

PENN TOWNSHIP BOARD OF SUPERVISORS
100 Municipal Building Road
Duncannon, PA 17020-1100

Henry A. Holman, Jr., Chairman

Brian Maguire, Vice-Chairman

Brian K. Peters, Supervisor

Minutes of April 30, 2014, Wireless Ordinance Hearing

The Penn Township Board of Supervisors (PTS) met on Wednesday, April 30, 2014, at 6:00 PM in the Municipal Building. Chairman Henry Holman, Jr., Vice-Chairman Brian Maguire, and Supervisor Brian Peters were in attendance. Other personnel present were Richard Wagner (Solicitor), Max Shradley (Engineer), Helen Klinepeter (Secretary), and Elizabeth Goodhart (Treasurer/Recording Secretary). Chairman Holman called the meeting to order with the Pledge of Allegiance and a moment of silence. He announced that the meeting was being recorded to aid in the preparation of the minutes. A list of visitors is on file in the Township office.

Chairman Holman opened the hearing and turned the hearing over to Solicitor Wagner, who briefly stated the purpose of the proposed ordinance. Solicitor Wagner stated that since all three Supervisors are present at this hearing, there is a quorum. He then opened the floor to comments and/or questions.

Stanley Mutzabaugh

Mr. Mutzabaugh asked whether the term “wireless communications” includes TV or scanner antennae and Dish TV. Solicitor Wagner added that there’s a provision in the ordinance that exempts non-commercial use.

Mr. Mutzabaugh asked Chairman Holman if he should recuse himself from voting on this ordinance in light of the possible financial gain from the tower located on his personal property. Chairman Holman stated that he will receive no financial gain from this ordinance and that any financial gain will be to the Township. Chairman Holman stated the reason he is pushing this issue is to bring revenue into the Township.

Mr. Mutzabaugh then asked if a tower has guy wires, is there a requirement to completely surround the tower with fences, shrubbery, trees, etc. Chairman Holman stated that due to the reduced height of most towers, they are freestanding and would not have guy wires. Supervisor Maguire read Section 7 of the draft ordinance aloud and then stated that the fence would have to surround the guy wires.

Mr. Mutzabaugh asked what is meant by “Police Powers” mentioned in Section 22. Solicitor Wagner stated “The Township, by granting a permit or taking any other action pursuant to this ordinance, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, local laws and regulations.

Mr. Max Shradley (Engineer) referred back to the subject of non-commercial usage. He read from page 22 of the draft ordinance which stated that residents using antennae or a satellite dish for personal use at their residence shall be exempt from this ordinance.

Mr. Mutzabaugh stated that it appeared that his copy of the draft ordinance was different than what was being discussed. Chairman Holman stated that the Penn Township Planning Commission (PTPC) had reviewed the proposed ordinance at their monthly meeting and made some additions and corrections which were not included in the copy that Mr. Mutzabaugh had reviewed. Chairman Holman stated that the Cohen Group reviewed the changes discussed at the PTPC meeting and

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stated they would not have any effect, and therefore, they would include them in the proposed ordinance.

Jim Fickel

Mr. Fickel asked whether Dish TV satellite antennae will be permitted. Chairman Holman stated there is an exclusion for non-commercial use.

Supervisor Peters asked whether towers for short-wave radios are included in the non-commercial exemption. Solicitor Wagner stated he did not believe they would be included in this ordinance.

Solicitor Wagner stated he felt the Township should get a copy of the transcript to send to the Cohen Group for review and to confirm that our understanding of the proposed ordinance is correct.

Mr. Mutzabaugh asked if someone came to the Township today with a cell tower plan, would the current laws apply. Solicitor Wagner said the pending ordinance may apply based on the Pending Ordinance Doctrine.

Chairman Holman wanted to note for the record that AT&T controls his lease, and it is binding for another seven years. For the record, he stated "there's no way Henry Holman will gain anything monetarily out of this ordinance. It is not possible."

Chairman Holman stated that his concern is to adopt this ordinance to bring revenue into the Township as other municipalities have done.

With a unanimous Holman/Maguire motion, the hearing was adjourned at 6:24 PM.

Solicitor Wagner asked Secretary Klinepeter to forward a copy of the transcript to the Cohen Group and request that they review the questions asked tonight as well as the answers we provided. If any of the answers are not correct, the Cohen Group should respond back to us by the next PTS meeting.

Respectfully Submitted,

Elizabeth Goodhart
Treasurer/Recording Secretary