

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on September 4, 2014

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, September 4, 2014 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 J. Drager.

Supervisor Murphy led with a Prayer and Pledge to the Flag.

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

Conditional Use Hearing – Application of CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

Attorney James Strong, representing the applicant, presented background information regarding the application of Cellco Partnership for the construction of a 150' tall commercial telecommunications tower on property located at 444 Musser Road, Mount Joy. The property is owned by Gerald M. and Regina K. Musser and is located within the Agricultural zoning district. Mr. Strong indicated that the proposed project has been before the Township Planning Commission and received its recommendation for approval.

Mr. Strong presented the Board and recording court stenographer with the exhibits to be used in the applicant's application presentation. The following applicant witnesses providing testimony were sworn in: Debra Baker, Eric Brinser, Joe Ruiz and Bruce Stegman.

Debra Baker, Site Acquisition Representative, provided testimony regarding the description of the site and how the proposed site was selected. She explained Applicant's Exhibit A: Agreement with Property Owner, and Applicant's Exhibit B: Site Plan Improvements.

There will be one ancillary uses or business sign on the site. There will be an emergency contact sign on the equipment shelter indicating the name of the site and a contact telephone number.

Ms. Baker indicated that expansion to accommodate additional users is possible. Other users are always looking to utilize existing facilities in lieu of building new. She indicated that the infrastructure (tower and shelter) may be shared but not the equipment due to differences in technology used. Additional users may necessitate the expansion of the fenced area of the site.

Ms. Baker indicated there would be no noise, glare, dust, odor, vibration, electrical disturbance or objectionable impact beyond the property line. She indicated that the Township and equipment shelter would be removed if no longer used. She indicated that the application

complies with the general standards contained in Section 1208.5. of the Township Zoning Ordinance.

Eric Brinser, Rettew Associates, Inc., presented testimony regarding proposed setbacks and compliance with zoning requirements, as well as screening and site access and parking.

Joe Ruiz, provided his educational and work experience related to siting telecommunication facilities.

Mr. Ruiz explained the findings of applicant's Exhibit A3 regarding the proposed tower's ability to meet the need of providing improved service for Verizon customers in this area of the Township. Mr. Ruiz presented maps indicating existing telecommunication towers in a larger area and areas of unreliable service, before and after the construction of the proposed tower. He stated that the proposed tower would permit an off-load of capacity on an existing tower in Mount Joy that is needed to improve service throughout the area.

Mr. Ruiz discussed applicant Exhibit A4. He indicated that the FCC license is not site specific but represents a geographic area.

Mr. Ruiz presented the findings of applicant Exhibit A5. The electromagnetic emissions, under the worst case scenario, would be less than the emissions limit of the FCC. He also presented Exhibit A6 indicating the lack of interference resulting from the proposed tower.

Mr. Ruiz discussed applicant Exhibit A7. He stated that the FAA has determined that the tower does not create an obstruction for aircraft and that lighting at the top of the tower is not needed. In discussing applicant Exhibit A8, Mr. Ruiz indicated that the PA Bureau of Aviation had a similar finding. Mr. Ruiz discussed Exhibit A9 indicating that the proposed tower complies with the Township's overlay zoning district associated with the Donegal Springs Airpark.

Bruce Stegman, Stegman Engineering, provided his educational and work experience related to the design and construction of wireless telecommunication facilities. Mr. Stegman addressed the design and construction of the proposed 150 foot tall monopole tower. He stated that the tower will be constructed to the Telecommunication Industry Association/Electronics Industry Association (TIA/EIA) 222 standards, also known as ANSI-222.

He stated that the tower would be constructed of galvanized steel, weathered to a dark grey color, and will be 150 feet in height with a 5' tall lightning rod on top. The tower will be designed to flex in the middle should failure occur, and fall within a 95' radius of the base. The monopole to tapered from bottom to top and is constructed by slipping one section over the one below.

In response to a question for the audience, Mr. Stegman and Mr. Strong addressed the potential of camouflaging the structure to make it less noticeable. The lack of surrounding structures and high vegetation make hiding the structure difficult.

Mr. Strong requested that all the applicant exhibits be entered into the record. He also stated that it's the applicant's position that the testimony and supporting information provided indicates compliance with the Township's requirements and that the conditional use application should be granted approval.

Mr. Drager opened the hearing to questions from the audience. None were heard.

A motion of Mr. Murphy to close the hearing was seconded by Mr. Esbenshade. Vote: Mr. Esbenshade, yes; Mr. Murphy, yes; Mr. Drager, yes. Motion passed.

A motion of Mr. Esbenshade to accept the applicant's exhibits and grant the conditional use requested by Cellco Partnership subject to compliance with the application and testimony was seconded by Mr. Murphy. Vote: Mr. Esbenshade, yes; Mr. Murphy, yes; Mr. Drager, yes. Motion passed.

The Board approved the minutes for August 7, 2014, by a motion made by Mr. Esbenshade and seconded by Mr. Murphy. 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.

Mr. Drager acknowledged the receipt of the Balance Sheets for all Township Funds which were mailed to each Supervisor dated August 28, 2014.

Linda Good, Donegal Springs Road, was present to inquire about the status of the placement of the school bell from Maytown Elementary School in Fuhrman Park. The Board informed Ms. Good that the public works crew was schedule to start work on the project the week of September 8th, dependent on favorable weather.

Michael Fritz, Long Lane, informed the Board of his observation that there has been an increase in truck traffic using Long Lane, between Route 772 and Route 23. He suggested the placement of a local truck traffic only sign. The Board indicated that they will have the Susquehanna Regional Police Department look into the increase in truck traffic in this area.

Joy Gladfelter Jones, 133 West High Street, was present to suggest that the Board explore utilizing the American Legion Building, adjacent to Legion Park, as a community or senior center. She stated that the location, adjacent to the park, allows for a wide range of community activities. She believes this is a service needed in the community. Mr. Murphy

expressed a concern regarding the cost of providing such a service and whether such services are already provide elsewhere. Mr. Esbensshade stated that he believes free enterprise does it better than government.

Sarah Gutshall was present to request the use of the Township building on the first Saturday in December, December 6th, by the American Legion Auxiliary to host Santa Claus. This annual event was usually held at the American Legion Building, but with the building being placed on the market for sale, the facility would not be available. Approximately 30 to 40 children attend the event. The Board agreed to allow the use of the building for the event.

Josh Denning, a Mount Joy Borough resident, was present to express his concern regarding the speed volunteer firemen travel through residential areas while responding to fire calls. Most do not have emergency lights or sirens. Mr. Murphy indicated he would into it and get back to Mr. Denning.

The Board considered the following items listed on the Consent Calendar. A motion was made by Mr. Murphy, and seconded by Mr. Esbensshade, to approve the following Consent Calendar items. Vote: Mr. Murphy; yes, Mr. Esbensshade; yes, abstaining from voting on action regarding Donegal Insurance Group the owner of his employer Union Community Bank, and Mr. Drager; yes. Motion carried. Mr. Murphy abstained from voting

- A. Approved the request of Donegal Insurance Group for relief of the number of parking spaces, parking stall size and parking lot location for proposed office addition project.
- B. Approved the Improvement Guarantee reduction for CLL Properties, Final Subdivision Plan and release of Letter of Credit. Current Account Balance is \$23,138.12. The amount of the reduction recommended by the Township Engineer is \$17,353.59. The release of the Letter of Credit Improvement Guarantee is subject to the developer providing the Township with an alternate form of securities in the amount of \$5,784.53.
- C. Adopted Resolution 2014-5, Resolution For Plan Revision For New Land Development for Chimanlal Patel and Gomatiben Patel, 1210 River Road, Marietta PA 17547.
- D. Accepted proposal from CHL Associates Architecture dated August 19, 2014 for interior design services associated with the Township Building renovation/addition project in the amount of \$4,590.00.
- E. Accepted proposal from Flagstream Technologies, dated September 3, 2014, for purchase and installation of office telephone system in the amount of \$9,929.00.
- F. Approved the request from the Maytown Historical Society, dated August 13, 2014, for closure of West High Street from Center Square to King Street on Saturday, October 18, 2014 from 8:00 AM to 5:00 PM for the Society's German Festival and Haus Tour.

- G. Approved the Minimum Municipal Obligation to the Non-Uniform Pension Plan for the year 2015 in the amount of \$184,280.99.

Liaison Assignment Reports –

- A. Administration/Personnel - Supervisor Esbenshade - None
- B. Finance - Supervisor Murphy - None
- C. Parks and Recreation - It was indicated that the new field lights are installed, but not operational, at Fuhrman Park. In addition, the electrical issues with the Fuhrman Park pavilion and the flagpole at R&J Park are being resolved. The bathroom doors at the Fuhrman Park pavilion have been replaced. Mike Guinivan indicated he will be meeting with a contractor to look at replacing the poles supporting the batting cage at R&J Field.
- D. Planning and Development - Supervisor Drager - None
- E. Public Safety - Supervisor Murphy indicated that the budgeting process for the Susquehanna Regional Police Department will begin in October.
- F. Public Works - Supervisor Drager indicated that Jake Bair has left his employment with the Township. An advertisement of the opening will be placed in the newspaper.

Announcements/Reports:

Mr. Butler informed the Board about a meeting held at Marietta Borough to discuss issues associated with the intersection of Route 441 and Furnace Road. There have been a number of safety issues raised following the opening of the Northwest Lancaster County River Trail Bridge. The completion of the bridge has brought additional users of the trail and has increased vehicle traffic and vehicle/pedestrian conflicts.

It was agreed at the meeting that the three municipalities involved, East Donegal Township, Marietta Borough and West Hempfield Township, should contact PennDOT with suggested steps to address these safety concerns. The suggestions include the reduction in speed limit, elimination of parking along Route 441 and the elimination of the existing passing zone. Board members agreed with the suggested improvements and authorized Mr. Butler to work with the other municipalities in contacting PennDOT.

Mr. Butler circulated the proposed calendar for the preparation and adoption of the 2015 Township Budget. The first meeting would be held the week of October 20, 2014. The date and time will be finalized as the week approaches.

Mr. Butler provided the Board with an update of the project being undertaken jointly with Mount Joy Borough for the installation of pedestrian improvements along Route 772 from the Orchards development to the intersection with Koser Road. The Borough was the lead in a successful 2012 application to Lancaster County for funds under the County's Smart Transportation Grant Program.

PennDOT was aware of the Township's and Borough's interest in completing improvements within the corridor and attempted to time its paving project to coincide with municipal planning and funding. In an initial meeting with PennDOT in 2012 the municipalities were informed that PennDOT would take the lead in the project, permitting through construction. The municipalities were to provide PennDOT with plans for the municipal improvements so that those improvements could be bid with PennDOT's paving project. It was anticipated that the municipal improvements, curbing and sidewalk, would be address through a reimbursement agreement between the Township and PennDOT.

However, after multiple meetings with PennDOT and its consultants, the municipalities were informed that the Borough would have to be the project lead, (responsible for preparation of plans, environmental clearances, right-of-way clearances, utility clearances, permitting, bidding, construction management, projects inspection) for not only the municipal improvements, but also for the PennDOT paving portions of the project. PennDOT would then reimburse the municipalities for the paving cost of the existing roadway. This shift greatly increased cost to the municipalities, well beyond the funds awarded through the grant program.

Mr. Butler indicated that the increase in cost has made the project financially impractical for the Township. There have been numerous meetings with the Borough, PennDOT and staff from the Lancaster County Planning Commission in an attempt to reduce the financial impact on the municipalities or increase funding from other sources. To date, no additional funding is available. After general discussion regarding the cost of the project, the Board agreed that Mount Joy Borough should be notified that without additional funding sources, the Township can no longer participate in the project.

Mr. Butler indicated the findings of the PennDOT study of locations for prohibition of the use of engine brake retarders. Mr. Butler provided copies of the findings to the Board to consider at a future date. After the Board identifies the areas to be restricted, the enacting ordinance will be prepared and provided to PennDOT for review and approval prior to the Board considering adoption.

Zoning Officer's report: For the month of August 2014, Permit #Z-014200 through Permit #Z-014209 was issued for a total value of \$234,768.00. Total Zoning Fees collected equaled \$569.00.

Roadmaster's Report: The August 2014 Report was received.

Northwest Emergency Medical Services Report: For August 2014 Northwest EMS responded to 37 calls in East Donegal Township. For the calendar year 2014, Northwest EMS has responded to a total of 327 calls in East Donegal Township.

Fire Department Mount Joy Report: For the month of August 2014, the Fire Department responded to 4 first due 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.

A motion was made by Mr. Esbenshade and seconded by Mr. Murphy to adjourn at 9:15 PM.

Respectfully Submitted,
Jeffrey L. Butler, Township Secretary

The next regular meeting of the Board of Supervisors will be held on Thursday, October 2, 2014 at 7:30 PM