

The Board's Minutes of the East Donegal Township Board of Supervisors  
Held on April 2, 2020

The regular meeting of the Board of Supervisors of East Donegal Township was held via Zoom video conferencing platform on Thursday, April 2, 2020, at 7:00 PM with Board members located in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Chairman John Murphy. He indicated that due to the COVID-19 pandemic the Board was livestreaming the meeting in conformance with guidance provided by the Township Solicitor. He provided an overview of how the meeting was structured, how the general public was provided an opportunity to submit comments and how the general public can view the meeting live.

He stated that the meeting agenda and directions on how to view the meeting were posted on the Township website, Township Facebook page, the front door of the Municipal Building and sent by email using the email sign-up list from the Township website. The notice included instructions on how to submit public comment for the public comment portion of the meeting. Comments were to be received from emails or regular mail up to noon the day of the meeting

He reminded remote participants that they can view and hear the meeting as it happens, but that their audio was muted, and they could not be heard. Finally, he indicated that the meeting was being recorded and would be posted on the Township website and on the Township's YouTube channel.

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

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

Supervisor Murphy opened the public hearing to consider a proposed amendment to the Township Zoning Ordinance.

Mr. Butler indicated that the proposed ordinance is a text amendment to the Township Zoning Ordinance regarding the parking of recreational vehicles, travel trailers, boats, camper and similar vehicles on residential properties. The ordinance was developed as the Board of Supervisors discussed the potential of these vehicles being placed on residential properties should the Township adopt parking restrictions on Township streets. The proposed amendment attempts to address the potential negative impacts on neighboring properties. Mr. Butler stated that an ordinance to restrict the parking of these vehicles on Township streets is on the Board's agenda for this evening.

As an amendment to the Zoning ordinance, the proposed ordinance was provided to the

Township Planning Commission for review and comment. The Township Planning Commission recommended the adoption of the ordinance provisions at its meeting held February 13, 2020.

Mr. Butler stated that the Planning Commission meeting minutes do not indicate that the general public provided any comments regarding the amendment during the Commission's meeting. Although the general public had the opportunity to provide written comments regarding the proposed amendment prior to the public hearing, none were received.

The Board generally discussed the constraints of trying to gather public input during the virtual meeting format.

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to continue the public hearing on the proposed ordinance to the May 7, 2020 meeting of the Board of Supervisors in an attempt to provide a greater opportunity for public comment.

Supervisor Murphy indicated that two emails were received by the Township prior to the noon deadline for consideration under the Public Comment portion of the agenda.

An email was received from Karen Gaus, 26 Thornapple Drive inquiring about noise issues and the possibility of implementing an ordinance to address the issue. Supervisor Murphy read the email aloud.

Supervisor Jones stated that this has been an on-going issue between neighbors. Mr. Butler indicated that with the lack of a noise ordinance to address the issue, there have been efforts taken, with the assistance of the Township Solicitor, to address the matter through enforcement of zoning regulations.

There was general discussion regarding the frequency of noise complaints and the need for an ordinance to address noise issues. The Board suggested talking with the Susquehanna Regional Police to see how, and how often, they handle noise issues and having staff gather noise ordinances that may be in place in other municipalities.

An email was received from Bridey Hannold, 9 North River Street, that addressed one item not on the Board's agenda and one item, the proposed ordinance to amend the Township on-street parking regulations, that is one the Board's agenda.

Supervisor Murphy read the portion of the email that addressed an issue not on the agenda. Ms. Hannold inquired about the status of the replacement of stop signs at the High Street intersection at Center Square with yield signs. The Board had previously expressed an interest in having an ordinance prepared to facilitate the change in regulatory signs.

Mr. Butler stated that at the time the Board expressed an interest to replace the stop signs with yield signs, and passed a motion authorizing the drafting of the appropriate ordinance, it

was indicated that such change would need the approval of PennDOT. However, it was unknown at that time what type of traffic study and justification would be required to gain such approval.

Mr. Butler stated that when PennDOT was contacted regarding the change, they responded with an email stating they were unaware that the switch in signage was being considered and that the new yield signs placed by PennDOT on Route 743 were based on the High Street approaches being controlled with stop signs. PennDOT indicated that there were some serious considerations regarding the proposed change.

In a follow-up telephone between the Township's traffic engineer and PennDOT, PennDOT suggested waiting to see what issues might develop with the placement of the new yield signs. These issues could potentially justify implementing changes to the regulatory signs on the High Street approaches.

Although there haven't been any reported issues other than the general confusion that existed prior to the placement of the yield signs, at the Board's direction PennDOT was again contacted regarding the change in signage on the High Street approaches. The Board received copies of PennDOT's email response.

PennDOT's response indicates that, in its current configuration with stop signs on High Street, Maytown Square is a circular intersection. The change of stop signs to yield signs would change the intersection, by definition, to a roundabout. The intersection would require changes to safely and efficiently function as a roundabout.

Mr. Butler stated that one of the biggest issues expressed by PennDOT is the access to the central island. According to the correspondence, the Township would need to agree to restrict pedestrian access to the central island. Also parking accommodations would need revisited, or possibly eliminated, depending on the design solution.

There was general discussion of the Board regarding the nature of changes that might be needed and the impact on the use, look and community function of the square following such changes. The Board also discussed how to proceed given the action taken in December 2019 seeking to have an ordinance prepared to change the signage on High Street. The Board will revisit the issue at the May 7, 2020 meeting.

Mr. Butler indicated that a third email providing public comment was received after the noon deadline. That email addresses the item on the Board's agenda regarding on-street parking regulations.

All written public comments received prior to the meeting are attached.

The Board approved the minutes for the March 5, 2020 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.

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, Mr. Esbenshade; yes, and Mr. Murphy; yes.

Mr. Murphy acknowledged the Board's receipt of the Balance Sheets for the period ending February 29, 2020 for all Township Funds.

#### Old Business.

##### Stormwater Management Plan for Marietta Motors – Extension of Time

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to accept the extension of time for consideration of the Stormwater Management Plan for Marietta Motors until July 15, 2020, as granted by the applicant.

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

##### Resolution 2020-6 Declaration of Disaster Emergency

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to ratify the action of the Board of Supervisors taken by telephone on Friday, March 20, 2020, declaring the existence of a disaster emergency in East Donegal Township in response to the COVID-19 pandemic.

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

##### Ordinance 2020-3 Amendment to General Parking Regulations – Township Code of Ordinances

A motion made by Mr. Esbenshade to adopt Ordinance 2020-3 amending Chapter 28. General Parking Regulations, of the Township Code of Ordinances died due to a lack of a second.

Mr. Murphy stated that the public comment email received from Bridey Hannold posed a series of questions regarding the regulations in the proposed ordinance and the enforcement of the regulations in the ordinance.

The Board discussed issues such as the distance parked vehicles must be from mailboxes, parked vehicles blocking driveways and garages and the proposed seven-day exception provided to prohibited vehicles, such as recreational vehicles. Board members expressed concern that the exception, as provided for in the draft ordinance, would allow vehicle owners a way to "game the system" to allow the vehicle to be

parked on Township streets for an excessive amount of time.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to adopt Ordinance 2020-3 amending Chapter 28. General Parking Regulations, of the Township Code of Ordinances by adding restrictions prohibiting parking in certain locations at all times and prohibiting the parking of certain vehicles in the right-of-way of Township, subject to the deletion of subsections of the draft ordinance that are already addressed in the PA Motor vehicle Code and the deletion of the seven day exception provided for prohibited vehicles.

Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

#### Ordinance 2020-4 Amendment to Township Zoning Regulations – Township Code of Ordinances

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to table consideration of Ordinance 2020-4 amending Chapter 52. Zoning, of the Township Code of Ordinances by adding restrictions to existing residential parking requirements until the conclusion of the required public hearing.

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

#### New Business.

##### Final Subdivision for Ziegler Property 506 Rock Point Road

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the Final Subdivision for Ziegler Property 506 Rock Point Road, prepared by G.D. Keener, LLC, dated February 17, 2020, last revised March 10, 2020 and grant the following modification to Township ordinance requirements.

Modification to Chapter 42, Article IV, Section 42-71. –To waive preliminary plan processing procedure.

Modification to Chapter 42, Article IV, Section 42-123.(a)(9). –To waive improvements to existing perimeter streets.

Modification to Chapter 42, Article V, Section 42-96.(a). –To permit deed plot of the plan to be prepared at a scale of 200' to the inch.

Modification to Chapter 42, Article VII, Section 42-162.(e). –To waive dedication of additional right-of-way along perimeter streets.

The approval of the Final Subdivision 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 March 17, 2020.

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. Motion carried.

#### Preliminary/Final Land Development Plan for PTV 1102, LLC, Marietta Dollar General Store – Extension of Time

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to accept the Preliminary/Final Land Development Plan for PTV 1102, LLC, Marietta Dollar General Store until July 17, 2020, as granted by the applicant.

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

#### Resolution 2020-7 Approving Contract Change Orders for Route 441/Route 772 Traffic Signal Modifications Project

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to adopt Resolution 2020-7 approving contract Change Order 1 for an increase in the amount of \$5,500.00 and Change Order 2 for an increase in the amount of \$9,005.00 for the Route 441/Route 772 Traffic Signal Modifications Project.

Mr. Butler stated that most of the funding for the project is coming from PennDOT through the Green Light-Go grant program. PennDOT has required all work funded by this grant program to be stopped due to COVID-19 action of the Governor. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

#### Resolution 2020-8 Extending Real Estate Tax Base Rate

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to adopt Resolution 2020-8 extending the period in which real estate taxes may be paid at the base rate by adopting a penalty rate of 0% for 2020.

Mr. Butler stated that the concept of eliminating the penalty rate for real estate tax payment after June 30, 2020 came from the Lancaster County Treasurer as a way to aid

property owners that may be impacted by layoffs or job loss due to the COVID-19 pandemic. The vast majority of real estate payments will be received by the end of the discount period, April 30, 2020. This Resolution eliminated the 10% penalty rate for payment received after June 30, 2020. It does not relieve property owners from payment prior to the end of the year.

Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

**Award Contract for 2020 Oil & Chip Roadway Projects.**

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to award the contract for the seal coating of Kraybill Church Road, Trout Run Road, Chelmsford Drive and Hampshire Court to Martins Paving, Inc., based on bids received and opened on Monday, March 30, 2020 and listed below:

COMPANY	BID SUBMITTED
Martins Paving, Inc.	\$58,500.77
Hammaker East Ltd	\$59,718.64

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

**Award Contract for Roadway Materials (Aggregate) for 2020.**

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to award the contract for aggregate materials for Freight on Board to County Line Quarry, Inc., and Delivered to Pennsy Supply, Inc. based on bids received and opened on Monday, March 30, 2020, and listed below:

COMPANY	BID SUBMITTED	
	FOB Total	Delivered Total
Pennsy Supply, Inc.	\$5,500.00	\$8,484.00
County Line Quarry, Inc.	\$5,435.00	\$8,685.00

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

**Award Contract for Roadway Materials (Asphalt) for 2020.**

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to table the consideration of awarding a contract for asphalt materials based on an apparent error in the bid tabulation provided to the Board.

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

Award contract for Roadway Improvements to Gibble Road, Long Lane, Kraybill Church Road and Trout Run Road

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to award the contract for the completion of roadway improvements to Gibble Road, Long Lane, Kraybill Church Road and Trout Run Road to Pennsy Supply, Inc., based on the bids received and opened on Monday, March 30, 2020, and listed below:

COMPANY	BID SUBMITTED
Pennsy Supply, Inc.	\$127,848.64
Highway Materials, Inc.	\$132,492.06
Long's Asphalt, Inc.	\$169,917.90

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

Summer Playground Program – Agreement with Greater Elizabethtown Area Recreation Commission & Community Services (GEARS)

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve entering into an Agreement with the Greater Elizabethtown Area Recreation Commission & Community Services (GEARS) to provide staffing and programming for the 2020 summer playground program to be held at Fuhrman Park and establish registration fees at \$40.00 per resident participant and \$85.00 per non-resident participant.

The Board discussed the proposal for the program, and projected cost, provided by GEARS. GEARS will provide staffing and programming like past years. There was discussion regarding adjusting the registration fees to assist residents that may be impacted financially by the COVID-19 pandemic.

Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

Appointment to the East Donegal Sewer Authority

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve the appointment of Daniel R. Aungst to the East Donegal Sewer Authority to complete the unexpired term of Jake Smeltz until December 31, 2021.

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

Joint Petition To Stay 2020 Upset Tax Sales

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve authorize the Board Chairman to sign the Joint Petition To Stay 2020 Upset Tax Sales presently scheduled to be held September 21, 2020, as prepared by the Treasurer of



the County of Lancaster.

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

Copies of the March 2020 Zoning/Building Report were provided to the Board. For the month, 11 Zoning Permit and 7 UCC Permits were issued. The total value of construction authorized equaled \$669,577.00. Permit fees collected totaled \$3,967.50. There were 10 zoning inspections and 8 UCC inspections conducted in the month.

The Board received copies of the March 2020 Roadmaster Report prepared by Jake Bair, Public Works Director.

The Board received copies of the February 2020 Milanof-Schock Library Report.

For February 2020, Northwest EMS responded to 64 calls in East Donegal Township.

For February 2020, Fire Department Mount Joy responded to 2 first due calls in East Donegal Township.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the February 19, 2020 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the February 19, 2020 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the March 2020 PSATS NewsBulletin.

The Board received notice from the Lancaster County Board of Elections and Registration Commission that the 2020 General Election has been changed to Tuesday, June 2, 2020.

#### Liaison Assignment Reports

Administration/Personnel –None.

Finance –None.

Parks and Recreation – Supervisor Jones reminded residents that Township playground equipment has been deemed closed to use. Even though open spaces and trails within parks remain open, residents are reminded to practice social distancing and be mindful of the Centers for Disease Control COVID-19 guidelines.

Planning and Development –None.

Public Safety – None.

Public Works – None.

Adjournment

A motion was made by Mr. Jones and seconded by Mr. Esbenshade to adjourn at 8:35 PM.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary

The next regular meeting of the Board of Supervisors will be held on Thursday, May 7, 2020 at 7:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.

**From:** [kgaus@anvilintl.com](mailto:kgaus@anvilintl.com)  
**To:** [Jeff Butler](#)  
**Cc:** [klgimp2424@yahoo.com](mailto:klgimp2424@yahoo.com)  
**Subject:** Public Comment 4/2/2020  
**Date:** Monday, March 30, 2020 9:29:18 PM  
**Attachments:** [image001.png](#)

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Karen Gaus  
26 Thornapple Drive  
Marietta, PA 17547  
(East Donegal Township)

To Board of Supervisors,

I recently have been dealing with noise issues 24/7 and submitted a compliant back in early March outlining the details and hope that you would kindly discuss the possibility of implementing an ordinance but am dismayed to see it isn't on the upcoming agenda for April 2nd. Will you be considering one soon? On March 5<sup>th</sup>, it was briefly mentioned for review and consideration.

Thanks for your time and help,



**Karen Gaus | Sr. Operations**  
Anvil International | 1411 Lancaster Ave. Columbia, PA 17512  
Ph: 717-538-1059  
[www.anvilintl.com](http://www.anvilintl.com)

**From:** [Bridey Hannold](#)  
**To:** [Jeff Butler](#)  
**Subject:** Public Comment 4/2/2020  
**Date:** Sunday, March 29, 2020 7:27:24 PM

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Bridey Hannold  
9 N River St  
Maytown

Good Evening,

On Dec 5, 2019 the Board of Supervisors unanimously voted for staff to prepare the required ordinance necessary to replace the existing Stop signs at the High Street approaches to Center Square with Yield Signs.

On about Dec 10, 2019 Penn Dot installed Yields signs on the River Street approaches to Center Square.

It has now been four months since the above stated vote - when will your staff be preparing the required ordinance?

Questions pertaining to Ordinance 2020-3 Amendment to General Parking Regulations.

Section 1.g

**Question: Do you feel it is necessary to adopt the same requirement for a mailbox that is imposed for a fire hydrant? A fire hydrant must remain open AT ALL TIMES for emergency purposes. Do we need the same restriction on a mailbox? Mail is delivered momentarily once a day for six out of the seven days in a week.**

**Question: Have you calculated the impact this will have to on street parking? This restriction will take away 30ft of parking space in front of a home with a mailbox. If so, what was that impact number – how many parking spaces will be lost?**

**Question: Do you feel a better way to approach this would be to limit the no parking to community mailboxes vs. all mailboxes – OR – to move this to Section 28-104 which would restrict parking during certain days/hours?**

Section 1.h

**Question: Since this pertains to areas on a private lot vs the public street would it be better addressed in zoning vs this ordinance?**

Section 1.i

**As I have stated before, it is pretty common for municipalities to prohibit parking of these vehicles on the public streets. What is unclear and not fully addressed in this subsection is the period of time – seven days – that these vehicles are allowed to be parked on the public street.**

**Question: When does the seven day time period begin? When the vehicle arrives or when a complaint is filed?**

**Question: How many seven day time periods are you allowed? Unlimited between each off-site use?**

**Question: Who will be documenting these time periods (the arrival(s) and departure(s))? The police enforce the public streets – will they be responsible for this? Have you spoken to them about what is required and have they developed a procedure for this?**

**Question: You have stated in public meetings the safety concerns with these vehicles obstructing the clear sight distance, narrowing the travel lanes, etc. If an accident does occur due to one of these reasons is the Township liable because you knew of a safety hazard but let it remain? Are you willing to place the Township in such a potential liability and lessen the safety of its residents?**

**Without answers to the above questions listed in the ordinance it becomes pretty much unenforceable (example sent to you in letter).**

I am asking you to please reconsider and discuss minor changes to this ordinance before voting to adopt.

Thank you for your time!

**From:** [fas02@comcast.net](mailto:fas02@comcast.net)  
**To:** [Jeff Butler](#)  
**Subject:** PUBLIC COMMENT EDT MEETING APRIL 2, 2020  
**Date:** Thursday, April 2, 2020 2:42:01 PM

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Public Comment with regards to proposed ordinances:

**ORDINANCE 2020-3 AMENDMENT TO GENERAL PARKING REGULATIONS**  
**ORDINANCE 2020-4 AMENDMENT TO TOWNSHIP ZONE REGULATIONS**

**ORDINANCE 2020-3 AMMENDMENT TO GENERAL PARKING REGULATIONS** I would like to share my positive thoughts to all 3 supervisors as this ordinance is very much needed in East Donegal Township! The first ordinance will help hundreds of residents receive their daily mail from the United States Postal Service where as currently there are at times a resident will go 3-5 days with not receiving their mail due to the postal receptable boxes in the developments being blocked by parked cars, I did contact the USPS with regards to this problem and even though it may appear in the USPS book of mail delivery guidelines it is in the union contract that at no time will a mail carrier exit his/her USPS delivery vehicle due to a blocked mail receptable. The only way to handle this problem to make it an enforceable issue is to enact a township ordinance to resolve this issue.

ORDINANCE 2020-4 AMENDMENT TO TOWNSHIP ZONNG REGULATIONS I would share my positive thought to all 3 supervisors as this ordinance is very much needed, currently in our township there are dozens of recreational and utility trailers parked all along side of our roadways, these vehicles are causing severe driving issues as having to go around them in order to drive down many streets and when there is an oncoming card there is not enough room to pass around, also these vehicles are parked so close to street corners this causes a severe blind spot! These vehicles are parked all year round and just a few days, and not only on our streets and street corners but these types of vehicles are parked in front yards and in ways on a property to cause a severe eye sore as Supervisor Jones stated in a past meeting. I would strongly urge the township supervisors to vote in favor of this very much needed proposed ordinance!

Thank You and Thank You all for a wonderful job that you are doing for our community in this very troublesome time that we are all as neighbors dealing with! Stay safe keep your hands washed and keep your social distance and lastly stay home!

Thank You  
FRANK A. SPLAIN, JR. Email [fas02@comcast.net](mailto:fas02@comcast.net)  
125 STIRRUP LANCE  
MARIETTA PA 17547  
717-278-4629