Maidencreek Township Board of Supervisors
February 21, 2019

Attending: Claude Beaver, Joseph Rudderow III, Heidi Fiedler, Christopher Garrell – Orlando Law Office, Tom Unger – Systems Design Engineering, Diane Hollenbach – Manager

Guests: Francis Scott, Cody Rhoads, Keith Shuman, Anthony Spero, Ron R. Seaman, Linda Beck, Richard Wick, Peter Beck, David Franke, Donna Ott, Conchita Braun, Brad Congelio

Claude Beaver called the February 21, 2019 meeting of the Board of Supervisors to order at 7:00 p.m. in the Maidencreek Township Building, 1 Quarry Road, Blandon and asked everyone to rise for the Pledge to the Flag.

MINUTES & FINANCES

A motion was made by Heidi Fiedler to waive the reading of the minutes and approve the minutes for the January 7, 2019 reorganization meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Heidi Fiedler to waive the reading of the minutes and approve the minutes for the January 10, 2019 regular meeting. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Treasurer's Report and Bill List

A motion was made by Heidi Fiedler to approve the January 2019 Treasurer's Report and Bill List. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

PUBLIC COMMENT

Ron Seaman, County of Berks updated the Board of Supervisors on the Schaeffer Road Bridge progress. Weather has caused delays and caused issues with compaction of the native soil. The County authorized an additional $8,200 to have material brought in. Paving of the bridge is temperature dependent and paving facilities open when authorized by Penn DOT. Both approach slabs are in process and require about three weeks of good weather. After the approaches, the contractor will install sidewalks, gabion baskets, and a riprap apron. Guiderail will be placed after final paving is completed. Mr. Seaman reported that the contractor cleaned up Cornerstone Drive to allow the plow through. Heidi Fiedler asked how long the project would take to finish. Mr. Seaman stated that there was still five to six weeks of work that is weather dependent.

Peter Beck, 933 Texter Mountain Road, Robesonia was concerned about the impact of 5G small cell facilities on peoples' health. The facilities could be installed two to ten homes apart. The City of Lancaster is trying to keep the small cell facilities out of residential areas. Mr. Beck added in recent testimony the United States Senator from Connecticut asked the FCC to prove that small cell facilities were safe; however, there were no studies to prove they were. In

California fire fighters are getting sick and can show a correlation to the cell towers on the fire stations. Mr. Beck provided the Board with educational materials and websites.

Linda Beck, 933 Texter Mountain Road, Robesonia was interested in the topic of wireless communication facilities. She was concerned for the health, safety and welfare of everyone. She told the Board about people developing electromagnetic sensitivity to devices such as smart meters. No one is talking about 5G facilities in the media but it is a concern because they will continuously beam electromagnetic radiation into our homes. She was interested in a requirement to keep small cell facilities away from homes. She stated there needs to be a safety standard and no one has spent a penny to study the effects.

Anthony Spero, 221 Longleaf Drive, Blandon introduced himself to the Board of Supervisors. He is interested in serving on the Park and Recreation Board. Mr. Spero currently serves as second vice president of the Lions Club. He is formerly a New York City Department of Transportation employee and a first responder during the 911 crisis. Mr. Spero has lived in the community for four years and would like to become more involved.

REPORTS

ENGINEER'S REPORT – Tom Unger, P.E., Systems Design Engineering, Inc.

Letter of Credit/Escrow Release Letters

A motion was made by Heidi Fiedler to authorize the Chairman to sign the Letter of Credit release letters for Melrose Place in the amount of $4,955.40. Joseph Rudderow III seconded the motion. Mr. Rudderow asked if the engineer was satisfied with the improvements and all inspections were completed. Tom Unger of Systems Design Engineering, Inc. said the developer was working on punch list items and inspections were ongoing. Hearing no further questions on the motion, all members voted, "Aye." Motion carried.

Mr. Unger stated that he will have proposed street work to discuss and authorize for bid at the March meeting.

SOLICITOR'S REPORT – Christopher Garrell

GSP Properties Improvements Agreement and Storm Water Agreement

A motion was made by Heidi Fiedler to authorize the execution of the GSP Properties Office Park at Maidencreek Improvements Agreement and Storm Water Management Agreement. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

Round About Maintenance Agreement – Tom Unger reported that the Rt 222 round about maintenance agreement plan exhibit turns thirty-two (32) streetlights over to the Township to cover maintenance and electric costs. The Board asked the engineer to review the plans to see if

all those lights are needed and compare our roundabout plan to what was built in Richmond Township. No action was taken on the agreement.

12 Chestnut Street Storm Water Easement – There has been no response from the property owner's attorney.

269 Spirit Court, Blandon – Great Valley Consultants reinspected the property and noted that the property maintenance issues are resolved but the zoning violations have not been. Attorney Garrell will follow up with Attorney Garner.

MidAtlantic Escrow Release – Attorney Garrell reported that Mid Atlantic's Chapter 11 plan was affirmed on February 8, 2019. Tom Unger added that all punch list items were addressed. The escrow funds can be released at the Board's discretion.

A motion was made by Heidi Fiedler to release the Mid Atlantic Improvement Escrow Funds in the amount of $41,159.44. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously.

320 Main Street – An executive session is needed for potential litigation.

Telecommunications Act and 5G – Christopher Garrell reported he had reviewed the Telecommunications Act of 1996 and the 2018 FCC order on 5G. The FCC has ordered that a Township may not unreasonably regulate 5G facilities, permitting fees must be reasonable and necessary; action on permits must be taken within as established shot clock; and permit denials must be in writing. If Townships do not comply with the FCC order, cell providers can seek an injunction and ask for monetary damages. The FCC sets radio frequency exposure standards and permits would be hard to deny on the basis of exposure. No one qualifies as an expert right now because there have been limited studies and no independent studies.

Heidi Fiedler asked if the FCC looked at twenty-four (24) hour exposure when a wireless cell facility is mounted outside a person's home. Ms. Fiedler suggested the Township put regulations in place to keep the devices a certain distance from houses. Mr. Garrell stated that the Township can regulate the facilities as long as the regulations aren't an effective prohibition. Joseph Rudderow III asked if the Township was stuck with the FCC ruling on exposure limits. Mr. Garrell stated as of now. Mr. Garrell stated that one section of the current ordinance must be revised to change the review period from 150 days to 90 days (220.81 subsection E).

A motion was made by Joseph Rudderow III to refer the review of the pros and cons of 5G and impact on Maidencreek Township Zoning Regulations to the Planning Commission and

authorize the Township staff to participate. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Mr. Beck of Robesonia stated that East Hempfield Township and Warwick Township in Lancaster County have begun looking at ordinances.

Conchita Braun of Reading stated that regulations are needed on where the 5G facilities can be placed. She believes that current standards are inadequate.

Donna Ott of Oley Township discussed people developing electromagnetic sensitivity and stated the FCC guidelines are outdated.

Mr. Rudderow stated that the Township cannot change FCC regulations but Federal Elected Officials could be made aware of these issues.

Joseph Rudderow III made a motion authorizing a letter be sent to Senator Toomey, Senator Casey, Representative Meuser, Representative Dean and Representative Houlihan making them aware of concerns about 5G facilities and asking them to look into the safety in respect to the FCC rulings. Heidi Fiedler seconded the motion. Mr. Rudderow amended his motion to ask the United State House of Representatives for safety studies from independent researchers on the safety of 5G. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously. The Board will look at a resolution on this matter in March.

Executive session from 8:07 to 8:19 p.m. for litigation.

MANAGER'S REPORT – Diane Hollenbach
Diane Hollenbach provided a written report. Quotes for street sweeping were received from Industrial Grounds Maintenance and Reilly Sweeping both in the amount of $5,000. Mrs. Hollenbach suggested that the Board award the work to Industrial Grounds Maintenance because they have performed the work previously and done a good job.

A motion was made by Heidi Fiedler to approve annual street sweeping with Industrial Grounds Maintenance for $5,000. Joseph Rudderow III seconded the motion and hearing no questions on the motion, it passed unanimously. Street Sweeping will occur April 23rd to the 25th.

Road Crew Report – Keith Shuman provided the Board with prices for a new mower, maintenance costs of existing mowers and total hours. Mr. Shuman stated that the Kubota has higher maintenance cost due to a radiator replacement that was not under warranty. He assured the Board that he has enough mowers that if one would break down, there are others to make up

the work. Joseph Rudderow III asked if one brand was more tolerant of inexperienced operators. Mr. Shuman stated that the summer help is educated on equipment operation and that is not an issue. Claude Beaver asked if the lower motor mounting helped the mower hold the banks better and if Mr. Shuman preferred a rear discharge. Mr. Shuman preferred the rear discharge and mentioned the prices he gave the Board are good for 2019 under Costars. Mr. Beaver asked if the diesel mower's heating problem was solved. Mr. Shuman stated that it was. Mr. Beaver asked if the rear discharge cuts wet grass as well as a side discharge mower. Mr. Shuman stated that he felt it did but opinions differed on the road crew. The Board instructed Mr. Shuman to obtain a price for a rear discharge mower.

BUSINESS

Park and Recreation

A motion was made by Joseph Rudderow III to accept the resignation of Jeremy Breidenstein from the Park and Recreation Board and send him a letter of appreciation. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III to appoint Anthony Spero to the Park and Recreation Board with his term expiring December 31, 2021. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Joseph Rudderow III to appoint Brad Congelio to the Park and Recreation Board with his term expiring December 31, 2022. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

Brad Congelio, 154 S. View Road, Fleetwood introduced himself to the Board of Supervisors. He is a new resident moving to the Township in August of 2018. He has lived in Canada and Scranton and is a professor in the Sports and Sociology Department at Kutztown University. Mr. Congelio added that he has two small children and lives near the Community Park. He looked forward to helping to shape the future. Joseph Rudderow thanked both new members for their interest in serving the community. The Park and Recreation Board is important to help the Supervisors make good, informed decisions.

Police Litigation

Executive session was held from 8:38 to 8:53 p.m. on litigation.

A motion was made by Joseph Rudderow III to authorize the chairman to sign the representation agreement with Sianna Bellwoar for a Northern Berks Regional Police matter. Heidi Fiedler seconded the motion and hearing no questions on the motion, it passed unanimously.

A motion was made by Heidi Fiedler, seconded by Joseph Rudderow III, to adjourn the February 21, 2019 meeting of the Maidencreek Township Board of Supervisors. Hearing no questions on the motion, all members voted "Aye". Motion carried. Meeting adjourned at 8:54 p.m.

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Diane Hollenbach, Township Manager/Secretary/Treasurer