

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
March 1, 2011 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisors Marty Shane, Carmen Battavio, and Thom Clapper. Also present were Township Manager Rick Smith, Zoning Officer Mark Gordon, Jim McRee (Planning Commission and Deer Committee), Phyllis Marron and Ruth Scadding (Park & Rec), Bryan DelMonte (Conservancy Board).

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:00pm. He asked a resident in the audience 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.

Chairman's Report

Senya announced that the Board met in Executive Session on February 22 to discuss legal and personnel matters, and said the Board will meet again in Executive Session this evening beginning at 9:15pm.

Preliminary Proposals for Wireless Tower

Mark Gordon distributed an updated packet on this subject. The Board agreed they did not have enough information to make a decision this evening. Mark Gordon said he would need more guidance from the Board as to what they want before he is able to make a recommendation. For example, he will need to know if the Board's primary goal is to create revenue for the Township, to protect the historic district, or to avoid potential exposure to legal costs. Don said the Board's goal is to do what is best for the residents.

Carmen said the Township will most likely lose a lawsuit if Liberty Towers sues the Township to put up a tower behind the Wawa. He believes it would be irresponsible of the Board to spend money litigating a lost cause.

Carmen said he would like the maximum number of antennas put on a tower in the park in order to prevent someone from arguing that another tower is needed behind the Wawa.

Thom said that putting up a tower in the park would be no help to residents on the other side of the Township who would not benefit from the cellular coverage it provides.

Thom and Carmen then raised the possibility of placing a tower at the Township complex. Marty noted that four out of five Supervisors agreed last week to put the tower in the park, not at the Township complex.

Marty said since the Board would not be able to make a decision this evening, they must move forward with the RFP. The RFP must be worded in such a way so that the proposals will provide all the information necessary for the Board to make a decision. Thom said he wants the RFP to ask for information on locating a tower at the Township complex as well as at the park, in case the park location does not work out for some reason.

Senya asked Richard Lemanowicz (attorney for Liberty Towers) to explain how tower owners are compensated by carriers who place antennas on their towers. Mr. Lemanowicz explained. Don asked if the carriers pay a premium for a better location on the tower, and Mr. Lemanowicz said generally not. Thom asked how far apart in height the antennas must be located, and Mr. Lemanowicz said 10 feet.

The Board then discussed where a tower could be placed near the Public Works Annex, and Marty said that after the discussion this evening, he now thinks the RFP should include the Township complex as well as the park.

Mr. Lemanowicz advised the Board that an RFP may not give them as much information about the specifics of the tower as they might think. Don said the proposals should contain enough information for the Board to make an informed decision. Marty said the RFP is just a tool to get the Board to a decision point on which company the Township wants to work with. After making that decision the Board can work with the chosen firm to decide on the appearance of the tower.

Carmen noted that no other company besides Liberty Towers showed up this evening or demonstrated such a keen interest in locating a tower in East Goshen. He said he fully trusts Mr. Lemanowicz and would like to do business with him.

Carmen moved to ask Liberty Towers to provide the Township with a proposal for 1) a cell tower in the park and 2) a cell tower at the Township complex. The proposals for both locations should include information about the following:

- The location on the site
- Liberty Towers' access to the tower
- The projected income stream
- A project timeline

Finally, Liberty Towers should let the Township know if they will abandon their plans to locate a tower behind the Wawa. Thom seconded the motion.

The Board and Mr. Lemanowicz then discussed ground leases versus a partnerships. Mr. Lemanowicz said most of their deals involve land leases. He said that a 100 ft x 100 ft land lease would generate approximately \$1,500-2,000 in monthly income for the Township.

Public Comment: Leo Sinclair, Lochwood Lane – Read verbatim from a law (not identified) which he said was relevant to the discussion. He said it's not legal for the Township to select one site over another for a cell tower or else the Township will open itself up to lawsuits from carriers and residents. Carmen said the Board is doing everything it can to minimize impact to the residents, knowing it's inevitable that a tower will be located somewhere in the Township.

Don said he felt the Board was being held hostage to work only with Liberty Towers in order to circumvent a tower being located behind the Wawa. Mr. Lemanowicz said his client would be willing to take Wawa off the table if East Goshen would be willing to work only with them. The Board told Mr. Lemanowicz they were not prepared to give exclusivity to Liberty Towers.

There was no further discussion or public comment. The Board voted 4:1 against the motion, and it did not pass. (Only Carmen was in favor.)

Draft RFP for Cell Tower

The Board discussed whether or not the Township needs to hire an expert to help with the RFP, but no decision was made.

Marty said he would like companies who respond to the RFP to provide information on revenue streams for three scenarios: a land lease, a blend, and a percentage of the revenue stream.

Don said the RFP should contain clear evaluation criteria so the Board can make a decision, and not have five different opinions on which firm should be selected.

Rick suggested the Board start by deciding what style of tower they want installed. This will make it a lot easier to solicit proposals and to compare apples to apples. Senya said he agreed because the Board's main concern is the appearance of the tower, followed by the revenue that will be generated. Senya noted that if the tower is put on Township property, the Board will get to decide the tower's appearance. On the other hand if a tower goes up behind the Wawa, the Board will have no say in how it looks.

Rick said the staff would work on compiling photos of various tower styles from the internet for the Board's review at the next meeting.

Public Comment: Jim McRee, Oneida Lane – Suggested the Board not put appearance into the RFP to prevent getting locking into something they might later change their mind about.

Resolution 2011-46 Concerning Rossmore HOA Escrow Account

Don suggested the reference to the calendar year be removed from the resolution. Marty moved to adopt Resolution 2011-46 as amended by Don. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Resolution 2011-47 Establishing the Order of Business for Township Meetings, Etc.

The Board discussed whether or not to dictate that ABCs specify that their moments of silence are for the troops. The Board agreed to recommend that ABCs state they are for the troops, but not to mandate it. Rick will draft some suggested words for ABCs to use at their meetings.

Don moved to adopt Resolution 2011-47. Thom seconded the motion.

Public Comment: Jim McRee, Oneida Lane – Asked if ABCs will be locked into certain wording about their moments of silence. Senya told them they will receive a recommendation only.

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

Tree Ordinance Amendment

The Board agreed the amendment as prepared by staff was fine. It will be forwarded to the County.

Park & Rec Ordinance Amendment

The Board discussed the proposed ordinance amendment with Ruth Scadding, but no agreement was reached. Per the Board, the ordinance will have to be revised and a separate resolution created for the park rules and regulations. Don wants the Park & Rec Board to provide the Supervisors with recommendations for park rules and recommendations for any ordinance changes.

Replacement of Two Mowers

Marty moved to authorize the Department of Public Works replace two Zero Radius mowers in the amount of \$13,180 as recommended by Mark Miller in his February 25 memo. The replacement mowers will be 2010 leftovers available at reduced cost. Don seconded the motion. There was no discussion or public comment. The motion passed unanimously.

Any Other Matter

Lockbox Status – Don would like the Township to send a strongly worded letter to 1N Bank expressing the Township's displeasure with their change to a new system which has caused inconvenience to the Township.

Suggestion Box – Thom told the Board that a resident asked him if the Township could put a Suggestion Box in the Township Building lobby during elections, and also an electronic suggestion box on the website.

Public Comment: Leo Sinclair, Lochwood Lane – Asked if Constant Contact is mining email addresses. Rick said they are not supposed to. Senya asked Rick to confirm this and to put a disclaimer on the Township website.

Snow Removal Costs

Rick distributed an updated table showing budgeted vs. actual snow removal costs incurred through February 28, 2011. As of February 28 the Township is \$44,829.46 over budget.

Review of Minutes

The draft minutes of February 22 were reviewed and corrected. Marty moved to approve the minutes as amended. Don seconded the motion.

Public Comment: Bryan DelMonte, Clocktower Drive – Asked if the January 2011 financial results were available to the public. Don told him they would be available after the March 8 meeting. They will also be posted to the Township website.

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

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for February 24, 2010.

The Board reviewed the Treasurer's Report and the current invoices. Thom moved to accept the Treasurer's Report of February 24 and the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to authorize payment of the invoices just reviewed. Carmen seconded the motion.

Public Comment: Jim McRee, Oneida Lane – Complained there was turf damage on his street due to East Goshen snow plows, and small rocks in the grass also.

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

Action List

TAG Action List – The Board had no comments.

Hershey Mill Dam – Rick reported that Neil DeRiemer said he will be present at the March 8 meeting.

Staff Training Plan – Tabled until the next meeting.

Correspondence & Reports of Interest

Senya acknowledged receipt of the Permit Log for January 2011.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed in the agenda.

Public Comment Period

None.

Adjournment

There being no further business, the meeting was adjourned at 9:12pm.

EXECUTIVE SESSION

The Board met in Executive Session until 10:45pm to discuss legal and personnel matters.

Anne Meddings

Recording Secretary

Attachment – Treasurer's Report

February 24, 2011

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

GENERAL FUND

Real Estate Tax	\$24,233.07	Accounts Payable	\$37,850.64
Earned Income Tax	\$625.96	<u>Electronic Pmts:</u>	
Local Service Tax	\$0.00	Health Insurance	\$0.00
Transfer Tax	\$0.00	Credit Card	\$0.00
General Fund Interest Earned	\$0.00	Postage	\$0.00
Total Other Revenue	\$69,674.83	Debt Service	\$0.00
Total Receipts:	<u>\$94,533.86</u>	Payroll	\$41,000.00
		Total Expenditures:	<u>\$78,850.64</u>

STATE FUND

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

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

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

Receipts	\$104,420.15	Accounts Payable	\$8,102.67
Interest Earned	\$0.00	Debt Service	\$0.00
Total Sewer:	<u>\$104,420.15</u>	Total Expenditures:	<u>\$8,102.67</u>

REFUSE

Receipts	\$30,212.88	Expenditures	<u>\$4,588.65</u>
Interest Earned	\$0.00		
Total Refuse:	<u>\$30,212.88</u>		