

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
May 20, 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), and Township Solicitor Jeff Sommer.

WORKSHOP

Hunting Group(s)

Marty announced that the DMC plans to make a decision on June 2 as to what hunting group(s) to engage for the upcoming deer season. The DMC will provide a recommendation to the Supervisors, who will vote on the matter at the June 3 meeting.

T-Mobile Northeast LLC, PECO Pole #187 on N. Chester Road -Variance Application

Joe suggested the Township consider installing one “big ugly pole” for every carrier to use to install their equipment upon, rather than having the equipment spread all over the Township.

Carmen said that since there currently is adequate cellular coverage in East Goshen, the Board might consider banning any more cellular equipment installations unless the provider is regulated by the PUC, in which case the Township could not stop them. Joe liked this suggestion.

Regarding the 8-ft. height issue, Jeff said if T-Mobile installs their boxes below 8 ft. they would not be setting a precedent, so that is not something the Board should be concerned about. He said there is no such thing as setting a precedent in zoning situations.

When informed that he would have to break a tie on how to arrange the equipment boxes on the pole, Joe said he would be willing to vote with Marty and Carmen to have the boxes installed low and circular (around the pole) if it came to that.

The Board discussed possibly changing their recommendation to one of denial unless T-Mobile can prove they worked in good faith with NextG. Joe said he doesn't believe the Zoning Hearing Board is empowered to force T-Mobile to work with NextG. The function of the Zoning Hearing Board is to render a decision based on the ordinance, and their authority does not extend beyond that. Marty said the Board needs to find out if NextG can even put the T-Mobile equipment on the same pole as their equipment -- after that the Board will know how to proceed.

Joe suggested that if T-Mobile and NextG cannot share the same pole, then T-Mobile should be asked to withdraw their application. If they don't withdraw it, the Board should recommend denial of their variance request.

Marty suggested telling T-Mobile they have until June 10 to work (or not) with NextG, as that is the date the Board will revisit the issue. The other Supervisors agreed with this suggestion.

Action List

The Board began a review of the Action List maintained by Don. Many action items were assigned new deadline dates. In addition, these items were of note:

- *Charter School Web Services* – Rick will follow up with the school to ask once again for a report on their web page support activities.
- *District Court* – Rick will give the Board an update of the progress of this project at the June 3 meeting.
- *Boot Road Striping* – Rick will ask West Goshen to supply a cost estimate for this project by June 10.
- *Sponsorships for Township Events* – Marty asked Thom to let Frank Vattilano know that his written proposal on how to recognize sponsors needs to be submitted to the Board by June 24.
- *1419 Center Street* – Jeff said he should be able to get approval for demolition of the house by July 15.
- *Noise Ordinance Changes* – This item was taken off the list.
- *Radio Booster Ordinance* – Carmen wants to get input from the Fire Company, Fire Marshal, and the Police on this issue.

FORMAL MEETING

Call to Order & Pledge of Allegiance

Marty called the meeting to order at 8:05pm. He welcomed the audience and specifically John Poth of West Goshen. He then led everyone in the Pledge of Allegiance to the flag.

Recording of Meeting

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

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.

Public Comment

Marty announced that public comment on non-agenda items would be taken at the end of the meeting, if time allowed.

Approval of Minutes

Don moved to approve the minutes of April 15, April 29, May 6 and May 12 as corrected in workshop. Carmen seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Chairman's Report

Marty announced that the Board met in Executive Session on May 12 and again on May 19 to discuss personnel and legal matters. The Board will meet again in Executive Session on May 27 at 8:00pm to discuss a personnel matter.

PUBLIC HEARING

YMCA, 605 Airport Road – Request for Amendment to Conditional Use Approval

The Board held a public hearing to consider the YMCA’s request to amend their conditional use approval of June 21, 2005 in order to allow the West Chester Area School District to utilize the YMCA’s facility at 605 Airport Road.

The Board requested the YMCA provide the details of their contingency parking plan in writing. The hearing will be continued until June 17, 2008 at 8:00pm.

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 20, 2008:

	RECEIPTS	EXPENDITURES
GENERAL FUND		
Real Estate Tax	\$ 17,707.94	
Earned Income Tax	\$ 469,197.20	
LST	\$ 2,510.51	Accounts Payable \$ 69,587.97
Transfer Tax	\$ 53,232.78	Debt Service \$ 0.00
Codes, Park & Rec, Etc.	\$ 82,605.49	Payroll \$ 80,000.00
Total Receipts	\$ 625,253.92	Total Expenditures \$ 149,587.97
Zoning Hearing Fund	\$ 0.00	\$ 0.00
State Fund	\$ 0.00	\$ 0.00
Capital Reserve	\$ 0.00	\$ 47,186.44
Transportation Fund	\$ 0.00	\$ 0.00
Sewer Operating	\$ 35,200.12	\$ 25,997.05
Refuse	\$ 24,973.25	\$ 74,265.14
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 on May 19. Thom seconded the motion. There was no discussion and no public comment. The Board voted and the motion passed unanimously.

Police Report

Chief John Dumond reported there were no incidents at the Mayfair event held at the Goshen Fairgrounds. A DUI stakeout at Route 3 and Ellis Lane the evening of April 18 resulted in 4 DUI arrests and 2 narcotics arrests.

Public Comment: John Schorn, 1401 Larch Lane – Asked about the robberies on Reservoir Road and in Marydel. The Chief said the police were still looking for the suspects.

Don asked the Chief about the hit & run incident reflected in the Monthly Activity Report, but the Chief did not know any specifics.

Lynch, 1680 E. Boot Road – Variance Application for B&B

Leslie Lynch and Robin Cook were both present.

Thom asked Mrs. Lynch about the FOR SALE sign in front of her property. Mrs. Lynch said the home has been on the market for over 2 years, and until she gets a variance she would like to keep her options open. She said the sign will be taken down if the variance is granted.

Don moved to send a letter to the Zoning Hearing Board expressing support for Leslie Lynch's request for a variance from §240-38.5A(3) of the Zoning Ordinance, which does not permit a bed & breakfast to be located on East Boot Road; and for a variance from §240-31C(3)(ss)[5][c] which does not permit the serving of snacks subject to the condition that Leslie Lynch satisfy the ownership requirement set forth in §240-31C(3)(ss)[4] by recording an ownership agreement. The ownership agreement shall be in a form acceptable to the Township Solicitor. Carmen seconded the motion.

Public Comment: John Schorn, 1401 Larch Lane – Said the property is well suited for a B&B, and he hopes the Board votes to support the variance request.

Marty told Mrs. Lynch that the Zoning Hearing Board will make the final determination. Mrs. Lynch said she understood.

Jim McRee said the Planning Commission's only concern about the snack issue was that if Mrs. Lynch is allowed to serve snacks, the Tory Inn would be disadvantaged. The Planning Commission has requested that the Supervisors revisit the part of the ordinance banning snacks.

There was no further discussion or public comment. The Board voted unanimously to approve the motion.

Furbee, 1317 Park Avenue - Variance Application

Tammara Furbee was present. She stated that the application for a variance to build a new shed will be withdrawn. They have decided to refurbish the existing shed.

Carmen moved to recommend the Zoning Hearing Board support Richard and Tammara Furbee's request for a variance from §240-10 of the Zoning Ordinance. This would allow them to maintain the existing non-conforming side yards for the new addition to their home. Thom seconded the motion.

There was no discussion and no public comment. The Board voted and the motion passed unanimously.

C-5 Zoning Amendment to Allow for a School Use

Marty announced that this matter has been tabled.

Revised Subdivision Plan for Sorrell Hill

Don moved to approve the revised subdivision plan for Sorrell Hill. Joe seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Hershey's Mill Dam

Carmen moved to accept the Option Assessment proposal from Rettew dated May 7, 2008 in the amount of \$5950, plus \$100 for estimated expenses. The proposal will include graphic renderings of the three available options for the dam. Don seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

Escrow Release #5 for Sorrell Hill

Thom moved to approve escrow release #5 for Sorrell Hill in the amount of \$259,674.25 of the requested \$270,482.25 as requested by Public Works Director Mark Miller on May 15, 2008.

The funds will cover the following items:

- Layout survey
- Tree fencing
- Dewatering
- Storm sewer
- East and west culvert walls
- Waterline
- Curbing

Rick noted that traffic control and soil erosion will not be covered by this release. Carmen seconded the motion. There was no discussion or public comment. The Board voted and the motion passed unanimously.

T-Mobile Northeast LLC, PECO Pole #187 on N. Chester Road -Variance Application

Donald Petrosa, Esq. was present for the applicant, along with Mr. Scott Dolley, a Zoning Manager for T-Mobile.

Mr. Petrosa thanked the Board for the opportunity to come back before them, and he thanked Rick Smith for sending him a copy of the email from Christopher Sinclair of NextG.

Mr. Petrosa said that Mr. Sinclair is essentially a salesperson for NextG, not an RF Engineer. He said he doesn't think that East Goshen should be dictating to one company what other company they should be doing business with.

Mr. Petrosa said he did not see anything in Mr. Sinclair's May 8, 2008 email to Don McConathy that should cause the Board to change their recommendation of May 6, 2008.

Mr. Petrosa noted that T-Mobile has their own agreement with PECO and does not require the services of a third-party such as NextG. He added that furthermore, NextG did not provide T-Mobile with information they requested. He noted that in spite of letters from the Township sent to nearby residents and advertisements of the meetings, not a single person has appeared at the Township in opposition to T-Mobile's variance request.

Mr. Petrosa stated that it appears NextG is trying to recruit East Goshen to serve as part of its marketing team by getting them to tell wireless carriers that they must work with NextG in order to install equipment in the Township. Marty said the Supervisors do not serve as sales reps for NextG. He explained that the Board thought that working with NextG might provide an opportunity to consolidate equipment onto one pole instead of using two separate poles. He said the Board was only asking that the possibility be explored by T-Mobile. The Board was only trying to do its own due diligence. After seeing the email from Mr. Sinclair it was apparent there was a communication gap. The Board wanted to give everyone an opportunity to address the issue before making a recommendation to the Zoning Hearing Board.

Mr. Dolley noted that T-Mobile does work with NextG in other areas.

Marty informed Mr. Petrosa and Mr. Dolley that the Board could wait until June 10 to make their recommendation to the Zoning Hearing Board, unless T-Mobile was ready to say there is no possibility of working with NextG on this issue.

Don asked Mr. Petrosa and Mr. Dolley if NextG can meet T-Mobile's needs with a single monopole. Mr. Dolley said absolutely not.

Thom asked them a question about nodes. Carmen asked if each equipment cabinet represents a single node. Mr. Petrosa said each whip antenna represents a node.

Marty moved to support the applicant's requested variance to have their telecommunications equipment installed on PECO Pole #187, with the following conditions:

1. The three primary equipment boxes shall be installed around the pole in a circular fashion, with no box or auxiliary box installed above 8 ft in height.
2. The equipment boxes shall be painted to match the color of the pole.
3. T-Mobile shall promptly remove any graffiti from the equipment boxes.

Thom seconded the motion.

Mr. Dolley clarified that T-Mobile has no control over where PECO places the auxiliary boxes (junction box and meter box) but said it is highly unlikely they would place them above 8 ft.

There was no further discussion or public comment.

The Board voted and the motion passed 4:1. Don voted against the motion because he does not want the equipment installed lower than 8 ft. as per the zoning ordinance.

Correspondence & Reports of Interest

Marty acknowledged receipt of the following:

- o Email from NextG regarding the T-Mobile project.
- o Thank-you letter from WCASD Post-Prom Committee.
- o Goshen Fire Company Report and Fire Marshal Report for April 2008.

Marty asked Rick to check with the WCASD to make sure the East Goshen contribution is earmarked for the East High School post-prom party.

Meetings & Dates of Importance

Marty noted the upcoming meetings as listed in the agenda.

Adjournment

There being no further business, the formal meeting adjourned at 10:42pm.

Respectfully submitted,

Anne Meddings
Recording Secretary