

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on December 6, 2018

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, December 6, 2018, at 7:00 PM in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Chairman John E. Murphy.

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

Roll call of Supervisors: Present were Chairman John E. Murphy, Vice-Chairman Allen D. Ebsenshade, Supervisor Tom Jones and Jeffrey Butler, Township Manager.

Ms. Barbara Basile, Director, Milanof-Schock Library, was present to announce that the library's story time program will be using the East Donegal Township Municipal Building in 2019. The program will be held the first Monday of each month starting at 10:30 AM. Ms. Basile highlighted the Library's activities held in 2018 and those proposed for 2019. She thanked the Board for the Township's continued support of the library.

Tania and Greg Cooper, 128 West High Street, were present to discuss issues associated with their neighbor and the unopened alley that separates the properties. They presented the Board with information compiled by the Cooper's attorney regarding the potential of the Township taking ownership of an alleyway next to their property. The unimproved alley extends from West High Street to Apple Street. The Coopers explained the issues with the property owner on the opposite side of the alleyway and provided pictures of the neighbor's property. They have contacted the Police Department a number of times regarding the neighbor, but have found that the police are unable to cite the neighbor for any violations. The Cooper's stated that they believe some of those issues may be addressed if the Township took ownership of the alley.

Mr. John Tome, a neighbor on the opposite side of West High Street also expressed concern with the conduct of the Cooper's neighbor.

After some general discussion, Mr. Creme, Township Solicitor, indicated that some of the issues may require civil enforcement by the Coopers. He also indicated that he will review the information provided regarding the unopened alley.

Mr. Creme explained that the Board would be conducting a hearing to consider the conditional use application filed by Levi F. Stoltzfus for a Private School use that would allow for the construction and operation of a private Amish school serving grades 1 through 8 on property owned by Eli Fisher, and located at 727 Kraybill Church Road. He provided the Board and those

in attendance with the general format for the public hearing on the application. He also indicated that a stenographic record of the hearing was being made.

In response to Mr. Creme's inquiry regarding those seeking party status to the hearing, no one indicated an interest. Mr. Creme indicated that the Township Zoning Officer has provided an affidavit stating that the hearing on the application, and the posting of the property, was done in compliance with the requirements of the Pennsylvania Municipalities Planning Code. In addition, the application was reviewed, and recommended for approval, by the Township Planning Commission.

Mr. Todd Smeigh, representing the applicant, presented a site plan indicating the location of the proposed school along Kraybill Church Road, the size of the area to be leased for the school, the size of the school building and small accessory building and the surrounding land uses. The school will be known as the Scenic Ridge Amish Parochial School.

Mr. Smeigh stated that the school will be brick construction. No utilities will service the site. On-lot privies will be used for sanitary sewage disposal. The site will be accessed by using the existing gravel farm driveway. Students will arrive via a school bus and dropped off at the end of the driveway. A fence will surround the lease area, however no other landscaping features are proposed.

There was general discussion regarding where the students would exit and enter the school bus. It was indicated that the Township Ordinance requires that the drop-off and pick-up areas be located so that passengers do not have to cross traffic lanes. Based on the direction the bus may be traveling, there may be a lane of traffic between the bus and the driveway to the school.

It was indicated that bus transportation would be provided by the Donegal School District. The applicant stated that the issue will be discussed with the District. If the ordinance requirement regarding drop-off and pick-up areas cannot be met, the applicant would return to the Township Zoning Hearing Board to seek relief from the requirement.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to close the public hearing on the conditional use application and accept the applicant's exhibits into the record of the hearing. Discussion: None. Vote: Mr. Esbenshade, yes; Mr. Jones, yes; and Mr. Murphy, yes.

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the Applicant's request for conditional use approval to permit the proposed use of the Property for a Private School, conditioned on the following:

Applicant is bound by the testimony and evidence presented by the hearing.

Applicant shall obtain all necessary permits and approvals as required by applicable

ordinances and regulations of the Township as well as Commonwealth and Federal agencies including but not limited to compliance with the building code.

Applicant will comply with all conditions which may be imposed for the use as a result of the Property being enrolled under the Clean and Green Act.

Once the School is no longer used for school purposes and such use is abandoned, the Property must be returned to an agricultural use.

No other uses beyond a Private School and related activities may be conducted in the school building or on the school campus.

Applicant shall request that the public school district providing student transportation comply with Section 935.E. of the Township Zoning Ordinance so that drop-offs and pick-ups be provided and arranged so that students do not have to cross any lanes of travel on Kraybill Church Road or failing compliance by the school district with this requirement Applicant shall return to the Township with an application to the Zoning Hearing Board for consideration of a variance for this specific criterion of the conditional use.

Discussion: None. Vote: Mr. Esbenshade, yes; Mr. Jones, yes; and Mr. Murphy, yes.

The Board approved the minutes for the November 1, 2018 regular meeting of the Board of Supervisors by a motion made by Mr. Jones and seconded by Mr. Murphy. Discussion: None. Vote: Mr. Murphy; yes; and Mr. Jones; yes; Mr. Esbenshade did not attend the November 1, 2018 meeting and abstained from the vote. Motion carried.

A motion was made by Mr. Jones and seconded by Mr. Esbenshade to approve the Treasurer's Reports for the Township and approve the payment of Township bills. Discussion none. Vote: Mr. Jones, yes, abstaining from the vote on check #050592 payable to himself; Mr. Esbenshade, yes, abstaining from the vote on check #050550 payable to himself; and Mr. Murphy, yes, abstaining from the vote on check #050597 payable to Union Community Bank and abstaining from the vote on check #050579 payable to himself. Motion carried.

Mr. Murphy acknowledged the Board's receipt of the Balance Sheets for the period ending October 31, 2018 for all Township Funds.

Old Business.

Request for Reduction – Nadu Construction, 1781 River Road Stormwater Management Plan

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the release of financial securities posted for the 1781 River Road Stormwater Management Plan in the amount of \$8,533.15, as recommended in the letter from David Miller/Associates, Inc., dated November 19, 2018.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshde, yes; and Mr. Murphy, yes.

Resolution #2018- 9 adopting the 2019 Fiscal Budget and Establishing the Real Estate Tax Millage Rate for the Fiscal Year 2019.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to adopt Resolution 2018-9 approving the 2019 Fiscal Budget and establishing the 2019 tax rate of 3.1165 mills.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshde, yes; and Mr. Murphy, yes.

New Business.

Final Land Development Plan for Blue Note Motor Inn

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve the Final Land Development Plan for Blue Note Motor Inn, prepared by D.C. Gohn Associates, Inc., dated January 26, 2018, last revised November 1, 2018, and grant the following modifications to Township requirements:

Modification to Chapter 22, Part 3, Section 302. –To waive required preliminary plan submission.

Modification to Chapter 22, Part 4, Section 403.1. –To permit the plan to be prepared at a scale of 1"=30'.

Modification to Chapter 22, Part 5, Section 503.1., Part 6, Section 605.1.B and Part 6, Section 604.5.A –To waive required improvements of existing streets, subject to the applicant entering into an agreement to complete such improvements at a time when the Township directs the street improvements to occur.

Modification to Chapter 22, Part 4, Section 403.2.U. –To waive required depiction of typical street cross-section of Route 441.

Modification to Chapter 22, Part 6, Section 605.1.B. –To waive required curbing within the interior parking compounds.

Modification to Chapter 22, Part 6, Section 605.2.C. –To waive required sidewalks within the interior parking compounds.

Modification to Chapter 28, Part 3, Section 302.A.2.c. – To waive required limit on impervious drainage area to infiltration area loading ratio.

Modification to Chapter 28, Part 3, Section 303.D. – To waive required dewatering time limitation.

The approval of the Final Land Development Plan and the granting of the ordinance modifications are subject to the following conditions:

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated November 9, 2018.

The Applicant's written acceptance of any 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.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshde, yes; and Mr. Murphy, yes.

Stormwater Management Plan for John L. Fisher Greenhouse, 1117 Long Lane

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the Stormwater Management Plan for John L. Fisher Greenhouse, prepared by Red Barn Consulting, Inc., dated September 17, 2018, last revised November 8, 2018, and grant the following modification to Township requirements:

Modification to Chapter 28, Part 4, Section 405.A. – To waive submission of a geologic evaluation by a professional geologist for stormwater facilities in an area underlain by carbonate geology.

The approval of the Stormwater Management Plan and the granting of the ordinance modification are subject to the following conditions:

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated November 9, 2018.

The Applicant's written acceptance of any 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.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshde, yes; and Mr. Murphy, yes.

Final Subdivision Lot Addition Plan for Patrick Property

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve the Final Subdivision Lot Addition Plan for Patrick Property, prepared by Light-Heigel & Associates, Inc., dated October 19, 2018, last revised November 7, 2018, and grant the following modifications to Township requirements:

Modification to Chapter 22, Part 3, Section 302. –To waive required preliminary plan

submission.

Modification to Chapter 22, Part 5, Section 503.1.I. –To waive required improvements to existing adjoining roadways.

Modification to Chapter 22, Part 6, Section 604.5.A. –To waive minimum right-of-way and cartway width for adjoining streets.

The approval of the Final Land Development Plan and the granting of the ordinance modifications are subject to the following conditions:

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated November 27, 2018.

The Applicant’s written acceptance of any 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.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Meeting Dates for the Board of Supervisors for the Year 2019.

A motion was made by Mr. Murphy, and seconded by Mr. Jones, to establish the following meeting dates for the East Donegal Township Board of Supervisors.

January 7, 2019 at 5:00 PM –Organization/Regular Meeting

February 7, 2019

March 7, 2019

April 4, 2019

May 2, 2019

June 6, 2018

July 3, 2018

August 1, 2018

September 5, 2018

October 3, 2018

November 7, 2018

December 5, 2018

Board of Supervisors meetings, except as noted, are scheduled for 7:00 PM. Meetings are held at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Meeting Dates for the Township Planning Commission for the Year 2019.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to establish the second Thursday of every month at 7:00 PM as the meeting dates for the East Donegal Township Planning Commission. Meetings are held at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Meeting Dates for the Township Zoning Hearing Board for the Year 2019.

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to establish the second Monday of every month at 7:00 PM as the meeting dates for the East Donegal Township Zoning Hearing Board. Meetings are held at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

2019 Holiday Schedule.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to approve following schedule of holidays for 2019:

- New Year's Day – January 1, 2019
- President's Day – February 18, 2019
- Good Friday – ½ Day April 18, 2019 and April 19, 2019
- Memorial Day – May 27, 2019
- Independence Day – July 4, 2019
- Labor Day – September 2, 2019
- Columbus Day – October 14, 2019
- Veterans Day – November 11, 2019
- Thanksgiving Day – ½ Day November 27, 2019 and November 28, 2019
- Day after Thanksgiving – November 29, 2019
- Day before Christmas – December 24, 2019
- Christmas Day – December 25, 2019

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Revision to Township Non-Union Employees Personnel Manual.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to approve the revision to the Township Non-Uniform Employees Personnel Manual to allocate employee vacation time by hours in lieu of days, according to the following schedule:

Upon 6 months of service	19 Hours
Upon 1 full year of service	67 Hours
Upon 2 full years of service	76 Hours
Upon 3 full years of service	95 Hours
Upon 4 full years of service	114 Hours
Upon 5 full years of service	124 Hours
Upon 6 full years of service	133 Hours

Upon 7 full years of service	143 Hours
Upon 8 full years of service	162 Hours
Upon 9 full years of service	181 Hours
Upon 10 full years of service	190 Hours
After ten (10) years of service	190 Hours

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Request for Approval of Inter-Municipal Transfer of Restaurant Liquor License – Sheetz, Inc.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to acknowledge the receipt of the request by Sheetz, Inc. for transfer of a restaurant liquor license from outside East Donegal Township to a location, 1158 River Road, within East Donegal Township and to schedule the required Public Hearing on the request for the February 7, 2019 meeting of the Board of Supervisors.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Revisions To East Donegal Township Municipal Authority Rules and Regulations

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to acknowledge and accept the changes to the East Donegal Township Water Authority’s standard specifications and standard rules and regulations, as prepared by the Authority.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

MS4 Annual Meeting - Thursday, January 24, 2019

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to authorize the Township Manager to advertise a special meeting of the Township Board of Supervisors for Thursday, January 24, 2019 at 7:30 PM to update the general public on the status of the Township’s ongoing Stormwater Management Program.

Discussion: None. Vote: Mr. Jones, yes; Mr. Esbenshade, yes; and Mr. Murphy, yes.

Chiques Creek Watershed Council of Governments

Mr. Butler informed the Board of discussions that have been continuing to take place among Township Managers of the communities located within the Chiques Creek Watershed to address pollution reduction requirements imposed by the NPDES permits issued by the Pennsylvania Department of Environmental Protection (PADEP) and the MS4 stormwater program.

The eight communities have worked together over the last few years to develop a method of approaching the reduction requirements on a cooperative manner. However, to date these efforts have been hindered by changing requirements and interpretations by PADEP. The mangers are now exploring the creation of a Council of Governments (COG) as an avenue to cooperatively develop projects without the need to

continually entering into project specific inter-governmental agreements.

A COG is a voluntary association of municipalities that have agreed to cooperate and coordinate efforts. Each municipality retains its local autonomy while achieving the economics of scale associated with being part of a larger service area. A COG does not create a new layer of government. It does provide a means of communication, cooperation and joint action in the interest of the municipalities individually and collectively without the formal requirements of intergovernmental agreements.

The group of managers is continuing to meet with PADEP, and other agencies that could potentially fund pollution reduction and stormwater projects, with the intention of working together to complete projects as cost efficient as possible. If the creation of a COG appears to be the best way municipalities can work together to achieve this, more information will be provided along with a framework for implementation.

Sale of Township-Owned Personal Property Valued Less Than \$1,000

Mr. Butler informed the Board that two Township-owned items will be advertised for sale. In accordance with the recently adopted Resolution addressing the disposition of personal property valued less than \$1,000.00, these items will not be sold through the formal public bidding process required by the Second Class Township Code. Both items, a 1993 Ford pickup truck and a Toshiba copier, are valued at less than \$1,000.00 and will be sold by posting notices on the Township website and postings in the lobby of the Municipal Building.

Copies of the November 2018 Zoning/Building Report were provided to the Board. For the month, 12 Zoning Permits and 6 UCC Permits were issued. The total value of construction authorized equaled \$567,279.89. Permit fees collected totaled \$3,945.00.

The Board received copies of the November 2018 Roadmaster Report prepared by Jake Bair, Public Works Director.

The Board received copies of the October 2018 Milanof-Schock Library Report.

For October 2018, Northwest EMS responded to 53 calls in East Donegal Township. For the year 2018, Northwest EMS has responded to a total of 471 calls in East Donegal Township.

For October 2018, Fire Department Mount Joy responded to 3 first due call in East Donegal Township.

The Board received copies of the Fire Department Mount Joy Firemen's Relief Association Compliance Audit Report prepared by the Pennsylvania Department of the Auditor General.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the October 16, 2018 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the November 20, 2018 meeting minutes of the East Donegal Township Municipal Authority.

The Board noted that the 2019 Organizational Meeting of the Board will be January 7, 2019 at will start at 5:00 PM.

The Board received copies of a letter from the District Attorney of Lancaster County regarding the funding needs of the Lancaster County Drug Task Force.

Liaison Assignment Reports

Administration/Personnel – Supervisor Jones - None.

Finance – Supervisor Murphy – None.

Parks and Recreation – Supervisor Jones – None.

Planning and Development – Supervisor Esbenshade - None.

Public Safety – Supervisor Murphy stated that the contract with the police union has been signed and work has begun among the member communities to revise the current merger agreement that formed the Regional Department.

Public Works – Supervisor Esbenshade indicated that the new Public Works storage building is completed. He also indicated that some work is underway to better secure the farmhouse at the Chickies Day Use Area from weather.

Adjournment

A motion was made by Mr. Jones and seconded by Mr. Esbenshade to adjourn at 8:30 PM.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary

The next regular meeting of the Board of Supervisors will be held on Monday, January 7, 2019 at 5:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.