

April 8, 2021

To: Montgomery County Council

BY EMAIL

Re: Fiscal Year 2022 Operating Budgets And Amendments To The Capital Budget And FY21-26 Capital Improvements Program (CIP)

I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

WSSC is less than 3% away from reaching its debt service ceiling. When they reach the ceiling limit, **our property taxes are at risk for the levy of ad valorem taxes, annually**, against all the assessable property within the Washington Suburban Sanitary District (WSSD). Residents who utilize well water and septic systems should know that they are not exempt from the levy because their property is within the WSSD. WSSC's 6-year projected model shows the debt service amount increase incrementally – a clear indication that extreme measures and immediate action are needed to derail WSSC's imminent insolvency.<sup>1</sup> I have previously encouraged the following independent audits:

- Insolvency,
- Management Audit Of Spending And Revenue Controls,
- Lost Water,
- Large Diameter Water Pipe & Large Valve Rehabilitation Program, and
- Trunk Sewer Reconstruction Program

-- all made readily available to the public as soon as possible.

Despite warnings from residents, WSSC's budget continues to receive bare minimal oversight and liberal rubber-stamping, akin to Tower Committee's rubber-stamping of Wireless Transmission Facility (WTF) applications.

The problematic application process for WTFs was brought to the County's attention years ago. Recently, the Tower Committee favorably recommended [dozens of applications with errors](#). Alarmed residents caught and challenged the errors, notifying the Committee and

Councilmembers. Despite being well aware of the problematic application process for WTFs, the County has yet to fix the issue. Instead, the PHED Committee is exacerbating this matter by promoting more cell tower densification via **the legally baseless ZTA 19-07 that was voted upon without legally sound discussion.** WTFs in neighborhoods -- especially when 30 feet or less from homes -- decrease property values, as evidenced in the County's own legal court filings and the Property Tax Assessment Appeal Board for Montgomery County. In 2018, Montgomery County raised concerns in its [own legal briefs filed in federal court](#) about the reality of decreased property values of property near small cell towers. In 2011, the Property Tax Assessment Appeal Board for Montgomery County [reduced a property's value](#), in part because the "probability of neighboring cell tower also affects value negatively."

Meanwhile, the County continues to subsidize the wireless industry at an estimated rate of 75 percent. An accurate accounting of how much of our tax dollars are supporting a major industry has yet to been done. As such we can expect the massive taxpayer subsidization of wireless development to continue. Current application review fees do not cover the County's actual administrative costs. According to [Montgomery County's 2011 comments to the FCC](#), "the County subsidizes the cost of reviewing applications for tower siting facilities and augments the process with dedicated staff. Not every jurisdiction is as fortunate." [Montgomery County's 2017 comments to the FCC](#) regarding the Tower Committee's application fees states, "The fees for new structures are significantly less than the actual cost, roughly only fifteen (15%) to twenty-five (25%) of the actual cost. **The County opted to keep these fees low to facilitate the deployment of telecommunications facilities** in the mid-1990's and 2000's. Until very recently, over the County's twenty-one (21) year history of reviewing TFCG applications, only fifteen percent (15%) of applications were for new applications, so the County's subsidizing of these applications was manageable." For decades, residents have been subsidizing up to 85 percent of new structure fees to facilitate these unwanted deployments at the direct expense of our own diminished property value! With immense opportunity for new structure development, promoted by the restructuring of conditional-use permits and minimal setbacks under ZTA 19-07, taxes owed to the County will increase.

When taxes significantly increase to subsidize exponential cell tower densification and diminished property values are used to bail out a mismanaged utility, the financial forecast for all

of us is horrifically austere. It is absolutely sinister for the County to use private-owned property to support entities that are ultimately compromising residents' lifelong, most primary investments – our homes.

Residents remain unheard – despite YEARS of proactive efforts in demanding:

- Independent audits contingent any WSSC rate increase,
- Rectifying the Tower Committee's procedures,
- Reducing telecom industry's subsidization, and
- Killing ZTA 19-07 in exchange for a legally based and protective ZTA.

A wholistic budget addressing all of the aforementioned travesties of democracy is an undeniable and baseline necessity for the County and its residents.

I have presented no matter of mere “concern” or any other non-substantive matter, but solely matters of substance, of fact and law.

Natalie Rosser  
Silver Spring, MD

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<sup>1</sup> WSSC Fiscal Year 2022 Preliminary Proposed Budget (pg 56, 79, 104)

<https://www.wsscwater.com/files/live/sites/wssc/files/Financial/WSSC%202022%20Proposed%20Budget%20For%20Printing%20-%20Budget%20Book%20Compilation%20Document%201.14.21.pdf>