

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday December 6, 2017 – 7:30PM

Present

Commissioners – All Planning Commission members were present. Also present were Township Planning Director William Ethridge, Township Engineer Kevin Matson, and those mentioned below.

Call to Order

Mr. Pomerantz called the meeting to order at 7:30pm and Ms. Robinson led those present in the Pledge of Allegiance.

Adoption of Agenda

The Agenda was approved 7-0. (JL/EA)

Approval of Minutes

Mr. Embick and Mr. Hatton both asked for several changes to be made to the October 18 Minutes, which Mr. Ethridge performed. With the noted changes, the minutes of the previous meeting were approved unanimously. (JE/RH)

Announcements

- A) New Hire – Mila Robinson
- B) Verbal Decision on Toll Brothers CU – 12/28, 6pm Township Building (written order to follow within 45 days)

Public Comment – Non-agenda items

None.

Old Business

Bi-directional Antenna (BDA) Ordinance (Supplemental Materials) – At the request of the Board of Supervisors, the Planning Commission was tasked with making a recommendation concerning language that would address the lack of radio communication capability at many of the Township's schools. To assist with this task, Mr. Ethridge invited Westtown-East Goshen Regional Police Department (WEGO PD) Chief, Brenda Bernot, and Assistant Deputy Director of Technical Services for the Chester County Department of Emergency Services (ChesCo DES), John Cocchi to discuss the importance of this issue with the Planning Commission. Chief Bernot provided some background on this issue and its importance. She noted that in various scenarios such as active shooter incidents or medical emergencies, the need to communicate, not just between officers, but also with central dispatch, and with regional police, fire, or emergency responders is vitally important. Unfortunately however, the lack of radio reception in many of the Township's large buildings has been apparent for several years. In 2016, the West Chester Area School District sponsored a Coverage Testing Analysis performed by ACD Telecom to determine exactly how good the radio reception was in each of the schools in the district, and provided that information to local elected officials as well as first responders which demonstrated the need for bi-directional amplifiers.

Mr. Pomerantz asked Chief Bernot if the first time she raised this issue was during the Bozzuto apartment complex application and if the need to address this issue had increased. Chief Bernot responded yes to the first question and added that the need has not diminished since she first raised it with the Township. She added that the previous WEGO PD chief had raised this issue with the Township but there wasn't any interest in addressing the issue then. She credited the study with definitively and scientifically describing the nature of the problem and how bad it is.

Mr. Rodia asked if the current standard meets current needs or if the current standard should be re-examined. She deferred to Mr. Cocchi to answer that question. Mr. Cocchi explained that each building is unique, and that testing at each site would determine the exact radio reception level in the interior. In order to be given a passing grade, radio reception in the interior would need to achieve 95 dBm so each facility's grade is based on how closely you can achieve 95 dBm within the interior of each building.

Mr. Rodia asked what kinds of things would negatively affect radio reception within a building. Mr. Cocchi responded that modern construction tends to affect radio reception more than older types of buildings. Mr. Rodia asked if there is technology available to compensate for the construction. Mr. Cocchi replied that the BDA or Bi-directional amplifier coupled with an exterior Antenna acts as a signal booster to help achieve 95 dBm within a building's interior for both sending and receiving radio transmissions.

Mr. Embick asked if terrain has an effect on radio transmissions in Chester Co. Mr. Cocchi replied that the area along 322 towards Downingtown near the Trestle Bridge there is a rockwall which has a tendency to diminish radio reception but otherwise ChesCo DES has 99.999% coverage in Chester Co.

Mr. Lees asked if any buildings currently had a BDA installed. Chief Bernot replied that the WEGO PD building has one installed but she was not aware of any others.

Ms. Adler asked if the PC was interested in contacting any of our neighbors regarding this issue. Chief Bernot replied that Thornbury had adopted a BDA ordinance. Ms. Adler asked about East Goshen. Chief Bernot felt that East Goshen was in the same situation that Westtown is. She then touted the County's user friendly BDA template ordinance.

Mr. Hatton asked if this BDA would assist cellular signal. Mr. Cocchi indicated that if its designed properly it would not. He noted there are systems that could but they introduce other negative side effects. Mr. Hatton offered that the cellular signal at some of the Township's schools isn't very good either and that perhaps both issues could be resolved with the right BDA system. Mr. Cocchi indicated that it could be possible. Mr. Hatton asked about the BDA external antennas. Mr. Cocchi replied that they're called donor antennas. Mr. Hatton asked how the height is considered for this antenna. Mr. Cocchi replied that the engineer who determines what kind of BDA system to install will also determine where, what kind, and how tall of an antenna to install for the building as well as amplifiers.

Mr. Hatton then asked who is financially responsible for this system. Mr. Rodia added, asking how much a system like this would cost. Mr. Cocchi indicated that it varies for site and building type. Mr. Rodia pressed for a cost range. Mr. Cocchi suggested \$20,000 would not be out of the ordinary.

Chief Bernot added that the WCASD has budgeted for the coming school year, \$500,000 for this purpose which should cover all of the schools' needs for a BDA system. She praised the school district for taking it upon themselves to provide for BDA systems but indicated that many locations like senior centers, apartment complexes, etc., may not be so forthcoming. She emphasized that for large buildings in particular, having a BDA would be a necessity.

PC members then asked Chief Bernot about the radio reception at various locations in the Township including the Amish Market and Westtown Marketplace. Chief Bernot replied she was not aware of radio issues at those locations.

Mr. Pomerantz asked how the ordinance would address buildings that have already been built. Chief Bernot replied that existing buildings would be exempt from this ordinance unless they request permission from the Township to expand or renovate 20% of their floor area or more which is how many of the example ordinances are written.

Mr. Rodia asked Mr. Matson, the Township Engineer, for his opinion of this rule. Mr. Matson agreed, existing buildings would only have to comply if they applied for a permit to construct, expand, or renovate some agreed upon percentage of their floor area, whether that's 20% or some other number the PC feels is appropriate. New construction on the other hand could be required to comply, but he suggested we consult the Township Solicitor.

Mr. Embick asked if this would be a part of the Zoning Ordinance or a stand-alone ordinance. Mr. Ethridge suggested that because this involves primarily interior work, that it would be better suited as a stand-alone ordinance.

Mr. Matson offered that the issue is related to public health, safety, and welfare similar to smoke detectors and sprinkler systems and could be located within the Uniform Construction Code (UCC). He suggested a more regional approach which would involve possibly amending the building code and fire code to give jurisdictions the additional emphasis they may need to implement these recommended changes.

There was a brief discussion of the recent renovations that have been undertaken to the roof of the Sunrise Senior Living facility and how the 20% renovation threshold would have required the installation of BDA equipment had our ordinance been in place. Chief Bernot noted that she first brought this issue to the attention of the Township three years ago, and that even her predecessor had discussed the need for BDAs before Rustin HS was constructed. She again emphasized the value of the Chester County model BDA ordinance and that the Township should modify it to meet its needs and adopt it.

PC members asked Mr. Ethridge to send them a copy of the Chester County model ordinance. Chief Bernot asked Mr. Cocchi if he could comment on some of the subtle differences between the example ordinances Mr. Ethridge provided, particularly where the ordinances refer to frequency ranges and reception quality standards.

Mr. Ethridge shared with Chief Bernot and Mr. Cocchi a copy of the notes he had written on the East Bradford Ordinance which he also shared with the PC, as it was the most recently adopted ordinance.

Mr. Embick asked why the East Bradford Ordinance exempts entire zoning districts (specifically R3 & R4). Ms. Adler noted that the ordinance isn't referring to zoning districts but rather "use

groups” which she understood to be from the construction code. Mr. Embick then rephrased his question, asking why entire use groups would be exempted from the ordinance. No one could answer this question.

Mr. Pomerantz announced that Scott Yaw had arrived.

Mr. Rodia asked if there were building types that should be exempt from the requirements. Chief Bernot noted that the model ordinance references various building types and use groups that would be exempt. Mr. Rodia asked if she believed these exemptions were sufficient. Chief Bernot replied that she was.

Mr. Embick asked if the testing process was expensive. Mr. Cocchi replied that it depended on the size and uniqueness of the site but that Mr. Chandler who will be visiting in January could answer that question.

Mr. Pomerantz then asked Mr. Ethridge if he would go through his notes as written on the East Bradford Ordinance.

Mr. Ethridge briefly summarized his methods for researching this topic and why he chose to use the East Bradford Ordinance as his working model. He noted that the PC had indicated their intent to replicate certain sections of this ordinance for Westtown’s future BDA language such as the Intent section, the Definitions Section, and the General Provisions section. He recommended substituting a definition for WEGO PD in place of WCPD. He noted the 20% threshold for existing buildings seeking a permit, would be required to upgrade their buildings. He noted the current requirement for 95dBm signal strength in 95% of the floor area of a building, same for sentence 2. For sentence three, there was considerable variation in the recommended MHz range (500-861). Mr. Pomerantz asked what the Township should recommend in a proposed ordinance. Mr. Cocchi suggested 700-800 MHz would be satisfactory. Everyone was in agreement regarding the wording of sentences 4 and 5 and that they should remain. Mr. Ethridge then read paragraph B from page 2 and asked if the PC was comfortable with the 90 day requirement to come into compliance.

Mr. Embick noted that the Thornbury ordinance requires any building which CCDES, the local fire or police department determines has inadequate radio coverage must comply with the requirements of their ordinance within 90 days. Mr. Pomerantz commented that this would be one of the questions that the Solicitor should weigh in on.

Mr. Lees expressed that 90 days is not much time to get into compliance with this ordinance and he asked what bearing this ordinance might have on insurance premiums for properties required to comply. Mr. Rodia suggested your rate might come down if a BDA were installed.

Mr. Embick offered that some organizations such as nonprofits, may not be able to afford to come into compliance.

Mr. Ethridge then recommended keeping Section 54-4 which discusses amplification systems, testing, and filtering. Mr. Cocchi recommended Mr. Chandler lend his opinion on the merit of keeping this section.

Mr. Cocchi also recommended keeping the Testing Procedures section, 54-5 noting that the instructions listed are necessary to conducting adequate annual, and 5-year tests. Chief Bernot

recommended that the reference to the “Chief Dispatcher” be changed from WCPD to CCDES in paragraphs B, C, & D and other references to WCPD be changed to WEGO Regional PD.

The PC recommended keeping section 54-6 which discusses Field Testing. WCPD would be changed to WEGO PD.

In Section 54-7, Exemptions, Mr. Ethridge initially believed reference was being made to zoning districts in East Bradford, however Ms. Adler correctly understood that the R-3 and R-4 references were being made to Building Code Use Groups, and not zoning districts. Mr. Ethridge was tasked with providing the PC with background information on R-2, R-3, and R-4 Use Groups to assist the PC in determining which if any, should be exempted.

Lastly, there was discussion of Section 54-8, Existing Buildings and Structures, which states that if an existing building, which does not presently benefit from adequate radio coverage reception, seeks a building permit from the Township, that this is the Township’s opportunity to notify the structure’s owner of the inadequacy, and to require they come into compliance with the BDA ordinance within 90 days. PC members offered no objection to this language.

Mr. Pomerantz then opened discussion on the lack of an appeals section or process to this ordinance. Mr. Embick suggested that such language should be included in a future ordinance but expressed reservations about having such a process administered by a body outside of the Township such as the West Chester Area Council of Governments. Several other PC members concurred. Members agreed that further discussion would be warranted on this subject and that the Township Solicitor should be consulted.

Mr. Pomerantz asked Mr. Cocchi and Chief Bernot if there was anything the PC was not asking that they should. Chief Bernot stressed that implementing the sample ordinance from Chester Co. was the most important issue. She stressed that if there is a problem with the ordinance later, it can be amended, but having it on the books now would be vitally important to emergency responders.

Mr. Cocchi expressed to the PC that the County developed the model ordinance to provide jurisdictions with an easy way to adopt these standards without having to speak to multiple experts in this field.

Mr. Rodia and Mr. Embick expressed their support for these regulations as a public health and safety issue. Mr. Embick also expressed a desire to balance the need for this ordinance with the potential costs, so as not to unduly burden the many businesses, nonprofits, etc. that would have to incur the costs to install a BDA system. He suggested getting more detailed information on the potential costs.

Mr. Pomerantz asked Chief Bernot if this is a potential issue with the Crebilly Toll development. Chief Bernot replied that for projects involving individual houses it is generally not, however when large structures are proposed is when this issue should be addressed.

Mr. Pomerantz expressed a desire to get more details from Mr. Chandler when he visits the PC on Jan 3.

Mr. Matson asked Mr. Cocchi if the County was in possession of a mobile antenna to boost radio reception in the field when radio coverage is poor in an area. Mr. Cocchi replied that the County did have such a mobile radio signal booster.

Marty O'Malley (private citizen) asked Mr. Cocchi if the Township was missing an opportunity to strengthen cell phone coverage instead, because the technology is so ubiquitous among the general public and what problems are introduced by allowing for cell phones to use more frequencies.

Mr. Cocchi replied that during an emergency, so many people will try to use their cell phones that they will clog the cell phone frequencies up, making them unusable by first responders. The public safety system on the other hand, is a more robust system which CCDES can control, separate from any other entities like a cell phone company, and therefore is more reliable. He added however, there is no reason why a school for instance, couldn't upgrade their building with a BDA system that would boost cell phone coverage in addition to a public safety radio BDA system. He suggested the PC not mandate that, but it can be done.

Ms. O'Malley then asked if there isn't adequate cell coverage, isn't valuable time lost between when an incident occurs and someone getting to a landline phone to call 911. Mr. Cocchi conceded the lack of cell coverage means that a landline has to be relied on.

Mr. Pomerantz asked why the PC shouldn't mandate both. Mr. Cocchi replied that having both systems installed increases the likelihood for interference between them, and that the public safety radio system should get priority. Chief Bernot added that the priority should be given to the public safety radios.

PC members thanked Chief Bernot and Mr. Cocchi for attending the meeting, lending their expertise, and participating in the discussion to address the issue.

The PC then opted to move to New Business.

New Business

The discussion of the Textual Draft from the 10/11/2017 CPTF Public Forum at Rustin HS was moved to December 20.

Ms. Adler asked if any discussion had been made related to the 2003 Crebilly Adult Community application. Mr. Ethridge replied that none had been made so far as he was aware, but that because the applications were approved without expiration dates, he was instructed by the Township Manager to leave it on the list.

The PC asked Mr. Ethridge to determine if there is a time limit on development applications.

Mr. Embick requested Mr. Ethridge update the date on the form from April 2017 to December 2017.

The PC then discussed the letter from the state attorney general's office regarding the Township's proposed Chicken Keeping Ordinance and asked Mr. Ethridge to speak to Mr. Pingar about sending follow up questions to the attorney general's office.

The PC asked Mr. Ethridge to send their Open Space memo of May 2017 back to the PC so members can review it again before sending it back to the Board of Supervisors in January.

Reports

Board of Supervisors meeting 11/6/17 – Mr. Ethridge:

Was moved to the December 20 meeting.

Board of Supervisors meeting 11/20/17 – Mr. Lees:

Attended the work-session with Mr. Embick, except for a discussion with the Police chief. There was discussion of the Sign Ordinance but no vote was made. The Board voted unanimously against licensing any category four casinos in the Township, Blosenski was awarded the bid for trash collection and recycling for another 3 years, the police budget was approved, the Chicken Ordinance was discussed briefly. During the regular meeting the police chief noted there has been a run of break-ins and thieves are targeting IDs, though some have been caught. Chief Bernot reminded everyone to lock their cars, especially near medical facilities or gyms. Three part time policemen have been hired. Parks and Rec announced the Christmas festival on Sunday from 10am-1pm. The annual Township holiday party is tomorrow night. Some of the escrow was released for the Hawthorne Subdivision, and the Crebilly decision will be announced on December 28th. The written decision will be issued in 45 days.

Board of Supervisors meeting 12/4/17 – Mr. Yaw:

Mr. Yaw attended the workshop and the regular meeting. At the workshop there were 4 topics and an executive session. There was discussion regarding the adoption of a resolution for emergency services for advanced life support only, there was discussion of publishing notice of an ordinance that would increase rates for sewer. There was discussion of contributing to Saving Hallowed Ground which has been working at the AME Church property. The Solicitor is going to provide guidance on whether or not the Township can donate to a nonprofit. Next there was discussion toward approving the Brewer Subdivision. The Board then went into Executive Session. During the regular meeting there was a public works report from Mark Gross, a presentation from the Historical Commission by Ray Sarnacki. In Old Business the Brewer Subdivision was approved. Under New Business, the Board adopted the Emergency Services Resolution to appoint a substitute advanced life support service. Regarding sewers, Bill Malin performed a sewer districts study which found multiple rates for customers. The study looked at future capital improvements and 3 recommendations. The Board chose a \$205 per quarter flat rate Township wide. The plan is to phase current fees upwards to \$205 over three years gradually. Upgrades will need to be made to the sewer system such as a new pump station. The Board paid their bills and then adjourned.

Mr. Pomerantz asked Mr. Ethridge to move some of the missed items from the agenda to the December 20 meeting. He then asked the PC for a motion to schedule a joint meeting between the PC and the BOS as early as possible in Q1 of 2018 to discuss priorities. (RP/JL) 7-0

Mr. Yaw informed the PC that the 12/20 meeting would be his last with the PC due to his election to the BOS and that his successor would get a full term once appointed. Mr. Rodia and Mr. Lees indicated that they informed the BOS that they would like to be reappointed to the PC once their terms expire at the end of the year.

The PC congratulated Mr. Yaw on his election to the BOS and thanked him for his service to the PC.

Adjournment

Mr. Pomerantz adjourned at 9:21pm.

Respectfully submitted,

William Ethridge
Planning Commission Secretary