

Planning Commission Meeting
December 9, 2010
Verbatim Excerpt

2232-P10-10 – NEWPATH NETWORKS, LLC, & NEW CINGULAR WIRELESS PCS, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT THE DECISION ONLY ON APPLICATION 2232-P10-10 IN THE NAME OF NEWPATH NETWORKS, LLC, BE DEFERRED UNTIL A DATE CERTAIN OF JANUARY the 13TH - -

Chairman Murphy: Yes.

Commissioner Lawrence: 2011.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion?

Commissioner Hart: Mr. Chairman?

Commissioner Harsel: Hold on.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I hate to bring this up but - -

Chairman Murphy: So do I.

Commissioner Hart: Let's say there's an ice storm and we do not meet the night of January 13th and Mr. Donohue talks to his client and they say, "You know, no thank you. We're just going to - - we want our decision by the deadline," and we don't meet and they don't give us the extension, which we don't have now, then it's automatically approved.

Commissioner Harsel: No, it's not.

Chairman Murphy: Don't you have between the 13th and the 17th - -

Ed Donohue, Esquire, with Donohue & Stearns, PLC: Yes.

Chairman Murphy: - - to send a letter to the staff - -

Mr. Donohue: Yes.

Chairman Murphy: - - in case of a disaster?

Mr. Donohue: Yes.

Chairman Murphy: We have until the 17th.

Mr. Donohue: Yes.

Chairman Murphy: If it snows on the 13th, you send a letter on the 14th.

Mr. Donohue: Yes.

Chairman Murphy: If that's - - and that - - you have five days after the 13th to do it? Is that right?

Mr. Donohue: Yes, that's correct.

Commissioner Hart: Right, but if they say, "no," if they say, "no," in the letter, "We don't want the extension," isn't it automatically approved three days later?

Mr. Donohue: I don't think Crown is interested in finishing its built land here.

Commissioner Alcorn: I would remember that applicant if that ever happened.

Commissioner Hart: I asked the question.

Chairman Murphy: I just got reappointed. All those in favor of the motion to defer decision on 2232-P10-10 to a date certain of January 13th, 2011, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.)

KAD