

**DOVER TOWNSHIP**  
**BOARD OF SUPERVISORS MEETING**  
**WORK SESSION MINUTES**  
**FEBRUARY 11<sup>TH</sup>, 2019**

The Dover Township Board of Supervisors' Work Session Meeting for Monday, February 11<sup>th</sup>, 2019, was called to order at 6:00 PM by Chairperson Stephen Stefanowicz in the Meeting Room of the Dover Township Municipal Building. Supervisors present were Robert Stone, Charles Richards and Michael Cashman. Supervisor Stephen Parthree was absent with prior notice. Laurel Oswalt, Township Manager, John McLucas; Township Zoning Officer, Charles Rausch; Township Solicitor, Tiffany Strine; Township Secretary present. There were no citizens present. This meeting is being recorded for the purpose of minutes only.

**This work session is being held for the purposes of discussing a Wireless Communications Ordinance.**

Manager Oswalt stated this work session is being held to discuss a Wireless Communications Ordinance in Dover Township. Attorney Michael Roberts, with the Cohen Law Firm based in Pittsburgh Pennsylvania, was present via a conference call. Attorney Roberts informed the Board of Supervisors that the Cohen Law Firm specialized in telecommunications law Attorney Roberts provided an overview of the details of the Wireless Communications Ordinance along with the impact this ordinance is creating and key points of the ordinance

Attorney Roberts informed the Board of Supervisors that he has assisted in drafting a Wireless Facilities Management Ordinance for Dover Township. Attorney Roberts stated that there has been a large-scale increase in the deployment of wireless facilities as well as a change in where wireless facilities are placed in terms of practical deployment. There are now more small cells or Distributed Antenna Systems (DAS) being utilized which are being placed in the public right of ways instead of traditional cell towers that were more often found on private property or large lots owned by local government. Numerous rules from the Federal Communications Commission (FCC) and state law depicting permitting and what is allowed and not allowed to be done are being implemented. Attorney Roberts added that this is the main reason why local government needs to be proactive in this matter and have a comprehensive ordinance in place.

Attorney Roberts stated that the proposed Wireless Communications Ordinance will depict clear and concise guidelines stipulating what the application and application process should look like for wireless facilities, where the facilities can be placed, what the facilities themselves must look like, as well as what is required in order to comply with the relevant law in this matter. It was made known that local governments do have zoning authority over wireless facilities within their rights of way as well as out of their authorities of the rights of way; however, that authority is not absolute and is subject to limitations. There are a few orders that must be followed within the Wireless Communications Ordinance given by the FCC. The 2009 Shot Clock Order and the 2018 Third Reporting Order must be followed. It was clarified that a Shot Clock is a time frame in which an entity; Dover Township, would have to act on applications for these matters. The 2009 Shot Clock order establishes a one hundred fifty (150) day Shot Clock for tower

applications from the time of receiving to the time of issuance pending approval or denial and a ninety (90) day Shot Clock for a new antenna. Within this order, Shot Clocks are shortened for small antenna facilities to a sixty (60) day Shot Clock with some additional variations. A small wireless facility is described as an antenna that is less than three (3) cubic feet in volume and have less than twenty-eight (28) cubic feet of equipment associated with them.

S. Stefanowicz asked if an existing telephone pole is considered a wireless tower?

Attorney Roberts stated that an existing telephone pole is not considered a wireless tower and instead would be a co-located antenna, thus a lesser Shot Clock.

R. Stone inquired if they are able to effectively utilize a power pole so it doesn't interrupt the workings of the antenna?

Attorney Roberts stated that this does not affect the working of the antenna.

R. Stone questioned the possibility of creating detractive nuisances as a result from the installation of these poles and antennas.

Attorney Roberts stated that these poles and antennas can prove to be detractive nuisances. Attorney Roberts emphasized the importance of creating and implementing guidelines within the Wireless Communications Ordinance to clearly present design requirements.

Attorney Rausch questioned if utilizing existing poles is an order that must be followed, from the FCC, when it concerns an electric or telephone company and having to give rights to utilize the pole?

Attorney Roberts stated that there are requirements presented by the FCC that facilities be allowed to attach to existing poles.

M. Cashman asked Attorney Roberts his views on how long it may be until these styles of poles are proved obsolescent? M. Cashman added that he feels that a nationwide Wi-Fi blanket of service may prove possible within the future thus making these facilities obsolescent.

Attorney Roberts stated that this matter is a point of coverage and about ninety-nine-point five (99.5%) percent of the nation has wireless coverage thus meaning there is some signal possible whether it be the weakest signal available or very strong signal available. The issue being presented to this industry now is capacity or densification of their network. Attorney Roberts added that there appears to be no halt to wireless facilities anytime in the near future.

Attorney Roberts touched on another portion of the necessary order that depicts presumably reasonable caps for the fees that are able to be charged for wireless facilities. Small facilities within the rights of way, a fee of up to seventy (\$70.00) dollars per year may be charged and an annual fee of up to two hundred seventy (\$270.00) dollars per year. New antennas or antennas that are co-located to an existing structure can be charged up to five hundred (\$500.00) dollars for an application for an applicant that can include up to five (5) antennas and it would be one

hundred (\$100.00) per each antenna after that limit that is included in the same application. A fee of one thousand (\$1,000.00) dollars for a new pole that meets the definition of a new wireless facility. Any costs that are incurred beyond the levels specified therein, would need further fee study to deem adequate.

R. Stone stated that he does want great service for the residents of the Dover Township community and at the same time does not want detractive nuisances. Attorney Roberts stated that communities such as Dover Township of which whom have taken the time and consideration in advance to put in place a code and communities and municipalities whom have concrete design guidelines and siting lines tend to be happy, especially with such good faith efforts.

Manager Oswalt inquired as to if all of these styles of application must go before the Dover Township Zoning Hearing Board for Special Exception? Attorney Roberts stated that within the Ordinance being drafted, all applications for these matters must go before the Zoning Hearing Board for Special Exception. Attorney Roberts added that given the Shot Clocks for new facilities for small wireless facilities and for new poles and antennas, Attorney Roberts wanted to know if the Township thought it could comply with the Shot Clocks considering permitting and zoning hearing needs. Manager Oswalt added that considering advertising, hearings and etc., time may prove tight. Attorney Roberts added that he has seen municipalities granting administrative approvals if all necessary elements are met and thus keeping the project on task in the adequate time frame.

Suggestive Siting for poles within rights of ways were noted. Attorney Roberts stated that he is open to ideas to create Suggestive Siting for any and all roads within each given Township's municipality and which roads would be appropriate within your municipality to allow these structures to be installed or put along. Adequate siting opportunities are made clear within this process for arterial and collector roads.

Attorney Rausch inquired on the need for capacity and or coverage where it concerns the municipalities power to implement siting distance requirements within the Township's ordinance. Attorney Roberts stated that the FCC addressed this matter within their regulations. With regards to set-backs or separation requirements, these requirements must be taken in on a case by case basis as to their validity. A blanket separation requirement cannot be given within terms of the installation of wireless facilities.

Attorney Roberts made it known that the importance of this ordinance is to also help address each individual or individual entity pursuing such a matter, to be in compliance with state and federal law, to be able to establish adequate fees for these facilities within the confines of the law and to be sure the character of Dover Township is preserved while allowing these facilities to be deployed within Dover Township for the betterment of service to the community.

The full Board of Supervisors and attendees present thanked Attorney Roberts for his time and assistance.

With no further business, the Work Session meeting was adjourned by Chairman Stefanowicz at 7:00 PM and the Board of Supervisors then entered into the Dover Township Board of

Supervisors Meeting.

Respectfully submitted by: \_\_\_\_\_  
Tiffany Strine, Recording Township Secretary