shall not include commercial mobile radio providers."

The state Department of Telecommunications and Energy (DTE) ruled in January 1998 that cellular companies are "public service corporations." This ruling means that the companies may skip over municipal zoning ordinances and apply to the state for exemptions when they want to build new antennas and towers. The DTE has a long history of granting these exemptions. The 1996 Telecommunications Act prohibits communities from banning cell phone antennas, but does allow local official to set reasonable restrictions on their siting.

WE MUST INCLUDE Senate Budget Amendment #588 in the Final State Budget TO REMOVE the DTE from the business of siting telecommunications towers and antennas. This allows the courts to settle siting disputes, just what Congress envisioned in the 1996 Telecommunications Act.

CALL YOUR STATE REP NOW TO SUPPORT SENATE BUDGET AMENDMENT #588 BEFORE THE BUDGET CONFERENCE COMMITTEE DECIDES!

For questions, call Peggy Patton [508]-358-7209 and Diana Warren [508]-358-2865
e-mail mtpatton@aol.com homerule@man.com

MASSACHUSETTS GRASSROOTS EFFORT TO SAVE HOME RULE

SENATE SESSION - WEDNESDAY, MAY 24, 2000

CELL TOWER SITING: Sen. Fargo offered amendment 588 Siting of telecommunications facilities.

Sen. Fargo said I will refresh you. I filed this because I think it's important to give local officials more discretion in establishing a permitting process for the siting of cell towers. The amendment does not prevent companies from siting towers and it will not affect service or anyone's use of cell phones. Federal law allows local officials to set reasonable restrictions on the construction and location of cell towers. In January 1998, the state DTE ruled cell companies are public service corporations. That meant companies could skip over municipal zoning ordinances and apply to the state for exemptions. Some towers are 1,000 feet high. We are seeing more and more of them. DTE has a history of granting exemptions. This amendment is focused and direct and says DTE can not treat these companies as public service corporations. I urge that this body pass this amendment and send a message to local officials that we will stand tall to support their right to home rule. Thank you.

Sen. Tarr said he supports the amendment. This issue has been with us for some time now as a result of a flawed DTE decision. It rests squarely on whether local communities have some quantum of control. The towers seem to be sprouting at an exponential rate. The DTE ruling that governs this would base decision on public convenience and necessity. Cities and towns ought to have more governance than that. The Senate in that past has said we ought to vest communities with control. I hope we once again stand firm on this issue.

Sen. Walsh said telecommunications companies are the legal equivalent of adult bookstores. Every single town would like to ban them but we can't. But we can tell them where to go. In 1998 five bureaucrats appointed by the governor said telecommunications companies are public service corporations equivalent to gas and electricity. We know they're not. Some communities have taken them on in court and some don't have the resources. We are looking for a balance, a healthy economy and proper tools for zoning. This will be our third roll call supporting the local zoning. They're not CIA. They're not the National Guard. We are going to say where they're going to go. Sen. Walsh requested a roll call and there was support.

Sen. Montigny urged adoption of the amendment. Many members came to me to talk about this particular problem. No one has been more passionate about this than Sen. Walsh.

BY A ROLL CALL VOTE OF 39-0, AMENDMENT ADOPTED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

April 25, 2000

OFFICE OF THE
REGIONAL ADMINISTRATOR

Dear New Englander:

As the new Regional Administrator of EPA-New England, I am extremely grateful to have the opportunity to work with you to protect our region's environment and public health. I am excited about what we can achieve together in the coming months and beyond. During the past six years, we have together set a course for EPA-New England that has achieved tangible environmental results. We will continue in this new direction, while constantly seeking ways to innovate and build on our past successes. Though we have changed leadership at EPA-New England, we have not changed our course.

I am pleased to provide you with a copy of our 2000 State of the Environment Report. This year's report, published as we celebrate the 30th Anniversary of Earth Day, outlines many of our accomplishments over the past year, and over the past 30 years. It is chock full of information, both about our priorities and programs at EPA New England, and year-to-year environmental trends in ozone air pollution, drinking water compliance, mercury contamination, and numerous other environmental indicators in New England. I strongly encourage you to read the report and use it as a reference tool.

I also encourage you to share the report with others. The public can receive the report by accessing it on the Internet – www.epa.gov/region1 – or by calling us on our toll free telephone number, 1-888-372-7341.

Thank you for your interest and please feel free to contact us on our toll free telephone number, 1-888-372-7341 – if you have questions or thoughts about the report.

I look forward to working with you to tackle the environmental problems of the next decade.

Sincerely,

A handwritten signature in black ink, appearing to read "Mandy S. Lubber", is written over the typed name.

Mandy S. Lubber
Regional Administrator

Enclosure

Consent Communication #11

1845

A communication was received from
Mindy S. Lubber, Regional Administrator,
United States Environmental Protectional
Agency, transmitting a copy of the
2000 State of the Environment Report.
(copy of report can be viewed in
City Clerk's Office)

In City Council June 12, 2000

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