

**The Board's Minutes of the East Donegal Township Board of Supervisors  
held on April 2, 2009**

The regular meeting of the Board of Supervisors of East Donegal Township met on Thursday, April 2, 2009 at 8:00 PM in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Allen Esbenshade; Chairman of the Board

Public attendance is attached.

**Roll call of Supervisors:** Present were Allen Esbenshade; Chairman, Dennis Drager; Vice Chairman, and John Murphy; Member. Also present were Jeffrey Butler; Manager and Barbara Stoner, Secretary/Assistant Manager.

Mr. Esbenshade opened the meeting with a Prayer and the Pledge to the Flag.

Public Comment was called for items not on the agenda: None was heard

Public Comment was called for items on the agenda: Mr. Guinivan asked a question concerning item I, Release of \$23,192.20 for the Riverfront Boat Launch to Handwerk Site Contractors. He stated there was some flooding which was marked off by a storm fence that he noticed the last time he visited the park. Mr. Butler said that it was a design flaw that has recently been addressed. Mr. Guinivan was then satisfied with the release.

There being no further questions on the agenda items Mr. Esbenshade opened the Conditional Use Hearing.

**CONDITIONAL USE HEARING** - Cynthia L. Zawrotuck, P.E., of ARRO Engineering The Mount Joy Borough Authority Waste Water Treatment Plant Bio Nutrient Reduction Upgrade and Modifications (Community Utilities in Floodplain District) Conditional Use Application was received by the Township. The Application was presented by Cynthia L. Zawrotuck, P.E., ARRO Engineering. The East Donegal Township Planning Commission on Thursday, April 2, 2009 voted favorably on this matter.

Ms. Zawrotuck stated the applicant, Mount Joy Borough Authority, currently owns property off South Jacob Street, Mount Joy, PA 17552. The property is the location of the Mount Joy Borough Authority Wastewater Treatment Plant.

- A. The property lies within the A-Agricultural zoning district and the Floodplain District.
- B. The applicant is proposing improvements on the property that will be located within the Floodplain District. Community Utilities are permitted as conditional uses (Chapter 27, Part 5, Section 512.4.B.(11)). The specific regulations for the Community Utilities use are contained in Chapter 27, Part 9, Section 916.
- C. The Township zoning regulations define Community Utilities as follows:

*UTILITY, COMMUNITY* — for the purposes of this Chapter, the term "community utility" shall refer to a building, structure or use or extension thereof which is operated, owned or maintained by a public

*utility corporation, municipality or municipal authority, or which is privately owned and approved by the Pennsylvania Public Utility Commission, for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.*

The applicant has provided information with the conditional use request that complies with all of the requirements of Section 916.

**§916. Community Utilities.**

Within a zoning district in which a community utility is permitted by conditional use, the Board of Supervisors may approve such a use, subject to the following requirements:

1. The facility shall be located on nontillable land where possible in order to preserve tillable land for agricultural purposes.
2. The facility shall be located in a manner that will protect any natural resources existing within the lot. Natural resources shall include those resources identified within the Township Comprehensive Plan or any other environmental study approved by the Board of Supervisors and shall include, but not be limited to, floodplains, wetlands, water resources, woodlands, unique geologic features, natural wildlife habitats and slopes exceeding 15%.
3. Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets. All required parking shall be located on the lot containing the facility.
4. All water facilities, sewage disposal systems, restrooms and solid waste disposal shall be approved and maintained in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
5. All outdoor storage, parking and loading/unloading areas within the facility shall be screened from adjoining lots within a residential zoning district. Said screen shall be designed to provide a complete visual barrier within 5 years of the initial planting. The minimum width of the screen shall be 20 feet.
6. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public.
7. In addition, the proposed project must comply with the general Floodplain Regulations contained in Chapter 27, Part 6, Section 610. The applicant has provided information with the conditional use request that complies with all of the requirements of Section 610.

Mr. Butler stated the applicant has provided information with the conditional use request that complies with all of the requirements of Section 916. and Section 610. Therefore, he recommends that the request for conditional use approval be *granted*.

Mr. Esbenshade called for a motion to close the Hearing.

A motion was made by Dennis Drager and seconded by John Murphy to close the hearing from further testimony. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

A motion was made by John Murphy and seconded by Dennis Drager to approve the application of the Mount Joy Borough Authority Waste Water Treatment Plant BNR Upgrade and Modifications request to locate

improvements within the Floodplain District, subject to the review letter as prepared by Jeffrey L. Butler; Township Manager, dated March 26, 2009. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes and Mr. Drager; yes. Motion carried.

A motion was made by John Murphy and seconded by Dennis Drager to approve the Minutes of March 5, 2009. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

A motion was made by John Murphy and seconded by Dennis Drager to approve the Treasurer's Reports for the Municipality and the Fire Department. Discussion was held on several items on the check register list. Vote: Mr. Murphy yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

A motion was made by Consider approval of the Minutes for March 5, 2009.

Consider approval of the Treasurer's Reports for the Municipality and the Fire Department.

The Board acknowledges receipt of the Check Registers for the following bank accounts:

General Fund

Park Recreation & Open Space

Trash & Recycling

Consent Calendar:

A motion was made by John Murphy and seconded by Dennis Drager to approve items a, b, and c subject to the review letter's as prepared by Jeffrey L. Butler; Township Manager. Discussion was held on each of these items. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes, abstaining from item c (his place of employment). Motion carried.

- a. Approved the Maytown Church of God – Final Subdivision Plan as prepared by Jay Ebersole, Weber Surveyors, Inc., subject to the review letter of Mr. Butler dated March 31, 2009. The East Donegal Township Planning Commission approved this application on April 2, 2009.
- b. Approved the Hartzler Subdivision - Final Subdivision Plan as presented by Jeffrey Burkhart of DM/A, Inc., subject to the review letter of Mr. Butler dated March 26, 2009 which includes the Township receiving documentation from the Lancaster County Agricultural Preserve Board stating they reviewed this application and it is within the Board's program guidelines. The East Donegal Township Planning Commission approved this application on April 2, 2009. Mr. Burkhart clarified that Parcel 1 is shown on the plan as the farm and Parcel 2 is the Hartzler new home parcel. He also stated that the parcel size must be a minimum of 50 acres to be an Ag Preserved Farm. The 5 lots that remain will be taken away by the Ag Preserve Board and are not available for development. These two parcels have the maximum building lots used.
- c. Approved the Burma Road Associates, LLC - Waiver Request as presented by James A. Germak and subject to the review letter of Mr. Butler dated March 26, 2009. The East Donegal Township Planning Commission approved this application on April 2, 2009.

A motion was made by John Murphy and seconded by Dennis Drager to approve items d, e, f, g, h, I, j, k, l, m, and n. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager yes. Motion carried.

- d. Approved waiving the Zoning Permit Fee for the Joe Wivell barn reconstruction. Mr. Wivell's barn burnt down. Estimated construction cost is \$90,000. Permit fee would be \$336.00. Mr. Wivell will be responsible for the \$25.00 minimum permit fee.
- e. Approved RESOLUTION NO. 2009-8 of the Board of Supervisors of the Township of East Donegal, Lancaster County, Pennsylvania, Establishing a policy regarding the retention of Digital and/or Audio Tape Recordings of East Donegal Township Board of Supervisors meetings thereby declaring its intent to retain recordings of Board meetings for only a limited period of time.
- f. Approved the letter dated March 24, 2009 from William R. Sell, Project Manager/Light Heigel Associates on behalf of GlaxoSmithKline Building 48, 20 and Associated Facilities - Township Project #07-002 where as the applicant is withdrawing the Final Land Development Plan bearing Light-Heigel plan number PA07-0240.
- g. Approved accepting the resignation of Janet Mohr ; Crossing Guard. Mrs. Mohr's last day is April 3, 2009. Sue Frey will be filling in for Mrs. Mohr.
- h. Approved accepting the 2008 Audit Report as prepared by White/Rudy and Company.
- I. Approved release of \$23,192.20 for the Riverfront Boat Launch to Handwerk Site Contractors. \$10,000.00 will still be held in the retainer.
- j. Approved a contract with YSM Landscape Architects for the Marietta Borough Northwest River Trail Preliminary Design Project not to exceed \$15,000.00. This grant project is funded by The County of Lancaster, DCNR, and Marietta Borough.
- k. Approved a time extension for the Bridle Path Homeowners Association to install a small play area with equipment they purchased from their Homeowners Association funds. This is replacement equipment for damaged and aged equipment they removed because of liability. This area is the responsibility of the Homeowners Association of Bridle Path. Time Extension will expire on June 30, 2009.
- l. Approved authorizing the preparation and advertisement of bid packets for Phase II of the WRP project at Riverfront Park.
- m. Approved applying for DCNR funding for lights at the R&J Field.
- n. Approved a change from Embarq to Comcast for the East Donegal Township Buildings (including the Fire Department's) land phone service.

**ANNOUNCEMENT:**

Mr. Murphy wanted to publicly express the kindness and immediate attention that was received from the Northwest EMS, The Maytown-East Donegal Township Fire Department and the Susquehanna Regional Police Department during his families time of need.

Members of the Board of Supervisors, Township Manager and Assistant Manager, will be attending the PSATS Convention April 19 thru April 22. The Road Department will be attending some of the seminars that will be offered.

The Board's next regular meeting will be held on Thursday, May 7, 2009 at 8:00 P.M. in the Township

Municipal Building.

**Police Report:** For the month of March 2009 there were 322 Incidents for Susquehanna Regional Police Department. Conoy 56, East Donegal 153 and Marietta 113.

**Zoning Officers Report:** For the month of March 2009 Permit #Z-009017 thru Permit #Z-009038 were issued. The amount submitted by Nancy Lenge, Zoning Officer for this month was \$8,737.00.

**Northwest Emergency Medical Services, Inc.:** For the month of February; 39 calls were answered in this Township. Total coverage of our area has been 67 calls to date for this year.

**Rheems Fire Department:** None received.

**Fire Department Mount Joy:** For the month of April there were 8 First Due calls and 1 Mutual Aid call was answered.

**East Donegal Township Park Commission:** Minutes for the month of March were received and distributed to the Board of Supervisors.

**Adjourn:** A motion was made by John Murphy and seconded by Dennis Drager to adjourn at 8:45 PM.

Respectfully Submitted

Barbara A. Stoner  
Secretary

**ANNOUNCEMENT:**

The Board of Supervisors held an Executive Session on March 19, 2009 at 4:15 PM. Session was held at 190 Rock Point Road, Marietta, PA 17547. Present were Allen D. Esbenshade; Chairman, Dennis J. Drager; Vice Chairman, and John E. Murphy, Jr.; Member. Also present were Jeffrey L. Butler; Manager, and Barbara A. Stoner; Assistant Manager. Discussion was held on the possibility of land purchase. The session ended at 5:20 PM.

The next regularly scheduled meeting of the Board of Supervisors will be on Thursday, April 2, 2009 at 8:00 PM. in the Township Municipal Building.