

**The Board's Minutes of the East Donegal Township Board of Supervisors
Held on February 4, 2010**

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, February 4, 2010 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 D. Esbenshade; Chairman of the Board.

Mr. Esbenshade led with a Prayer and Pledge to the Flag.

Roll call of Supervisors: Present were Allen D. Esbenshade; Chairman, Dennis J. Drager; Vice Chairman, and John E. Murphy Jr.; Member. Also present were Jeffrey L. Butler; Township Manager and Barbara A. Stoner; Assistant Manager, Secretary and Treasurer to the Board.

Public attendance is attached.

An opportunity was given for the public to make comments on items not on the agenda.

Discussion was limited to three minutes. None was heard.

An opportunity was given for the public to make comments on specific items on the agenda.

Discussion was limited to three minutes. None was heard.

A motion was made by Dennis J. Drager and seconded by John E. Murphy to approve the Minutes for January 7, 2010. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; abstain, and Mr. Drager; yes. Motion carried.

A motion was made by Dennis J. Drager and seconded by John E. Murphy to approve the Treasurer's Reports as presented for the Municipality and the Fire Department. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

No account balance sheets were available at this time.

Public Hearing - Proposed Amendment to the East Donegal Township Code of Ordinances (Chapter 27- Zoning) filed by the Donegal School District

Proposed Ordinance #2010-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST DONEGAL, CHAPTER 27 (ZONING), PART 5 BY ADDING PUBLIC AND PRIVATE SCHOOLS LOCATED WITHIN THE URBAN GROWTH BOUNDARY AS PERMITTED USES IN THE AGRICULTURAL ZONING DISTRICT.

Amy L. Swartz; Business Manager of the Donegal School District was present and stated the School District is requesting a text amendment to the Township Zoning Ordinance. Currently the property where the new high school is to be built is in the Agricultural zoning district. The current zoning requirements limit schools in the Agricultural district to 15 acres or less in area. Ms. Swartz stated obviously a public high school requires more acreage than that. Ms. Swartz stated the school is requesting a text amendment that

would allow schools as a use by right in the Agricultural Area if the school is to be located within a designated Urban Growth Area (UGA). In addition, any school proposed within the Agricultural District, which is also within an UGA, would not be subject to the 15 acre limitation in area.

Mr. Butler stated, it should be noted that the text amendment, although it changes the Ordinance, only affects two properties within the Township, both of which are controlled by the Donegal School District. One of which is already improved with school facilities. The text amendment as stated would make it a use by right in the Agricultural within that Urban Growth Boundary. It would not affect any schools being located within the Agricultural District outside the Urban Growth Boundaries. They would be subject to the same restrictions they are today. The proposed text amendment was reviewed by the Township Planning Commission this evening. The Commission recommended the amendment be adopted by the Board of Supervisors.

The Lancaster County Planning Commission reviewed the proposed Text Amendment on January 11, 2010. Their letter of review was received and is dated January 12, 2010.

Mr. Murphy asked Mr. Butler if Urban Growth Areas are fluid and how this text change may affect the UGA. Mr. Butler answered that the change this evening will not affect the UGA because this property is pretty much dedicated to educational facilities. Mr. Butler stated East Donegal Township has started a Comprehensive Plan update for the Donegal Region in cooperation with Mount Joy Borough, Marietta Borough and the School District. Through that process the question of where the UGA boundary goes and what changes to the zoning district designations will be addressed.

Mr. Esbenshade asked if there was any further testimony to be heard. None was heard.

A motion was made by Dennis J. Drager and seconded by John E. Murphy to close the hearing. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

- a. The Board of Supervisors approved the adoption of Ordinance #2010-2 amending the East Donegal Township Code of Ordinances by a motion made by John E. Murphy and seconded by Dennis J. Drager. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

Consent Calendar:

A motion was made by John E. Murphy and seconded by Dennis J. Drager to approve items b,c,d,e,f,g,h,i, and j on the consent calendar. Discussion and clarification was held on several items. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes. Motion carried.

- b. Approved the appointment of Stephen Mohr as the Animal Control Officer of East Donegal Township at the rate of \$20.00 per hour.

- c. Approved the request of Nate Gulya, Director of Youth Ministry for The Catholic Parish of Mary Mother Of The Church, to hold a 5K run and walk to be held on Saturday, May 22nd, from 9:00 am to 11:00 am. The Route is as follows:

Depart Mary Mother of the Church's campus
Turn right on to Jane Avenue
Turn right on to Sharon Avenue
Turn left on to Union School Road
Turn Right on to Gibble Road
Turn right on to Musser Road
Turn right on to Donegal Springs Road
Turn right on to Angle and return to Mary Mother of the Church

The families and spectators will be urged to stay on the Church's campus during the race. There is potential to have 100 to 250 runners. The event is to support our Parish's Youth Ministry to attend the World Youth Day in Madrid Spain.

A letter was sent to Mr. Gulya directing him to contact the Volunteer Fire Department and the Police Department directly.

- d. Approved the following Plan Document Amendment #10-000 as recommended by our Health Insurance Provider. The Plan Document Amendment is based on Michelle's Law, Act 189-Dependent Age Extension, Mental Health Parity, and the Autism Act. The necessary amendment of the plan is as follows:

To be Effective January 1, 2010 the Normal Pregnancy provision under Maternity Services of the Description of Qualifying Expenses section of the Plan Document is replaced with the following language to describe the Mothers and Newborns Health Protection Act as follows:

Benefit Descriptions Maternity Services Hospital services and medical/surgical services rendered by a Provider for: Normal Pregnancy "The Newborns' and Mothers' Health Protection Act of 1996" requires group health plans, insurance companies, and HMO's that cover hospital stays following childbirth to provide coverage for a minimum period of time. In general, hospital coverage for the mother and newborn must be provided for a minimum of 48 hours following normal delivery, or 96 hours following a cesarean section. Group health plans may not restrict benefits for a hospital stay in connection with childbirth for the mother or newborn to less than 48 hours following delivery, and less than 96 hours following a caesarean section, unless the attending provider, after consultation with the mother, discharges the newborn earlier. A group health plan cannot require that a provider obtain authorization from the plan or third party administrator for a length of stay not in excess of these periods, but precertification may be required to reduce out-of-pockets costs or to use a certain provider or facility. Also, under federal law, issuers may not set the level of benefits or out-of-pocket costs so that any later portion of the 48-hour (or 96-hour) stay is treated in a manner less favorable to the mother or newborn than any earlier portion of the stay.

The Plan provides coverage in compliance with The Newborns' and Mothers' Health Protection Act.

- e. Consider the request of Robin L. Smith to modify the parking requirements for the property located at 161 South River Street to permit the parking area to remain stone in lieu of asphalt and permit the use of one bumper guard in areas of the parking lot in which there are opposing parking spaces.
- f. Approved the execution and filing of the LED Traffic Signal Project Application for participation in the 2010 LED Traffic Signal Conversion Program for Lancaster County Municipalities. The Program will assist in funding the conversion of the remaining traffic signals within East Donegal Township to LED signals at a cost to the Township of \$4,317.00. A formal County-Municipal Agreement will be provided by the County following receipt of this Application.
- g. Approved the hiring of Jacob L. Bair to the full-time position of Crew Member within the Public Works Department at a rate of \$13.50 per hour.
- h. Approved the appointment of Terry Kauffman; Authority Manager for Mount Joy Borough Authority, as the municipal representative from the Donegal School District to serve on the Lancaster Co. Tax Collection Bureau Board.
- i. Approved authorizing Township staff to prepare and advertise bid documents for the installation of a tennis court, and associated improvements, at Bridle Path Park.
- j. Approved the Improvement Guarantee Reduction #7 for Castleton Phase 1. Current Account Balance is \$789,029.97. The amount of the reduction approved by Scott Hain of DM/A Planning Group is \$151,645.22. After this consideration the remaining balance is \$637,384.75.

Police Report: For the month of December 2009. The Susquehanna Regional Police Department responded to 248 incidents. 38 in Conoy Township, 134 in East Donegal Township, 76 in Marietta Borough.

Zoning Officers Report: For the month of January 2010 Permit# Z 010001 thru Permit 010005 were issued. The amount submitted by Nancy Lengle, Zoning Officer was \$1,360.00.

Maytown/East Donegal Township Fire Department: No report given at this time.

Northwest Emergency Medical Services, Inc.: The ambulance and MICU activity for December has been 10 calls. Their coverage of our area has been 91 calls to date.

Fire Department Mount Joy: For the month of January the Department responded to one first due call and 4 mutual aid calls in East Donegal Township.

Rheems Fire Department: No report given at this time.

Mr. Esbenshade asked if there was any other business to be brought before the Board.

There being no further business to come before the Board a motion was made by John E. Murphy and seconded by Dennis J. Drager to adjourn at 8:30PM.

Respectfully Submitted

Barbara A. Stoner
Secretary

Announcement:

Mr. Butler announced the Township was approached by the U.S. Census Bureau to offer a room from 9AM to 12 Noon 5 days a week so one of their employees could be present if anyone wanted to come in and ask questions or have help on filling out their census form. The Board of Supervisors said this would be a good idea.

The next regular meeting of the Board of Supervisors will be held on Thursday, March 4, 2010 at 8:00 PM