



Public Comment Questions and Response

Western Springs Village Board Meeting – 10/26/2020 @ 7:00 PM

(Some questions/comments have been paraphrased and/or consolidated for the sake of clarity for people who were not in attendance.)

Introduction and Summary of Small Cell Wireless Facilities

The Small Wireless Facilities Deployment Act (the “Act”), 50 ILCS 840/1 et seq., which was signed into law on April 12, 2018, by the State of Illinois as Public Act 100-0585, provides the regulations and process for permitting and deploying small wireless facilities within rights-of-way and on private property throughout Illinois (excluding Chicago). The Village of Western Springs is a non-home rule community, and the Act passed by the state legislature puts significant limits on the Village regarding what it has the authority to review and regulate regarding small cell installations within the community. The Act outlines the following:

- The Village may not limit the installation of small cell wireless facilities based upon any health concerns so long as the facilities comply with the Federal Communication Commission’s regulations concerning emissions
- Wireless service providers are authorized to utilize Village right-of-way (ROW)
- The Village cannot require the placement of small cell facilities on any specific utility pole or require multiple installations on a single pole.
- Within 30 days of receiving an application, the Village must determine if an application is complete. If an application is incomplete the Village must identify the specific missing information. If the Village fails to provide notification within 30 days, the application is deemed complete by the Act.

The Village’s authority to negotiate with the telecom companies is limited to the aesthetic considerations outlined in the Village’s [Design Standards](#). Under state and federal laws and regulations, the Village cannot legally deny the installation of 5G cell towers based on any other grounds, including health and property value concerns. The Board and staff are frustrated by this usurpation of authority and are doing all we legally can to regain some of that authority.

Questions and Responses

1. Why are we still moving forward with 5G if we don’t have a full review of the health impacts of this technology?

As defined in the Small Wireless Facilities Deployment Act (the “Act”), 50 ILCS 840/1 et seq., the Village of Western Springs does not have the authority to deny installations located in the Village’s ROW if those installations meet FCC guidelines and the Village’s [Design Standards](#). The Village’s authority is severely limited and design standards were revised in 2019 to be as stringent as allowable by law and the public act. The current Act does not afford the Village the authority to review applications based upon health standards.

2. Who is going to pay for the damages this technology causes if the industry is wrong about their assessment of the impacts it will have on health? Will the Village pay? How will this play out when this technology is placed by our schools and homes?

The Village cannot speculate on the potential health impacts of any wireless facility installation. The Federal Communications Act of 1934 and the Federal Communications Commission governs regulatory oversight for any potential facility installation. The FCC has provided comments on [Radio Frequency exposure](#), and the Village has provided that information on its website. The Village does not have the authority to regulate installations based upon health concerns if the proposed installations meet all FCC guidelines.

3. Did the Village contact the residents whose addresses were referenced for proposed locations in the EBI Consulting letter?

The Village has publicly shared all small cell wireless information it receives from providers on the Village's website. The current proposal from EBI consultants is not a permit application, but a historical impact review. The Village has only just begun the potential investigation regarding the requirements requested in the current submittal.

4. Did the Village contact the Western Springs Historical Society to get information about the historical significance of the selected areas?

The Western Springs Historical Society does not designate properties as historic landmarks. The Village does not have a historic district or historic preservation regulations. The properties near both proposed antenna sites, to the best of our knowledge, are not historic.

5. Does the Village know anything about why the two addresses at 5100 Woodland and 4048 Western were the locations chosen?

Verizon has not informed the Village why these two locations were chosen for the historical review.

6. What is the significance of the 30-day response period requested in the EBI Consulting letter? Is that a courtesy or a legal deadline that is running? If it is, what is the last day of that period?

The Village does not currently have any designated historic districts or historic preservation ordinances. The requested 30-day review is being researched by Village staff to determine if any additional state statutes or regulations may require a response.

7. Does telecom have authority to come on resident property (even to take photos of site as in EBI Consulting documents) without permission of the landowners?

Public Utility Easements do exist on most private properties and allow public utility providers maintenance access for public utilities. It is unclear where the existing photos may have been taken in relation to the edge of the Village ROW and/or any public utility easements. To the best of our knowledge, the telecom companies do not have the right to enter private properties.

8. Has there been a response from Verizon to the recent Klein, Thorne, Jenkins letter? If yes, please continue to share those responses with residents.

Joseph Farwell, Network Community Outreach Manager for Verizon, thanked the Village for the letter and stated he will respond shortly. Once the Village receives a response, it will share the letter on the Village website at wsprings.com/5g as it has done with small cell related communications and submissions.

9. If AT&T and T-Mobile can explore alternate placements, such as on the Spring Rock water tower, why can't Verizon explore alternate options than in residential areas?

The Village has agreements with several cellular providers (including Verizon Wireless) for equipment located on both the elevated tank and the standpipe. Providers are not required to locate their equipment on the Village's water towers but have done so through previous agreements.

Small cell wireless facilities are different than macro cell facilities located on communication towers, monopoles, and water towers, and they require different installation guidelines as specified by the Small Cell Wireless Act.

10. Between the noise, lack of wall and now proposed 5G cell location, is there compensation for residents in the Old Town area that is close to the I-294 expansion project? Do residents have a say in the 5G cell placements? Is this something we can vote on? Is this a done deal? Who decides where these towers go?

There is no compensation proposed by the Illinois Tollway regarding the modifications occurring on I-294. However, the Tollway will be installing a new sound wall as part of the project. Additional information, including ways to contact the Tollway can be found at wsprings.com/294.

As described in President Gallagher's recent Special Edition of the Tuesday Topics newsletter ([10/26/20](#)) and in the Illinois Small Cell Wireless Act, local municipalities have extremely

limited oversight regarding the installation and location of small cell wireless facilities. At present, the Village does not have the authority to limit installations if the proposed cells meet the Village's design guidelines. Additional oversight authority or restrictions cannot be approved by the Village Board. The Village has encouraged all residents to contact their state representative to request the State Legislature to grant authority back to municipalities to regulate the installation of small cell facilities.

11. What will the risk be to myself and my family if this 5G cell is placed so close to us, just one block from our home?

The Village of Western Springs is not an authority on the impact of new 5G or small cell antennas. Oversight for radio wave radiation is through the Federal Communications Commission (FCC). However, please be sure to visit [wsprings.com/5G](https://www.wsprings.com/5G) and see the "Additional Information" section. This part of the website includes resources provided by science-based organizations.

12. Please tell us more about the process of negotiating the placement of the towers and how those decisions will work. How will resident input be considered in this process? Also please tell us if the Village is looking into compensating families for their lower/reduced property values, potentially either from the Village or from telecom.

As defined in the Small Cell Wireless Act, approved by the Illinois State Legislature, municipalities do not have the authority to dictate installation locations to the wireless provider. The Village's authority is restricted to aesthetic design which is outlined in the [Village's Design Standards](#).

13. In the future, can we have a listing of attendees who attend Zoom Board meetings?

The Village does not require a sign in sheet for attendees of the Village's Board meetings. A video recording of the Board meetings is made available after the meetings on the Village's website at [wsprings.com/AgendaCenter](https://www.wsprings.com/AgendaCenter) and on the [Village Facebook page](#).

14. Will the Village survey the neighborhood to see who wants these towers? Who is in support of these towers or pro-5G?

There are no plans currently to conduct a resident survey for small cell wireless facilities. The Village Board has stated on multiple occasions to both the telecommunications providers and state/federal legislators, that it feels that Western Springs is not an appropriate location for the installation of these facilities within our community. We will continue to reinforce that message.

15. Who is profiting from these 5G cell installments?

The Village cannot speak to the economics of the 5G and/or small cell rollout plans. The Village does not have information on the commercial entities involved with each small cell wireless installation or proposal. When permits are submitted to the Village for review, the relevant plan sheets and contact information for parties involved in the plan submittal is posted on the Village's website at wsprings.com/5g.

16. Does Verizon know that Laidlaw Elementary is 2 blocks from the proposed 5G cell location at 4048 Western Ave?

Verizon may or may not be aware of the proximity of the elementary school. The proposed antenna locations are likely a result of their engineering studies indicating how they will provide service coverage for customers living in Western Springs and nearby communities, as well as those traveling through the area.

17. Why can these towers not go down Bemis Woods, line Ogden Avenue, line Bemis Woods?

Please reference the answer to question number 16 above.

18. Who is profiting off this?

Please reference the answer to question number 15 above.

19. Where is the neighborhood investment?

Specific questions related to installation locations should be submitted to the permit applicant for each potential installation. Contact information for each applicant can be found at wsprings.com/5g.

20. How are they helping us and is there no community involvement?

Specific questions should be submitted to the permit applicant for each potential installation. Contact information for each applicant can be found at wsprings.com/5g.

21. What are we getting out of it besides health risks?

Specific questions should be submitted to the permit applicant for each potential installation. Contact information for each applicant can be found at wsprings.com/5g.