

CITIZENS FOR THE PRESERVATION OF PLEASANT VALLEY

January 4, 2008

Mr. Joseph Kroboth
Director of Public Works
100 West Washington Street
Hagerstown, MD 21740

Cc: Kristin Aleshire, Terry Baker, John Barr, James Kercheval, and William Wivell

Dear Mr. Kroboth,

Thank you for responding to our letter. In your response, dated December 10, 2008, there were several statements which we would like clarification on. Any assistance you can give to us to clarify the situation is appreciated.


From your December 10, 2008 letter:

In the second paragraph you make reference that you are “*aware of recent testing at this location (Keep Tryst Road at Sandy Hook Road) for additional cell communications*”. The County has committed in writing to numerous agencies and publicly testified, that there will be no commercial cellular telephone communications equipment or antennas at this location. There has been no testing completed to expand commercial cellular telephone equipment at this site. The only testing that has taken place is that associated with the public safety radio and data communications equipment, which is not related to cellular telephone equipment.

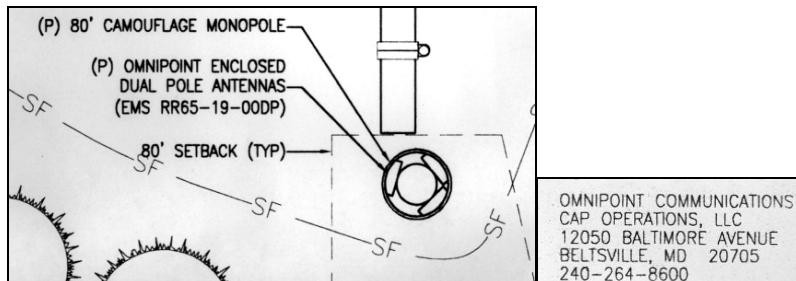
On October 23, 2008, a local resident took these photos of workmen at the site performing what appears to be some sort of testing. When the workmen were asked what they were doing, they responded that they were performing testing for **AT&T**.



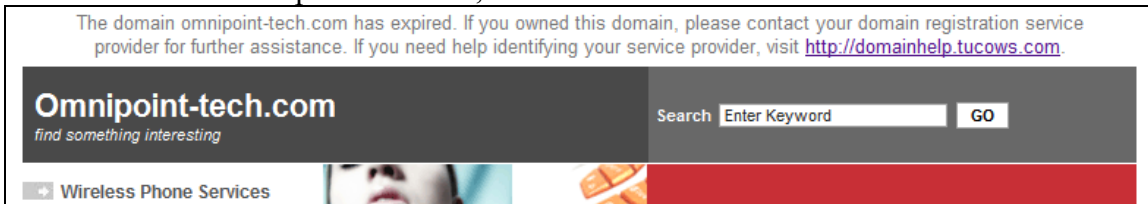
Obviously, there is currently a cell phone tower there. It is on the tax report

		Maryland Department of Assessments and Taxation Washington County Real Property Data Search		Go Back				
				New Search				
Account Identifier: District - 11 Account Number - 016103								
Owner Information								
Owner Name:	WASH CO SANITARY DEPT	Use:	COMMERCIAL HOMESTEAD ELIGIBILITY: NO					
Mailing Address:	C/O OMNIPPOINT COMMUNICATIONS 12050 BALTIMORE AVE BELTSVILLE MD 20705-1247	Principal Residence:	NO					
		Deed Reference:	1) / 1002/ 102 2)					
Location & Structure Information								
Premises Address	Zoning	Legal Description						
19223 KEEP TRYST ROAD KNOXVILLE 21758		CELL TOWER SITE 19223 KEEP TRYST ROAD						
Map	Grid	Parcel	Subdivision	Section	Block	Lot	Group	Plat No:
88	13	119					3	Plat Ref:

and on site plan SP 04-028.



At least at one time, Omnipoint Communications, Inc. was a wholly-owned subsidiary of **T-Mobile** USA, Inc (not **AT&T**, as the workman said). When we go to what we believe to be the Omnipoint web site,



it appears that Omnipoint is having difficulties.

1. Has the tower changed hands from T-Mobile to AT&T?
2. Your letter states “The County has committed in writing to numerous agencies and publicly testified, that there will be no commercial cellular telephone communications equipment or antennas at this location.” Are we to understand that if the first-responder tower is built on this site, that the current cell tower will be removed? We assume that the current cell phone tower would remain standing if the first-responder tower is ultimately built on the proposed alternate site.

From your December 10, 2008 letter:

Regarding your request to be specifically notified of all future tests, evaluations, and public discussions relating to the communications project; we have not developed a specific mailing list for notifications. We do have an email listing of those individuals who have submitted comments and will use that list as appropriate for dissemination of information. We will continue to make notifications through the media and public programs so that all public agencies, citizens and special interest groups receive the same information and in a timely manner.

Several members of our group are on your email list of individuals who have submitted comments. Emails are a great mechanism for notifying anyone interested in the issue and appreciate the emails which we have received. We encourage more.

In the November 7, 2008 Herald Mail article on the tower, it states “The county plans to conduct a balloon test from the alternative site in December and hopes to hold a public meeting in the area in January, Kroboth said.” We assume that, as of December 28, 2008, the balloon test has not happened. If the test needed to be re-scheduled, that is perfectly understandable.

3. Are we to assume that, as soon as the new date for the balloon test is decided, the public will be notified?
4. Will we be notified via your email list, or do we need to look else where for the notification?
5. We would like to know about the test far enough ahead so that volunteers may get time off of work and help bear witness to the event. Is that not in everyone’s best interest? Does it not increase credibility of the results with the general public?

From your December 10, 2008 letter:

In the third paragraph you indicate that you are “*troubled by reports from citizens that the County is refusing reasonable access to information and participation*”. As a government entity, we are bound by the Freedom of Information Act, which not only require disclosure of certain public records but, prohibits us, subject to prosecution as a criminal act, to disclose other certain information that is considered personal or commercial proprietary information. Washington County has openly disclosed the information possible and remains in compliance with the law. If you have any questions regarding this issue, I recommend to contact our Office of the County Attorney for additional information.

Under the PIA, (Public Information Act, the Maryland equivalent of the federal Freedom of Information Act), there are currently two citizens which have been requesting, and denied, information which seems reasonable to us. The next step in the process involves their getting a lawyer. This seems unfortunate and unnecessary to us.

Respectfully Submitted,

Eric Whitenton, President,
Citizens for the Preservation of Pleasant Valley

Group contact information:
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Web site - upshotmd.org