



MORAGA

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Moraga to receive \$2.25 million Palos Colorados payment

By Vera Kochan

Moraga Town Manager Cynthia Battenberg couldn't contain her excitement before her report to the town council during their Nov. 10 meeting. Just two hours earlier, she was informed by the Palos Colorados developer, Richfield Real Estate Corporation, that they were in the process of wiring the \$2.25 million remaining principal owed to the town for the Palos

Colorados Golf Course Operation Municipal Fund. The project itself had been in development for over 30 years involving a 1986 original plan submittal for 146 homes and a golf course in Moraga and bordering Lafayette. In August 1999, after several years of litigation, Moraga, Lafayette and Richfield agreed to a settlement surrounding the original Palos Colorados project reducing the number

of homes to 123 with a golf course. Richfield was unable to obtain state and federal approval with regards to the development and filed an application for a General Development Plan which eliminated the golf course from the plan. Another lawsuit in 2007, clarified the developer's obligations to pay a fee to both Moraga and Lafayette for the fees they would have collected had the

golf course remained part of the new plans. According to Battenberg's update, "The Town has been accruing 5% simple interest on the principal of the remaining funds due since April 2008, and the accrued interest payments now total \$1.5 million. Payment of the principal will stop future interest accrual. The \$1.5 million in outstanding interest owed is due upon issuance of all local, state and

federal agency approvals, including grading permits. Also due upon issuance of permits is the remaining second installment payment of General Plan Fees of \$1,250,000." Battenberg noted that there are no restrictions on the use of the funds which in the past have been used on one-time expenditures such as parks and open space, emergency repairs or to pay off debts.

Small cell wireless facilities ordinance improvements

By Vera Kochan

The topic of small cell wireless facilities within town has been a sore spot for many residents with regards to radio frequency emissions safety. The town council continues to recognize that its hands are tied by Federal Communications Commission regulations with respect to the new 5G facilities within Moraga's borders, however by updating an existing ordinance (Chapter 8.144), it hopes to take back some control of the situation.

The update allows for improvements to location preferences, aesthetic and landscaping requirements, design standards and noise. The small cell facilities are typically smaller antennas attached to existing infrastructure with additional equipment cabinets. The bulk of the Nov. 10 council meeting discussion centered on radio frequency emissions and the testing of 5G equipment for possible malfunctions. According to the staff report provided by Planning Director Afshan Hamid and Assistant Town

Attorney Denise Bazzano, the 1996 Telecommunications Act states: "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications Commission's] regulations concerning such emissions." The staff report continues, "The FCC has promulgated specific guidelines for human exposure to RF radiation. Furthermore, courts have held that the FCC has exclusive jurisdiction over RF interference issues and thus local zoning ordinances and permit conditions cannot regulate RF interference." Town staff consulted with Hammett & Edison, Inc., an expert in RF site evaluations since 1985. According to H&E, having conducted over 20,000

of these tests, it has never found any wireless telecommunication base station or small cell node with RFs exceeding their projected levels. An additional expert, Specialist/Senior Analyst Michael Afflerbach with CTC Media Group stated that as long as the facility was properly installed and sited, RF exposure would still fall well below the FCC emission standards for public exposure, and it is not likely for a completed facility to later exceed the FCC emission standards after the wireless facility had been constructed, without some external modification. During the town council's Sept. 8 meeting they requested that staff look into the possibility of having the wireless carriers install a fail-safe device in the event that one of the facilities exceeded RF emission standards. Both H&E and Afflerbach explained that there was no need for such a device as the wireless facilities are de-

signed to be within FCC limits even while operating at maximum levels. Still not completely comfortable with the "expert" advice and their test results given the fact that 5G has only been around for approximately three years and the small cell equipment is relatively new, the town council worried about what could happen 10 years from now if the devices could potentially begin to fail and exceed RF emissions. The FCC does not require the installers to perform periodic testing. Looking to avoid potential health issues for its residents, the council requested that staff look into the possibility of the town performing independent spot testing at an estimated cost of \$1,500 per site. As there are no applications at this time from any telecommunications company to install 5G facilities in Moraga, the issue of town sponsored testing will be revisited.



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Campolindo library turns 50 years old

By Vera Kochan

The aesthetically pleasing Campolindo High School Library, located at 300 Moraga Rd. in Moraga, recently had a milestone 50th anniversary. Completed in 1971, by architects Rockwell & Banwell, who were responsible for many school structures throughout the state, it was rechristened The Irene Earl Li-



Photo provided

Campolindo library's interior has seen many changes.

brary in honor of the first librarian in charge of the new facility. Campo opened its doors in 1963, with the original library making its home in a classroom under the guidance of Librarian Suzanne Burrows. Today, it is run by Teacher-Librarian Sarah Morgan, Ed.S. The present library has remained the same on the outside, but the interior has seen some changes. Gone are the study cubicles on the upper left side, having been replaced by an office area. Where once the check-out desk was located in the middle of the main floor level (supposedly for staff to

keep an eagle-eye in both directions for shushing purposes), it has been relocated in front of the office area. The addition of ADA-compliant ramps and dozens of PC computers have brought the still beautiful library up to date with current regulations and modern-day necessities. The wood-paneled walls still give off the same warm and cozy vibe that students have appreciated for decades. It is a haven for gossiping, studying or simply hanging out first thing in the morning before classes begin. If those walls could talk ... I might even hear my own voice.

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Town Council
Wednesday, Nov. 24, 7 cancelled
Wednesday, Dec. 8, 7 p.m.
Planning Commission:
Tuesday, Dec. 7, 7 p.m.,
Park and Recreation Commission:
Monday, Dec. 20, 7 p.m.,
Moraga School District Board Meetings :
Tuesday, Dec. 14, 6 p.m.
www.moraga.k12.ca.us.