



## **Addendum/Clarification to Scope of Wireless Permitting Reviews and Services**

### **No Conflict of Interest in performing reviews within overlapping Jurisdictions**

JMT has not experienced professional or ethical a conflicts of interest when working for both municipal Clients and DelDOT. In the scope and execution of this contract, JMT would represent the Town of Dewey Beach in the development of processes and policies. While DelDOT and the Town of Dewey Beach may have different technical requirements (based on their differing goals and desired outcomes), in these permitting reviews the regulated entity is the wireless providers/applicants. DelDOT and the Town of Dewey Beach are both moving in a parallel direction, limiting any potential conflict of interest. Permitting Reviews and Technical Comments will be performed for each client separately and held to the specific Jurisdictional requirements of each Client.

Our process involves the development of a checklist that encapsulates all the requirements placed on an applicant by the regulating entity. JMT then reviews applications against the checklist and either recommends approval or denial. Our experience has shown that where clear requirements are presented, it is the wireless applicant's goal to comply with the requirements that result in a successful application and authorization for deployment. As expressed in the March 30<sup>th</sup> Commissioners' Meeting, JMT would faithfully execute our responsibilities on behalf of Dewey on one-hand while faithfully executing our responsibilities to DelDOT on the other. There have been no complications to date executing these services for overlapping jurisdictions.

JMT actively works with and represents the City of Wilmington and has experienced the dual role of representing both the municipality and DelDOT has been beneficial. Brooke Santiago, the Small Wireless Coordinator for the City of Wilmington had this to say about our work:

*"When Johnson Miriam & Thompson, (JMT) was referred as a contact, to assist with questions and details encompassing Small Cell Wireless/5G coming to the city, it was a step [taken] in hope of success. From the very first meeting with JMT and the representative from DelDOT, it was nothing less than professional, knowledgeable and comprehensive. We needed to create a program management system from scratch, and having the knowledge base that JMT provided has been proven to be the best decision. We have never found a conflict of interest consulting with JMT and their existing DelDOT business relationship. JMT staff has continued to provide strong engineering and technical intelligence for the best interest of the city while also creating a clear path for providers to create a Small Cell Wireless network."*

### **Outline of Goals Associated with Section 1.1 Proposed Refinements of Dewey's Ordinance and Policies**

JMT will work with the Town of Dewey Beach to establish coherent requirements for applicants that allow for clarity on the necessary steps that must be followed to remain on the "Path to a YES." This involves evaluating the goals of the Town with the lens of an effective prohibition (an action or requirement that effectively prohibits service and is in violation of Federal Code Title 47 Section 253). We believe that

creating scenarios that result in an allegation of an effective prohibition puts municipalities in jeopardy of being drawn into litigation and potentially losing the permitting authority related to the placement of Small Wireless Facilities within the ROW. Where we see these scenarios playing out, we work with Clients to negotiate compromises (internally first and then ultimately with the Providers if they begin to Label things as creating an effective prohibition). Our primary approach is to clarify the technical requirements in terms of the aesthetic and concealment goals or provide alternate allowances that are acceptable to our Municipal Clients. We believe this approach allows the Town to maintain the maximum degree of control over their Permitting Program within the regulatory framework that the FCC created, and US Courts have affirmed.

1. JMT will work with the Town of Dewey Beach to make sure that the current loophole (which stems from of a weak definition of “wireless service”) that allowed Tilson to acquire permits through DelDOT is further clarified under the Town’s Ordinance and is effectively closed. The Town would be encouraged to implement changes at the Ordinance and Technical Manual level in favor of FCC informed definitions of “Small Wireless Services” that exclude provision of WiFi as a means to justify speculative pole placements in Dewey Beach.
2. JMT will evaluate the aesthetic and concealment requirements in the Town ordinance to make sure that the intent of the requirement is appropriately spelled out and reflects the Town’s desired outcomes, while remaining compliant with FCC rulings/actions and US Court findings.
3. JMT will evaluate things like the spacing requirements to make sure that they do not put the Town in jeopardy of losing control of the process. We would recommend edits and revisions to put the town in the best position possible.
4. JMT will also evaluate the billing provisions in the Town ordinance and propose updates as necessary. In accordance with FCC rulings, municipalities may recover the actual and reasonable costs for permit review. There are a couple ways for the town to process this that we could discuss and determine the best option for the Town through coordination with the finance department. One option is a retainer that is submitted with permit applications for which the Town can draw against and effectively offset a sizeable portion of the Permitting Review Expense.

Additionally, we would work with the providers who currently have deployed facilities in the Town of Dewey beach to evaluate where the current deployments might be relocated to better comply with the Town Ordinance and Aesthetic/Concealment goals. There is no guarantee that this will result in a mandatory shift in the previous deployment outcomes, however, the applicants/providers have indicated on multiple occasions that they want to work with municipalities to satisfy requirements. JMT’s broad role in Small Wireless Permitting State-wide may provide additional traction to help negotiate favorable shifts in deployments (with a particular focus on the Stub streets that terminate along the beach).

We have attached resumes for the key personnel that are typically involved on a routine basis with Permitting Reviews and technical commenting. We have a broader network of personnel and resources that we can enlist as technical matters and permitting application volumes fluctuate.

Sincerely,

  
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Leonard J. Mossotti



# LENNY MASSOTTI, PE

Project Manager

Mr. Massotti has more than two decades of experience in design and project management with land-development, highway access management, transportation improvements, and commercial re-development projects in Delaware and Maryland. He has experience writing, updating, and implementing policy and regulation changes at a state agency level. Mr. Massotti has served as program manager at a county level, reviewing and approving highway access plans, and coordinating roadway improvements by private developers with other DOT projects and programs. He has extensive process review and program/process Improvement experience, applying state-of-the-industry enhancements to ongoing plan review and approval programs, including coordinating and training internal agency staff and external customers and consultants.

## EDUCATION

BS / Engineering (Mechanical)

## REGISTRATION

Registered Professional Engineer / DE #14321

Registered Professional Engineer / UT  
#10855268-2202

## YEARS OF EXPERIENCE

23

**DELDOT, WIRELESS SMALL CELL FACILITY UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Project Manager.* JMT worked with DelDOT to implement recent changes to the Delaware Code to allow for the permitting and construction of small wireless facilities in the public right-of-way, enabling the rapid deployment of enhanced wireless internet services in a move toward 5G networks and increased bandwidth. Mr. Massotti developed the framework, documents, and processes to allow for rapid deployment of a brand-new form of Utility Permit that is specific to small wireless facility permit applications. He provided DelDOT with technical assistance in the creation of legal agreements, decision trees, and detailed requirements related to collocation of third-party equipment onto existing utility poles and lighting structures, including some Department owned equipment. JMT's groundbreaking work was included as integral to the program's selection as a Finalist in May 2018 for the Delaware Governor's Team Excellence Award.

## CITY OF WILMINGTON, SMALL CELL WIRELESS FACILITIES PERMITTING.

*Project Manager.* JMT was solicited as the Small Cell Permitting **SME** (Subject Matter Expert) to join the City of Wilmington's Legal Team during the regulatory effort and subsequent Permitting Program inception and implementation. JMT's collaborative effort established the Requirements and shaped the Opportunities for measured progress toward 5G wireless facility deployments in the Public Rights-of-Way (ROW). Project scope included assisting the City's Public Works team with drafting Technical Standards, establishing permitting processes, intelligent gatekeeping/technical review checklists, and Policy documentation/forms. In addition, JMT provides ongoing professional services such as review, approval, and inspection of Utility Construction Permits for Wireless Small Cell Facilities located in the Public ROW associated with roads inside of Wilmington's municipal limits and permitting jurisdiction. Project role included researching conditions and requirements for deploying facilities in the public ROW, compiling required elements into a comprehensive intelligent checklist, coordination with providers and consultants for submittal package content, technical questions, reviewing plans and performing construction inspections. Process mapping and implementation of standardized workflows was integral to services provided. Real-time customer service & technical support, GIS Mapping for publication, and Height/Volume confirmations are provided on-demand to ensure the City's Permitting Program can be transitioned to internal staffing if required and maintain superior customer satisfaction.



# JOSHUA JOHNSON, EIT

Highway Engineer

Mr. Johnson is a highway design engineer for JMT's Newark office. He has more than 13 years of experience which has included quality control inspections and technical calibration testing in addition to numerous ADA reviews, land-use reviews, utility coordination and small cell wireless permitting.

## EDUCATION

BS / Civil Engineering

## REGISTRATION

Maryland Engineer in Training (EIT)

## YEARS OF EXPERIENCE

13

**DELDOT, WIRELESS SMALL CELL FACILITY UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Highway Designer.* JMT worked with DelDOT to implement recent changes to the Delaware Code to allow for the permitting and construction of small wireless facilities in the public right-of-way, enabling the rapid deployment of enhanced wireless internet services in a move toward 5G networks and increased bandwidth. JMT's groundbreaking work was included as integral to the program's selection as a Finalist in May 2018 for the Delaware Governor's Team Excellence Award. Mr. Johnson researched conditions and requirements for deploying facilities in the ROW, compiled required elements into a comprehensive checklist, coordinated with providers and consultants for submission and technical questions, and reviewed plans and performing construction inspections.

**DELDOT, PEDESTRIAN ACCESSIBILITY STANDARDS AND MANUAL UPDATES, STATEWIDE, DE.** *Highway Designer.* Project scope includes comprehensive re-write of DelDOT's design standards manual titled "Pedestrian Accessibility Standards for Facilities in the Public Right of Way". Required the conversion of existing DelDOT internal policy document and methodologies into a coherent set of standards for accessibility compliance. Provides clear design requirements and procedures to enable ADA compliant design of accessible pedestrian facilities located in Right-of-Way under DelDOT's jurisdiction. Mr. Johnson served as the primary reviewer for plans submitted to the Department. He reviewed the proposed designs for compliance with the DelDOT Pedestrian Accessibility Standards and made comments where the designs did not meet the minimum standards specified.

**DELDOT, UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Highway Designer.* Project scope includes comprehensive re-write of DelDOT's draft regulations titled "Utility Manual Regulations". Required the separation of existing DelDOT Utility Manual into a user guide/policy document and a public facing regulation. Provides clear design requirements and procedures to enable compliant placement of utility facilities located in Right-of-Way under DelDOT's jurisdiction. Mr. Johnson's role included researching answers to utility related questions, editing and modifying the language of the current document to achieve the desired goals, and coordinating with various internal sections to discuss and evaluate the changes with respect to the current process.



# MICHAEL TAPLIN, EIT

Deputy Project Manager

Mr. Michael Taplin has served as Deputy Project Manager on multiple small cell projects. His experience includes technical reviewer deputy project manager for wireless permitting projects and ADA Plan Review, as well as assisting with the scoping, inspection, and design of pedestrian networks. Prior to joining JMT, Mr. Taplin was working as an Engineering Technician with DeIDOT, assisting with Maintenance and Operations for project estimates and inspections.

## EDUCATION

BCE / Civil Engineering

## REGISTRATION

Delaware Engineer in Training (EIT)

## YEARS OF EXPERIENCE

4

**DELDOT, WIRELESS SMALL CELL FACILITY UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Technical Reviewer.* JMT worked with DeIDOT to implement recent changes to the Delaware Code to allow for permitting and construction of small wireless facilities in the public right-of-way, enabling the rapid deployment of enhanced wireless internet services in a move toward 5G networks and increased bandwidth. Mr. Taplin has assisted with reviewing small cell facility utilities permits for material completeness and technical conformity. Additionally, Mr. Taplin has continued to improve processes and checklist to streamline review times.

## **CITY OF WILMINGTON, SMALL CELL WIRELESS FACILITIES PERMITTING.**

*Deputy Project Manager.* JMT has assisted the City of Wilmington develop regulations and legislation to allow small wireless permitting within the public rights-of-way. JMT has also implemented new processes to streamline small wireless facility permitting. Mr. Taplin has created and maintains checklists, questionnaires, and webpage content in addition to coordinating application requests, and providing professional services related to review, approval, permitting and inspection of Wireless Permits located in the rights-of-way within the geographic limits of the City of Wilmington. Mr. Taplin coordinates with technical staff and quality control staff to ensure that client deadlines are met, and deliverables are consistent and correct. Mr. Taplin serves as the contact for the City of Wilmington, to make sure all client's needs are met in a timely and consistent manner. Mr. Taplin oversees ongoing inquiries from wireless applicants investigating and mapping small wireless deployments and answering technical and engineering questions related to proposed sites.

## **DELDOT, ADA PEDESTRIAN ACCESSIBILITY STANDARDS PAS COMPLIANCE REVIEWS: PAVEMENT AND REHABILITATION PROGRAM, STATEWIDE.**

*Design Engineer.* JMT worked with DeIDOT's Office of the Secretary; Civil Rights Division, ADA Section to create multiple processes, memoranda and reports that correspond with Federal Regulations in regard to Title II entities. Additionally, JMT oversees the implementation of the processes and updates them periodically to ensure that implementation by the department is efficient and replicable. Mr. Taplin's role includes plan review and compliance assessment of proposed PAR/PAS manual inquiries, PAS compliance/ADA compliance reviews, state-wide field reviews, and the coordination and response to ADA Complaints.



# DAVID DUARTE, PE PTOE

Traffic Engineer

Mr. Duarte is an experienced traffic engineer serving projects across Maryland and Delaware. He is proficient in traffic impact analysis reviews, traffic studies, traffic signal plans, maintenance of traffic plans, signing and marking plans, and lighting plans. Mr. Duarte's experience also includes signal and warrant studies, signal timing and phasing, traffic data analysis, and development of transportation network models using Synchro.

## EDUCATION

MS / Civil Engineering  
BS / Civil Engineering

## REGISTRATION

Registered Professional Engineer / MD #49390  
Professional Traffic Operations Engineer #4138

## YEARS OF EXPERIENCE

8

**DELDOT, WIRELESS SMALL CELL FACILITY UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Traffic Engineer.* JMT worked with DelDOT to implement recent changes to the Delaware Code to allow for the permitting and construction of small wireless facilities in the public right-of-way, enabling the rapid deployment of enhanced wireless internet services in a move toward 5G networks and increased bandwidth. Mr. Duarte provided review of maintenance of traffic plans for the overall effort.

**MDOT SHA, TRAFFIC CONTROL ENGINEERING AND DESIGN SERVICES, STATEWIDE, DE.** *Traffic Engineer.* On-call contract with MDOT State Highway Administration to provide traffic engineering design services. Twelve tasks have been completed to date including the design for the installation or modification to twenty-four traffic signals. Designs have included the conversion of three separate signal systems to "Smart Signal" systems through implementation of adaptive signals. Mr. Duarte performed traffic signal design, signing, pavement marking and lighting design using MicroStation. Plans were developed in accordance with SHA Traffic Signal Design Guidelines. This included for adaptive signal systems. The plans included the addition of APS/CPS, ADA ramps, signal heads, mast arms, controllers and cabinets and video detection. Plans included associated pavement marking and signing. Prepared wiring diagram, phase charts, and equipment lists. Attended plan and field reviews, preliminary investigations, utility reviews and final reviews. Prepared special provisions and estimates for final documents. Plans and specifications were completed in accordance with SHA Specifications for Consulting Engineering Services.

**CITY OF WILMINGTON, SMALL CELL WIRELESS FACILITIES PERMITTING.** *Traffic Engineer.* JMT has assisted the City of Wilmington develop regulations and legislation to allow small wireless permitting within the public rights-of-way. JMT has also implemented new processes to streamline small wireless facility permitting. Mr. Duarte performed data inventory and evaluated traffic operation in the area.

**DISTRICT DEPARTMENT OF TRANSPORTATION, MARYLAND AVENUE FINAL DESIGN, WASHINGTON, DC.** *Traffic Engineer.* Responsible for performing the final contract bid documents for maintenance of traffic for the multi-modal safety and access project in accordance with DDOT and MUTCD standards. The plans accommodated ADA compatible handicapped ramps, pedestrian, and bicycle facilities. The MOT plans included project phasing, layout of temporary signing and channelization devices, lane closures, and pedestrian detours. Determined quantities and developed cost estimates.



# CHRIS FRIEND, PE, NBIS

Structural Engineer

Mr. Friend has assisted in the development of designs for a variety of bridge and other transportation structures, prepared quantity and cost estimates, reviewed construction shop drawings, consulted with contractors during construction, and participated in structure inspections. Additionally, he has performed bridge inspection services as well as developed bridge maintenance plans that documented the extent of damage on a structure, which included site specific rehabilitation designs.

## EDUCATION

MS / Civil Engineering  
BS / Civil Engineering

## REGISTRATION

Registered Professional Engineer / VA  
#0402057223

## YEARS OF EXPERIENCE

7

**DELDOT, WIRELESS SMALL CELL FACILITY UTILITY PERMITTING REVIEWS, STATEWIDE, DE.** *Design Engineer.* JMT worked with DelDOT to implement recent changes to the Delaware Code to allow for the permitting and construction of small wireless facilities in the public right-of-way, enabling the rapid deployment of enhanced wireless internet services in a move toward 5G networks and increased bandwidth. Mr. Friend provided review of structural analysis to assist the team and provided mark-ups of construction shop drawings pertaining to the improvements.

**VDOT NORTHERN REGION TRAFFIC STRUCTURES INSPECTIONS, FAIRFAX COUNTY, VA.** *Team Leader.* Scope includes performance of structural acceptance inspections in the Northern Region for traffic signal structures and overhead sign structures that have been newly installed or repaired. Mr. Friend was responsible for planning the inspection, assisting with on-site maintenance-of-traffic and performing the inspection of the structural elements of the foundation, vertical members, horizontal members, connections and mounting of signals and sensors. In the office, the Team Leader is responsible for the development of a report in accordance with VDOT policy and entering this data into the HMMS online database.

**VDOT, SAFETY INSPECTIONS OF HIGHWAY STRUCTURES AND BRIDGES AND SUPPORT STRUCTURES FOR TRAFFIC CONTROL DEVICES, NORTHERN VIRGINIA DISTRICT.** *Inspector/Structural Engineer.* The scope includes professional engineering services for bridge safety inspections, culvert safety inspections, inspections of ancillary highway structures, load ratings of highway structures and bridges and structural analysis of support structures for traffic devices. Ancillary structures can include signal support structures, overhead span sign structures, cantilever sign structures, butterfly sign structures, bridge mounted sign structures, high mast lighting structures, luminaires. Mr. Friend is responsible for all aspects of the inspection, including overall workflow and safety, coordination of MOT (where needed), coordinating with the regional operations center, segmenting the work amongst the on-site staff, providing guidance to junior staff and ensuring that all necessary photos have been taken and inspection notes are sufficient to develop the report.