

The Board's Minutes of the East Donegal Township Board of Supervisors  
Held on August 1, 2019

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, August 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 Jones led with a Prayer and Pledge to the Flag.

Roll call of Supervisors: Present were Chairman John Murphy, Vice-Chairman Allen D. Esbenschade, Supervisor Tom Jones and Jeffrey Butler, Township Manager. Township Solicitor Matthew Creme was also present.

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

Mr. Creme explained that the Board would be conducting a hearing to consider the conditional use application filed by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility for a Commercial Communication Tower use that would allow for the construction of a monopole tower and accessory structure at a location along Old Colebrook 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. Craig Underwood, Township Zoning Officer provided information regarding the posting of the property and published public notice, both done in compliance with the requirements of the Pennsylvania Municipalities Planning Code. In addition, Mr. Underwood stated that the application was reviewed, and recommended for approval, by the Township Planning Commission.

Attorney Chris Shubert, representing the applicant, presented background information regarding the application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility for the construction of a commercial telecommunications tower on property located along Old Colebrook Road. The property is owned by PPL and is located within the Agricultural zoning district. Mr. Shubert indicated that the application also seeks relief from certain setback requirements.

Mr. Shubert presented the Board with the exhibits to be used in the applicant's application presentation. The following applicant witnesses providing testimony were sworn in.

William Leonard  
Andrew Petersohn

Roger Johnson

Mr. William Leonard, Site Acquisition Specialist for Velocitel, provided testimony regarding the how the proposed site was selected and the other sites within the general area investigated during the for site acquisition process. For this project, an area extending from River Road, Maytown Road, Rock Point Road, Colebrook Road to Ore Mine Road was investigated. Potential co-location sites were identified and reviewed. None of the existing structures met the height needed for the facility.

Mr. Leonard indicated that the facility is proposed to be located on lands owned by PPL. There is an overhead transmission line currently located on the property. Although the land is farmed, there is not a current farm lease. PPL evaluated the impact of the proposed use on its facilities and approved the location.

Mr. Andrew Petersohn, dBm Engineering, provided his educational and work experience related to siting telecommunication facilities. Mr. Petersohn explained the findings of applicant's exhibits regarding the proposed tower's ability to meet the need of providing improved service for AT&T customers in this area of the Township. He stated that the height of the proposed tower is appropriate for the coverage and overlap needed to improve service. Mr. Petersohn discussed applicant exhibits regarding the electromagnetic emissions, compliance with the Township's Airport Zoning District and the lack of the need for lighting on the tower for aircraft.

Mr. Roger Johnson, an engineer with Velocitel, provided a description of the proposed site plan of the facility. The proposed monopole tower is 185 feet in height with a 4 foot tall lighting rod attached to the top. He stated the site layout limits the intrusion into the area of the tract being farmed, allows for the required parking area and does not impact the overhead transmission lines and structures. The monopole and accessory structure will be enclosed by an 8' high fence.

There was general discussion regarding the maintenance of the site outside of the fenced area. There was a concern about weed growth in the areas outside of the fenced and parking areas that would not be farmed. Mr. Johnson indicated those areas will be the responsibility of AT&T.

Mr. Johnson discussed the setback modification requested to accommodate the proposed use. To accommodate the use on the site setback of the base of the tower to the property line is requested to be 10' instead of the required 200'. On the opposite side, the distance is requested to be reduced to 77'. It was indicated that the closest off-site building is in excess of 700' from the proposed tower.

Mr. Shubert 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 with the application or presented to the Board indicates compliance with the Township's requirements and that the conditional use application should be granted approval.

Mr. Murphy opened the hearing to questions from the audience.

Rudy Wolgemuth, brother of an adjacent landowner, expressed his brother's concerns regarding the potential impact the proposed use may have on farming operations. He indicated that PPL does not currently maintain the portion of the property adjacent to Old Colebrook Road and is concerned it will be worse with the proposed use. He suggested that the area between the road and project site be reduced to limit area needing to be maintained. Mr. Johnson indicated that moving closer to the road is not possible due to the need for two off-street parking spaces and a gate being proposed to limit access from Old Colebrook Road.

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

A motion was made by Mr. Jones to accept the applicant's exhibits and grant the conditional use requested by New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, and the modification to ordinance requirements as requested, subject to compliance with the application and testimony and the condition that all areas disturbed by construction activities must be stabilized and appropriately maintained by AT&T. The motion was seconded by Mr. Esbenshade. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion passed.

Mr. Frank Splain, a resident of the Village Square development, inquired about the status of the Police Chief of the Susquehanna Regional Police Department and why there hasn't been a full-time Chief hired. Mr. Murphy stated that the current Chief no longer has the title of interim and that the retention of a part-time Chief has resulted in a cost savings for the Department. Mr. Murphy indicated that the search for a new full-time Chief will commence when the current Chief fully retires.

Mr. Splain then inquired about the current level of staffing and if all shifts are adequately staffed. Mr. Murphy indicated that all shifts are staffed at adequate levels. To do so does require overtime and use of part-time officers. Any increase in staffing requires the approval of all representatives from the communities that comprise the region.

Mr. Tim Brixius, representing Fair Districts PA, was present to follow-up on information presented to the Board a few months ago. The Board did not indicate whether they will consider a resolution of support for the organization's efforts to reform how electoral districts are drawn.

The Board approved the minutes for the June 11, 2019 regular meeting of the Board of Supervisors by a motion made by Mr. Esbenshade and seconded by Mr. Jones. Discussion: None. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

The Board approved the minutes for the July 3, 2019 regular meeting of the Board of Supervisors by a motion made by Mr. Esbenshade and seconded by Mr. Murphy. Discussion: None. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

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

Mr. Murphy acknowledged the Board's receipt of the Balance Sheets for the period ending June 30, 2019 for all Township Funds.

#### Old Business.

##### Castleton Development Streets

Mr. Aaron Marines, attorney representing the Castleton development Homeowners Association, was present to discuss the status of improvements within the Castleton development. He asked the Board to consider requesting additional financial securities from the developer to guarantee the completion of the improvements and that the Board delay considering acceptance of dedication of any street within the development until all improvements within the development are completed.

Mr. Creme stated, and Mr. Marines agreed, that there is nothing within the Pennsylvania Municipalities Planning Code that allows the Township to compel the developer to complete the development streets. He also stated that there's nothing that requires the Township is accept the offer of dedication of the streets.

There was general discussion regarding the amount of work remaining within the two final plans of the development. The Board agreed to direct the Township Engineer to evaluate that amount of work remaining and the estimated cost for the completion of the improvements.

#### New Business.

##### Final Subdivision and Land Development Plan for Sheetz

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the Final Subdivision and Land Development Plan for Sheetz, prepared by David Miller/Associates, Inc., dated May 10, 2019, last revised June 17, 2019 and grant the following modification to Township ordinance requirements.

Modification to Chapter 22, Part 6, Section 604.5.A. and Section 604.5.C. –To waive dedication of additional right-of-way along State Route 0441.

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

Compliance with the review comments outline by Becker Engineering in a review letter dated July 9, 2019.

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.

William Swiernik, David Miller/Associates Inc., provided the Board with a brief overview of this plan to combine two lots and truck parking spaces. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

Resolution 2019-8, A Resolution Prohibiting the Location of Video Gaming Terminals Within the Township of East Donegal.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to adopt Resolution 2019-8 prohibiting the location of video gaming terminals within the Township of East Donegal, Lancaster County, PA.

Mr. Butler indicated that the recently passed law, Act 63 of 2019, gives municipalities the option to opt-out of allowing video gaming terminals. If choosing to opt out, municipalities must deliver a resolution to the Pennsylvania Gaming Commission no later than August 30, 2019. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

#### Consumer Fireworks Regulations

Mr. Butler presented the Board with a draft ordinance addressing the use of consumer fireworks in the Township. As previously discussed the ordinance reflects the state legislation passed in 2017 that expanded the permitted sale, possession and use of consumer fireworks on Pennsylvania. In addition, the Board was provided with copies of current House Bill 1687 that further addresses the use of consumer fireworks. After general discussion, it was agreed that the restrictions of the pending legislation should be incorporated into the Township ordinance. Mr. Butler indicated that the Ordinance will be prepared for consideration at the September 5, 2019 meeting of the Board of Supervisors.

#### Parking Limitations – Certain Locations

Mr. Butler presented the Board with a draft ordinance to amend the parking regulations contained in the Township Code of Ordinances. The draft contains provisions that restrict parking at mailboxes. Vehicles that block mailboxes have resulted in residents not receiving their mail. The Board indicated that the parking of trailers, campers and

recreational vehicles along Township streets is also an issue that should be addressed. The Board agreed that such vehicles should not be permitted to be parked along Township streets. Mr. Butler indicated that a draft ordinance for discussion should be prepared for the next meeting of the Board.

Copies of the July 2019 Zoning/Building Report were provided to the Board. For the month, 12 Zoning Permits and 7 UCC Permits were issued. The total value of construction authorized equaled \$376,975.00. Permit fees collected totaled \$4,944.00.

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

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

For June 2019, Northwest EMS responded to 47 calls in East Donegal Township.

For June 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 June 18, 2019 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the July 16, 2019 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the Lancaster County Drug Task Force Report of the 2nd Quarter of 2019, prepared by the Office of the District Attorney.

The Board received a reminder of the Municipal Officials meeting to be held by Northwest Emergency Medical Service on August 14, 2019 at the West Donegal Township building.

The Board received copies of the Summer 2019 edition of the PSATS Legal Defense Partnership newsletter.

The Board received copies of the July 2019 Legislative Locator newsletter prepared by the Pennsylvania Municipal League.

#### Liaison Assignment Reports

Administration/Personnel – None.

Finance –None.

Parks and Recreation – None.

Planning and Development – None.

Public Safety – Supervisor Jones reported that the Maytown-East Donegal Township Fire Department has placed a new boat into service.  
Public Works – None.

Adjournment

A motion was made by Mr. Esbenshade and seconded by Mr. Jones to adjourn at 10:45 PM.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary

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