

**Towamencin Township
Board of Supervisors
Work Session
May 11, 2016
7:30 PM**

Present:

H. Charles Wilson III, Chairman
Laura Smith, Vice Chairman
James P. Sinz, Secretary/Asst. Treasurer
Daniel M. Littley, Jr., Treasurer/Asst. Secretary

Staff:

Robert A. Ford, Township Manager
Jack Dooley, Esq., Township Solicitor
Tom Zarko, Township Engineer
Paul T. Dickinson, Chief of Police
Maureen Doyle, Finance Director
Colleen Ehrle, Assistant to the Township Manager

Absent:

David Mosesso

Chairman Wilson called the meeting to order at 7:36 PM and led the assemblage in the Pledge of Allegiance.

Opening Comments

Chairman Wilson announced the Board met in Executive Session prior to the meeting to review matters of potential litigation and personnel.

Chairman Wilson announced Towamencin Day will be held Saturday May 14th from 12 noon to 4pm at Fischer's Park.

Public Comments

Joe Silverman, resident of 1325 Reiff Road, addressed the Board and audience with concerns about agenda item 8.2 *Submission of Comments to PUC – mini-cell Towers in Streets*. He stressed residents need to become informed about the potential health effects of wireless communication, such as mini-cell towers and excessive Wi-Fi exposure. He continued that the PUC (Public Utility Commission) does not regulate these wireless systems and that there were numerous articles outlining the potential hazards of these mini-towers in residential communities and school districts. He added Northampton Township in Bucks County was fighting against the use of these mini-cell towers.

Approval of Minutes

On a motion by Supervisor Littley, seconded by Supervisor Smith, the meeting minutes of April 27, 2016 were approved.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz

Voting No:

Abstaining:

Absent: David Mosesso

Zoning, Subdivision & Land Development

Public Hearing: Zoning Code Amendment / Accessory Uses - Convenience Stores

An application for amendments to the Township Zoning Code was submitted by the equitable owner of 1780 Sumneytown Pike, proposing modifications to allow the sale of gasoline as an accessory use to a Convenience Store in the C-Commercial District. This proposed amendment has been vetted by both the Township and Montgomery County Planning Commissions and recommended for approval.

Chairman Wilson introduced Township Solicitor, Jack Dooley, who opened the hearing by providing background information and referenced the associated exhibits. Mr. Dooley introduced Christen Pionzio, attorney with Hamburg, Rubin, Mullin, Maxwell & Lupin, P.C., representing the applicant. Ms. Pionzio presented the development and design plans, in conjunction with the zoning code amendment, for the proposed Royal Farms site at 1780 Sumneytown Pike.

A court reporter was present to make a complete and formal record of the hearing.

Ordinance 16-09: Amendment to Zoning Code / Accessory Uses for Convenience Stores

Adoption of this ordinance would amend the Chapter 153 of the Township Code to reflect the issues presented in the preceding hearing.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board adopted Ordinance 16-09, Amendment to Zoning Code - Accessory Uses for Convenience Stores.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz

Voting No:

Abstaining:

Absent: David Mosesso

Old Business

None.

New Business

Resolution 16-21: Montgomery County Public Works Association 50th Anniversary

The Montgomery County Public Works Association was founded in 1966 by a group of concerned municipal officials and like-minded vendors of public works related supplies, equipment and services to advance the theory and practice of the design, construction, maintenance, administration of public works services, as well as, the dissemination of information and experience to improve practices in public works administration, while encouraging adherence by public works officials to a higher standard.

Through the sustained efforts of the Association, municipalities, municipal public works departments and the community as a whole have received immeasurable benefits. The Board of Supervisors wishes to recognize and congratulate the Montgomery County Public Works Association on this, the year of its 50th Anniversary.

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board approved Resolution 16-21, recognizing the Montgomery County Public Works Association's 50th Anniversary.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz

Voting No:

Abstaining:

Absent: David Mosesso

Submission of Comments to PUC – Mini-Cell Towers Along Streets

The Public Utility Commission (PUC) is seeking comments on an issue related to mini-cell towers in municipal streets and roads. The PUC's decision on this issue will impact municipal control over these wireless facilities for years to come.

Township Manager, Robert Ford, provided background to the PUC draft letter. He explained the draft letter came from state associations of municipalities that were alerted that the DAS industry has been issued certificates of convenience from the PUC, which allows them to install these fixtures in the right-of-way. The PUC is asking for comments from municipalities whether or not they should continue to issue them. Mr. Ford commented that the draft letter is essentially saying we don't think the DAS providers should receive the certificates of public convenience, in fact last year, Towamencin Township amended its zoning ordinance to control these mini-towers.

Joe Silverman expressed his concern that these companies want to install these mini-towers within neighborhoods, along the curbside and sometimes as close as 30 feet from a home or window. He stated there has been a lot of research performed and epidemiologic studies. He added his concern is the long-term effects of these systems such as arrhythmias, heart problems, cancers, lymphoma, leukemia, etc. He opined that people shouldn't be subjected to these towers without their knowledge of the negative effects. Mr. Silverman thought it was good the Board was opposing the PUC from granting Certificates of Public Convenience (CPC's) to DAS providers.

On a motion by Supervisor Sinz, seconded by Supervisor Littley, the Board approved the submitting the drafted letter to the Pennsylvania Public Utility Commission.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz
Voting No:
Abstaining:
Absent: David Mosesso

Release of Bid Specifications for Traffic Signal Upgrades (ARLE Grant)

On May 4th, PennDOT approved all changes to the traffic signal plans proposed by the Township in a revised scope of work that will allow the Township to proceed with the signal upgrades of various traffic signals in the Township with \$180,000 in funding acquired through the ARLE (Automated Red Light Enforcement) Grant Program. Consequently, bids can now be sought for this work.

Supervisor Littley commented that when emergency responders, including State Police Troopers, recently tried to initiate Plan X, due to a 12-mile backup along the turnpike, they were unable to access or activate the program. The emergency responders discovered PennDOT cut this communication line for the traffic control system. He added they have no control of this communication line for emergencies and asked how to get Plan X capabilities back.

Mr. Ford noted that the Plan X program is not related to the ARLE grant for the signal upgrades, but that he would contact PennDOT and the Township's IT team for more information and to find out who has control.

On a motion by Supervisor Littley, seconded by Supervisor Smith, the Board authorized staff to release bid specifications for traffic signal upgrades.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz
Voting No:
Abstaining:
Absent: David Mosesso

Resolution 16-22: Censuring of Township Supervisor David Mosesso

At its April 27th public meeting, the Board of Supervisors directed staff to prepare a resolution censuring David Mosesso for not fulfilling his duties as a Township Supervisor. Chairman Wilson read the resolution aloud. The resolution noted the following as the basis for the resolution:

- Supervisor Mosesso missed the last four board meetings without notification of staff or other supervisors.
- Supervisor Mosesso has accepted payment from the Taxpayers of Towamencin Township for performing the duties as a Township Supervisor during this period.
- Supervisor Mosesso has exhibited unprofessional behavior at Board meetings, including routinely abstaining from voting on approval of payment of Township expenses and meeting minutes, which undermines the credibility of the Board of Supervisors.

- Members of the Board have asked Supervisor Mosesso to correctly carry out the duties of supervisor, adhere to the Pennsylvania Second Class Township Code, Township rules, common courtesy and to work effectively as a member of the Board of Supervisors.
- Supervisor Mosesso cannot or does not wish to carry out the duties of a Supervisor as a functional member of the Board of Supervisors.

Nora Schwartz, resident of 1926 Burgundy Way, asked the Board if they were censoring Supervisor Mosesso for just missing four meetings. She commented that she felt this was some political theater and that the Board sounded juvenile. She continued that all of the board members have missed meetings. Supervisor Smith replied by agreeing they have all missed meetings, however, none of them have missed meetings without notifying the Township Administration ahead of time. Ms. Schwartz asked if there was any legal standing to the resolution. Supervisor Smith replied no. Ms. Schwartz replied that the resolution is just to get somebody and continued that it is an embarrassment to the community. Supervisor Smith replied that it's embarrassing that someone misses four meetings, then receives payment from the taxpayers. Ms. Schwartz concluded that this matter could have and should have been done privately. Supervisor Smith responded that this was under Supervisor Mosesso's control.

Resident Joe Silverman asked Supervisor Sinz about meetings he had missed because of PEMA (Pennsylvania Emergency Management Agency) service. Supervisor Sinz responded that he had missed some meetings, due to business outside of the Township, but he had notified Township staff on each occasion.

Mr. Silverman continued that Ms. Schwartz may have a point related to reaching out to Supervisor Mosesso privately, one-on-one. He asked if any of the other supervisors reached out to Supervisor Mosesso. Mr. Silverman commented he's attended nearly all the Township meetings in the last 40 plus years and he wouldn't describe Supervisor Mosesso's behavior at meetings as embarrassing *per se*, but he does tend to prolong his comments and tends to repeat and rehash his points. Mr. Silverman questioned what the point of the resolution is if nothing can be done legally, other than to show solidarity as a Board that they are disenchanted with his actions. He asked the Board if they have received related comments from the public about Supervisor Mosesso's actions. Chairman Wilson replied he has received comments either through Facebook, email or when out in the community.

Supervisor Littley recalled when the Emergency Management Plan was up for approval, Supervisor Mosesso went to great lengths questioning his qualifications, as the author, and he would not sign the plan, which led to some questions from the State upon submission. Supervisor Littley continued that he had received comments from people at the meetings indicating Supervisor Mosesso is not prepared. Supervisor Littley added he had four personal meetings with Supervisor Mosesso that resulted in no improvement in their relationship or working together.

On a motion by Supervisor Littley, seconded by Supervisor Sinz, the Board approved Resolution 16-22, Censuring of Township Supervisor David Mosesso.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz
Voting No:

Abstaining:

Absent: David Mosesso

North Montco Technical Career Center Permit Fee Request

The North Montco Technical Career Center has requested that the Township waive the building permit application fees for their upcoming major roof replacement project. The cost of the permit fee is \$4,074. Chairman Wilson noted that the Township engages a third party to review permit applications and conduct inspections required by the Pennsylvania Uniform Construction Code and is invoiced for these professional services. Township staff has recommended that the fee not be waived since the permit application fee goes towards these associated expenses.

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board declined the permit fee waiver request for the North Montco Technical Career Center.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz

Voting No:

Abstaining:

Absent: David Mosesso

Consideration of Appointments to Committees

On a motion by Supervisor Smith, seconded by Supervisor Littley, the Board appointed the following volunteers to committees:

- Charles Shaw was appointed to the Strategic Planning Committee with a term expiring December 31, 2016 and to the Emergency Operations Committee with a term expiring December 31, 2018.
- Amy Mawby was appointed to the Environmental Advisory Council and Recreation and Special Events Advisory Committee, both with terms expiring December 31, 2017.

Voting Yes: H. Charles Wilson, III, Laura Smith, Daniel M. Littley, Jr., James P. Sinz

Voting No:

Abstaining:

Absent: David Mosesso

There being no additional business, the meeting adjourned at 8:24 PM.

Respectfully submitted,



Robert A. Ford
Township Manager