

## MINUTES

### SPECIAL MEETING OF HAMPTON TOWNSHIP COUNCIL

WEDNESDAY, NOVEMBER 6, 2019

President Peters called to order the Special Meeting of Hampton Township Council at 7:30 pm in the Great Room of the Community Center located at 3101 McCully Road, Allison Park, Pennsylvania.

Those present: M. Peters, President; B. Blackburn, R. Dunlap, C. Johnson, S. Neugebauer, Members; J. Speakman, Controller, V. Tucceri, Legal Counsel; W.C. Lochner, Municipal Manager.

#### CITIZEN AGENDA MATTERS

John LaBella of 2290 Wildwood Road asked Council to not approve any more conditional use permits for the Wildwood Sports Complex. He explained that when the complex was being constructed, he was told only field sports like soccer and lacrosse would be using the facility and it would not be used as an entertainment facility. He noted that the Township has approved several big events such as the Home Show, religious ceremonies and cultural events which posed problems such as traffic and excessive noise past 11:00pm. He added that the Police were called several times but their hands are tied, and gave several examples of the noise pollution he must deal with inside of his home. He stated that there must be some sort of resolution.

Dr. Johnson asked if some of the other events described should have come before council and Ms. Gold-Lukas stated that most likely they should have. Mr. Peters commented that the Township needs to have a sit down with them and address these issues, since that is not what the facility was built for, and if they are having events without coming to the Township for the appropriate permits that needs to be addressed as well.

#### CROWN CASTLE NON-TOWER WIRELESS CONDITIONAL USE (19-05)

Mr. Peters mentioned that the Public Hearing was closed and explained why it cannot be reopened.

Bernie Komoroski of 3377 Cramlington Drive expressed his concerns about how the Township posted the property and the way the petition was handled. He commented that the residents were not notified with enough time to do anything about it, adding that a lot of people do not know anything about this application. He stated that he has serious concerns about health issues and requested that the application be delayed.

Frank Dizenzo of 3087 Navajo Court commented that he moved to Hampton to go to a good school and a good community and he does not think it is anymore with this going in and asked to postpone the vote.

Sarah Cadarette of 4968 Summit Drive stated that she just found out about this by chance and was not notified, and in the six weeks she has had to research this she has found that there are other

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communities across the country fighting this, adding that there is not enough information to vote and requested that the vote be delayed and the Ordinance be changed to prevent this from happening in the future.

Joe Monaco of 3196 Haberlein Road suggested rallying with politicians and coming up with a plan.

Kevin Page of 4883 Ottawa Court stated that he opposed the installation of the tower and asked at the very least to delay the vote until there is more information in regard to health and safety.

Tina Cook of 3131 Haberlein Road expressed her concerns including the lack of communication the Township provided to residents and the health risks. She mentioned that a baseline test should be done before the installation in case problems come up in the future.

Christina Cummings of 4906 Apple Ridge Drive stated that if Council votes yes and one child or parent gets sick, she will hold them accountable.

Heather Bouch of 5041 Meadowridge Lane expressed her concerns regarding potential health risks.

Eileen Morrow of 5049 Harvest Lane commented that she did not believe enough was done to get the word out about this and requested a delay in the vote.

Mr. Peters mentioned that an executive session was held prior to the meeting to discuss legal issues concerning this vote and asked if anyone else had anything to say.

Gavin Farrell of 2787 Florence Drive stated that he did not come for this matter but is hearing the same things from residents as what he heard at all the meetings for Crossgates and commented that Council needs to start listening to the residents.

Dan Lucey of 4917 Meadow Crest Drive asked where he could find the information on this application. Ms. Gold-Lukas noted that the information could be found on the Township website and Facebook page. Mr. Lucey asked if this was only for one pole and Ms. Gold-Lukas confirmed that the Township only has one application at this time.

Ms. Cadarette stated that she spoke with the woman who fought the tower in Franklin Park and was told that Council should be working to change the Ordinance to prohibit cell towers. Mr. Cohen commented that he is not familiar with what is happening in Franklin Park, but Federal Laws are quite clear that you cannot prohibit or have the effect of prohibiting these wireless facilities.

Mr. Komoroski stated that there are different levels of court so that these things can be appealed.

Jim Dougherty of 3086 Marie Drive asked if the sign was posted only because a new pole was being erected. Ms. Gold-Lukas explained the process for conditional use applications. Mr. Dougherty asked if they co-located on an existing pole if they would need to go through that

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process, and Mr. Cohen confirmed that they would not need to go through this process. Mr. Dougherty stated that he opposed this, and children's safety should be the first concern.

Ms. Blackburn asked for a timeline of this application and Ms. Gold-Lukas explained the timeline.

Ms. Cook asked if someone from the Board of Education could address this issue.

Dr. Michael Loughead, Superintendent of Hampton Township School District, stated that there was some concern that the school's cell service was unacceptable and he wanted to dispel that, noting that there has never been any problems with cell coverage in the school. He commented that they support Council's position.

**Mr. Dunlap moved for the approval of Crown Castle Non-Tower Wireless Facility Conditional Use (19-05) subject to and contingent upon the conditions that are listed in the November 6, 2019 memorandum from Ms. Gold-Lukas. Dr. Johnson seconded the motion.**

Mr. Dunlap stated that he is opposed but a reason to legally deny it could not be found. He mentioned that residents brought up good questions at the Public Hearing that he wanted to address. He asked legal counsel to clarify setback issues. Mr. Cohen stated that the setback does not apply to this application, as the wireless facility does not substantially change the wireless support structure. Mr. Tucceri noted that the Ordinance could not be changed, because the Township is prohibited specifically by Federal Law from prohibiting these types of facilities. Mr. Dunlap asked for clarification on the size of the ground mounted equipment. Mr. Cohen commented that ground mounted equipment is not part of the proposed facility. Mr. Dunlap asked for clarification on the part of the Ordinance that lists other factors that have to be met including visual impact, design, and safety standards. Mr. Cohen stated that there have not been any credible objections to the visual aesthetics, design, or safety of this, noting that the objections really have been related to the health effects of the antenna, not the impact of radio frequency emissions. Mr. Dunlap asked for clarification on Crown Castle being a public utility. Mr. Cohen explained that they have filed the application not as a public utility, and if they were a public utility, they could erect the pole without a conditional use permit.

Dr. Johnson asked if delaying the vote could be addressed. Mr. Cohen explained that the FCC has specific time frames in which local governments are required to take action on a wireless facility application, and it is already past that date. Mr. Tucceri added that under the zoning requirements of a conditional use, failure of this board to take action would constitute an approval. Dr. Johnson asked if the Ordinance could be changed to prevent this installation. Mr. Cohen stated that the Township would be prudent to amend the Ordinance in order to comply with the recent FCC order, but the Ordinance could not be amended to deny this exact facility, adding that the application under review would fall under the current Ordinance as it stands. Mr. Tucceri commented that amending the Ordinance will not change the circumstances that the Federal Government has imposed under this type of facility, adding that there is no legitimate reason to deny this application. Mr. Peters stated that Council tried to look at everything they could, every option that they have, to try to find a way out of this situation.

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Ms. Blackburn asked if it was feasible to perform a baseline of the soil near the pole installation and then ask for some kind of monitoring every 12 months so that we can evaluate if there are any hazards emanating from the pole. Mr. Cohen stated that the Township certainly can require Crown Castle to monitor the emissions to make sure that they stay within the FCC standards. Ms. Blackburn asked if a third party engineer could do the monitoring. Mr. Cohen remarked that there is not a case specifically on that issue, adding that he does not think that goes beyond what the law allows. Ms. Blackburn stated that along with the list of conditions, she would like to add baseline measure of the soil as well twelve month monitoring by a third party to go with the conditions should this be approved.

Dr. Johnson asked about the consequences of voting this down. Mr. Peters stated that Crown Castle could take the Township to Federal Court which the Township would be responsible for all the legal fees and court costs, which could be six figures plus, adding that the Township would have no ability to win.

Mr. Dunlap stated that he has been looking for a way to deny this but was not able to find a way. He explained some of the efforts going on to try to combat this issue on a larger scale and addressed what could be done to help within the Township in the future. He commented that residents have said to vote this down, but he could not vote against the law, adding that all of Council took an oath to uphold the Constitution. He gave credit to Crown Castle for working with the Township in moving the original location of the pole.

Dr. Johnson remarked that she does not know if the pole will increase the amount of exposure of radio waves more than what we are already being exposed to, noting that there is research in both directions. She explained that Council is legally bound to not take into consideration the potential health impacts of exposure to radio waves in this decision. She commented that if this was voted down the Township would incur a very large substantial financial burden and she does not feel that she can justify doing that for a small number of residents asking for that.

Mr. Peters commented that the best the Township can do is look at the Zoning Ordinance to see if there is room to tighten it up to make sure that the Township has more control over this type of thing in the future, adding that nothing could be found to turn this application down.

**Mr. Peters moved to amend the motion for Crown Castle Non-Tower Wireless Facility Conditional Use (19-05) to include the third party inspection baseline testing of the ground level soil radiation levels and a twelve month recheck. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**A roll call vote for the motion as amended was unanimously in favor.**

**EMS FINANCIAL POSITION**

Mr. Lochner stated that Mr. Speakman met with the administrative staff at Shaler and received new information regarding their fiscal operations.

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Mr. Speakman explained that the Township budgeted for support of Shaler Hampton EMS at the beginning of the year, and Shaler made an equal contribution. He stated that Shaler projected a shortfall by the end of the year, adding that this basically is to meet payroll and everything else is somewhat incidental. He noted that if the Township agreed to make an additional contribution to support the EMS, Shaler would do the same. He added that the 2020 budget has already been adjusted and there are some additional things that have been done within the organization over the year that should put the EMS into a more favorable operating status so this does not happen again next year.

**Mr. Dunlap moved to authorize the expenditure of an additional \$35,000 to support the Shaler Hampton EMS. Ms. Blackburn seconded the motion and a roll call vote was unanimously in favor.**

**NOMINATIONS FOR THE COMPREHENSIVE PLAN STEERING COMMITTEE**

**Dr. Johnson moved to nominate the following individuals for the Comprehensive Plan Steering Committee: Bill Rowe, as a resident representative, Lissa Geiger Shulman, as a resident representative, and Andrew Hartwell as an advisory member from the Allegheny County Economic Development Planning Commission. Dr. Dunlap seconded the motion and a roll call vote was unanimously in favor except for Ms. Blackburn who abstained.**

There being no further items for discussion, Mr. Peters adjourned the Special Meeting at 10:08 pm.

Susan A. Bernet,  
Clerk of Council

Michael L. Peters,  
President of Council