

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on May 7, 2020

The regular meeting of the Board of Supervisors of East Donegal Township was held via Zoom video conferencing platform on Thursday, May 7, 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 Esbenshade 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.

Phil Rudy and Shawn Carl, both representing White Rudy and Company, presented the 2019 Audit Report to the Board. Mr. Carl indicated that the annual audit was completed and forwarded to the Pennsylvania Department of Economic and Community Development in accordance with state requirements. The audit resulted in only a few minor adjustments to line items. He indicated to the Board that there is a good process in place for the budgeting, handling and reporting of Township finances.

Mr. Rudy stated that the audit included a look at the internal controls of the Township financial operations. He indicated that no irregularities were found with Township finances and that the operation is running smoothly and the Board of Supervisors is getting very good financial information on a monthly basis. The annual budget verses actual expenses is reflective of what is happening financially within the operation. The success of the Township's budgeting and reporting processes were very noticeable during the audit. He stated that the Township is

living within its means and doing a good job at it. The information provided to the Board of Supervisors on a monthly basis is spot on regarding the financial condition of the Township.

The audit found that general fund revenues for 2019 totaled approximately \$5.023 million, including the \$500,000 transferred from the capital reserve fund for the East High Street project, while expenses total approximately \$5.041 million. At the end of 2019, the Township general fund had a balance of approximately \$3.443 million, approximately \$38,600 less than at the end of 2018.

There was discussion regarding the need for formal lease agreements with the Maytown East Donegal Township Fire Department and Northwest EMS for the use of Township-owned facilities. The need for a formalized, and centralized, documentation of accounting and financial policies and procedures was discussed. It was indicated that adequately addressing these issues should be a goal for the year.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to accept the audit report for 2019 as presented. Vote: Mr. Esbenshade; yes, Mr. Jones; yes and Mr. Murphy; yes. Motion carried.

Supervisor Murphy re-opened the public hearing to consider a proposed amendment to the Township Zoning Ordinance. The public hearing was continued from the April 2, 2020 meeting of the Board in an effort to gain additional public input.

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 proposed amendment attempts to address the potential negative impacts on neighboring properties. Mr. Butler stated that an ordinance restricting the parking of these vehicles on Township streets was passed by the Board of Supervisors at the April 2, 2020 meeting.

Although the general public had the additional opportunity to provide written comments regarding the proposed amendment prior to the public hearing, none were received.

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to close the public hearing. It was indicated that consideration for action on the proposed ordinance is on the agenda for the meeting. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

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 and included a copy of the

Marietta Borough noise regulations as an example. Supervisor Murphy read the email aloud.

Supervisor Murphy stated Mr. Butler will be contacting Ms. Gaus to discuss the matter and the actions taken by the Township and the Susquehanna Regional Police Department. Supervisors Jones indicated that he has received sample noise ordinance and will be reviewing them further.

The second email was received from Bridey Hannold, 9 North River Street, that addressed the status of the replacement of stop signs at the High Street intersection at Center Square with yield signs and correspondence the Township received from PennDOT regarding the potential change. Ms Hannold's email posed a number of questions regarding the need to implement new roundabout standards when proposing a change in signage. She included information regarding roundabouts from the Pennsylvania Traffic Calming Handbook.

Supervisor Murphy noted that the diagrams provided indicate that roundabouts do not allow pedestrian access to the center island, and parking is not permitted within the circulatory roadway. Both of which are contrary to the situation in Maytown's Center Square.

Supervisor Murphy also indicated that he looked at other examples of community squares mentioned previously for comparison to the Township's situation. Those examples included Gettysburg, New Oxford and Abbottstown.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to reconsider the action taken by the Board at the December 5, 2019 meeting regarding the replacement of the existing stop signs on East and West High Street at Maytown's Center Square with yield signs. 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 not proceed with the replacement of the existing stop signs on East and West High Street at Maytown's Center Square with yield signs.

Supervisor Murphy provided his opinion, through observation, that 1/3 of the vehicle on High Street stop at the stop sign, 1/3 slow and proceed through the stop sign and 1/3 of the traffic just go through the stop sign. Supervisor Jones noted his belief that the new yield signs on Route 743 entering Center Square have had a positive impact on motorists' behavior entering the square. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

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

The Board approved the minutes for the April 2, 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. Mr. Murphy indicated that he is a shareholder of one of the companies listed for payment. Although not a Board member of the company, and not in a decision-making position, he wanted to make it known. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes, abstaining from check #51527, payable to Cintas Corporation.

Mr. Murphy acknowledged the Board’s receipt of the Balance Sheets for the period ending March 31, 2020 for all Township Funds.

Old Business.

Request for Release of Financial Securities – Scenic Ridge Amish Parochial School Stormwater Management Plan

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve the release of financial securities posted for Scenic Ridge Amish Parochial School Stormwater Management Plan in the amount of \$16,456.77, as recommended in the letter from David Miller/Associates, Inc., dated May 6, 2020.

Discussion: None. 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 adopt Ordinance 2020-4 amending Chapter 52. (Zoning) of the Township Code of Ordinances by adding restrictions to existing residential parking requirements.

There was discussion regarding the constraints of trying to gather public input during the virtual meeting format. Mr. Jones indicated that the lack of any public comments being received was a concern. Vote: Mr. Jones; no, Mr. Esbenshade; no, and Mr. Murphy; no. Motion did not carry.

New Business.

Award Contract for Roadway Materials (Asphalt) for 2020.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to award the contract for asphalt materials, for both Freight on Board and Delivered to Highway Materials, Inc. based on bids received and opened on Monday, March 30, 2020, and listed below:

COMPANY	BID SUBMITTED	
	<u>FOB Total</u>	<u>Delivered Total</u>
Highway Materials, Inc.	\$25,280.00	\$28,280.00
Pennsy Supply, Inc.	\$26,250.00	\$29,000.00

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

Municipal Yard Waste Marketing Agreement

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve entering into the Municipal Yard Waste Marketing Agreement with Columbia Borough for acceptance of yard waste generated by East Donegal Township residents.

Mr. Butler indicated that the new agreement includes a \$5.00 per ton increase in the material taken to the Columbia Borough facility. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

Advertise for the Receipt of Bids for Public Works Garage Roof Replacement

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to authorize the Township Manager to have the appropriate bid documents prepared and to advertise for the receipt of bids for the replacement of the Public Works garage roof.

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

Contribution to the Maytown Historical Society

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to approve a contribution of \$4,000.00 to the Maytown Historical Society for the year 2020.

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

Conditional Use Application – Christian L. Fisher

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to acknowledge the receipt of the Conditional Use Application for a Cemetery 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 July 2, 2020 meeting of the Board of Supervisors.

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

East Donegal Township 2020 Scholarship Program

Supervisor Murphy announced Carrie Hess as the 2020 Scholarship winner. Ms. Hess plans to attend Elizabethtown College and will major in Finance.

Township Park and Recreation Programs

The Board discussed options for the Township's Music-In-The-Park program and Summer Playground Program.

Mr. Butler indicated that the first Music-In-The-Park event, scheduled for Sunday, May 31, 2020 has been cancelled. However, no action has been taken to cancel any of the other scheduled events. Bands for the program have all been booked. Board members expressed a desire to see all the remaining events be held, however, there may be bands that will cancel for a variety of reasons.

Mr. Butler informed the Board that Greater Elizabethtown Area Recreation & Community Services (GEARS) is discussing options for the Summer Playground program. There is still a chance that they can provide a full program, however, they are considering a shorter program to allow for a later start date. Board members stated support for holding the program, even if it is a shortened version. However, there is an understanding of the difficulty of trying to pull together registration, staffing and programming at this time.

Resolution Seeking Immediate Reopening of Lancaster County, Including East Donegal Township

Mr. Jones introduced a Resolution 2020-7 seeking the immediate reopening of Lancaster County and East Donegal Township and supporting the continued efforts of our State and local leaders to institute common-sense safety precautions to protect employees and customers of businesses which choose to open. Mr. Jones indicated that the Resolution addresses the impact of state-imposed restrictions enacted in response to the COVID-19 pandemic on Lancaster County and East Donegal Township.

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to enact Resolution 2020-7 seeking the immediate reopening of Lancaster County and East Donegal Township.

Supervisor Murphy suggested that, due to the current financial position of the Township, the statement that the current situation will “most certainly result” in a significant tax increase be stricken from the Resolution and replaced with “could result” in a significant tax increase.

Mr. Jones indicated that the Resolution does not mean that all the Township will be open for business, it’s a statement to the Governor indicating the Township’s hope that efforts be taken immediately to safely open the County and Township from the current COVID-19 restrictions.

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

Copies of the April 2020 Zoning/Building Report were provided to the Board. For the month, 10 Zoning Permit and 2 UCC Permits were issued. The total value of construction authorized equaled \$39,333.00. Permit fees collected totaled \$936.00. There were 10

zoning inspections and 5 UCC inspections conducted in the month.

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

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

For March 2020, Northwest EMS responded to 50 calls in East Donegal Township.

For March 2020, Fire Department Mount Joy responded to 4 first due calls in East Donegal Township.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the March 17, 2020 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the March 17, 2020 and April 21, 2020 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the Pennsylvania Local Government Investment Trust (PLGIT) annual report for 2019. Supervisor Murphy indicated that he would like to schedule a meeting with PLGIT representatives regarding their services.

Liaison Assignment Reports

Administration/Personnel –None.

Finance –None.

Parks and Recreation – None.

Planning and Development –None.

Public Safety – Mr. Jones indicated that call volume for the Maytown East Donegal Township Fire Department is getting back to normal. Mr. Murphy stated that the Susquehanna Regional Police Department has hired a new officer and is moving back to its regular scheduling.

Public Works – None.

Adjournment

A motion was made by Mr. Jones and seconded by Mr. Esbenshade to adjourn at 8:20 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
To: [Jeff Butler](#)
Subject: Public Comment (May)
Date: Monday, May 4, 2020 7:59:41 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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

To: Board of Supervisors/Township Manager,

I have been dealing with excessive noise issues since early February with no resolution. Will you PLEASE consider putting a noise ordinance in place for East Donegal Township similar to Marietta Borough that would be enforced by the same police department?

The property right next door to mine runs a gas powered generator all day and all night. I hear the motor at all times. This not only causes a disturbance during day time hours, but during night time sleeping hours as well.

I have consulted an attorney who has stated the Township lacking a noise ordinance is problematic in resolving my issue.

I know at your April meeting the Board of Supervisors discussed a noise ordinance briefly, but felt they really didn't have a problem in the Township. Please remember: most laws are not drafted for 98% of the residents, but instead for the 2% that can cause a tremendous issue.

On March 5th at the Board meeting, Bridey Hannold asked the board if they would consider a noise ordinance. Since the March meeting, I submitted formal complaint letters on (3/18 & 3/21).

I was told at the April 2nd Board Meeting that my noise issues would be handled from a zoning perspective. Today, I received information that my noise concerns are no longer a zoning issue. I have contacted the local police on several occasions during the nighttime hours and was told there is nothing that can be done without a noise ordinance in place. Below is an example of someone else within the Township dealing with noise on the Maytown Community Page.

I am attaching the Marietta noise ordinance as a reference.

From: [Bridey Hannold](#)
To: [Jeff Butler](#)
Cc: [Tom Jones](#); [John Murphy](#); [Allen Esbenshade](#)
Subject: Public Comment 5/7 Meeting
Date: Sunday, May 3, 2020 5:37:49 PM
Attachments: [Circle vs roundabout.pdf](#)

Public Comment Re: Stop signs at Square
Bridey Hannold
9 N River St Maytown

I am writing today regarding the vote made in December to switch the stop signs at the High Street entrances to yield signs – more importantly about the statements made by Mr. Butler at the April 2, 2020 meeting. In short, he claimed PennDot would demand our circle be re-engineered to modern day roundabout standards to change the signs.

Correspondence from Mr. Brewley at PennDot to Mr. Butler from that time shows that he does discuss the engineering differences of roundabouts to our circle in depth, but never states our circle **must** be changed to a roundabout. He suggests the Township consult their engineer. I was able to speak to Mr. Brewley and during my conversation and in an email he stated in order to change the signs there needs to be a “project”.

Has anyone questioned this? Does this have to be a huge construction project? Or, could the “project” be the “updating of signage”? I’m not saying a review of the area would be a bad idea, but let’s look at the facts here.

It is well known that any time a traffic calming method is added an engineering study is needed. A traffic circle is classified as one calming method. We are fortunate to not be adding anything – **this circle has existed in its location for over 100 years!** It is not a “new” feature, nor a “new design”. In fact, it is a very historic design we all want to maintain.

It is true that the newer roundabout design has some added safety benefits, but have other historic towns been able to maintain their older style traffic circles? Yes! Has anyone questioned why statements would be made that Maytown may not keep theirs but other towns can? Do other traffic circles have 4 yield signs? Yes. I am attaching a page from the PA Traffic Calming Handbook showing the differences between a traffic circle and a roundabout. The handbook actually has a lot more information on traffic circles- if you are interested it can be found online.

Now, let us zero in on the signs in question. Right now, two of the entrances have stop signs and two entrances have yield signs. What would switching the two stop signs to yield signs change? Very little. Instead of being required to come to a full stop every time before entering the circle at these entrances they would be required to stop fully when necessary.

Does it go against any law? No, it actually reflects the motor vehicle code.

Does it change the right of way designation? No. Whether there is a stop sign or a yield sign at the entrance a vehicle may not proceed until there is a sufficient gap in traffic.

Does it change anything for the car within the circle? No, they still have the right of way.

Does it change anything for the pedestrians utilizing the crosswalks? No – vehicles are still required to yield to pedestrians within the crosswalks.

Do 80-90% of cars utilize these signs as yield signs vs stop signs already? Yes! John Murphy can vouch for that.

You may wonder why fuss over these signs.

I have thanked you for your recent work on the additional signage the circle now has. The switch of signs would be to uphold your vote in December, to bring uniformity to the circle and to question the ridiculousness of the demands that were stated.

Would the Board consider consulting your engineer as suggested with these questions I've presented regarding the sign switch?

Thank you for your time.

Please also see attachment to email.

ROUNDAABOUTS

Description:

Roundabouts are measures similar to traffic circles, but they must have all of the following characteristics:

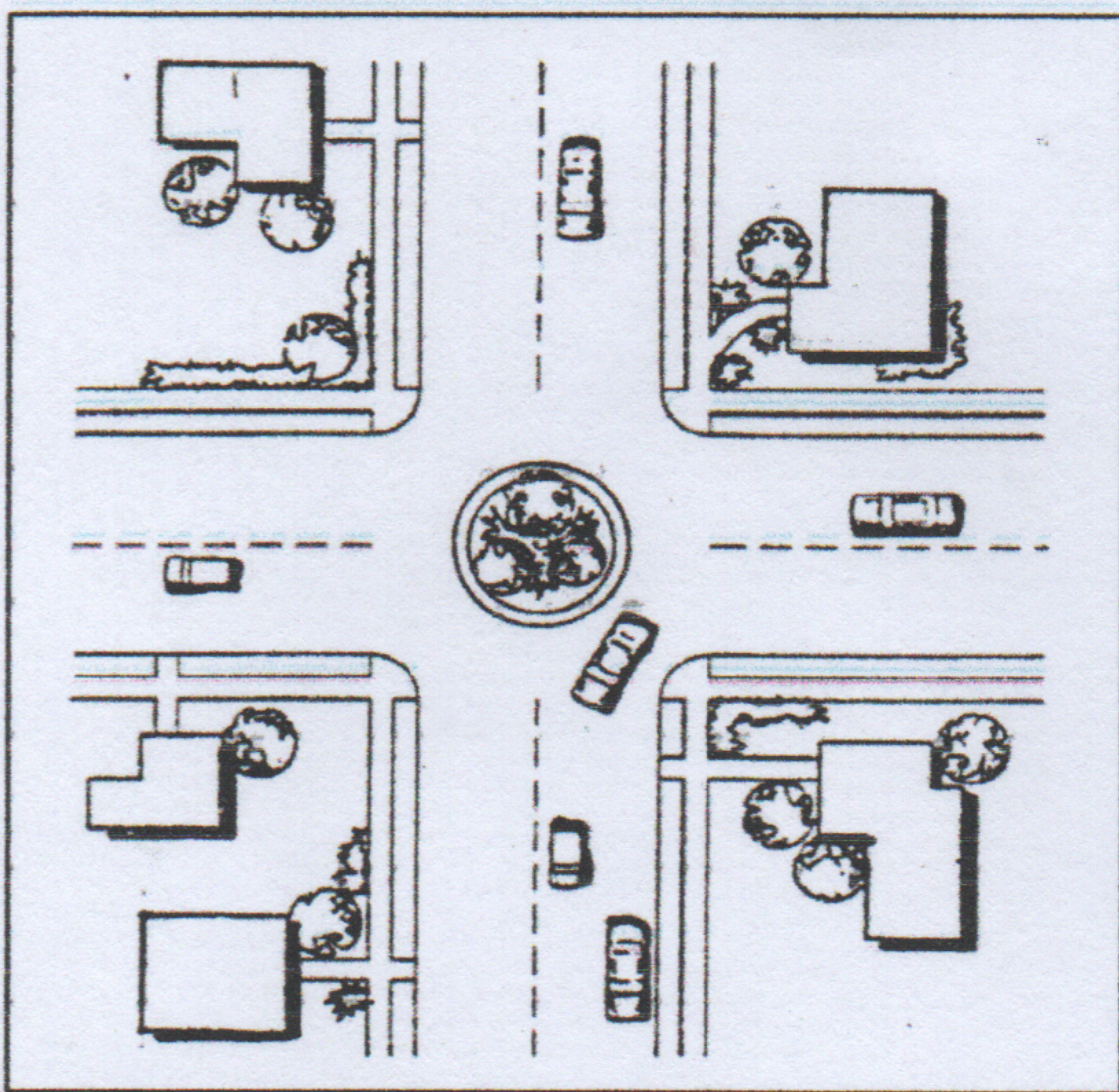
- Yield control is used on all entries and the circulatory roadway has no control.
- Circulating vehicles have the right-of-way.
- Pedestrian access is allowed only across the legs of the roundabout, behind the yield line. *- we allow access to the center island*
- No parking is allowed within the circulatory roadway or at the entries. *(we allow parking within the roadway)*
- All vehicles circulate counter-clockwise and pass to the right of the central island.

If any of the roundabout characteristics are not met, the circular intersection is considered a traffic circle.

For information on PennDOT design, signing and striping standards for roundabouts, along with other information, go to PennDOT publication 414 (Guide to Roundabouts).

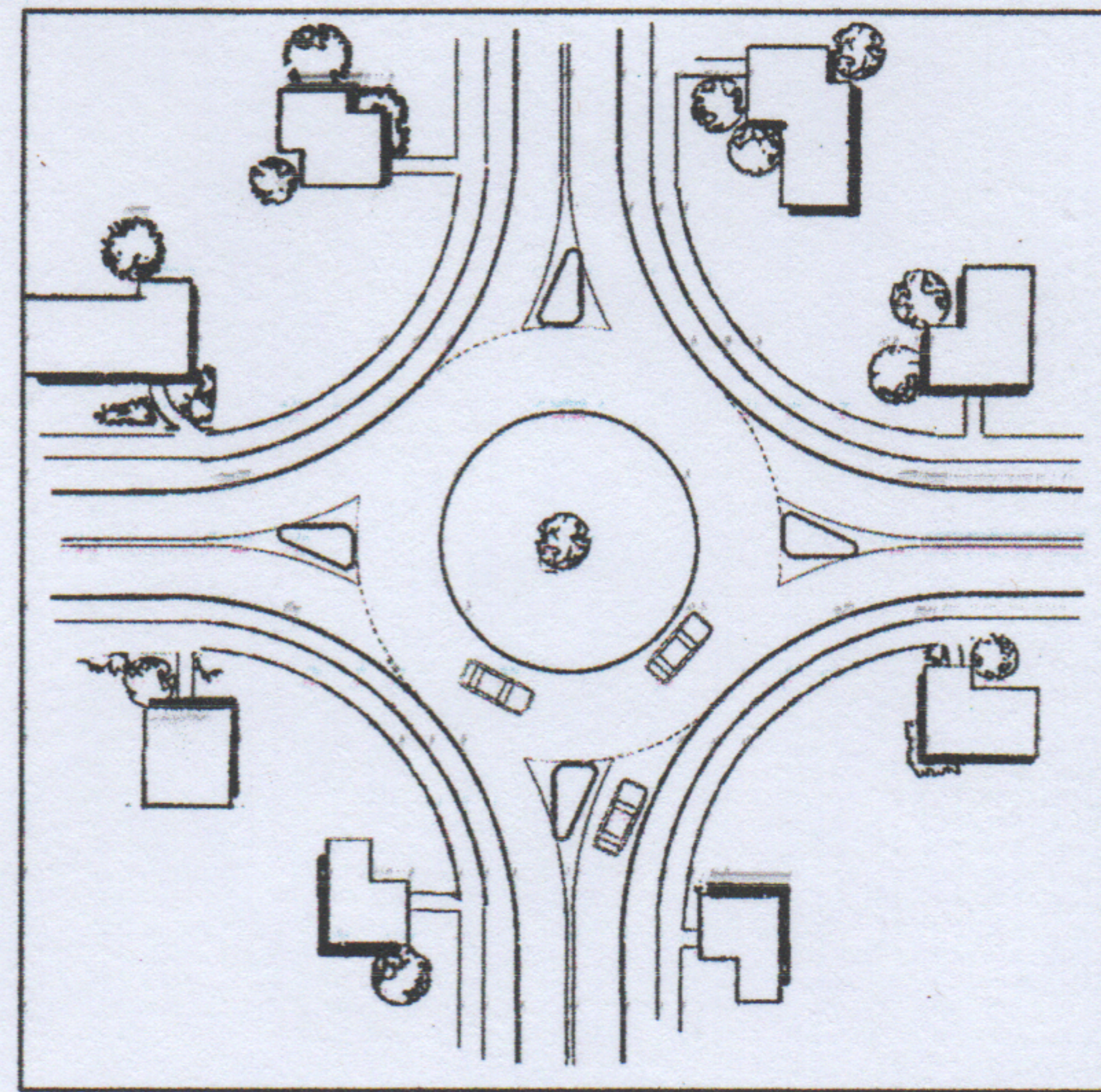
The following pictures depict the differences between a traffic circle and a roundabout.

Traffic Circle



Source: Institute of Transportation Engineers' Traffic Calming – State of the Practice

Roundabout



Source: Institute of Transportation Engineers' Traffic Calming – State of the Practice