

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
May 6, 2008 – 7:00pm**

Present: Chairman Marty Shane, Vice-Chairman Carmen Battavio, Joe McDonough, Don McConathy and Thom Clapper. Also present were Township Manager Rick Smith, Jim McRee (Planning Commission & DMC), Phyllis Marron (Park & Rec), Linda Gordon (Historical Commission), Jane Fava (Conservancy Board), and Township Solicitor Jeff Sommer.

WORKSHOP

Minutes

The packets did not contain the minutes of April 15 or April 29. These draft minutes will be reviewed at a future meeting.

Bills

Current invoices were reviewed.

Traffic Signal at Line Road & Paoli Pike

Thom will talk to his contact at Willistown about helping to pay for the traffic light. Carmen and Joe are in favor of East Goshen going ahead and putting in the light regardless of whether Willistown can help at this point or not. Carmen agreed due to the safety concerns about this intersection.

New Cingular Wireless, 1602 E. Strasburg Road – Conditional Use Application

Don and Carmen expressed concern about the exposed power lines at the base of the pole. Jeff Sommer suggested that East Goshen send a letter to PECO, the pole owner, letting them know of the situation, as they will be the ones that have to enforce the remedy. He said it is also okay for the motion tonight to include a condition about this issue.

T-Mobile – Variance Application

The Board discussed this application. Marty would prefer the applicant to put a single large box on a concrete pad rather than multiple smaller boxes mounted on a pole. Rick pointed out that if the Township allows them to put in a concrete pad the applicant may expand the site and put in multiple cabinets. Don is not satisfied that T-Mobile has discussed their options with NextG.

Liaison Reports

Thom shared a written report of the May 1 Park & Rec meeting.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:05pm. He welcomed the audience and led everyone in the Pledge of Allegiance to the flag.

Moment of Silence

Carmen called for a moment of silence in honor of the men and women serving their country in the armed forces, and their families.

Correction to Agenda

Marty announced that the minutes of April 1, 8, and 10 have already been approved, and the minutes of April 29 will be reviewed at a future meeting.

Chairman's Report

Marty announced the following:

- The YMCA conditional use hearing has been continued to May 20, 2008.
- The Board met in Executive Session on April 29 to discuss a personnel matter.
- The Board will meet in workshop session on Monday, May 12 at 8:30am in the Parkview Room at the Hershey Hotel, 100 Hotel Road, Hershey, PA. This meeting is open to the public.
- The Township has rejected the bids for the manhole rehabilitation project.

Recording of Meeting

Marty asked if any resident planned to record the meeting. There was no response.

PUBLIC HEARING

New Cingular Wireless, 1602 E. Strasburg Road – Conditional Use Application

A public hearing was conducted to consider approval of the conditional use application of New Cingular Wireless to modify equipment boxes at their facility at 1602 E. Strasburg Road. This was a continuation of the hearing begun on April 15, 2008.

Don moved to approve the conditional use application of New Cingular Wireless to upgrade their existing facility at 1602 East Strasburg Road as depicted on the plans dated November 28, 2007, last revised May 5, 2008 with the following conditions:

1. New Cingular shall fill in the hole by the equipment cabinet.
2. New Cingular shall address the comments in the Yerkes letter of January 25, 2008 with the exception of comment #4.
3. New Cingular shall inspect the existing landscaping and, if necessary, plant what is needed to bring it into conformance with the original landscaping plan.
4. New Cingular shall cause to be repaired the damage to the antenna wire cover at the base of pole P869 at 1602 Strasburg Road within 14 days.
5. The Township agrees to grandfather the 11 sq.ft. of impervious coverage over the allowed ordinance amount and also the fourth cabinet that currently exists on a separate pad. This results from the earlier conditional use approval granted to AT&T.

Carmen seconded the motion. Cingular's attorney, Nick Cucé, indicated that Cingular was in agreement with the conditions. The Board voted unanimously to approve the conditional use application. A court reporter was present and will provide a complete transcript of the proceedings.

Matlack Florist, 210 N. Chester Road – Conditional Use Application

A public hearing was conducted to consider approval of the conditional use application of Matlack Florist for their property at 210 N. Chester Road. The applicant wishes to adaptively reuse the old house on their property as an interior design studio office.

Carmen moved to approve the conditional use application of Matlack Florist to adaptively reuse the old house on their property as an interior design studio office pursuant to §240-38.5.A(3)(a) and/or §240-38.5.A(3)(i) of the Zoning Ordinance with the following conditions:

1. Matlack Florist shall allow the Historical Commission to document the interior of the historic building.
2. The sign for the design studio office shall be as depicted on the photograph provided to the Planning Commission.
3. The use shall be operated in conformance with the evidence and testimony presented at the hearing and meetings at which this matter was discussed.

Don seconded the motion. Mr. Bernie Ebersole, owner of Matlack Florist, agreed to the conditions. The Board voted unanimously to approve the conditional use application. A court reporter was present and will provide a complete transcript of the proceedings.

FORMAL MEETING (Resumed)

Treasurer's Report

The Treasurer's Report for May 6, 2008:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 246,109.73	
Earned Income Tax	\$ 19,701.05	
LST	\$ 0.00	Accounts Payable \$ 19,599.33
Transfer Tax	\$ 0.00	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 4,682.97	Payroll \$ 80,000.00
Total Receipts	\$ 270,493.75	Total Expenditures \$ 99,599.33
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 31,673.12
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 99,285.25	\$ 144,541.46
Refuse	\$ 76,204.80	\$ 6,346.46
Capital Projects	\$ 0.00	\$ 0.00

Joe moved to accept the Treasurer's Report as submitted, and the receipts, and to approve the expenditures reviewed in Workshop. Carmen seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

T-Mobile Northeast LLC, Variance Application, PECO Pole #192 at SE Corner of N. Chester Road and Eldridge Drive

Donald Petrosa, Esq. was present for the applicant. He said the Planning Commission had recommended that T-Mobile install their equipment on PECO Pole #190 instead of #192, but T-Mobile has determined that would not be possible due to technical issues. However, they have determined they could install their equipment on Pole #187.

Marty suggested the applicant begin by describing the outcome of their conversation with NextG. Mr. Nader Soliman, Senior RF Manager for T-Mobile, said that NextG's nodes were designed for another wireless carrier and would not work for T-Mobile. Don said he contacted NextG too, who told him that T-Mobile had not provided them with enough detailed information. Mr. Soliman said NextG asked T-Mobile to provide proprietary information, and he was only able to provide them with general information. Mr. Soliman said he was told that NextG would have to design something specific for T-Mobile to make it work. Joe asked Mr. Soliman who he spoke with. Mr. Soliman said his contact was a Mr. Fahad, an RF Manager. Don noted that he had spoken with Christopher Sinclair. Don explained that the Township is trying to cut down on the number of pole boxes in the Township, and that is why they asked T-Mobile to try to work with NextG if possible. Everyone agreed that for now, the NextG option would be off the table, and not part of the discussion.

Marty said there are two options for T-Mobile. They could put their equipment on a pole, or on the ground. He wondered if putting the equipment on the ground on a concrete pad, within the context of East Goshen's ordinance, would reduce their need to put more antennae on poles in the future. Conversely, if East Goshen grants the variance for the pole, would T-Mobile come back later to ask for another antenna on another pole. Marty then asked where their nearest antennae are located. The representatives from T-Mobile listed nearby equipment located north, south, east and west of the requested location, all located on existing structures. Mr. Soliman said the requested antenna on Pole #187 will handle T-Mobile's requirements at this time. Joe said no doubt they will need to come back again when they need more capacity.

Marty asked if T-Mobile would prefer a box on the ground, or equipment on a pole. Mr. Soliman said a box on the ground would give them more capacity, but they are not seeking that right now. Mr. Scott Dolley, a Zoning Manager for T-Mobile, said the requested equipment for Pole #187 would perfectly fill their current coverage gap. He said T-Mobile has many other areas with gaps in coverage where they would seek to put additional equipment before coming back to East Goshen. Carmen told the T-Mobile reps that he is personally very tired of seeing cellular equipment everywhere he goes, and he wants to cut down on it within East Goshen where possible.

Mr. Petrosa said T-Mobile wants to keep the equipment boxes low to reduce their visibility. Mr. Mario Calabretta, a consulting engineer for T-Mobile, showed the Board photograph of a pole with boxes on it near the base, similar to what T-Mobile proposes to install in East Goshen. He pointed out that the boxes in the picture were not painted, as they would be once installed in East Goshen. Each box would be 17"x24"x10" and can be stacked vertically. In addition, there is a 14"x12"x10" weatherproof junction box that would be mounted above the other boxes. Mr. Calabretta said the boxes could be mounted at any height East Goshen wishes, but for

N. Chester Road T-Mobile feels that mounting them low would make them less visible. The boxes would be mounted to a maximum height of 8 ft. Thom asked about a 5th box shown in the photograph. Mr. Calabretta said that was an electric meter box showing the electricity used to run the equipment in the other boxes.

Marty said it seemed to him that one large box on a concrete pad, properly landscaped, would be preferable to several small boxes on a pole. Mr. Calabretta said a single box would have to be 4 ft. wide, 30" deep and 5 ft. tall to contain all the equipment, and the junction box and meter box could not be contained inside due to space limitations. Mr. Calabretta noted it would be possible to put two or three of the pole-mounted cabinets into a single larger enclosure on the pole, if the Board wishes.

Marty said he was concerned that violating the 8 ft. regulation would set a bad precedent in the Township. He noted that it was now up to the Board to determine how the boxes should be mounted on the pole (in what configuration). Mr. Calabretta advised that the meter box would have to be mounted at chest height to be readable by a utility person. Rick noted that the higher the boxes are mounted, the more likely the Mullens at 1603 Bane Way would see them from their upstairs windows.

Carmen said he personally liked T-Mobile's proposal of mounting the boxes low, as they will be placed in a non-impact area of N. Chester Road where there is little to no pedestrian/cyclist traffic. He asked Jeff Sommer if the ordinance could be tweaked to allow different height criteria depending on where a pole is located. Jeff said the ordinance could be rewritten to accommodate that, and he stated that the ordinance is outdated.

Marty pointed out that the Board had not yet discussed whether T-Mobile meets the criteria to be granted a variance.

Don asked Mr. Calabretta how wide utility poles are, in general. Mr. Calabretta said they are about 15" wide at the base, and they narrow toward the top.

Joe asked Mr. Petrosa what T-Mobile's "Plan B" is in case the Zoning Hearing Board denies the request. Mr. Petrosa said they really don't have a Plan B, but he guessed they would have to try and install something on the ground in case of denial.

Marty suggested T-Mobile cluster the boxes on the pole near the ground. Mr. Dolley said that was their original idea, but the Planning Commission recommended they stack the boxes. Marty said he would recommend supporting the variance request as long as the boxes will be clustered and properly landscaped. Don said he is not sure there is enough room in the right-of-way for T-Mobile to put in landscaping. Mr. Dolley agreed and said T-Mobile might not have a legal right to install the landscaping on the land near the boxes.

Thom said he thinks stacking the boxes vertically on the back of the pole (away from the road) will be the least visible option.

Joe asked if the equipment boxes are tamper-proof. Mr. Calabretta said the boxes are tamper-resistant, not tamper-proof, as someone really determined and properly equipped could break into them with some effort.

Carmen said even though he doesn't like having more wireless equipment installed in the township, if he has to choose he prefers the boxes installed low and clustered around the pole in this instance. Joe said he prefers the boxes be mounted low, but vertically stacked. Don said he prefers the boxes be mounted high and vertically stacked.

Don moved that the Board support the requested variance application to have three boxes located lower than 8 ft. if the antenna is relocated to PECO Pole #187, with the following conditions:

1. T-Mobile shall stack the boxes vertically on the east side of the pole.
2. The boxes shall be painted to match the color of the pole.
3. T-Mobile shall promptly remove any graffiti from the equipment boxes.

Marty seconded the motion.

Thom said he is in favor of installing the boxes low so that they will be less visible to the Mullens and to motorists on N. Chester Road. Marty said if the boxes are painted, the Mullens won't notice them regardless of their height.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked the T-Mobile reps if there is any way the equipment could be buried (subterranean). Mr. Soliman said no, that would not be possible.

Public Comment: Linda Gordon, Line Road – Said she is opposed to granting the variance as it will violate the 8-ft height rule and thus set a bad precedent.

The Board voted on the motion, and it was defeated 2:3, with only Don and Marty in favor.

Joe moved that the Board support the requested variance application to have three boxes located lower than 8 ft. if the antenna is relocated to PECO Pole #187, with the following conditions:

1. T-Mobile shall mount the boxes 3 ft. off the ground and stack them vertically.
2. The boxes shall be painted to match the color of the pole.
3. T-Mobile shall promptly remove any graffiti from the equipment boxes.

Marty seconded the motion, but said he preferred the boxes be clustered, not stacked. Carmen agreed with Marty. Joe withdrew this motion and Marty withdrew his second.

Marty then moved that the Board support the requested variance application to have three boxes located lower than 8 ft. if the antenna is relocated to PECO Pole #187, with the following conditions:

1. T-Mobile shall mount the boxes a minimum of 3 ft. off the ground and in a cluster formation around the pole.
2. The boxes shall be painted to match the color of the pole.
3. T-Mobile shall promptly remove any graffiti from the equipment boxes.

Carmen seconded the motion. This motion was defeated 2:3, with only Marty and Carmen in favor.

Since the Board was unable to reach a consensus, Joe moved that the Board take “no position” on the variance request. Thom seconded the motion.

Public Comment: Linda Gordon, Line Road – Recommended that the Board convey to the Zoning Hearing Board the reason that no position was taken. It was not for lack of trying on the part of the Board. She also recommended the Supervisors let the Zoning Hearing Board know that the Board members all agreed that the boxes should be painted brown, and that T-Mobile should be responsible for promptly removing any graffiti from them. The Supervisors agreed with Linda’s suggestions and said they would include this information in their letter to the Zoning Hearing Board.

There was no further discussion or public comment. The Board voted unanimously to take “no position” on the variance request, and to include the information suggested by Linda Gordon in their letter to the Zoning Hearing Board.

Traffic Signal at Line Road & Paoli Pike

Joe moved to authorize the Township Manager to proceed with installation of this traffic light, to inform Willistown of this, and to request that Willistown provide reimbursement to East Goshen for one-half the cost of the signal. Carmen seconded the motion. There was no discussion and no public comment. The motion passed unanimously.

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- Letter from the Neighborhood Health Agencies thanking the Township for a \$50 contribution in memory of East Goshen resident Gordon Whiting.
- Letter from residents Connie and Joe Stark in support of a Township bow-hunting program to reduce the deer population.

Meetings & Dates of Importance

Marty announced that there will be no Board workshop on May 13, as the Supervisors will be in Hershey at the state convention. Resident Bill Egan noted that the agenda should have listed a Conservancy Board meeting scheduled for May 14. Marty agreed and thanked Bill for catching the omission.

Public Comment

Public Comment: John Schorn, 1401 Larch Lane – Reported that an employee of McCusker & Ogborne filled a water bottle at Mr. Schorn’s outdoor spigot without asking permission. In doing so, he frightened Mr. Schorn’s children who were in the yard. Mr. Schorn also reported that a McCusker & Ogborne truck was driving much too fast on Larch Lane on a recent Saturday.

Mr. Schorn expressed concern about the 15-20 ambulance calls made to Wellington each month when a resident falls on the floor. Mr. Schorn said it is his understanding that the Wellington

staff members won't assist residents up from the floor due to insurance/liability reasons, and that is why ambulances are called. He said this is an unnecessary expense to the Township. Carmen told Mr. Schorn that in addition to the ambulance, the Township also sends out a police officer every time 911 is called. Marty said the Fire Company can bill Wellington for the calls. Mr. Schorn said he was told they cannot bill Wellington if the patients are not transported anywhere, which they are not. They are merely picked up/assisted up from the floor and therefore Wellington is only billed a nominal \$50 fee each incident. The Board advised Mr. Schorn that this matter will be put on the agenda for discussion at a future meeting.

Mr. Schorn asked if it's true the Board decided not to proceed with fixing the drainage problem near Anne Drive. Marty told him that is correct; the Board voted to take no action. The matter has been determined to be a PennDOT issue, and it would be extremely expensive for East Goshen to fix it. Mr. Schorn said he wanted it on the record that there was a pre-existing problem with drainage at that location, and it was an issue before anything was built on Harold Rennard's property. Mr. Schorn says he does not want Mr. Rennard, the property owner, or himself, as the builder, to be blamed for the problem. Rick advised Mr. Schorn that there is nothing to prevent a civil suit being filed by a "downstream" party against an "upstream" party.

Finally, Mr. Schorn wished to comment on a workshop agenda item regarding the installation of fences with the "good" side facing outward. He said installing a fence with the "good" side outward would require the fence installer(s) to trespass on someone else's property.

Public Comment: Bill Egan, 1422 Mill Creek Drive – Asked how long the 8:30am meeting in Hershey will run. Rick said the Board has reserved the room until 4:30pm and Joe noted that they would be breaking for lunch.

Mr. Egan reported that his neighbor Comcast had their generators running all day on Saturday, May 3. He measured the noise level at his property line, and it was 65-70 db. He said he wanted to call someone to report it at the time but didn't know who to contact as it was a weekend. Marty said perhaps Comcast had a power outage, and said the Township will send someone out to measure the noise level. Rick will look into revising the noise ordinance to address this type of situation. Marty advised Mr. Egan that if this happens again on a weekend he can feel free to call one of the Supervisors at home, who will send someone out to measure the noise level.

Adjournment

There being no further business, the formal meeting adjourned at 10:15pm.

Respectfully submitted,

Anne Meddings
Recording Secretary