

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS MEETING
1580 PAOLI PIKE
May 24, 2011 – 7:00pm
Final Approved Minutes**

Present: Chairman Senya D. Isayeff, Vice-Chairman Don McConathy, and Supervisor Thom Clapper, Carmen Battavio and Marty Shane. Also present were Township Manager Rick Smith, Phyllis Marron and Ruth Scadding (Park & Rec), and Kathryn Yahraes (Historical Commission).

Call to Order & Pledge of Allegiance

Senya called the meeting to order at 7:00pm. He asked Marty 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 they would be recording the meeting.

Public Comment on Non-Agenda Items

None.

Chairman's Report

Senya announced the following:

- The Board met in Executive Session on May 10 to discuss a personnel matter.
- The Board will hold a long-range financial planning session on May 26 from 1:00pm to 4:30pm. The meeting will be open to the public.

Public Hearing - Conditional Use

Senya announced that the Conditional Use hearing for the adaptive reuse of a Historic Resource at 1422 Paoli Pike will be continued until July 12, 2011.

Police Report

Police Chief John Dumond reported there were 631 calls for service from East Goshen in April. The police are investigating robberies that occurred on Sturbridge Lane and Lochwood Lane. There has been a larger than normal number of thefts from vehicles, both locked and unlocked, within the Township. Don asked Chief Dumond to write a short blurb for the Township newsletter reminding residents to lock their cars and not leave valuables in plain view.

Financial Report

The Board agreed to postpone discussion of the financial report until the May 26 long-range financial planning session.

Firearms At June 4 Living History Day

The Board reviewed a memo from the Historical Commission requesting permission to have Civil War re-enactors discharge weapons at the Living History Day scheduled for June 4 at the Plank House/Blacksmith Shop complex.

Marty moved to authorize the Historical Commission to allow re-enactors to discharge black powder weapons that do not fire a projectile during the June 4 Living History Day between the hours of 11:00am and 4:00pm at the Plank House/Blacksmith Shop complex. Thom seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion. Don noted that the Township will need to appoint a Safety Officer by June 4. Rick will take care of this.

Street Signs in Rossmore

The Board reviewed a request from the Rossmore HOA to replace, at their expense, the street signs and other traffic control signs in their development with fancier, decorative metal sign posts having upper and lower case letters. Marty moved to allow the Rossmore HOA to replace the street signs and other traffic control signs in their community provided the signs and posts comply with the applicable PennDOT requirements. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion. Senya asked Rick to thank the Rossmore HOA for making the effort to beautify the Township and add value to their development and the Township.

Ashbridge Preserve

The Board reviewed a request from the Willistown Conservation Trust for East Goshen to provide equipment and labor to install an ADA-compliant footpath and stream viewing area off the parking lot at the Ashbridge Preserve. This path and viewing area will accompany two concrete stepping-stone crossings the Willistown Conservation Trust will be installing across the Ridley Creek. Rick noted that East Goshen has an ownership interest in the Ashbridge Preserve.

Don moved to authorize the Public Works Department to assist the Willistown Conservation Trust, as requested, with the construction of the ADA-compliant footpath and stream viewing area at the Ashbridge Preserve. Carmen seconded the motion. There was no further discussion and no public comment. The Board voted unanimously to approve the motion.

Any Other Matter

Street Signs - Don shared an article about street signs from the PSATS magazine which indicates that East Goshen's street signs are in compliance with federal regulations and will not need to be replaced with upper and lower case letter signs. Don moved to rescind Marty's recommendation made at the April 5, 2011 Board meeting that the Township budget money for street sign replacement over ten years beginning with the 2012 budget. Instead, the Township can replace street signs only as needed. Carmen seconded the motion. There was no discussion or public comment. The Board voted unanimously to approve the motion.

Traffic Signal at Paoli Pike & Line Road - At Don's request, the Board reviewed the plans for the developer of Applebrook Meadows in Willistown to install a traffic signal and make road improvements at Paoli Pike & Line Road in conjunction with the new development on Line

Road. Per Rick, the developer will have the signal in by Halloween or Thanksgiving if everything goes according to plan.

Personnel Matter – Don requested that Rick look into allegations made by a resident that Frank Vattilano's wife and daughter are being paid for Park & Rec activities. *[Note to file: The Board subsequently learned these were unfounded allegations.]*

Proposals to Install a Cell Tower at the Township Building

For the benefit of the residents present, Don summarized the Wireless Subcommittee's recommendations regarding the installation of a cell tower at the Township building, and noted that the choice for a company to build the tower is down to two – Liberty Towers and US Wireless.

Carmen asked Don what the difference is in number of wireless carriers that can be accommodated on a tower that is 150 feet tall vs. 180 feet tall. Don said a 150-ft tower can accommodate 5 carriers and a 180-ft tower can accommodate 8 carriers.

Don suggested the Township give US Wireless 60 days to get agreements with at least four carriers, and if they cannot deliver, the Township can go with Liberty Towers.

Marty stated he wants the contract to go to Liberty Towers, and he wants to get paid based on the revenue "blend" formula so the Township will have at least some guaranteed income.

Carmen asked Rich Lemanowicz of Liberty Towers (in the audience) if Liberty Towers would be able to increase the reception for communications devices used by Emergency Services workers in Chester County by building a tower in East Goshen. Mr. Lemanowicz said his firm can add EMS radio services to the tower, and assured the Board that a tower would not interfere with the reception for Emergency Services communication devices.

Marty explained to the residents that the Board decided to move the tower to the Township Building, instead of putting it at the park, because the park location is not really viable and would not provide good reception. He said it's a given that a cell tower will be going up either behind the Wawa or at the Township Building.

Public Comment: Mike Steinberger, Tallmadge Drive – Asked how the Board made their decision to build the tower at the Township Building, since nowhere in the minutes does it state that cell tower companies have refused to put a tower at the park. Don said that while no vendors indicated they would not build a tower at the park, they all said the coverage at the Township building would be better.

Don noted that none of the cellular carriers have provided the Township with adequate RF information, even though it was requested. Rich Lemanowicz said the Wawa is the ideal location because it's right in the center of the coverage gap according to all the carriers he has spoken with.

Marty told the residents that if the Supervisors had their way, no tower would be built in the Township. However, he said one is going to be built no matter what. If it does go up at the park then the residents near the park will be unhappy. He noted that a lawsuit is imminent (although not filed yet) to build a tower behind the Wawa, so the Township has to take action now. Don said if a tower goes up behind the Wawa, the Township will get no revenue from it. The residents in the audience said that may be the case but a tower behind the Wawa will not negatively impact their property values as would one built at the Township building.

Rick was asked how many letters were sent to residents about this issue. Rick said 74 letters were mailed, and a notice was posted on the web and on Constant Contact.

Public Comment: Ed McFalls, Tallmadge Drive – Said that in the past the Board has done a good job of blending commercial and residential properties within the Township, but he has no idea how they can conceive of putting a cell tower at this location.

The Board then discussed where exactly the tower could be located to be as far from the nearby residents' properties as possible. They discussed putting it back near the District Court and whether the floodplain issue would influence the location. Mr. Lemanowicz said it's not out of the question to locate a tower in a floodplain – it's been done before. Marty reassured the residents that while all the details have to be worked out, the Board's desire is to place the tower as far back from the road (and the residents) as possible, and that no matter where it goes the Board's desire is to have the least intrusive tower possible.

Marty then stated that the Board's purpose this evening was to discuss which cell tower company to go with, not to hammer out all the details about the tower – that will be done once a company is selected.

A resident asked Marty about the pending lawsuit and how the Township knows they would lose. Marty said he knows the Township would lose the suit based on previous case law.

A resident asked Marty who would build and maintain the tower. Marty said the tower company would. He was asked if a maintenance bond would be required and Marty said yes. A resident mentioned the impact a tower would have on property values and Marty said that if there is going to be a documentable reduction in the value of residents' properties, the Township should get that information ahead of time from the residents.

The tower's appearance was then discussed. Carmen told the residents that the Board had ruled out a clock tower as they are too large and unattractive. A "tree" tower has also been ruled out because their "branches" have a tendency to fall off, posing a safety hazard. Marty said the Board believes a monopole would be the least intrusive.

A resident asked if the FAA has been contacted to see if it's okay to locate a tower at this location. Rick said the Township has a letter from the FAA saying it's okay for a tower to go up behind the Wawa. The residents asked that he check to make sure it's still okay with the FAA if it is moved to the Township building. Someone also requested that Rick find out if a blinking red light will be required at the top of the tower, due to its proximity to the airport.

Resident Mike Steinberger suggested the Board consider putting the tower directly behind the Township building, moving the new fueling area if necessary to make room. Don said the Township just installed the fueling area and it would be prohibitively expensive to relocate the fuel tank, etc.

A resident asked how much space would be required for the tower. Rich Lemanowicz said at least 70x80 feet would be needed at the base.

Thom asked Rich Lemanowicz what type of revenue agreement would be best for the Township. Mr. Lemanowicz said revenue sharing would be the riskiest, but with the greatest opportunity for income. A land lease agreement would mean less money, but would be the most stable. The middle ground would be a blended agreement.

Thom asked about the number of carriers on the tower. Mr. Lemanowicz said Liberty Towers would be likely to secure five carriers in the first year the tower is up.

Carmen asked Mr. Lemanowicz about mergers in the telecommunications industry, and how that would impact revenue to the Township since fewer carriers would be looking for real estate on towers. Mr. Lemanowicz said it is a definite risk; for example, AT&T is currently looking to buy out T-Mobile.

Marty asked Mr. Lemanowicz for his thoughts on how quickly the current cell tower technology will become obsolete or outdated. Mr. Lemanowicz said he did not see the current technology becoming obsolete in the next ten years.

Thom told Mr. Lemanowicz that based on a survey of neighboring municipalities, the Liberty Towers quote of \$1,837 per month per carrier is low. He asked if that figure was negotiable and Mr. Lemanowicz said yes, and that Liberty Towers quoted conservatively.

Senya asked Mr. Lemanowicz if the Board could rely on Liberty Towers to provide a fair quote, since the Township does not have the in-house capability to determine the fair market value of placing a tower on Township property. If not, the Township may have to consider hiring an outside expert for advice. Mr. Lemanowicz said his firm would work closely with the Township.

Senya asked if it would be possible for Liberty Towers to get realistic numbers from the cellular carriers. Mr. Lemanowicz said it is very difficult to get that kind of information from carriers. He noted, however that the Township would definitely get more money for the tower than the owner of the Wawa property would get because deals with municipalities are always more lucrative. Senya said he did not know how the Board could make a decision in the absence of meaningful dollar figures.

Carmen then moved to negotiate with Liberty Towers for the final construction of a cell tower to be placed on the Township building property as far back as possible, and that during negotiations the Board seek to maximize the Township's income from the tower, and in doing so, Liberty

Towers would agree to put the potential lawsuit over the Wawa location to rest. Marty seconded the motion.

Thom said he would prefer to tell Liberty Towers that the Board's preliminary feeling is to have a tower located at the Township building and to see if they can come back more with more than \$1,837 per month per carrier. The rest of the Board said that was basically what Carmen captured in his motion but Thom disagreed.

Senya clarified that should the Township be satisfied with the negotiations with Liberty Towers, the Board would then award the contract to Liberty to build the tower.

Senya asked Mr. Lemanowicz what was the highest rental amount he had seen for a cell tower. Mr. Lemanowicz said he's seen a range from \$1,800 to \$2,400 per month per carrier. Rooftop antennas in Philadelphia generate the highest amount.

The Board asked Mr. Lemanowicz how quickly he could get firm pricing information from his carriers, and he said one week. He also said his firm could do all the other research work on the site in less than one month.

After some discussion, Marty then withdrew his second to Carmen's motion, and the motion died.

Thom then moved to give preliminary approval to Liberty Towers so they could negotiate with their carriers and come back to the Township with their best offer. At that time, the Board will consider awarding the contract to Liberty Towers. Senya seconded the motion. After consideration, Senya then withdrew his second, and the motion died.

Marty then moved to negotiate with Liberty Towers regarding the possibility of locating a cell tower behind the Township Building. If the Board of Supervisors is satisfied with the results of the negotiations, they will award the contract to Liberty Towers. Carmen seconded the motion.

Thom said he disagreed with this approach and would prefer to start out by knowing a firm dollar figure before conducting further negotiations.

Don asked Kathryn Yahraes if she thought a cell tower at the Township building site would fall under the federal Historic site regulations due to its proximity to historic Goshenville. Kathryn said yes, since the Township building is within one-half mile of the historic district. Carmen noted that any historic issues would be Liberty Towers' problem, not the Township's, and these issues would not impact the revenue the Township would earn. Mr. Lemanowicz confirmed these facts.

Kathryn Yahraes noted for the record that the Historical Commission, for obvious reasons, would prefer the cell tower be located at the far end of the Township Park instead of at the Township building or the Wawa. (This opinion was outlined in a May 17 letter to the Board written by Chairperson Ellen Carmody.) A resident in the audience said he also prefers the park location.

The Board then discussed the pending lawsuit with the residents.

There was no further discussion or public comment on the motion. The Board voted 4:1 and the motion passed. (Don was opposed.)

Mr. Lemanowicz asked who the Township's negotiating team will be, and was told it would consist of Senya Isayeff, Thom Clapper, Rick Smith and Mark Gordon.

Monthly Update from Goshen Fire Company

Jerry Fokas and Bill Keslick were present. Mr. Fokas provided a verbal report for April as follows: In April the Fire Company responded to 278 fire calls, 56% of which were from East Goshen. They responded to many false alarms. Out of 160 EMS calls, 80 were made from Bellingham and Wellington. The Fire Police responded to 52 calls, 17 of which were in East Goshen. The Fire Company conducted their Easter and Mother's Day flower sales, netting \$13,000. Each of these two events required 132 hours of labor. They had a breakfast fundraiser on May 15, as well as a donut sale. Mr. Fokas noted that the Fire Company spends a great deal of time on fundraising. He said he has submitted an informational article about the Fire Company to the Township that he has been told will run as an insert in the next newsletter.

Marty said he would prefer if the Fire Company would provide a written report to the Township before coming to the meeting each month. That way the Supervisors will have it in their packets to review before the meeting. There was some discussion about which week of the month would work best for the Fire Company to come to the Board's meeting. Mr. Fokas will get back to Rick on this.

Review of Minutes

The Board reviewed the draft minutes of May 10 and had no corrections or changes. Carmen moved to accept the minutes as submitted. Marty seconded the motion. There was no discussion or public comment. The motion passed unanimously, with Thom and Don abstaining from voting.

[Note: Carmen Battavio had to leave the meeting at this point.]

Treasurer's Report & Expenditure Register Report

See attached Treasurer's Report for May 19, 2011. The Board reviewed the Treasurer's Report and the current invoices. Thom moved to accept the Treasurer's Report of May 19 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. There was no discussion and no public comment. The Board voted unanimously to approve the motion.

Action List

Indemnification Letter – Received the letter from the Reserve. Item is now complete.

Municipal Authority Projects – The Board reviewed Rick's report, and discussed whether to borrow money for the projects now or wait and take a risk on interest rates. No decision was

reached. The Board may discuss this matter again at the long-range financial meeting scheduled for May 26.

Facebook/Twitter – Rick reported that Frank Vattilano has 3 interns working on the Park & Rec Facebook page.

IT Committee – No action.

TAG Action List – Marty moved to award the lockbox business to M&T Bank per the recommendation of Finance Director Deb Beury. Thom seconded the motion. There was no discussion or public comment. The motion passed unanimously. Rick said the lockbox will probably be implemented by the 3rd quarter.

Senya reported that the CII Council will meet at the Township on June 15.

Correspondence & Reports of Interest

Senya acknowledged receipt of a thank-you letter from Whitey Hassler's family.

Meetings & Dates of Importance

Senya noted the upcoming meetings as listed in the agenda and noted that June 25 will be a Community Day with a fireworks show.

Public Comment Period

None.

Adjournment

There being no further business, the regular meeting was adjourned at 9:55pm.

Executive Session

The Board met in Executive Session until 10:45pm to discuss a personnel matter.

Anne Meddings

Recording Secretary

Attachment: Treasurer's Report

May 19, 2011

**TREASURER'S REPORT
2011 RECEIPTS AND BILLS**

GENERAL FUND

Real Estate Tax	\$45,976.33	Accounts Payable	\$98,786.61
Earned Income Tax	\$588,684.85	<u>Electronic Pmts:</u>	
Local Service Tax	\$12,217.65	Health Insurance	\$48,738.68
Transfer Tax	\$29,401.23	Credit Card	\$1,521.37
<i>General Fund Interest Earned</i>	\$0.00	Postage	\$0.00
Total Other Revenue	\$98,059.59	Debt Service	\$21,787.91
Total Receipts:	<u>\$774,339.65</u>	Payroll	\$85,000.00 (2 Weeks)
		Total Expenditures:	<u>\$255,834.57</u>

STATE FUND

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

<i>Interest Earned</i>	<u>\$0.00</u>	Expenditures:	<u>\$1,508.88</u>
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TRANSPORTATION FUND

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

Receipts	\$166,321.38	Accounts Payable	\$19,457.96
<i>Interest Earned</i>	\$0.00	<i>Debt Service</i>	\$32,024.00
Total Sewer:	<u>\$166,321.38</u>	Total Expenditures:	<u>\$51,481.96</u>

REFUSE

Receipts	\$40,759.99	Expenditures	<u>\$62,721.44</u>
<i>Interest Earned</i>	\$0.00		
Total Refuse:	<u>\$40,759.99</u>		

SEWER CAPITAL RESERVE

Receipts	\$0.00	Expenditures	<u>\$0.00</u>
<i>Interest Earned</i>	\$0.00		
Total Sewer Capital Reserve	<u>\$0.00</u>		