

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS  
NOVEMBER 17, 2016

The Board of Supervisors of Upper Merion Township met for a Business Meeting on Thursday, November 17, 2016, in Freedom Hall, in the Township Building in King of Prussia. The meeting was called to order at 7:35 p.m., followed by a pledge to the flag.

ROLL CALL:

Supervisors present were: Greg Philips, Greg Waks, Bill Jenaway, and Carole Kenney. Also present were: David Kraynik, Township Manager; Joe McGrory, Township Solicitor; Rob Loeper, Township Planner; Tom Beach, Township Engineer, Angela Caramenico, Assistant to the Township Manager. Supervisor Spott was absent.

MEETING MINUTES:

It was moved by Mr. Waks, seconded by Mrs. Kenney, all voting "Aye" to approve the September 22, 2016 Business Meeting Minutes, October 13, 2016 Zoning Workshop Meeting Minutes, October 13, 2016 Workshop Meeting Minutes, October 20, 2016 Joint Meeting with Citizen Boards, and October 20, 2016 Business Meeting Minutes as submitted. None opposed. Motion approved 4-0.

CHAIRMAN'S COMMENTS:

An Executive Session was held prior to this meeting to discuss personnel matters.

NEW BUSINESS

CONSENT AGENDA RE:

1. Bid Recommendations re: 2017-2019 3-Year Supply of Liquid Sodium Bisulfite Contract to Coyne Chemical Co., Inc. in the amount of \$43,582.50
2. Rejection of Bid re: 2017-2019 Uniform Rental Services Contract
3. Approve Agreement with Norfolk Southern in order for Township to proceed with constructing the Trout Run Creek Bank Stabilization Project
4. Resolution 2016-44 re: Authorizing Application to the 2016 PECO Green Region Open Space Grant for the Green Goats Project
5. Resolution 2016-46 re: Establishing the Fixed Dollar Amount to be Excluded from Taxation for each Homestead Property in Upper Merion Township for Calendar Year 2017
6. Equipment Replacement Request re: Purchase a 2017 Ford F-450 Quad Cab. This unit will be outfitted with a snow plow package - \$91,488.00
7. Recommendation that the Township reappoints Maillie, LLP as Township auditor for the three year audit period of 2016-2018 and reserves the right to make annual appointments in 2019 and 2020
8. Resignation of Evelyn Ankers from the Economic and Community Development Committee

9. Approval of Third Amendment to Settlement Agreement regarding the Development of Valley Forge Golf Course Property to allow for additional senior housing units

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Kenney, all voting "Aye" to approve the Consent Agenda as presented. None opposed. Motion approved 4-0.

BID RECOMMENDATION RE: 2017-2019 3-Year Supply of Liquid Sodium Hypochlorite Contract to Buckmans, Inc. in the amount of \$213,300.00

Board Comment:

Mr. Philips stated he will be abstaining from this vote as Buckmans is one of his clients.

Board Action:

It was moved by Mr. Waks, seconded by Mrs. Kenney, to approve the bid recommendation as presented. Mr. Philips abstained. Motion approved 3-0-1.

POSTING OF 2017 BUDGET

Mr. David G. Kraynik, Township Manager, presented the 2017 Operating, Capital and Sewer budgets for Upper Merion Township. He pointed out these budgets represent the culmination of a budget process that began in June and involved many hours of hard work during the ensuing months by the Board of Supervisors and township staff. On October 27<sup>th</sup> and November 3<sup>rd</sup> there were two public budget workshops conducted by the Board of Supervisors during which the department heads presented their budgets.

After this presentation and upon the concurrence of the Board of Supervisors, the proposed budget will be posted and it is anticipated that on December 15<sup>th</sup> there will be a public hearing and a budget adoption for 2017.

Highlights are as follows:

- The 2016 Operating Budget is balanced and contemplates no property tax increase. This budget reflects a total overall increase of 5.7% or \$1.9 million over 2016 adopted budget.
- The budget totals \$35,987,281. There are three major departments that make up over half the budget in terms of expenses. The police at \$16 million, Public Works at \$4.4 million and Park and Recreation at \$3.4 million.

Mr. Kraynik stated this is a very exciting time for recreation opportunities in this township. Over the past 18 months the township opened the 1.1 mile multi-purpose trail from Heuser Park to Valley Forge National Historical Park. This year was the first full season the Park and Recreation Department operated the township pool which resulted in a large increase in membership. On September 6<sup>th</sup> of this year the new Community Center opened to rave reviews.

Highlights continued:

- Balanced budget totals the same amount as expenses just under \$36 million. The three major components of the revenue are the top three lines. Real Estate taxes which are made up of \$2.2 million from the residential base and a little over \$3 million from the commercial base. The

largest source of revenue is Act 511 taxes which are the business taxes with \$16.1 million projected for next year.

- The 2017 real estate tax dollar is made up of three components – the School District at 77.1% with 18.960 millage, the County at 14.1% with 3.459 millage, and the Township at 8.8% with 2.159 millage. The township's millage rate has remained constant for several years at 2.159.
- The Homestead Exclusion has been approved for next year which takes the average residential tax base from \$324 deducts \$168 from that leaving \$156 for the average tax an average residential house assessed at \$150,000 pays into this township.
- The average commercial tax bill for the township is a little under \$7,000 based on a commercial assessment of \$3.2 million.
- The 2017 sewer operating budget totals \$7.2 million and represents less than half a percent increase or just under \$30,000 for next year.
- There are 125 miles of sewer lines, 6 million gallons of sewage is treated daily at two treatment plants and there are 12 pumping stations serving 10,700 acres of watershed.
- The 2017 Capital budget is proposed at just under \$3.5 million and is divided into four basic sections: General Government at \$619,000; Public Works at \$1.2 million, Sewer at \$750,000 and Fire and Rescue at a little over \$900,000.
- Major Capital Projects planned for in 2017:
  - Public Works: Comprehensive Plan Update for \$16,000
  - Public Works: Bridge maintenance projects for \$205,500
  - Public Works: Stormwater management study for \$210,000
  - Public Works: replace compost turner for \$500,000
  - Park/Recreation: pool repairs and renovations for \$300,000 (many ADA related)
  - Park/Recreation: Township Building pond rehabilitation for \$100,250 (much offset by state grant received)
  - Police: equipment and technology for \$43,500
  - Collections: sewer line replacement for \$250,000
  - Administration: website redesign for \$27,000
- 2017 Liquid Fuels Fund dollars from the Commonwealth of Pennsylvania used strictly for the maintenance and reconstruction of township roads total \$770,995, which reflects an increase of over \$37,000 from 2016 due to the increase in tax funding.

Mr. Kraynik expressed appreciation to the Board of Supervisors and department heads who assisted in the budget process and, in particular, Finance Director Nick Hiriak for his help and guidance.

Mr. Kraynik submitted and officially posted the proposed 2017 Operating, Sewer and Capital Budgets for Upper Merion Township and recommended their adoption in December. He noted that a public hearing and adoption of the budget is scheduled for Thursday, December 15 at 7:30 p.m. in Freedom Hall.

Mr. Jenaway expressed appreciation to all the department heads and staff who worked on the budget.

RESOLUTION 2016-45 RE: WAYNE ECKMAN SUBDIVISION, 439 LORI LANE, LOT LINE ADJUSTMENT BETWEEN 439 LORI LANE AND 411 W. CHURCH ROAD. 0.936 ACRES, R-2

Mr. Rob Loeper, Township Planner, stated this is a lot line subdivision. The main property is owned by Mr. Eckman and the other property is the estate of his parents. The applicant proposes taking a small corner off of the estate property and joining it with Mr. Eckman's property as well as moving the side lot line about a half a foot so that the existing dwelling complies with side yard setbacks. This is a preexisting non-conforming condition. The plan has been reviewed by the planning commissions with no comments. Mr. Loeper stated the applicant is looking for a waiver of the subdivision process. It was noted from the plan that sidewalks exist along the Eckman property on Church Road, Lori Lane and Grove Lane and generally in the area; however, not along the section of the estate property.

Mr. Wayne Eckman stated he would like to eliminate 1.5 Conditions of Approval regarding the installation of a sidewalk and provided his reasons for making this request.

Mr. McGrory noted the resolution as drafted does not waive sidewalks.

Mr. Jenaway stated the long term planning for the township is to include sidewalks on all properties.

A discussion followed during which various supervisors pointed out the benefits of sidewalk connectivity and public safety. A dialog ensued with Mr. Eckman regarding suggested options for funding the sidewalk since he indicated he did not have funding available for this purpose. Also discussed was PennDOT's involvement in the process since Church Road is a State road.

Mr. Eckman expressed disagreement with regard to the installation of a sidewalk. In response to Mr. Eckman's question, Mr. Loeper stated it is part of the Subdivision code that states where sidewalks are required and it is in areas with heavily traveled roads and places where lots are less than a certain width and other areas where sidewalks are necessary for the public safety. The general policy has been on all subdivisions to require sidewalks.

Mr. McGrory suggested addressing this issue by giving Mr. Eckman six months or one year to install the sidewalk and have the new owner buying his estate to take on that obligation.

Mr. Eckman mentioned if a curb would be necessary. Mr. Tom Beach, Township Engineer, responded that would be determined by PennDOT.

Mr. McGrory asked if Mr. Eckman would be willing to sign off on a modified resolution providing one year to install the sidewalk. Mr. Eckman rejected that idea.

Mr. McGrory stated in that case there is no agreement before the Board of Supervisors and the decision now is to waive the entire subdivision process or deny it because the applicant is non-compliant.

Mr. Waks suggested giving the applicant time to think about this matter and discuss it further with the Township Planner.

CONTINUANCE OF CONDITIONAL USE HEARING RE: EXTENET SYSTEMS; C/O RILEY, RIPER, HOLLIN & COLAGRECO; POLE FIXTURE WITH DAS ANTENNA/TELECOMMUNICATIONS FACILITY; 575 PRINCE FREDERICK STREET, 501-533 DARTMOUTH DRIVE AND 139-155 ROSS ROAD

Mr. Christopher H. Schubert, representing ExteNet Systems, provided a procedural summary from the last hearing in September. He stated at that time Richard Angelini, Director of Engineering and Implementation, ExteNet, testified on behalf of ExteNet Systems. Mr. Schubert mentioned there are a number of

residents who have entered as party status most of whom were from the Beidler Road location (Node 3). The remaining residents were from the Prince Frederick Street (Node 13) and there was one party who did not enter an appearance but who was interested from the Ross Road location (Node 24). No one showed up showing any interest for the Dartmouth Drive (Node 19) location.

Mr. Schubert stated the applicant followed up on Mr. Waks' recommendation shared by other members of the Board of Supervisors and reached out to the neighbors to see what could be done about finding some alternate locations and other solutions for these node locations. He indicated Mr. Angelini and the radio frequency engineer joined him in looking at other locations for each of the node locations. With regard to Beidler Road (Node 3) there were two other candidates either of which would be viable. The applicant is requesting that Beidler Road (Node 3) be carried forward to January so that further investigation can be done to make sure either one of those alternate locations could work.

With the concurrence of the Board of Supervisors, Mr. McGrory stated the Beidler Road matter would be continued on January 26, 2017 and this would be the only notice provided.

Mr. Schubert reported with regard to Prince Frederick Street (Node 13) they were able to locate an alternate location which was about 40 feet from where it was originally proposed. He said Mr. Angelini will provide testimony explaining the result of that investigation.

The next investigation looked at Dartmouth Drive (Node 19) and the determination was made that is the best location for the node there is no other viable alternative. No residents expressed any interest at the hearing or the follow up neighborhood meeting.

With regard to the Ross Road location (Node 24), another location was found at the Leo Ross Park which is about 300 feet to the east of the original proposed location. It was noted there is already a licensing agreement format in place with the township that could be utilized at this location. Mr. Schubert indicated the park would be a superior location but he would need some direction if the Board of Supervisors is amenable to utilizing that park for this installation.

Mr. Schubert discussed the outreach with the residents and said close to 1,000 invitations were issued to a meeting in the Township Building on November 7<sup>th</sup>. He reported no one showed up for the 6:30 p.m. meeting for Dartmouth Drive or the 7 p.m. meeting for Ross Road. There were a number of residents who showed up for the 7:30 p.m. meeting regarding Prince Frederick Street

Close to 1,000 surveys were sent to the same residents who received the meeting locations with 134 households responding. A PowerPoint was shown providing a summary of some of the survey results.

Mr. Schubert provided the status of ExteNet's King of Prussia DAS project. Highlights as follows:

- Extenet had originally proposed 26 DAS nodes in the residential area north of the King of Prussia Mall where there is a high concentration of homes
- In accordance with the telecommunications ordinance adopted by the township in November 2015, 20 nodes were permitted by right and they are already on air
- Three nodes require new utility poles and are subject to the conditional use hearing

- The Beidler Road node is tabled for the time being because there is a possible solution that is being investigated
- Two of the nodes the Prince Frederick and the Dartmouth Drive node will move forward with a new utility pole installation
- The Ross Road installation may possibly move down to the Leo Ross Park.
- It was noted there are three nodes that are still under investigation.

Mr. Schubert called his first witness Richard Angelini, Director of Engineering and Implementation, ExteNet, and asked for an update with regard to alternate locations for the Beidler Road location (Node 3). Mr. Angelini responded he, Mr. Schubert, the project manager and one of the radio frequency engineers found a pole they are proposing pending approval by Peco. The second option would go further down which again causes somewhat of a problem and would be more expensive, but doable.

Mr. Schubert asked what was done regarding the Prince Frederick (Node 13) location. Mr. Angelini responded they drove the neighborhood looking for an acceptable vertical asset that would work and could not find one. As stated before the pole lines in that particular neighborhood are all backyard feeds and would require a new pole set. They were able to come up with an alternate location at an existing pole location where there is a transformer. Peco was asked for a waiver of their standards to allow ExteNet to use that pole and it was denied. They next moved from that pole about 6-8 feet into a stealth area of evergreen trees which was the best location they could find since there are no utility poles on the street to which they could attach.

With regard to the equipment placement for the proposed alternate [Node 13], Mr. Schubert noted, and Mr. Angelini concurred, there is nothing proposed for placement on the ground. Mr. Schubert asked if there is any possibility of being able to paint the cabinet on the pole a color that would blend with the trees in the background. Mr. Angelini responded they could do green or brown to match the pole to stealth it even further and blend with the evergreen trees. In addition the same could be done for the disconnect box and all attachments for that pole.

Mr. Schubert asked about the location on Dartmouth Drive (Node 19) and if a better location was found. Mr. Angelini responded in the negative. Mr. Schubert indicated the applicant is moving forward with that application as is.

Mr. Schubert asked if an alternate location was found for Ross Road. Mr. Angelini responded a location was found about 300 feet down in Leo Ross Park. It was noted the original location across the street from the park was denied by Peco because of the high tension pole wires. Mr. Angelini confirmed the park location will make it possible to set the equipment further off the public right of way where there is sufficient buffering of trees surrounding the proposed node location.

Mr. Schubert asked if all the locations are acceptable to ExteNet and the anchor tenant Verizon Wireless as relocated. Mr. Angelini responded in the affirmative.

Mr. Schubert asked if the revised node locations comply with the telecommunication ordinance requirements set forth in the township code and all applicable federal and state laws that would apply to the development for these types of facilities. Mr. Angelini responded in the affirmative

Mr. Schubert asked if any of these alternative node locations are in or nearby any historic districts that would be adversely impacted by the development. Mr. Angelini responded in the negative.

Mr. Schubert asked if there would be any concern in terms of traffic safety or pedestrian safety relative to these facilities. Mr. Angelini responded in the negative.

Mrs. Kenney inquired about the ownership of Leo Ross Park. Mr. Dan Russell, Director, Park and Recreation, responded the township does not own Leo Ross Park and leases from another entity and this would be researched further.

Mrs. Kenney asked if this complicates anything with regard to the ExteNet DAS. Mr. McGrory responded it depends on the terms of the lease. Mr. Schubert said he will take this up with Mr. McGrory and it is something they should look into.

Mrs. Kenney asked about the closest residence to any of the poles that are placed or anticipated to be placed. Mr. Schubert the one at Beidler is about 75-100 feet and Prince Frederick is probably 50 feet, but he would have to look back through the plans to see what the measurements are.

Mrs. Kenney asked about Dartmouth Drive. Mr. Schubert responded the proposed node location is about 150 feet from the closest house.

Mrs. Kenney asked if the proposed park location interferes with any possible recreational use. Mr. Schubert responded it is proposed in the far corner of the whole park. He said if park and recreation staff met with the applicant and wanted it shifted another 5 feet that could be accommodated.

Mrs. Kenney asked if any of the applicant's representatives have discussed this application with Mr. Russell or anyone from the park and recreation department. Mr. Schubert responded in the negative.

Mr. Jenaway asked for clarification about the alternative locations for Ross Road and Prince Frederick and if these proposed alternatives are based on input from residents who came to the meeting. Mr. Schubert responded it was discussed with them in most cases.

Mr. Waks polled the audience as to their particular node location interest. Results as follows: one resident for West Beidler Road proposal, five residents for Prince Frederick, no one for Dartmouth Drive and two residents for Ross Road.

Phoebe Baxter, 751 Champlain Drive, backyard is on Beidler Road commented she did not receive meeting notice or questionnaire.

Phillip Greenburg, 587 Prince Frederick Street, did not believe very many residents would benefit at this location and had concerns about radiation in his backyard.

Sandy Dworecki, 161 Ross Road, asked if the new location does not work out if it would go back to the original site. Mr. Schubert responded the applicant would have to return and provide notification.

Andrew Peterson, Radiofrequency Engineer, DBM Engineering, offered testimony on behalf of ExteNet Systems. Mr. Peterson has been involved in design of wireless facilities for 20 years.

Mr. Schubert asked Mr. Peterson what ExteNet hired him to do. Mr. Peterson responded he was hired to analyze the design their radio frequency

engineers have put forth to address Verizon's issue in the northern portion of the township. He said although it is planned initially for Verizon Wireless the proposed DAS system is capable of accommodating future wireless providers.

Mr. Schubert referenced Mr. Peterson's report and asked about upcoming changes in terms of wireless technology use. Mr. Peterson discussed the next wave of 5G technology.

Mr. Schubert asked if there is a present need that was identified during the investigation of area of coverage within Upper Merion Township in terms of trends towards possible exhaustion of the network. Referencing his report, Mr. Peterson pointed out the areas as gaps in capacity currently.

Mr. Schubert asked what antenna height was considered with regard to Mr. Peterson's analysis. Mr. Peterson responded these are all 38 feet above grade.

Mr. Schubert asked what ultimately would happen if capacity continues to grow and demand continues to grow for wireless service and these sites are not filled in. Mr. Peterson described what is meant as "capacity exhaustion" as demand increases.

In response to Mr. Schubert's question regarding the number of homes covered by the proposed nodes, Mr. Peterson responded Dartmouth Drive would cover 243 homes, Prince Frederick would cover about 218 homes and Ross Road would cover 173 homes.

Mr. Schubert asked if the report addresses the possible use of a macro site on an existing monopole facility located at the fire station on Beidler Road. Mr. Peterson responded in the affirmative. Mr. Schubert asked if Mr. Peterson conducted propagation analysis of a hypothetical facility and installation at that location and determined whether that hypothetical location would work in lieu of the additional DAS node development. Mr. Peterson responded it is not a viable alternative to completing the DAS installation.

Mr. Schubert asked if there would be any effect if antennas were lower than 38 feet. Mr. Peterson responded if antennas heights were lowered any more we would be giving up some of the footprint the design is based on for getting high band coverage.

Mr. Schubert stated this DAS node network is currently being developed for verizon wireless but it would be available for any of the other wireless providers. Mr. Peterson agreed and anticipated one or two other providers will take the opportunity to co-locate on this asset once it is fully established.

Mr. Schubert asked about the possibility of any interference with any other radio or television based technology arising from these DAS nodes in operation. Mr. Peterson responded Verizon Wireless is licensed by the FCC which has requirements for very specific portions of the radio frequency spectrum in which they can transmit. By virtue of the licensure there will not be any overlap in channels causing any harmful interference.

Mr. Schubert asked for a description in terms of size. Mr. Peterson responded the antenna is about two feet in height, about a foot in diameter and is cylindrical in shape.

Mr. Philips asked about the way other providers co-locate onto this system. Mr. Peterson responded these antennas are overdesigned and sophisticated so when the next provider comes along there is very little additional equipment and no additional antennas that would be required. The only real equipment that will be required are some cards that go into the box that is affixed to the pole. There would still be one antenna and one box.



Mr. Philips asked what happens when the system gets overrun. Mr. Peterson responded symptoms of exhaustion are initially slow download speeds and video buffering which typically happen during the busy hour in the area when networks are overloaded.

Mr. Philips asked if the proposed nodes will reduce that issue. Mr. Peterson responded in the affirmative.

Mr. Philips asked how long it will be before we have the same issue. Mr. Peterson responded network providers continually having to deal with this exponential growth and capacity and it is not that a point will be reached in the foreseeable future where things will plateau.

Mr. Philips reiterated his question when it is anticipated that the system the applicant is proposing will be overrun. Mr. Peterson responded it depends on a lot of factors and there is too much uncertainty.

Mr. Philips asked what emergency services are currently being used through the internet that we would be using at these DAS sites. Mr. Peterson responded more than 50% of all 911 calls originate from wireless devices.

Mr. Philips asked if the reference to emergency services refers to the civilian on the street or officer on the beat. Mr. Peterson responded he does not know what the Upper Merion police force uses, but most cruisers are equipped with a laptop connected to a wireless network. He said he knows from anecdotal testimony from law enforcement and other emergency services personnel that they often use their mobile device as backup if not their primary means of communication when they are in an area that is challenged for coverage with the municipal communications system.

Mr. Philips asked for clarification that we are not talking about radio communications. Mr. Peterson indicated that was correct.

Mrs. Kenney asked for clarification about the reference to indirect interference caused by harmonic and intermodulated frequency emissions that may fall outside the licensed spectrum. Mr. Peterson responded all the equipment that will be installed has to meet FCC requirements. He said he did not want to mix the emissions issue as far as human exposure to electronic magnetic emissions and the interference issue since they are two separate issues. Mr. Peterson indicated Dr. Foster could better address the electromagnetic exposure questions.

Mrs. Kenney stated her question is based on the sentences where Mr. Peterson indicates due to the fact that the output is extremely low as required by FCC approval this only becomes a concern when there are multiple telecommunication installations in close proximity to one another. Mrs. Kenney pointed out the sentence highlighted in bold indicating in the unlikely event that a radio frequency interference is reported it is Verizon Wireless policy to identify and mitigate any interference issues as quickly as possible. Mrs. Kenney asked if that meant there is a concern if there are other transmitters such as AT&T and others using that same DAS. Mr. Peterson responded the last interference issue he is aware of with these types of networks was with public safety and Nextel in the City of Philadelphia over a decade ago. In that case it was the front end of the receivers of the public safety equipment that was getting into the receivers of the front end receivers of the police equipment because the two installations were in very close proximity. He said a decade ago this was a viable concern and he included it [in the report] because even today's modern equipment will produce some intermodulated output at very low levels almost non-detectable levels that may fall outside the licensed spectrum. Radios that the providers are using today are no longer a concern. In an installation like this where there is a

single antenna with a DAS system that is designed to accommodate multiple carriers it is not a concern.

Mr. Jenaway stated the supervisors have been getting additional inquiries from the public that individuals in the Beidler Road area did not receive letters. Mr. Schubert responded they did not have neighborhood meetings with the Beidler Road folks because at that point they realized they were going to be pulling off from the conditional use to other locations. If it is necessary for the applicant to come back with a conditional use ExteNet would re-notice and make sure the public was aware.

Phillip Greenburg returned to the podium and asked a series of technical questions about 5G technology. He asked if this DAS system will be 5G compliant. Mr. Peterson responded the standard is not out yet for 5G. He said 5G is going to require a much denser network and what is being designed here will take us towards [5G].

Mr. Schubert introduced Dr. Kenneth R. Foster, Ph.D., P.E., as a witness. Dr. Foster described his background and experience with regard to EMF electromagnetic frequency emissions. It was noted he has done a lot of research with regard to health effects on radio wave emissions.

Mr. Schubert asked if there is any valid concern with regard to the type of radio emissions generated by these DAS facilities. Dr. Foster responded there are no safety concerns from these emissions.

Mr. Schubert referred to the emission reports Dr. Foster prepared for each of the individual notes numbered 13, 19 and 24. He asked about the purpose of these reports. Dr. Foster responded he was asked to determine whether these sites complied with FCC exposure limits for radio frequency energy which is the regulatory standard for compliance.

Mr. Schubert asked if those sites comply. Dr. Foster replied they comply by a very large factor up to 1,000 times below the accepted level.

Mr. Schubert said there is also a distinction between what is known as ionizing emissions and non-ionizing emissions and asked for an explanation of what that means. Dr. Foster responded this [DAS] facility transmits radio waves which is a form of non-ionizing electromagnetic energy which means the energy is not strong enough to break the chemical bonds or create free radicals. Ionizing radiation such as x-rays is extremely dangerous because the particles carry the radiation at enough energy to break molecules producing free radicals and significant biological damage. That is not the case with radio frequency energy.

Mr. Schubert asked if it a matter of modern life that we live in a world filled with EMF emissions. Dr. Foster responded in the affirmative. He said the biggest source of exposure the average person receives to radio waves is when they use a cell phone or being near someone using a cell phone.

Mr. Schubert asked if Dr. Foster has worked with various organizations in reviewing and setting emission standards. Dr. Foster responded in the affirmative. He said he is a member of a standard setting committee of the Institute of Electronic Engineers (IEEE) which has established a widely recognized limit for human exposure for radio waves. He is also working in collaboration with another international agency international commission on non-ionizing radiation protection that is now setting exposure limits.

Mr. Schubert asked if Dr. Foster believes the standards which have been established by the FCC are conservative standards regarding radio wave emissions. Dr. Foster responded these standards were established in 1996 and are somewhat outdated but they are generally similar to the more modern IEEE

standards and International Commission on Non-Ionizing Radiation Protection. He said he is not aware of any more recent data that would require a major revision of these limits and is not aware of any move by these other standard setting organizations to change the limits in a way that would substantially impugne the validity of the FCC limits.

Mr. Schubert asked if Dr. Foster would be concerned if his grandchildren lived and played by one of these DAS node installations. Dr. Foster responded in the negative.

Mr. Waks asked Dr. Foster to address a study from the national toxicology program which showed an increased percentage of brain tumors in rats. Dr. Foster responded that study involved lifetime exposure of several generations of rats and mice to radio waves at levels substantially above safety limits. He said this is the type of study that is the gold standard study for animal toxicology testing and is used by government all the time looking for possible carcinogens and it is a creditable study. The study is not completed as yet and the report will not be released for a year or more. Earlier this year the government released preliminary findings suggesting that the rats in the study had experienced an increase in the rate of glioma which is a kind of brain cancer associated with exposure. The meaning of this is hard to understand at this point without all the results of the full study and the numbers of the rats developing the glioma were extremely small. The exposed rats lived longer than the average control rats and the meaning of that is unclear. The numbers are small, unstable and hard to interpret. This was analyzed by reviewers in the government and their reviews were included with the preliminary report which raised questions about whether this really had any meaning at all, but health agencies have not commented and will not comment until the final report is released. If this indicates that radio waves have some influence on the rate of cancer it may have some relevance to use of cell phones which is a relatively high exposure. Dr. Foster did not see any relevance to the exposure at the much lower levels everyone faces from many every day sources.

Mr. Waks asked if Dr. Foster's expressed opinions in this matter is the consensus of the scientific community. Dr. Foster responded he is testifying as a professional engineer about compliance and said he has no doubt that the site will comply with FCC safety limits. He indicated he could give his personal opinion about the scientific evidence but was not sure this is the right forum.

Mr. Philips asked if the reference to a bay station is the coffee can on top of the telephone pole. Dr. Foster responded in the affirmative.

Mr. Philips asked if there is anything in the support equipment along the pole that would provide more radiation than his cell phone. Mr. Foster responded in the negative.

Mrs. Kenney asked for clarification about the notice on poles indicating "radio frequency fields beyond this point may exceed the FCC general public exposure limit. Dr. Foster responded the FCC does not require that type of notice. He said they require the providers make sure their own personnel and public are not exposed at levels above the limits and in this facility the only way to conceivably be exposed above the limits is climbing to the top and position your body in front of the antenna. Dr. Foster said he can only assume that Peco or the provider is being overly cautious and the sign is not there because of any safety or FCC requirements.

Mrs. Kenney mentioned ExteNet is the name on the sign. Dr. Foster responded he has been told that Peco requires this at eye level. He said as far as actually indicating the possibility of over exposure the sign is completely unnecessary and rather distressing to the public because it gives the impression that people might be over exposed by walking near the tower when that is certainly not the case.

Mrs. Kenney expressed concern that the 1996 FCC safe rates for radio frequency are outdated with the explosion of technology since that time. She said we do not know what the ultimate cumulative damage might or might not be. Dr. Foster responded FCC limits are now 15 years old, but two major international limits have been developed since then and they both have been reaffirmed and comparable to FCC limits. He said he does not see any movement in the standard setting committee that would have any bearing on this. and so I myself see no movement in the standard setting committees to make any changes in the limits that would have any bearing on this.

Chris Kaasmann, 565 Hansen Road, my understanding is that the coffee cans will enable or allow for 5G to become more available to the public. The comment was made earlier that 5G will enable things like smart homes where our appliances would become interacting with the network. He asked if that in essence would turn all of our appliances into radio emitting devices much like our cell phones and should we be concerned we are going to be bombarded with more EMF's from these devices. Dr. Foster responded 5G is some time in the future. He said we are going to see a lot of radio frequency in the environment, but personally would be more concerned about privacy.

Mr. Kaasmann commented data issue aside his point is we would have more EMF emissions related to smart devices if connected to a smart home. Dr. Foster responded he wrote an article about a world awash in wireless devices and is not concerned about the health effects of radio waves from all these small sources. He said there are going to be unanticipated consequences of the technology which he would be more concerned about.

Phillip Greenburg stated the only notice he received that the proposed tower was going to be moved onto his property was about 3 hours ago when this hearing started. He commented without that notice this entire process is defective.

Phoebe Baxter asked if ExteNet Systems pay the township any money to provide these DAS poles in the township. Mr. Kraynik responded there is a very small permit fee involved.

Ms. Baxter asked if the township receives any revenue over the time period these towers are in existence. Mr. Kraynik responded only for any poles that are on township property.

Mr. Kaasmann commented he and his wife are very understanding of the desire to improve communications in today's connected society; however, would like to express their extreme desire that this cantenna near Prince Frederick Road not be installed.

Mr. McGrory closed the floor for public comment.

Mr. McGrory noted the Beidler facility will be continued on January 26, 2017 and asked Mr. Schubert to review the other applications.

Mr. Schubert stated the amended application for Prince Frederick Road (Node 13) was submitted for the alternate location which is closer to the existing telephone pole.

Mr. Schubert stated Dartmouth Drive (Node 19) has not changed and the applicant is asking the Board's decision on that application.

Mr. Schubert stated the Ross Road location (Node 24) will be continued at the January 26<sup>th</sup> hearing with regard to moving that location to the Leo Ross Park. It will be necessary to investigate the lease issue.

Mr. McGrory summarized there are two applications (Dartmouth Drive and Prince Frederick) the applicant is requesting the Board of Supervisors consider tonight.

Mr. Jenaway expressed concern regarding the Prince Frederick Street node location since Mr. Greenburg had not been advised of the location change on his property.

Mr. Jenaway asked Mr. Greenburg if he had a problem with the DAS node on his property or even in the right-of-way despite the fact that he was not notified about the relocation to his property. Mr. Greenburg responded he is a resident [tenant] of 587 North Prince Frederick Street. The owner which he receives mail for is the Trust of Ellen Grossman. He does not feel another pole in the right-of-way with one pole makes much sense.

Mr. Jenaway stated Dartmouth Drive would be considered first.

Board Action:

It was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to approve the application with all the conditions that have been agreed to on the record and the addition of a condition that the applicant has to fully comply with all testimony presented. None opposed. Motion approved 4-0. (Note: prior to the vote Mr. Schubert on behalf of the applicant agreed to the terms of the motion).

Mr. Jenaway asked for clarification about the Prince Frederick Street address since there was confusion whether it was 575 Prince Frederick, 581 Prince Frederick or 511 Hansen. Mr. Schubert responded it had been advertised as being 575 and the location is indicated by the site plans which provide the specific latitude and longitude location. Mr. Greenburg stated the mailing address of 551 Hansen is 587 Prince Frederick Street. He said at some point there was a change in the last 60 years and does not know when that happened. The tax address is 551 Hansen, but the mailing address is 587 Prince Frederick. Mr. Jenaway noted the application states 575 Prince Frederick Street. Mr. Schubert referenced back to the amended site plan and the applicant's exhibit A28 which provides the specific location by latitude and longitude.

After a discussion with Mr. McGrory and Mr. Schubert about how to proceed it was decided and agreed to by Mr. Schubert to table this application and request a continuance to the January 26<sup>th</sup> business meeting.

Board Action:

It was moved by Philips, seconded by Mr. Waks, all voting "Aye" to table the Prince Frederick application and address it on January 26<sup>th</sup>. None opposed. Motion approved 4-0.

Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Waks, all voting "Aye" to grant the continuance of the Ross Road and West Beidler applications until January 26<sup>th</sup>. None opposed. Motion approved 4-0.

## ACCOUNTS PAYABLE & PAYROLL:

### Board Action:

It was moved by Mrs. Kenney, seconded by Mr. Philips, all voting "Aye" to approve the Accounts Payable for invoices processed from October 12, 2016 to November 9, 2016 in the amount of \$1,398,470.08 and the Payroll for October 21, 2016 and November 1, 2016 in the amount of \$1,451,387.48 for a total of \$2,849,857.56. None opposed. Motion passed 4-0.

## ADDITIONAL BUSINESS

### FREE THREE-DAY PASS TO COMMUNITY CENTER

Mr. Waks encouraged people to try the free 3-day pass to the Community Center between November 21 and December 23. It was noted there are currently almost 1,200 members.

### TREE PLANTING

Mr. Waks mentioned the Shade Tree and Beautification Commission is looking for volunteers to help in planting 21 trees at Heuser Park on Saturday morning, November 19<sup>th</sup>.

### LAST REGULAR FARMERS MARKET OF SEASON

Mrs. Kenney announced the last farmers market of the season will be held on Saturday, November 19<sup>th</sup> and the winter market will held every other Saturday from 10 a.m. until noon.

### VACANCIES ON CITIZEN ADVISORY BOARDS

Mr. Jenaway reminded everyone of the vacancies on citizen advisory boards and encouraged interested citizens to submit an application and get involved in their community.

### DANIEL T. KELLETT MEMORIAL SKATE PARK IS NOW COMPLETED

Mr. Jenaway announced the completion of the Daniel T. Kellett Memorial Park and the grand opening to be held on Saturday, November 19<sup>th</sup>. He gave a special thanks to everyone for their help, especially Detective Les Glauner for his leadership in spearheading this project and serving as the driving force behind its ultimate success.

### HOLIDAY HOOPLA

Mr. Jenaway announced several holiday events with Santa, including the Holiday Hoopla to be held on December 2<sup>nd</sup>.

### LEAF COLLECTION

Mr. Jenaway noted the leaf collection is now underway and will be returning on regularly scheduled weeks.

### POLICE DEPARTMENT FORUMS

Mr. Jenaway stated the Upper Merion Police Department conducted four police forums during October which will be rebroadcast on UMGA-TV.

ADJOURNMENT:

There being no further business to come before the Board, it was moved by Mr. Philips, seconded by Mr. Waks, all voting "Aye" to adjourn the meeting. None opposed. Motion approved 4-0. Adjournment occurred at 11:25 p.m.

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DAVID G. KRAYNIK  
SECRETARY-TREASURER  
TOWNSHIP MANAGER

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Minutes Approved:  
Minutes Entered