

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
October 5, 2010 – 7:00pm  
Final Approved Minutes**

**Present:** Chairman Senya D. Isayeff, Vice-Chairman Thom Clapper, and Supervisors Carmen Battavio, Marty Shane and Don McConathy. Also present were Township Manager Rick Smith, Zoning Officer Mark Gordon, Kathryn Yahraes (Historical Commission), Linda Gordon and Joe D'Antonio (TAG), Phyllis Marron (Park & Rec), Chuck Proctor (Zoning Hearing Board), Bryan DelMonte (Conservancy Board), Megann Hedgecock (Planning Commission) and Jim McRee (Planning Commission and Deer Committee).

**Call to Order & Pledge of Allegiance**

Senya called the meeting to order at 7:00pm. He asked Mark Gordon to lead everyone in the Pledge of Allegiance.

**Moment of Silence**

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

**Recording of Meeting**

No one indicated that they planned to record the meeting.

**Public Comment on Non-Agenda Items**

None.

**Presentation on Possible Installation of Cell Tower at Township Park**

Senya introduced Zoning Officer Mark Gordon and said Mr. Gordon would be presenting information that has been gathered by the Township over the last 18 months regarding the options for a cell tower at the Township Park. He asked that the audience please keep in mind that Mr. Gordon would only be acting as a messenger.

Mark Gordon gave a PowerPoint presentation showing the various options for installing a cell tower at the Township Park.

Don asked about the proposed footprint of the tower. Mark said it would depend on the scenario but the tower would be contained in a compound with a maximum size of 100 ft x 100 ft, but more likely closer to 50 ft x 50 ft. The Township's goal will be to keep the footprint as small as possible.

At Marty's request, Mark then gave an overview to the audience on how the Township has arrived at the point of considering the Township Park as a site for a cell tower.

Don noted that each cell carrier unit on the pole will have to be separated by at least 10 feet.

Don said that evidence indicates there is no proof there would be any danger to the public from RF interference from a cell tower. Instead there is probably more risk from putting a cell phone to your ear. Don said that his personal preference would be to have two 120-ft towers rather than one 150-ft tower.

Senya said a cell tower could lead to the removal of smaller cellular antennas in the Township.

Marty said the Board does not yet know what they are going to do regarding this issue. The Board would like to hear comments from the public. If the Board decides to move forward with this, they want to do it right and to avoid any litigation from the cell carriers.

*Public Comment: Rick Warther, E. Boot Road* – Asked when the Board will make a final decision. Senya said the Board is just beginning this process, so no date has been set. He assured Mr. Warther that the decision will not be made without advance notice to the public. Don said the Township would first have to amend the zoning ordinance to allow a cell tower use in the park. An applicant wishing to build a tower would then have to go through the Planning Commission before coming before the Board. The whole process would probably take at least six months. Marty noted that a zoning change would require a public hearing, and comments from the residents would be most valuable at that point. Senya recommended that anyone who is interested in staying informed on the progress of this issue sign up for Constant Contact on the website. Mr. Warther said he thinks the letter sent out to everyone within 1,000 feet of the proposed tower went to too few people. He did not get a letter, yet the back view from his home would be impacted by a tower at the park. He said this matter should have been mentioned in the “Park & Rec newsletter” and letters should have been sent to every household in the Township. Senya said the Township cannot afford to send letters to all 8,500 homes on every matter, and the issue was posted on the website and sent out via Constant Contact. Rick Smith noted that the most recent newsletter was printed 6-7 weeks ago. Senya told Mr. Warther the newsletter is not a Park & Rec newsletter, but a Township newsletter. Mr. Warther asked if this issue will be mentioned in the next newsletter, and Senya said it will be if there is a development to report. Carmen told Mr. Warther that this public meeting was planned after the most recent newsletter was sent to print, and so the matter is a moot point.

*Public Comment: Chris Lewis, Highland Avenue* – Said he is not sure there is a need for more cellular coverage in East Goshen. He has AT&T service and has no problem with dropped calls. He said a tower would be a major blight and might lower property values. He thinks the residents would probably vote to have a few dropped calls rather than a huge cell tower.

*Public Comment: Linda Gordon, Line Road* – Noted the presentation showed no photographs from the north side of the park. Mark Gordon said that due to the angle of the trees a tower could not be seen from the north side. Don asked if Mark could have more pictures taken in the winter when the leaves have dropped. Mark said he could ask Liberty Towers to take more photos this winter.

*Public Comment: Tom Springer, N. Chester Road* – Said he would like to see photographs taken from 360° around the proposed tower. He asked about the cell towers that were removed from

the Goshen Bible Church, and wanted to know how high they were. Senya said they were 100 ft. high.

*Public Comment: Mike Pavlikowski, Linda Vista Drive* – Said he has Verizon service and loses a lot of calls. He asked if there would be any chance of moving the tower more inside the tree line to help camouflage it. Mark said the “X” on the map slide indicating the proposed tower is not necessarily the exact spot it would be located – it just represents where Liberty Towers floated the balloon. He said moving the tower into the trees is a possibility; however, it’s not something the Board has discussed yet.

*Public Comment: Joe Buonnano, Herron Lane* – Asked if this tower would preclude all other towers and antennas in the Township. Don said it would not if a carrier can prove they need to install another antenna or tower. Senya said the proposed tower would generate income to the Township in an amount between \$800 and \$1,200 per month per carrier. Mark Gordon said the tower could generate additional income per year if the Township built and maintained the tower. Being the owner of the tower would lead to many other expenses that would cut into the profit, however.

*Public Comment: Greg Matzner, Alison Drive* – Said he has Verizon service and gets no signal in his home. He must leave his home to make or receive a call. He said he is 100% in favor of building the tower. He asked if the proposed tower would give coverage to the Marydell and Pin Oaks neighborhoods or just to Willistown. Don said Mr. Matzner’s neighborhood is shown in his coverage map, which Mr. Matzner was welcome to come up and take a look at later in the evening.

Mark Gordon said the additional coverage that would result from the tower would be of value to Township employees and emergency personnel who use Nextel service, which has inadequate coverage.

*Public Comment: Bryan DelMonte, Clocktower Drive* – Said the tower installed at Sam Brown’s nursery has helped his Verizon coverage in Clocktower Woods.

### **Bids for Hershey Mill Dam**

Senya interrupted the discussion at this point to accept any bids that had come in for the Hershey Mill Dam. Senya asked if anyone had a bid to submit to the Township, and no one came forward. Senya noted for the record that the Township had received no bids for the dam.

*Public Comment: Shirley Beck, Foxglove Lane* – Said the ad in the newspaper soliciting bids was very small, but it did clearly state that bids were due at 8:00pm sharp.

### **Proposed Cell Tower (Continued)**

*Public Comment: Charles Daly, Taylor Avenue* – Asked for more information on why the Township building was ruled out as a site for a cell tower. Mark Gordon said the Township would be pressed to find adequate real estate for the tower footprint. Plus there are underground utilities and a petroleum tank to consider. The storm drain would have to be relocated, and the driveway around the back is narrow and difficult for large trucks to navigate. Construction and

maintenance of the tower would interfere with the operations of the Public Works crew. Also, putting the tower behind the building would mean placing it right near a school. Mr. Daly asked what other locations were looked at by the Township. Mark Gordon said the applicant did not propose any other sites on Township property. Mr. Daly said the park site is perfect for the Township but too bad for the residents. Senya said the applicant looked at locating a tower at the Wawa and the Perakis estate. He reiterated that no decision has been made. Mr. Daly said it's up to the Board only and the residents have no say. Senya said the Board considers everyone's input. Marty reminded Mr. Daly that the Supervisors are elected to make decisions in the Township, so making a decision will be their job. He said in every decision the Board makes, and especially the controversial ones, the Board has to decide what is best for the Township at large while mitigating any impacts to those most closely affected. Marty said the Board is involving the community before any decision is made.

*Public Comment: Rick Warther, E. Boot Road* – Indicated there is space at the Township building for a tower, and then asked why it can't be put on the roof of the Township building. Don said the structure would not support a cell tower. Mr. Warther then asked for proof that the Township has put work into researching this issue. Mark Gordon said Mr. Warther was welcome to come in and look through the file.

*Public Comment: John Schorn, Larch Lane* – Said it would be helpful for the residents to see an aerial photograph of the Township building. He said he does not understand why a tower cannot be put in the parking lot near the Public Works annex. Senya said Mr. Schorn was welcome to come in and meet with Mark Gordon to discuss the matter. Mr. Schorn asked Mark Gordon why the parking lot cannot be used. Mark said the Township has a legal obligation to provide a certain number of parking spaces to the District Court whether they are used or not. Also, there are wetlands right there and the parking lot is now part of the floodplain (the floodplain has shifted over the years). Therefore, putting in a tower would require special permits.

Senya reminded the audience that this evening's discussion was about locating a tower at the park.

*Public Comment: Mrs. Lynn, Highland Avenue* – Said the proposed tower would be right against her back yard. She can see children playing in the soccer field through her trees and she is concerned about their safety if a cell tower is put in. She said she feels badly for residents living on Taylor Avenue and across from Taylor Avenue, since they will have to look at the tower if it is built.

*Public Comment: Chuck Homer, Applebrook Drive* – Asked if it's correct that if the Board denies an applicant's request to build a tower they will bring a lawsuit against the Township. Marty said the carriers have certainly implied that, without actually saying it. Mr. Homer asked if existing towers and antennas within the Township can be improved as an alternative to bringing in this new tower. Don said carriers can only use telephone poles for mini stations, and there are not many available poles left for them to use. The Township is considering allowing a large tower to be constructed in order to locate as many carriers as possible at one location and to minimize the number of applications for new towers and antennas throughout the rest of the Township.

*Public Comment: Jim McRee, Oneida Lane* – Asked if it would be of value to have a pole larger than 150 ft tall. He said a taller tower in one central spot in the Township would benefit the most residents while only adversely affecting the few who lived near it.

Senya assured the audience that every Township ABC strives to put the considerations of the residents above the desires of the cellular carriers.

*Public Comment: Chuck Proctor, Herron Lane* – Told resident Chris Lewis that AT&T sells a box the size of a wireless router that he can put in his home to provide cellular coverage without having to leave the house. Mr. Proctor then said that a carrier bringing suit against the Township would go to Federal District Court in Philadelphia, and federal law would trump any East Goshen ordinances.

*Public Comment: Rick Warther, E. Boot Road* – Asked Mr. Proctor some questions about the legal bases for carriers to initiate litigation against the Township.

*Public Comment: Megann Hedgecock, Franklin Court* – Said it's great that East Goshen is being proactive and soliciting public comments, as some neighboring Townships do not do that. She had questions for Mark Gordon about the proposed location of the tower in the park as shown on one of his slides. She then asked about the screening and fencing that would be required at the base of the tower. Mark said the Township would encourage the tower owner to put in an aesthetically pleasing mix of landscaping and fencing at least 6 feet high. Megann asked if an access road would have to be put in for the tower and Mark said the Township would propose a gravel driveway. Megann asked if the zoning were to be changed, would it only pertain to the park or would it pertain to all Township property. Mark said the Board could elect to change it however they wished. Senya noted that the zoning would not be changed without a public hearing first.

Marty said until recently the newsletter was the only means the Township had to communicate with residents. He said the newsletter is usually "after the fact" and the public cannot rely on it for information about things yet to come. The Township always has so many projects and applications going on that it is simply not possible to mention them all in the newsletter due to space and timing issues. Senya recommended that residents attend Township meetings and sign up for Constant Contact to stay informed.

*Public Comment: Rick Warther, E. Boot Road* – Asked what happened to the tower at the church on Route 352 and Greenhill Road. Senya said it's still there. Mr. Warther asked if it helped coverage in the Township, and Marty said it helped at that end of the Township.

Carmen asked Mark Gordon if the Township puts in this tower or two towers, won't that give the Township good ammunition in court against future lawsuits by carriers wanting to put in more towers elsewhere in the Township. Mark said he believed so, and in addition there is the requirement for co-location, but since he is not an attorney he cannot really say. Don noted that the tower in the park would not provide coverage for the entire Township.

*Public Comment: Neil DeRiemer, Hershey Mill Road* – Said he has seen cellular units that are attached by guy wires. He asked if the proposed tower would be different. Mark Gordon said yes, the proposed tower would be different because it would be a monopole.

At this point Senya closed the discussion on this topic. He thanked Mark Gordon for putting together the presentation and for his work on this matter.

### **Chairman's Report**

Senya announced that the TAG will present their report at the Board's meeting on October 12.

### **Bid Results for Collection of Refuse & Recyclables**

Rick announced the bids that were received:

OPTION	#1	#2	#3
Refuse	Unlimited 2x Week	Unlimited 1x Week	Unlimited 1x Week
Yard Waste	4x in November 3x in April & May 2x All other Months	4x in November 3x in April & May 2x All other Months	1x Week
A.J. Blosenski	\$1,887,237.72	\$1,563,798.24	\$1,606,449.60
J.P. Mascaro & Sons	\$2,268,542.13	\$1,903,636.08	\$2,117,998.80
BFI	\$2,341,700.30	\$1,762,352.30	\$1,902,154.30

Rick summarized his analysis of the bids and stated that the bidders had been told the award will be announced on October 12.

Marty said he was in favor of Option #1. He noted that the bid amounts of the low bidder are less than the previous contract. Also, by keeping service at twice per week, the Township has a point to drop down to (once per week) if needed in the future. Senya and Carmen said they were also in favor of Option #1.

Thom said he is in favor of trash pickup twice per week but Option #1 gives no help to those residents who asked for relief from having to pay the same rates as everyone else although they put out very little trash. Marty said they will get some relief by having their quarterly rates lowered, as the bids have come in lower than for the previous contract.

Don said he is concerned it will be difficult to get residents to separate yard waste from trash as is now required. Senya announced to the residents that it is state law that trash and yard waste can no longer be co-mingled.

Don asked if the Township would get a reduced tipping fee at the landfill since yard waste would no longer be included with the trash. Carmen said there is no tipping fee for yard waste, so there could be a small difference in fees.

Don said he preferred Option #3 but would be okay going with Option #1.

### **CCATO Fall Convention on November 4**

All the Supervisors indicated they plan to attend this meeting.

### **Any Other Matter**

Staff Meeting – Senya suggested the Board meet with the Township staff in April. Rick will select a suitable date.

WEGO Budget – Carmen summarized Version 2 of the WEGO budget for the other Supervisors. The Board had some discussion about this budget.

*Public Comment: Joe Buonnano, Herron Lane* – Asked if police and fire services are part of the cost accounting that TAG is addressing. Carmen said that he and Rick were both interviewed by the TAG about those services, and that TAG is leaving no stone unturned. Senya noted that since the police service is contractual in nature, it doesn't really fall into the TAG's purview. The Board then discussed with Mr. Buonnano the expenses involved in maintaining the police service.

*Public Comment: Jim McRee, Oneida Lane* – Asked if the TAG report will be on posted on the Township website on Friday. Rick said no; it will most likely be posted the following week.

AMS Modules – Senya informed the other Supervisors that AMS is willing to conduct a tutorial session for the Board, and asked if anyone else was interested. Don said it would be the epitome of micromanaging the staff, and the Board should not get involved with AMS. Senya said he planned to take advantage of the opportunity to become more familiar with the AMS system and its terminology, and if anyone else was interested, to let him know.

Four-Post Feeders – Don asked for an update on this issue. Rick said the money is in the budget for 2011 and the Board can take action next year.

PECO Smart A/C Saver Program – Don asked for a status update. Rick said the item is still open and on the Action List.

Resolution 10-109 for Marydell Pump Station – Don asked for a status update. Rick said he is waiting on the Municipal Authority.

Storm Damage – Don asked for an update on whether PennDOT is coming back to clean up the debris on Strasburg Road from the June storm. Rick will contact them.

Missed Meeting Due to Election Day – Marty suggested the Board meet on November 3 to make up for missing a meeting on November 2, and the Board discussed this matter. Marty moved for the Board to meet on Wednesday, November 3. Senya seconded the motion. There was no further discussion or public comment. The Board voted 3:2 and the motion carried. (Thom and Carmen were opposed).

### **Review of Minutes**

The Board reviewed and corrected the draft minutes of September 28. Don moved to approve the minutes as corrected. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

### **Treasurer's Report & Expenditure Register Report**

*See attached Treasurer's Report for September 30, 2010.*

The Board reviewed the Treasurer's Report and the current invoices. Thom moved to accept the Treasurer's Report of September 30 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Don seconded the motion. Carmen said he thought the Supervisors were supposed to email their questions to staff before the meeting. He asked if they can either do that or ask staff questions at the meetings. Senya said doing either is fine. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

### **Action List**

Wireless Ordinance – Rick reported that Kristin Camp is working on the revised ordinance.

Quarterly Right-To-Know Requests – The Board remarked on the number of marketing data requests on the list. The consensus of the Board was that future reports from staff do not need to show the requests for marketing information. Marty would like to send a letter to Harrisburg informing them that the right-to-know law is being used primarily by companies interesting in data mining. He would like Harrisburg to consider imposing a fee on such requests.

Website Upgrade – Rick reported that Terry is currently updating the site. The Board can access the new website even though it is not yet live.

Police Scheduling – Rick reported that both sides are amenable to continuing with the current schedule.

Annual Training Plan – Rick reported that he has not gotten to this task yet. Marty reminded him that the Board needs the information for budgeting purposes. It was decided that Rick will task Diane Degnan with this, and the information will be due by the second meeting in November.

Staffing Analysis – This matter is pending until after the TAG report.

Sewer Metered Billing – Rick summarized his analysis for the Board regarding how many households have had their sewer bills increase and how many have had their bills decrease. Don said he met with Rick, Brian McCool and Deb Beury to discuss the database created by Joe Gill. They decided it will not be practical to maintain the database as it is unmanageable. Instead they will use data from AMS and in-house spreadsheets when there is a billing question.



Performance Evaluations – Rick reported that he and Thom would be meeting to discuss this tomorrow.

Hershey Mill Dam – Don reported that he and Senya would be meeting with the Save the Dam group on Thursday evening.

Invasive Species – Rick has sent a memo to the Conservancy Board and Park & Rec asking them to submit a recommendation to the Board.

Recycling Contract – Rick said he contacted the references for A.J. Blosenski and there was no bad feedback.

Pedestrian Crosswalk at Township Park – Rick reported that the Township is waiting on the painter to restripe the crosswalk.

Friends of the East Goshen Township 501(c)(3) – Rick said he got an email from Joe D'Antonio saying he no longer has the time to volunteer with this group. Senya said that resident Karen Martynick has agreed to volunteer.

WCF Tower on Township Property – The Board had a lengthy discussion about the cell tower issue. The Board ended by instructing Mark Gordon to tell Liberty Towers and Tower One the Township is still waiting for the technical information that was requested some time ago regarding coverage in the Township, etc., and without that information the Board can take no action. Marty said Mark can let them know the Township is amenable to considering a tower in the Township but the Township cannot proceed without the requested information.

#### **Correspondence & Reports of Interest**

Senya acknowledged receipt of a letter from resident Maureen Neuhaus of Foxglove Lane dated September 24 regarding the Hershey Mill dam.

#### **Meetings & Dates of Importance**

Senya noted the upcoming meetings as listed in the agenda. Don asked that meetings which have already taken place not be listed in the agenda.

#### **Public Comment Period**

*Public Comment: Joe Buonnano, Herron Lane* – Asked if the Supervisors were disappointed no one came forward to bid on the dam. Thom said he was disappointed. Mr. Buonnano asked where the Board will go from here in regard to the dam. Rick said the Township can now eliminate “selling the dam” as an option. Don said he and Senya would be meeting with the Save the Dam Committee on Thursday evening. Mr. Buonnano asked if the Township has money in the budget to pay for the dam renovations. Marty said there is money in the budget, but it is matched by expected revenues so it is a wash. He said the expectation is that the Save the Dam group will raise the necessary money as they promised. Rick then updated Mr. Buonnano on the status of the pending grants for the dam. Mr. Buonnano asked about the original stimulus grant to breach the dam that the Township turned down. Senya said what's done is done and going forward the Township has to find the money to repair the dam.

**Adjournment**

There being no further business, the meeting was adjourned at 11:04pm.

Anne Meddings

Recording Secretary

*Attachment - Treasurer's Report*

September 30, 2010

**TREASURER'S REPORT**  
**2010 RECEIPTS AND BILLS**

**GENERAL FUND**

Real Estate Tax	\$1,597.67
Earned Income Tax	\$35,619.28
Local Service Tax	\$2,000.00
Transfer Tax	\$0.00
General Fund Interest Earned	\$0.00
Total Other Revenue	\$11,603.37
Total Receipts:	<u>\$50,820.32</u>

Accounts Payable	\$37,100.64
Electronic Pmts:	
Health Insurance	\$0.00
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$0.00
Payroll	\$41,000.00
Total Expenditures:	<u>\$78,100.64</u>

**STATE FUND**

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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**CAPITAL RESERVE**

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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**TRANSPORTATION FUND**

Interest Earned	<u>\$0.00</u>
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Expenditures:	<u>\$0.00</u>
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**SEWER OPERATING**

Receipts	\$10,715.39
Interest Earned	\$0.00
Total Sewer:	<u>\$10,715.39</u>

Accounts Payable	\$2,075.20
Debt Service	\$0.00
Total Expenditures:	<u>\$2,075.20</u>

**REFUSE**

Receipts	\$3,433.54
Interest Earned	\$0.00
Total Refuse:	<u>\$3,433.54</u>

Expenditures	<u>\$5,668.85</u>
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