

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on July 3, 2019

The regular meeting of the Board of Supervisors of East Donegal Township was held on Wednesday, July 3, 2019, 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 Murphy.

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

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

Denny and Kathy Koser, 110 Saddleback Drive were present to express their concern and opposition to any proposal to enlarge the baseball field in Fuhrman Park adjacent to their property. The Kosers stated that the increase in field size to accommodate older, and bigger, players will result in more intrusion onto their property and pose a safety concern for them and users of the park's walking trail.

There was general discussion regarding the need expressed by the Donegal youth baseball organization for another 14U-sized field and the options explored so far. The most promising option is the enlargement of field #3 in Fuhrman Park. To accommodate the larger field, home plate would be moved further from the property line and additional backstop/fencing would be installed.

The Kosers also highlight the parking issues in the park with vehicles using the walking trail as a way to get to the fields. It was stated that additional signage is to be placed at the Saddleback Drive entrance to the park indicating the limits of vehicle access.

Board members agreed that the issue should be further explored by the Township Park Commission. The Park Commission should, in cooperation with the Donegal youth baseball organization, take a more comprehensive approach to the field shortage issue and identify other options to meet the need for fields. The Board will consider the recommendations that comes from the Park Commission.

The Board did not take action to consider the minutes for of the June 11, 2019 regular meeting of the Board of Supervisors. Supervisor Murphy was not in attendance at the June 11, 2019 meeting and Supervisor Jones was not present to consider the approval of the minutes.

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

Mr. Murphy acknowledged the Board's receipt of the Balance Sheets for the period ending May 31, 2019 for all Township Funds.

Old Business.

None.

New Business.

Final Subdivision and Lot Line Change for Luke F. Brubaker – Extension of Time

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to accept the extension of time for consideration of the Final Subdivision and Lot Line Change for Luke F. Brubaker until October 29, 2019, as granted by the applicant.

Discussion none. Vote: Mr. Esbenshade, yes, and Mr. Murphy, yes. Motion carried.

Resolution 2019-7 Approving Contract Change Order for East High Street Improvements, Phase II Project

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to adopt Resolution 2019-7 approving a contract Change Order for a decrease in the amount of \$21,685.50 for the East High Street Improvements, Phase II Project.

Mr. Butler indicated that the change reflects an improvement to the sanitary sewer main that was previously completed by the Sewer Authority. Vote: Mr. Esbenshade, yes, and Mr. Murphy, yes. Motion carried.

Request For Street Closure – Price Place (Village Square)

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to approve the request of residents of Price Place to close the one block cul-de-sac for a neighborhood block party during the afternoon and evening of Sunday, August 18, 2019.

Discussion none. Vote: Mr. Esbenshade, yes, and Mr. Murphy, yes. Motion carried.

Conditional Use Application – New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to acknowledge the receipt of the Conditional Use Application for a Commercial Communication Tower use within the Agricultural District (A) and forward the application to the Township Planning Commission for review and recommendation and to schedule the required Public Hearing on the Application for the August 1, 2019 meeting of the Board of Supervisors.

Mr. Butler informed the Board that the Township Planning Commission will review the conditional application at the Commission's July 11, 2019 meeting. Vote: Mr. Esbenshade, yes, and Mr. Murphy, yes. Motion carried.

Agri-Cycle, Inc. – 280 Ore Mine Road

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to authorize Township staff to work with the Township Solicitor to take the appropriate actions needed to bring AgriCycle, Inc., 280 Ore Mine Road, into compliance with Township ordinance requirements and conditions imposed with approvals by the Township Zoning Hearing Board.

Discussion none. Vote: Mr. Esbenshade, yes, and Mr. Murphy, yes. Motion carried.

Castleton Development Streets – Aaron Marines

Attorney Aaron Marines, representing the Castleton development Homeowners Association, was present to express resident concerns regarding the condition of the streets within the development and seeking assistance from the Township in motivating the developer, Keystone Custom Homes, to complete the improvements. Mr. Marines highlighted the condition of the street, and other improvements, and the amount of financial securities held by the Township to complete the improvements. He stated that there's a concern that Keystone will not complete the improvements and the financial securities are not enough to cover completion.

Mr. John Sullivan, President of the Homeowners Association, indicated that the developer is proposing to complete the streets within Phase 1, of the development, but is not addressing the rest of the development. He suggested that the Township not accept dedication of the streets within Phase 1 until all the street improvements within the entire development are finished and offered for dedication.

A number of Castleton residents expressed their dissatisfaction with the developer and the lack of completed streets. They also highlighted issues with the alleys that are the responsibility of the Homeowners Association. The alleys have just recently been paved and caused additional issues. Mr. Marines indicated he did not know if the ownership of the alleys has been turned over to the Homeowners Association or whether the Homeowners Association is able to refuse ownership of the alleys until the condition of the alleys are satisfactory to residents.

The Board indicated that some of the questions being asked regarding delaying acceptance of dedication, the withholding release of financial securities or the increase in financial securities are more appropriate for the Township Solicitor. Supervisor Murphy stated that the Township Solicitor will attend the August Board of Supervisors meeting to address these issues.

Maryellen Chenoweth, Property Manager for the Homeowners Association, stated that work on the Phase 1 streets was to begin the following week and suggested that the work should be delayed until the developer provides a plan for the completion of all the streets within the development. The Board agreed to have Township staff contact the paving contractor regarding a delay in starting, but expressed some concern that a delay may negatively impact getting the improvements done.

No Parking Restrictions at Mailboxes

Mr. Butler informed the Board about a number of resident complaints received regarding the parking of vehicles in front of cluster mailboxes. With the mailboxes blocked from access by the postal delivery vehicle, residents have not been receiving their mail. Currently, there is nothing in Township ordinances, or the motor vehicle code, that prohibits parking in the area of mailboxes. Residents have requested that the Township explore such an ordinance.

The Board expressed a need to address the situation. Mr. Butler is to prepare a draft ordinance for review at the next meeting of the Board.

Consumer Fireworks

Mr. Butler informed the Board about a number of resident complaints received regarding fireworks continually being used in residential neighborhoods. Although most of these fireworks are considered consumer fireworks and can be legally purchased and used, it's the location, frequency and time of day that has been causing issues.

Board members discussed the history of fireworks complaints and actions taken to address larger fireworks displays. Until recently the Police Department addressed complaints about fireworks in neighborhoods because most of the fireworks being used were considered illegal. The change in Pennsylvania law has legalized most of these common-type fireworks.

Mr. Butler stated that the legislation that legalized consumer fireworks does contain some regulations regarding their use. However, residents may be unaware, or ignoring those regulations. In addition, the state regulations do not address frequency or time of use. The Board suggested that a draft ordinance be prepared to address consumer fireworks. Such an ordinance should limit when fireworks can be used and the appropriate times of the year for their use.

Copies of the June 2019 Zoning/Building Report were provided to the Board. For the month, 15 Zoning Permits and 8 UCC Permits were issued. The total value of construction authorized equaled \$400,117.00. Permit fees collected totaled \$4,599.75.

The Board received copies of the June 2019 Roadmaster Report prepared by Jake Bair, Public Works Director.

The Board received copies of the May 2019 Milanof-Schock Library Report.

For May 2019, Northwest EMS responded to 44 calls in East Donegal Township.

For May 2019, Fire Department Mount Joy responded to 2 first due call in East Donegal Township.

Maytown East Donegal Township Fire Department – No report received.

The Board received copies of the May 21, 2019 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the June 18, 2019 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the June 27, 2019 meeting minutes of the East Donegal Township Park Commission.

The Board received copies of the June 13, 2019 East Donegal Township Planning Commission Meeting Minutes.

The Board received copies of the Lancaster County Solid Waste Management Authority's 2018 Year Review report.

The Board received copies of the Pennsylvania Intergovernmental Risk Management Association's Annual Report for 2018.

The Board received an invitation to attend the Fire Department Mount Joy's presentation for Municipal Officials scheduled for Saturday, August 24, 2019. Supervisor Esbenshade indicated he would attend.

The Board received an invitation to take part in the Elizabethtown Fair Opening Ceremony scheduled for Monday, August 19, 2019.

The Board received copies of the June/July edition of the PSATS NewsBulletin

Liaison Assignment Reports

Administration/Personnel – None.

Finance –None.

Parks and Recreation – None.

Planning and Development – None.

Public Safety – None.

Public Works – None.

Adjournment

A motion was made by Mr. Esbenshade and seconded by Mr. Murphy to adjourn at 9:05 PM.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary

The next meeting of the Board of Supervisors will be held on Thursday, August 1, 2019 at 7:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.