

**Lower Heidelberg Township
Board of Supervisors
Regular Meeting Minutes
November 19, 2018**

The Lower Heidelberg Township Board of Supervisors held their monthly meeting at the Township Building, 720 Brownsville Road, on the above date. Present were Chairwoman Cheryl Johnson, Vice-Chairwoman Deborah Scull, Member Michael Keltz, Township Solicitor Eric Brown, Township Engineer Ryan Rhode (Kraft), Code Enforcement Officer Glenn Kraft, Police Chief Thomas Deiterich, Road Foreman Matthew Clay and Township Manager/Secretary/Treasurer Pamela J. Stevens. Also present were the Tax Collector, Sharon Boyer, and the EMC, Justin Schlottman.

Chairwoman Johnson called the meeting to order at 7:15 p.m. and led the pledge to the flag.

Approval of Minutes

The minutes from the October 30, 2018 Regular Meeting and the November 14, 2018 Work Shop Session were distributed for review prior to the meeting. **On Motion** by Ms. Scull, seconded by Mr. Keltz, to approve the minutes as presented. Motion passed unanimously.

Executive Session

Ms. Johnson stated that the Board held an executive session prior to this regular meeting to discuss personnel matters.

Open to the Public

Ms. Johnson stated before we start with public comment, P3 Towers is here to make their presentation concerning the proposed cell tower at the 720 Brownsville Rd Municipal Complex.

Larry Romanowski from P3 Towers presented a summary of the proposed cell tower by P3 Towers who specialize in the towers being installed at municipal facilities. He researched the local carrier's interest in a cell tower at the municipal building and he was quickly contacted by AT&T as they are the vendor that was selected for the installation of the First Net First Responders for the Federal, State and Local. First Net gives the emergency responders network that gives priority status to the Federal, State and Local emergency services. The First Net would be in addition to the AT&T wireless service. The Tower is being designed to be in central location for additional co-locates to minimize numerous cell towers in the area. Standard monopole and due to the terrain the height of the tower would be 180 feet and does not need any light and has been cleared by the FAA for the proximity to the reading Regional Airport.

A radio frequency study was also done by Millenium Engineering and Mike Fischer, an engineer, presented the radio frequency study results. The study was done in response to the concerns about the radio frequency measurements and compliance with the FCC regulations. An existing tower that was just installed by P3 Towers with a deployment at 110 feet above grade and the readings at the ground level around the tower in Wallace Township measured less than 1% of the permissible levels for compliance. Then measurements were taken at that Lower Heidelberg Township complex and similar readings of less than 1% were measured at Lower Heidelberg complex.

Cell Tower Public Portion Continued:

This shows the ambient background levels of radio frequencies at the Township complex are similar to the levels at an existing cell tower site and are well within the compliance requirements. The cell tower receives and transmit radio waves not electromagnetic waves.

The cell tower site would be through a lease agreement with the cell tower site being leased to P3 Towers and the tower and facility being owned and maintained by P3 Towers. The wireless carriers would lease for their deployment on the tower through P3 Towers and the municipality then receives 40% of the rental/lease of the wireless carriers. The tower will be designed for the 4 current carriers along with county and municipal communication.

The benefit to Lower Heidelberg would be improved cell and data usage coverage to address the wireless communication gap as the nearest tower is over 2 miles away. This Tower would initially start to vastly improve AT&T coverage, data usage improvements and the First Net system. Then as other carriers deployed, and more than likely Verizon next, then these vendors would improve the quality of the coverage.

Currently, the majority of the 911 calls are now being made with cell phones and not land lines, so if there is no cell service, this is considered a public safety issue. Measurements have been taken with 6 deployments are the same readings of well under the FCC compliance have been measured at the ground level around the tower.

Propagation of the cell signals are through panels that are grouped in 3 sectors with 120 degree coverage of each panel and not omni-directional. Each carrier is given different frequencies so they do not conflict, and are all separated on the tower. These wireless carriers also do not interfere with the public safety frequencies. P3 Towers has to perform an A.M. Radio interference study before the tower is operational.

The site will be located behind the road department pole building to the rear of the property, and the site will consist of 2500 sf in size but with no control buildings. Each carrier then mounts their equipment on small 10 ft. by 25 ft. concrete pads. There is no generator supplied by P3 Towers, so it is up to each carrier if they need a back-up generator.

As the technology continues to change, such as 4G to 5G, the tower be able to accommodate the technology changes especially as more people are dropping their land lines. The cell towers will use radio frequencies and that has not changed, so the tower should not be obsolete.

In the lease agreement, there is a decommissioning clause if technology does change in the future not requiring the tower. Easements will be needed to provide the power and fiber optics to the site as well as access easement to the site.

The Board decided to table the Tower Project and to have the cell tower project discussed at another public meeting, and to place in the advertisement the cell tower project would be on the agenda.

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A lengthy discussion concerning the Agreement of Sale for the property at 6371 Penn Avenue with highlights of concerns about the property being located in a flood plain; were other options at the 720 Brownsville Road researched including the basement and meeting room conversions; the basement was renovated with a grant for a Township Community Room, so it must stay a Community Room, the building did not flood with the heavy rain events of 2018, removal of the upstream dam, renovation of the current building for Department wide improvements, and the Police Department has very strict security requirements which must be considered. The decision of the Board must be done at a public meeting. The Board also postponed any further discussion and will discuss the Agreement of Sale for the property at a public meeting and hope to have all of the due diligence information for the Board's review prior to the public meeting.

Kirk Barnett was present representing Grande Construction to request the dedication of Timberlake Phase 2. The current escrow is very close to the required 15% for the maintenance period. Grande Construction will offer to pay the liquid fuels tax since they are past the typical time to have the Board consider dedication. The sanitary sewer video will be forthcoming soon. The final paving and street trees are completed for the Phase 2 streets.

The status of the dedication documents was summarized by Ryan Rhode of Kraft Engineering, but the paperwork is still not completed yet for dedication, but are minor issues.

The Board asked the Road Foreman if the plowing at the recent storm event was manageable and it was fine for his team. Grande wants to start the 18 month maintenance period at the Timberlake Development – Phase 2 but there are items still not completed and it could start next month if everything is ready. The Board discussed a winter maintenance understanding and not take dedication until all dedication documents are completed, and will accept the liquid fuels money from Grande.

The street lights are not energized yet, so can the Township start the process with PPL. The developer will not pay for them, and the Township will start the process with PPL. The roads are Lengle, Marlin and Stitzer.

Ms. Johnson made a **Motion**, seconded by Mr. Keltz to energize the street lights, consider dedication if all paperwork is ready, agree to perform the winter maintenance until such time the Phase 2 is dedicated and have Grande pay liquid fuels tax. Motion passed unanimously.

Leigh-Anne Yacovelli was present concerning the Wernersville Public Library and thank the Supervisors for keeping the 2019 donation the same as 2018 donation. She is pursuing other outreach programs through the library so is encouraging people reaching out to them to see if they can assist in these the other programs. Recently more teenagers have been utilizing the library services as well as an increase in the toddlers. The numbers of the door count have now bounced back, they are increasing their hours and are now fully staffed.

Tax Collector's Report

Sharon Boyer reported that \$21,238.40 dollars was collected for the month of October 2018. Discussed the history with other tax collectors, there may be a hiccup and there more monies collected before the end of the year.

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Fire Commissioner's Report

The Fire Commissioner was not at the November 19th Meeting, so Chairwoman Johnson summarized the Fire Department Report. There were a total of 74 calls for the month with a total of 900 for the year to date which is up. There were 260 hours of training for the month with total training of 2,521 hours to date. They held an Open house that was pretty well attended and also several PR events. The Township had 14 calls for service with Wernersville having the lowest for the month.

Emergency Management Coordinator

Mr. Justin Schlottman announced we had our first winter storm, Avery. Moving forward, did he need to send more winter storm information, or is what he sent sufficient. Board agreed, what he sent was very helpful. Brief discussion on the status of SHT's paperwork of the shared EMC. The Solicitor will send a letter to SHT to speed up the EMC paperwork from SHT.

Mr. Schlottman presented the summary of the Emergency Operations Plan and a brief discussion on the need for the plan. **On Motion**, Mr. Keltz made the Motion to adopt Resolution 2018-16 whereby Lower Heidelberg Township adopts the Lower Heidelberg Township Emergency Operations Plan, seconded by Ms. Scull. Motion passed unanimously.

The Emergency operations Plan will not be a "Right-To-Know Document" due to the sensitive threat specific information in the Plan. One of his goals is having more community outreach through social media. He has already set up a twitter account and will be setting up a Facebook page but is waiting on South Heidelberg.

Ambulance

Chairwoman Johnson announced no Report this month.

Planning Commission

Chairwoman Johnson noted that there was no Planning Commission meeting held in November.

Building/Zoning Report

Mr. Kraft reported that there were 17 permits issued during the past month for a total construction value of \$448,619.38 dollars. His office worked on four property maintenance issues, and 3 zoning issues, and the Hearing for the property at 333 N. Church will be rescheduled due to a health issue with KCS Code Officer and will now be on December 6th. Mr. Kraft also met with Manager Stevens concerning security issues at the Administration Building.

Kraft Engineering Report

Mr. Rhode summarized the Legacy at the Paper Mill potential changes to the approved plan due to the HOA's request for resting benches along the trail instead of exercise stations. Mr. Rhode discussed we need to know the process to approve the change of the approved plan, and the Board supported the change to the benches especially for the 55 and over development.

Mr. Brown advised that there are various options to approve the change to the plans and asked if there are any notes that would allow the change without re-recording the plan. An as-built plan can be filed with an agreement as another option instead of the formal revision process. All parties are in agreement and the Solicitor's office will research and render all of the options available to the township. All of the development is in support of the benches.

The developer can move forward with the trail at the same time the bench issue is resolved. No funds for the trail and benches would be released until Mr. Rhode is satisfied with the installation of the features. It appears like the as-built plan with an agreement seems to be the more prudent option for the exercise stations to be changed to benches.

The procedures for the dedication for the sanitary sewer system and what does the developer need to submit to the Township. These documents include easements, bill of sale and deed of dedication and these documents can be obtained from the Township Solicitor if the developer's attorney needs these documents to begin the dedication process.

Mr. Rhode discussed the 2018 Road Project and he summarized there is a payment application with a change order and was within \$8,000 of the engineer budget. Retainage to be held once this payment is released \$153,433.23. There are areas to revisit in the Spring and this is the reason for the retainage.

The Board made a **Motion** to approve Change Order No. 1 in the amount of \$59,254.40 and to approve Payment Application No. 2 in the amount of \$1,039,750.54 to Schlouch Inc. for the 2018 Road Project. **Motion** made by Ms. Scull, Seconded by Mr. Keltz. Motion passed unanimously.

Mr. Rhode advertised for the Emergency Services bids which should be available for consideration at the next BOS Meeting.

Mr. Rhode also investigated the Saddlebrook Basin as discussed and issued a report with his findings.

Sewer Engineering Matters – Chairwoman announced that PA DEP approved the Act 537 Plan Update for the removal of the Knollwood/Faust and Valley View Mobile Home Park from the Sewer Needs Areas.

Recreation Board – Ms. Scull presented her Report with the highlight of the Children's Christmas party with free photos with Santa, from 2 p.m. to 5 p.m. on Saturday, December 8, 2018 and the theme is Grinch Who Stole Christmas.

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Police Chief – The Chief presented his October Report. There were a total of 159 calls with 15 criminal incidents and 11 motor vehicle incidents. On November 6, 2018, Officer Lawless and his partner K-9 Officer Ozzy were on the television for the BCTV Program highlighting the K-9 Program, and his enthusiasm in being part of the K-9 Program. Officer Seller's responded to an emergency during winter storm Avery and assisted in the saving of a life along with the Road Crew's assistance. Detective Stouch and Officer Heist were instrumental in solving the counterfeit currency at the local Sheetz, which also helped solve the same matter throughout Berks County; and the Chief is very proud of his Officers.

The Chief summarized that 26 applications for a new patrol officer were given out, 22 were returned, 21 took the test, and then the top ten will be interviewed.

Road Foreman – The Road Foreman presented his Report which summarized that the Road Crew filled in shoulder area on Faust Road, finished crack sealing on Paper Mill Road, did a bit of brush mowing on the state routes, started getting the equipment ready for more winter activity. The road crew and part-time people were out approximately 11 hours for winter storm Avery. Some mail boxes were hit and will replace those that were not due to the heavy snow. Very difficult due to the narrow width of the roads. The new John Deere backhoe arrived. The road crew attended PA One Call training concerning marking and response requirements, and also attended an in-house cold weather safety class sponsored by the Township Insurance Company, EHD. Compliments to the Road Crew again on the storm response.

The new pipe culvert that was installed on Green Valley Road was installed by the Penn DOT without any consultation with the Township. The brush and overgrowth in the area appears to impede the storm water. The bridges on either side on Gaul and Connecticut are very large and Penn DOT installed one small pipe culvert.

Road Foreman and Police Chief – A Draft revised Snow Emergency Ordinance is ready for consideration to be advertised. Manager can summarize/highlight revisions as needed which include a revised list of roads, clear towing language as well as a letter to all of the residents that are on a snow emergency route. We are going to utilize Code Red, WEEU, the Website, social media, and per the ordinance 4" or more it qualifies as a snow emergency.

Ms. Stevens requested the Board make a **Motion** to authorize the Manager and Solicitor to advertise the revised Snow Emergency Ordinance for approval at the December 17, 2018 Meeting. **Motion** made by Mr. Keltz, Seconded by Ms. Scull. Motion passed unanimously.

Manager/Secretary/Treasurer

Fund Transfers – The Manager requests that the Board make a motion to have the small Fulton General Fund Account Transferred to the First National MM Account. **Motion** made by Ms. Scull, Seconded by Mr. Keltz. Motion passed unanimously.

2019 Seasonal Bids: The Manager opened the bids today. No Salt Bids were received and only one bid was received for the Fuels. Maybe in the future we will need to look at Co-Stars or the Berks Cooperative Purchasing Program. The Manager will research the options moving forward. For 2019, re-bid and if no bids, then per Mr. Brown, can then negotiate. The salt providers need to be on the Penn DOT preapproved list. No motion for re-bid needed, but decided to modify the delivery time frame from 48 hours to five days.

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The Board made a motion to award the Fuel Bid to Automotive Service Reladyne, LLC who is our current provider. **Motion** made by Mr. Keltz, Seconded by Ms. Scull. Motion passed unanimously.

The Manager summarized the reason for consolidating the General Fund due to the changes at the County and the additional costs could be extensive to keep all of the separate funds. Moving forward, there will be a separate sewer fund, liquid fuels fund, and consolidated general fund that will now include fire, ambulance, hydrant, and street light. The Tax Collector supported the consolidation especially due to the costs that the County would charge for special set-ups.

The Manager requests that the Board consider making a motion to advertise the 2019 Budget for adoption at the December 17, 2018 Meeting. **Motion** made by Ms. Scull, Seconded by Mr. Keltz. Motion passed unanimously.

Draft Consolidated Budget: No change to general millage, there is an addition of a street light tax throughout the Township at 0.24 mils, increase of the Fire Tax by 0.07 mils, increase the Fire Hydrant Tax by 0.009 mils, increase the Ambulance Tax by 0.054 mils, and decrease the Debt Service by 0.022 mils. **The delta increase from 2018 would be 5.185 mils to 5.536 mils, a change of 0.351 mils.** The street light is to make the tax uniform throughout the Township which is being strongly requested by the County, and if we do not comply, the County will charge the Township extra to create a modified Tax Bill. The increase for the Fire Hydrant is that the water charges are increasing. The increases to the Fire Tax and Ambulance Tax are two-fold, first for the new EMC and second for the two (2) new Career Fire Vehicle drivers. Per the amortization schedule, the Debt Service will be reduced when possible. A home assessed at \$165,000 would be affected by an increase in \$20 annually for the emergency service changes.

Budget questions on some of the Police Budget line items were answered. There are limitations on how much can be listed on the descriptions of the budget line items and these items include many policies, documents, procedures that involve the Police Department.

The Manager requests that the Board consider making a motion to adopt Resolution 2018-017 for entering into an Intergovernmental Agreement for the joining of the Township into Susquehanna Municipal Trust for Worker's Compensation coverage. **Motion** made by Mr. Keltz, Seconded by Ms. Scull. Motion passed unanimously.

Bill List and Treasurer Report: The Manager/Secretary/Treasurer requests that the Board make a motion to approve of the Bills, approve the Treasurer's Report and file for Audit. **Motion** made by Ms. Scull, Seconded by Mr. Keltz. Motion passed unanimously.

Solicitor Report

Mr. Brown noted that the Agreement of Sale has a deadline of December 25, 2018, so prior to December 25, 2018, the Board will need to make a decision either entering into the Agreement of Sale or terminating the Agreement of Sale. Must complete the due diligence and let's discuss the property at the Work Shop on December 12, 2018 starting at 7:00 p.m. and the Manager will issue a special advertisement which will include both the Cell Tower and the 6371 Penn Avenue Agreement of Sale as agenda items for discussion.

Mr. Brown requested another executive session for a real estate issue that just came to his attention.

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Old Business

None

New Business

None

Public Comment

Ms. Johnson asked if there was any other public comment.

Dave Kurtz requested recognition to the Police Officers for their recent efforts. The Manager suggested a Resolutions to be created for each of their actions and these Resolutions would be considered for the next meeting.

Robert Melson suggested a hold harmless clause be added to the Cell Tower Lease Agreement, and Mr. Brown will look into the Agreement with his co-counsel.

Adjournment

On Motion by Ms. Johnson, seconded by Mr. Keltz, to adjourn to Executive Session at 9:35 p.m. Motion passed unanimously.

Respectfully submitted,



Pamela J. Stevens, Township Manager/Secretary/Treasurer

Approved: 12.17.18