

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**

COMMITTEE MEETING MINUTES

September 17, 2007

CALL TO ORDER – Comm. Crilly called a meeting of the Board of Commissioners of Upper Moreland Township to order at 7:10 p.m.

A MOMENT OF SILENT MEDITATION WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE

PRESENTATIONS/ANNOUNCEMENTS:

There were none.

FINANCE & ADMINISTRATIVE COMMITTEE:

CALL TO ORDER – Comm. McKenna called a meeting of the Finance & Administrative Committee to order at 7:11 p.m.

ROLL CALL – Comm. McKenna, Chairman took roll call. Present: Commissioners Richard Booth and Michael Crilly.

Others: David Dodies, Township Manager, Richard Watt, Township Solicitor, and John Crawford, Assistant Township Manager/Director of Finance.

APPROVAL OF MINUTES:

Comm. Booth corrected Page 5, Paragraph 4, to say as follows: Comm. Booth added he was with a representative from the Board of the Philadelphia Water Dept.

Comm. McKenna accepted the minutes as corrected into the record.

REPORTS:

Director of Finance

There were no questions.

Tax Enforcement Officers

Mr. Crawford noted that the business tax revenues are on schedule at this time.

Comm. McKenna said the businesses that were terminated are fewer than 10%, which happens every year in the Township. We have 22 businesses in the Township.

Earned Income Tax Collector:

Mr. Crawford noted that we are on schedule and close to budget.

PERSONNEL:

Comm. McKenna noted that Bill Kuhfuss has requested an appointment to the Upper Moreland Historic Commission.

Mr. Dodies noted that the appointment for Dr. Murrell Dobbins to the Upper Moreland Historic Commission will be a three-year term.

Comm. Crilly said he sits on this committee, and Bill is a recent attendee of our Commission meetings. He contributes and does a good job. He will be a good addition to the Commission.

Comm. McKenna said we will move the appointment of Bill Kufuss to the Upper Moreland Historic Commission for action at our Regular Board meeting.

Comm. McKenna said the appointment of Jim McKay to the Parks & Recreation Advisory Council is a two-year term. We will move this appointment for action at our Regular Board meeting.

Comm. McKenna said we will move the appointment of Dr. Murrell Dobbins to the Upper Moreland Historic Commission for a three-year term for action at our next Regular Board meeting.

OLD BUSINESS:

Amendment to Cell Tower Ordinance:

Comm. Booth said we asked the Solicitor to look at narrowing where these cell towers can be placed and still be in the guidelines set by the FCC. Section 20.19 4 Paragraph C, says, "The minimum setback required by the zoning district is 40 feet." He feels it should be increased from 40 feet to 60 or 80 feet so the antenna would be further away from someone's home. Section 20.19 2, Paragraph B talks about the different districts of where they can be placed. Could we eliminate the multi-dwelling district and the commercial core district?

Solicitor Watt replied what he drafted was the issue of perimeter fencing around the tower. Increasing setbacks would not be too much of a problem, but when we start restricting zones; then we have to look at the overall zoning map. We don't want it too restrictive that it interferes with communications. He will report back next month.

Comm. McKenna asked in the core area where there are buildings that are 5-6 stories high, in that case wouldn't they be restricted in that area because of high rise buildings.

Solicitor Watt said if there are high rise structures the antennas have to be higher than that.

Comm. Booth said they have to get permission from the owner to install the antennas.

Comm. Romaniello suggested designating areas by an overlay where cell towers are permitted. They are nuisances like billboards. Is it possible to keep them in the same place?

Solicitor Watt replied it is possible, but there is a difference between cell towers and billboards, which are located along thoroughfares. A billboard ordinance lends itself more towards an overlay concept than providing for a cell tower. He suggested looking at industrial areas.

Comm. Hotchkiss said he has started seeing a lot of cell towers popping up on PECO polls and, under State law, a cell tower is taxable and there is a movement to not have that tax. There are a lot of churches that rebuild their steeples to hide a cell tower. If we restrict cell towers are we referring to a free standing cell tower or ones hidden in steeples?

Comm. Booth replied the engineers for cell towers do a study and know the area where an antenna needs to be placed and they diligently look for church steeples or high places to put them on so they do not have to build an antenna because of the expense, and it has to be submitted to the FCC and get reviewed and approved.

Comm. Efkowitz said we need to address not only the free standing structures, but also the hidden structures as well.

Comm. Romaniello said antennas are on top of water towers in the Township. Does the Township receive revenue for it?

Mr. O'Neill replied that it has been there for years.

Comm. McKenna asked for the Tax Office to look into the revenue issue.

Public Comments:

Nick Scull suggested finding good places in the Township for cell towers so they will make money and be less intrusive.

Solicitor Watt replied part of it is technology based.

Comm. Booth said the Township only gets a small percentage for cell tower use.

Solicitor Watt asked should we consider the fence problem now or address everything at once.

Comm. McKenna said he is in favor of addressing the fence issue with having 15 ft. around the cell tower.

Comm. Crilly said we should address the current problems and the others are long-term issues.

Comm. McKenna said we will move this for action at our Regular Board meeting.

Kevin Spearing asked what is the distance from the tower that the fence is required?

Comm. McKenna replied 15 feet.

Mr. Spearing asked can any consideration be given to a 500 foot or 1,000 foot radius for a cell tower to be installed. Regarding the existing ordinance and the cell tower located on Welsh Road, the special exception that was granted by the ZHB was given to Omnipoint. Was it legal for the special exception to be transferred to the company that did the construction of the cell tower?

Solicitor Watt replied the property is owned by Saturn Properties, LLC, and in 2005, Omnipoint made application to the ZHB for permission to erect a cell tower and it was granted. The ZHB's decision applies to the land, subsequent to that, Omnipoint applied for an electrical permit and it was granted. There was also an application for zoning use registration that was filed by the representative Omnipoint. On the application, there is a line for trade name and T-Mobile was inserted. Steve Wilcox, a representative of Omnipoint said that T-Mobile is a trade name used by Omnipoint. We have a lessee involved who applied for zoning relief from the ZHB and obtained the relief and Omnipoint erected the tower and they are the entity who received relief for the tower.

Mr. Spearing asked what if Omnipoint sold it to Verizon?

Solicitor Watt replied it would still apply to the land

Mr. Spearing asked about notification in the ordinance.

Comm. Booth replied Solicitor Kerns recommended not doing that because if we miss one person it would not be a legal hearing.

Comm. McKenna said we will continue this item under Old Business.

Consideration of Storm Water:

Comm. Crilly said we discussed a plan that we would have our Solicitor meet with the Solicitors from Hatboro and the Sewer Authority to discuss the possibility of establishing a funding stream for stormwater projects that would alleviate some of the flooding projects in the Township. That meeting took place, and today, we received a letter dated September 13th regarding a recommendation by the Solicitors to let the engineers look at the possible list of projects to see if there are any overlaps between Upper Moreland, Hatboro and the Sewer Authority and then agree what projects may or may not be of mutual interest and then enter into discussions on how these projects would be funded and prioritized. He is in favor of the engineers getting together and he would like to see our Township Manager attend the meeting with them.

We have a request by the Sewer Authority to extend their charter and we have been reluctant to do that unless we had more input from the Sewer Authority in terms of their capital projects for the next five years and how they intend to fund those projects. We also discussed the possibility with Hatboro to jointly write a letter requesting a meeting with the Sewer Authority to give a presentation. He recommended that the Sewer Authority make a presentation at the next Finance & Administrative meeting.

Comm. Booth asked could the next Finance & Administrative meeting be televised?

Mr. Dodies replied next month would be too soon.

Comm. McKenna asked could it be recorded and televised in November?

Mr. Dodies suggested the presentation be made at a full Board meeting in October or November.

The Committee agreed.

NEW BUSINESS:

Investment Policies for Township and Pension Funds to be drafted for adoption by Board of Commissioners:

Comm. McKenna said we will move this for action at our Regular Board meeting.

Snow and Ice Removal Contract for 2007-2008 with PennDOT:

Comm. McKenna said we will move this for action at our Regular Board meeting.

Snow and Ice Contract 2007-2008 with Montgomery County:

Comm. McKenna said we will move this for action at our Regular Board meeting.

Proposal by TelVue Corporation to provide services for new Township Public Access Channel #849 (UMTV)

Mr. Dodies said this is a company who provides service to many municipalities and their proposal is a letter of intent and a formal contract. They will format the channel for us as the Township provides content and they will provide additional content and the service is self-sustaining. There is a \$500 startup charge with a \$150 ongoing fee and TelVue pays for that in advertising that borders the content for the broadcast. We are hoping to launch the channel the first week in October and before the end of the year, we will have the content up and running. He would like approval for the letter of intent and have our Solicitor review the contract. We will be searching for content and community use for the channel will be filtered through the Township. It will run 24-hours a day.

Comm. McKenna asked is there a definition for advertisement?

Mr. Dodies replied yes, it is contained in this agreement. There are restrictions on items that they will not advertise.

Comm. Romaniello said there is no penalty if we break the three –year contract. Is that correct?

Mr. Dodies replied yes.

Comm. Romaniello asked if they write over our material; will they charge us for our material?

Mr. Dodies replied that is not an issue because we will provide them with content that we already have copies of.

Comm. Romaniello asked about the policy for the community to provide material to the station will run through the Township.

Mr. Dodies replied everything will run through the Township, and we will have to establish a policy for it.

Comm. Romaniello asked will we be able to run information about trash pickup and their holiday schedule?

Mr. Dodies replied yes.

Public Comments:

Bob Fatizzi asked will public meetings and information on revitalization be broadcasted?

Mr. Dodies replied yes.

Kevin Spearing asked will Verizon provide an access channel?

Mr. Dodies replied they are required to provide two access channels, one for the School District and one for the Township.

Comm. McKenna said Verizon expects to have that station up and running within a couple of months. We look forward to having our meetings televised on both Comcast and Verizon. We will move this for action at our next Regular Board meeting.

Consideration of leasing of structures at Boileau Park to the Friends of Boileau:

Nick Scull, President of Friends of Boileau Farmstead, said he and Mr. Stasio met with a representative of DCNR to explore the idea of building trails and wetlands in Boileau Park. During our discussion, we realized the Township was already considering applying for a grant for trails. We can only apply for one grant a time. In order for Friends of Boileau to apply for a grant, there is a stipulation by the State that we have a 25-year lease on the property. We could renovate the carriage house and lease it to a tenant, who would pay rent. We can borrow the money, the Township could guarantee the loan and the revenue from the rent would pay the loan back. There would be no cost to the Township and the building would be renovated and someone would be living on the property.

Comm. Crilly recommended that Mr. Scull come back with the terms of the lease, which would allow this committee to forward the information to our Solicitor to draft a lease agreement.

Mr. Scull asked Comm. Crilly how he feels about the Township securing the loan.

Comm. Crilly replied before he makes that kind of commitment; he would need to understand the legal issues related to it. He suggested having our Solicitor explore the matter.

Comm. Booth said 25 years with an unproven organization, who has not performed to-date, is asking the Township for a lot. He does not feel it would be a good business judgment. He would be in favor of a short-term lease.

Mr. Scull replied the issue is how to allow our group to have control over what happens on that property. We don't have any say in what happens to that property and how else can we get money to fund that park? We are not trying to entrap the Township.

Comm. Crilly said it wouldn't be fair to obligate future Boards on a lease that does not allow for a termination provision based on performance. We need to know what is acceptable by DCNR.

Comm. McKenna asked how many members does the Friends of Boileau have?

Mr. Scull replied over 80 members.

Comm. Efkowitz said she applauds Mr. Scull for moving forward and moving the Friends of Boileau forward. If we renovate a building and rent it out to a caretaker, that would be a win for the Township. She would like to know what the cost would be to bring the carriage house up to code to rent it out. Regarding leasing the property to Friends of Boileau, we set out benchmarks and monitor the progress of the Friends of Boileau to see if saving these buildings is a viable option. If we enter into a lease with this organization, we should work with the Friends of Boileau to determine the fair and reasonable benchmarks and build them into the lease.

Public Comments:

Barbara Rothenau said she has been assured by the Board that not one dime of taxpayers' money will be used for the restoration of these buildings. She has a lot of respect for what Mr. Scull is trying to do, but she is a taxpayer and she urged the Board to consider the best interest of the majority of the taxpayers.

Comm. McKenna noted that this will be discussed at the next Parks & Recreation meeting this evening.

COMMISSIONER COMMENTS:

Comm. Romaniello commented that Comm. Jim Martin submitted a resume for an alternate to the ZHB.

Mr. Dodies replied he gave it to the Board.

Comm. Booth said he does not like to see real estate agents on the ZHB.

ADJOURNMENT: 8:31 p.m.

Respectfully submitted,

S. Elizabeth Vile