

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on August 1, 2013

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, August 1, 2013 at 7:30 PM in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Supervisor Dennis Drager.

Roll call of Supervisors: Present were Dennis J Drager, Chairman; Allen D. Esbenshade, Vice Chairman; John Murphy, Member.

Public attendance is attached.

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

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

Ms. Debra M. Rosser-Hogben was present to discuss the programs currently taking place at the Milanof-Schock Library. She reported that over the summer the library has been averaging 417 visitors per day.

The Board approved the minutes for July 2, 2013 by a motion made by Mr. Murphy and seconded by Mr. Esbenshade. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, Mr. Drager; yes. Motion carried.

A motion was made by Mr. Esbenshade and seconded by Mr. Murphy to approve the Treasurer's Reports for the Township and Maytown East Donegal Township Fire Department and approve the payment of all bills. Discussion none. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Drager; yes.

Chairman Drager acknowledged the receipt of the Balance Sheets with a printed date of July 16, 2013 for all Township Funds which were provided to each Supervisor.

Consent Calendar:

Chairman Drager called for comments on items on the Consent Calendar.

Mr. Murphy questioned the wording of the requirement for subdivision plan applicants to provide written acceptance of any conditions imposed by the Board of Supervisors on a form provided by the Township. Mr. Butler explained that the Township has developed a standardized form that is provided to the applicants for completion and signature.

Mr. Gary Grossman, applicant for the Preliminary Subdivision Plan for Rt. 441, LP, stated that he wanted to publicly acknowledge that the land that is subject to the plan application was purchased from Supervisor Drager's parent's estate in 2006. Both Mr. Grossman and Mr. Drager stated that Mr. Drager has, nor had, any financial interest in the property or the proposed development.

A motion was made by Mr. Murphy and seconded by Mr. Esbenshade to approve the following Consent Calendar items, "A" through "K". Vote: Mr. Murphy; yes, Mr. Esbenshade; yes and Mr. Drager; yes, while abstaining from voting on items "F" and "G". Motion carried.

- A. Approved the Improvement Guarantee release for the Donegal High School Final Land Development Plan. Current Account Balance is \$354,199.00. The amount of the reduction recommended by the Township Engineer is \$172,983.50. The remaining balance of \$181,215.50 secures the completion of items indicated in the July 19, 2013 letter from David Miller/Associates, Inc.
- B. Approved the Improvement Guarantee release for Cross Roads Brethren in Christ Church Stormwater Management Plan. Current Account Balance is \$111,322.00. The amount of the reduction recommended by the Township Engineer is \$42,691.00. The remaining balance of \$68,631.00 secures the completion of items indicated in the July 19, 2013 letter from David Miller/Associates, Inc.
- C. Approved the request of Robert Yahara for relief from the Township refuse and recycling collection program for property owned at 882 Drager Road as long as the property remains vacant and unimproved. The residential dwelling unit has been removed from the property and the lot is currently vacant and unimproved.
- D. Adopted Ordinance 2013-1 authorizing the execution of an Agreement among participating municipalities creating the Northwest Lancaster County River Trail Advisory Committee and providing for the membership and functions, powers and responsibilities of the Committee.
- E. Appointed Supervisor Esbenshade and Keith Heigel as members of the Northwest Lancaster County River Trail Advisory Committee.
- F. Approved the Preliminary Subdivision Plan for Rt. 441, LP, prepared by Steckbeck Engineering & Surveying, Inc., dated September 20, 2012, last revised July 12, 2013.

The approval of the Preliminary Subdivision Plan is subject to the following conditions (all references are to the Code of Ordinances of East Donegal Township, unless noted otherwise):

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated July 19, 2013.

A copy of the PennDOT Highway Occupancy Permit plans depicting frontage improvements for the entire property frontage shall be submitted to the Township for review and comment prior to the Applicant submitting such plans to PennDOT. Plan Note #8 should be revised to read "Improvements within the River Road (S.R. 441) Right-of-way, as depicted on this plan, shall be consistent with the PennDOT Highway Occupancy Permit plans prepared as part of this preliminary plan application."

A plan note should be added to the General Notes listed on the Plan Coversheet stating "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. Access to state highway shall only be as authorized by

an Occupancy Permit. The approval of this plan shall no way imply that a state Highway Occupancy Permit can be acquired or that East Donegal Township will support, encourage, or not oppose the granting of such a Permit. It is possible that access to the property from a state highway might not be permitted by the Commonwealth, and the property therefore could not be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly. East Donegal Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a Permit by the Pennsylvania Department of Transportation.” (PA Municipalities Planning Code)

The Applicant’s written acceptance of the conditions within thirty (30) days from receipt of written notice of plan approval by the Township Board of Supervisors, on a form provided by the Township. If the conditions are not accepted, the approval by the Board of Supervisors will be revoked, and the application will be denied for the reasons listed as conditions of approval of the Plan and ordinance modifications.

- G. Approved the Final Subdivision and Land Development Plan for Marietta DDP VII, LLC, prepared by Steckbeck Engineering & Surveying, Inc., dated October 18, 2012, last revised July 12, 2013 , and grant the following modifications to Township requirements:

Modification to Chapter 22, Part 6, Section 605.1.B. and 605.1.E. –Internal Curb – To allow the curb within the site be constructed as designed and in the locations depicted on the plan.

Modification to Chapter 22, Part 4, Section 403.1. - Plan Scale- To permit the preparation of the plan at a scale of 1 inch=60 feet.

Modification to Chapter 22, Part 6, Section 606. – Sanitary Sewer - To permit the installation of sanitary sewer facilities to the extent depicted on the plan.

Modification to Chapter 22, Part 6, Section 607. – Water - To permit the installation of water facilities to the extent depicted on the plan.

Modification to Chapter 22, Part 6, Section 604. – Roadway Improvements - To permit the installation of roadway improvements along Route 441 and the installation of the proposed access drive to the extent depicted on the plan.

The approval of the Final Subdivision and Land Development Plan and the granting of ordinance modifications are subject to the following conditions (all references are to the Code of Ordinances of East Donegal Township, unless noted otherwise):

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated July 22, 2013.

All conditions imposed on the approval of the Preliminary Subdivision Plan for Rt. 441, LP shall be satisfied prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 303.2.)

All required roadway improvements (Route 441 and internal access drive) granted modification with this plan approval shall be depicted and completed with the next final plan application involving the residual lands. (Chapter 22, Part 5, Section 503. and Chapter 22, Part 6, Section 604.)

All required public sewer and public water improvements (to extent of development) granted modification with this plan approval shall be depicted and completed with the next final plan application involving the residual lands. (Chapter 22, Part 6, Section 606. and Chapter 22, Part 6, Section 607.)

All plan certificates shall be completed and appropriate seals affixed prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.3.F.)

All plan certificates shall be completed and appropriate seals affixed prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.3.F.)

Assurance of public sewer availability and capacity must be provided prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.3.J.)

All documents containing the restrictions and/or covenants associated with the Temporary Access Easement and the Stormwater Management Access and Maintenance Easement depicted on the plan shall be submitted for review and approval by the Township Solicitor prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.3.D. and Section 403.3.E.)

Plan Sheet C4.0 of 24 should be added as a sheet to be recorded. This plan sheet provides the depiction and description of the Stormwater Management Access and Maintenance Easement.

The approval letters for the Erosion and Sedimentation Control Plan and/or the NPDES requirements shall be submitted to the Township prior to submission of mylars for signature. (Chapter 22, Part 4, Section 403.3.I.)

Design approvals by the water and sewer authorities shall be submitted to the Township prior to submission of mylars for signature. (Chapter 22, Part 4, Section 403.3.J.)

A copy of the PennDOT Highway Occupancy Permit plans shall be submitted to the Township for review and comment prior to the Applicant submitting such plans to PennDOT. The Applicant shall provide evidence of receipt of Highway Occupancy Permits prior to issuance of building permits for the improvements depicted on the Final Subdivision and Land Development Plan. In addition, a plan note should be added to the General Notes listed on the Plan Coversheet stating "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. Access to state highway shall only be as authorized by an Occupancy Permit. The approval of this plan shall no way imply that a state Highway Occupancy Permit can be acquired or that East Donegal Township will support, encourage, or not oppose the granting of such a Permit. It is possible that access to the property from a state highway

might not be permitted by the Commonwealth, and the property therefore could not be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly. East Donegal Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a Permit by the Pennsylvania Department of Transportation.” (PA Municipalities Planning Code)

The applicant shall provide an estimate of the cost of completion of the required improvements, prepared by a professional engineer licensed as such in this Commonwealth, for review and recommendation by the Township Engineer. (Chapter 22, Part 3, Section 303.8.G.)

The Applicant shall post Financial Security in the amount of 110% of the cost of completion estimated, reviewed and recommended by the Township Engineer, in a form acceptable to the Township prior to submission of mylars for signature. (Chapter 22, Part 3, Section 303.8.)

The Applicant’s written acceptance of the conditions within thirty (30) days from receipt of written notice of plan approval by the Township Board of Supervisors, on a form provided by the Township. If the conditions are not accepted, the approval by the Board of Supervisors will be revoked, and the application will be denied for the reasons listed as conditions of approval of the Plan and ordinance modifications.

- H. Awarded the contract for paving of a segment of Coffee Goss Road to Craig Adams, Inc. in the amount of \$36,803.22 based on the bid results as listed below. Bids were opened in a public meeting held August 1, 2013 at 9:00 AM at the Township Building.

<u>BIDDER</u>	<u>TOTAL BID</u>
Craig Adams, Inc.	\$36,803.22
Pennsy Supply, Inc.	\$37,470.05
Handwerk Site Contractors	\$41,347.00

- I. Approved the Final Subdivision and Land Development Plan for CLL Properties, prepared by Diehm & Sons, dated May 10, 2013, last revised June 13, 2013, , and grant the following modifications to Township requirements:

Modification to Chapter 22, Part 3, Section 302. - Preliminary Plan Processing – To waive the required filing of a preliminary plan application.

Modification to Chapter 22, Part 4, Section 403.1. – Plan Scale – To waive the required plan scale and permit a scale of 1”=30’.

Modification to Chapter 22, Part 5, Section 503.1.I. – Road Improvements- To waive improvements to perimeter streets.

The approval of the Final Subdivision and Land Development Plan and the granting of ordinance modifications are subject to the following conditions (all references are to the Code of Ordinances of East Donegal Township, unless noted otherwise):

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated June 17, 2013.

All plan certificates shall be completed and appropriate seals affixed prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.3.F.)

Payment of outstanding balance of plan review fees prior to submission of mylars for Township signature. (Chapter 22, Part 4, Section 403.4.)

The payment of a Park and Recreation Fee in Lieu of Park and Recreation Land Dedication in the amount of \$3,760.00 must be received prior to the issuance of any permits for any proposed improvements.

The applicant shall provide written notification from West Donegal Township indicating compliance with the requirements of West Donegal Township.

The applicant shall enter into a Road Improvements Deferment Agreement with the Township regarding the roadway improvements required by Chapter 22, Part 5, Section 503.1.I. of the East Donegal Township Code of Ordinances.

The applicant shall provide an estimate of the cost of completion of the required improvements, prepared by a professional engineer licensed as such in this Commonwealth, for review and recommendation by the Township Engineer. (Chapter 22, Part 3, Section 303.8.G.)

The Applicant shall post Financial Security in the amount of 110% of the cost of completion estimated, reviewed and recommended by the Township Engineer, in a form acceptable to the Township prior to submission of mylars for signature. (Chapter 22, Part 3, Section 303.8.)

The Applicant's written acceptance of the conditions within thirty (30) days from receipt of written notice of plan approval by the Township Board of Supervisors, on a form provided by the Township. If the conditions are not accepted, the approval by the Board of Supervisors will be revoked, and the application will be denied for the reasons listed as conditions of approval of the Plan and ordinance modifications.

J. Adopted Resolution 2013-6, Resolution For Plan Revision For New Land Development for CLL Properties.

K. Approved the appointment of Dale E. Ressler, 2548 River Road, Bainbridge, PA to the Donegal-Elizabethtown Area Appeals Board.

Liaison Assignment Reports –

A. Administration/Personnel - Supervisor Esbenshade - NONE

B. Finance - Supervisor Murphy - NONE

- C. Parks and Recreation - Supervisor Esbenshade – NONE.
- D. Planning and Development - Supervisor Drager - NONE
- E. Public Safety - Supervisor Murphy – The Susquehanna Regional Police Commission has been continuing to negotiate a new contract with the Police Union.
- F. Public Works - Supervisor Drager – The roads scheduled to receive an oil and chip surface has been completed. Line painting on those roadways will be completed within a few days.

Other Business:

The following announcements were made:

The Board of Supervisors was invited to a meeting with State Senator Brubaker, August 8th, 7:30 AM - 9:00 AM at Mount Joy Borough Office. Supervisors Esbenshade and Murphy indicated that they would plan to attend.

PA Department of Health will provide free potassium iodide tablets on Thursday, August 8th, to people who live, work or attend school within a 10-mile radius of one the state's five nuclear plants (Includes Three Mile Island Nuclear Plant)

Tuesday, August 6th, Exelon Corporation (Three Mile Island) will be performing the acoustical testing required to validate the new Peach Bottom siren system. This testing consists of up to six full siren soundings in one day. The testing will occur at 8:00 AM, 9:30 AM, 11:00 AM, 1:30 PM, and 2:30 PM. There will be an additional test at 4:00 PM if needed.

The Board of Supervisors was invited to attend the Opening Ceremony of the Elizabethtown Fair on Monday, August 19th. Board members are not required to notify Fair officials prior to attending the August 19th event.

The next Coffee and Conversation with the Township Manager is the 4th Tuesday of the month, August 27th at 7:30 AM. Ms. Rosser-Hogben suggested that a future Coffee and Conversation be held at the Milanof-Schock Library.

Zoning Officer's report: For the month of July 2013, Permit #Z-013078 through Permit #Z-013098 was issued for a total value of \$7,599,321.00. Total Zoning Fees collected equaled \$31,548.00.

Roadmaster's Report: The July 2013 Report was received.

Northwest Emergency Medical Services Report: For July 2013 Northwest EMS responded to 56 calls in East Donegal Township. Through the end of July, Northwest EMS has responded to 346 calls in East Donegal Township in 2013.

Fire Department Mount Joy Report: For the month of July 2013, the Fire Department responded to 5 first due and 4 Mutual Aid calls in East Donegal Township.

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

Rheems Fire Department: No report was given at this time.

The next regular meeting of the Board of Supervisors will be held on Thursday, September 5, 2013 at 7:30 PM.

Adjourn: A motion was made by Mr. Murphy and seconded by Mr. Esbenshade to adjourn at 8:00 PM.

Respectfully Submitted,
Jeffrey L. Butler, Township Secretary