

MINUTES

PUBLIC HEARING – JULY 7, 2021

A Public Hearing of the Lower Swatara Township Board of Commissioners, held at the Lower Swatara Township Municipal Building, was called to order at 6:48 P.M. by President Jon G. Wilt.

Roll call was taken with the following officials in attendance:

- Jon G. Wilt, President
- Todd F. Truntz, President
- Michael J. Davies, Commissioner
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
- Elizabeth McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG

Residents and visitors in attendance: (see attached sign-in sheet)

Participating through Zoom: Joel Winston, Cohen Law Group

President Wilt explained the purpose of this evening's Public Hearing is to take public comment on proposed Ordinance No. 596. This ordinance would provide for the amendment of the Code of Lower Swatara Township, as codified in Chapter 27 "Zoning", Part 20 "General Regulations", Section 27-2016 "Wireless Communications Facilities" of the Municipal Code; Providing for purposes and findings of fact related to the adoption of the amendment; providing for definitions; establishing certain general and specific standards relating to the location, placement, construction, maintenance, operation, and removal of tower-based wireless communications facilities, non-tower wireless communications facilities, and small wireless communications facilities; providing further for the regulation of such facilities within the public rights-of-way and outside the public rights-of-way; providing for the enforcement of said regulations, and providing for an effective date.

Solicitor Henninger stated that this proposed ordinance has been reviewed and recommended for approval by both the Township Planning Commission and the Dauphin County Planning Commission. This Public Hearing has been properly advertised, with notice appearing

twice in The Sun. Present through Zoom is Joel Winston from the Cohen Law Group, special counsel who drafted this ordinance.

Mr. Winston explained the proposed ordinance will update definitions and categorization of all commercial and mobile wireless technologies, including 5G. It essentially divides them into three categories: tower based wireless communication facilities, non-tower based communication facilities, and small wireless communication facilities (5F facilities). The ordinance was drafted to provide for the maximum amount of regulatory authority, zoning authority, and design authority. The proposed amendments would incorporate federal law, as well as the new state law and the FCC's orders covering four broad areas: local zoning authority, application shot clocks and timing of approval, application, and the annual fees for the design standards.

Solicitor Henninger noted he had contacted the Cohen Law Group regarding Senate Bill 544 being passed and signed by the Governor to see if this ordinance is consistent with that act, and whether the fee resolution is consistent. Mr. Winston explained that the bill that was just enacted in Pennsylvania essentially codifies the federal regulations and FCC regulations. This draft model was done on the basis of the law. There are two areas where the Pennsylvania law is more restrictive than what the federal law is, and those are not of concern due to the way the ordinance was drafted.

Commissioner Davies asked if the new state legislation took effect immediately upon the Governor's signature. He asked if the Township would be acting after the enactment of the state's legal enactment of the bill or prior to official legal enactment. Mr. Winston stated he does not know the answer to this question, but agreed there is generally an enactment period before it would go into effect. Again the Pennsylvania law largely mirror the federal law. The two more restrictive areas in regard to the 5G zoning review requires an administrative review process and removes the ability for a conditional use type zoning review. The way this ordinance was drafted already includes an administrative approval. The other less restrictive item is that municipalities cannot ask for evidence of wireless propagation maps and coverage and capacity when making a decision on the 5G application. This draft does not make this as one of the review items for the 5G.

President Wilt opened the floor for public comments. There were no comments from the public.

CLOSE:

Hearing no other comments, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to close the Public Hearing. The motion was unanimously approved, and the Public Hearing was closed at 6:55 P.M.

ATTEST:


Jean R. Arroyo, Secretary

PLEASE PRINT NAME CLEARLY

JULY 7, 2021

PUBLIC HEARING -- 6:45 P.M.

WORKSHOP – 7:00 P.M.

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