

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

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, July 2, 2020, 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 attendance is attached.

Mr. Creme explained that the Board would be conducting a hearing to consider the conditional use application filed by Christian L. Fisher for approval to permit a cemetery to be located on property he owns at 750 Kraybill Church Road, Mount Joy, Pennsylvania 17552 and identified as Parcel ID# 150-38321-0-0000. 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.

Mr. Creme indicated that Craig Underwood, the Township Zoning Officer, provided written verification of compliance with property posting requirements. He stated that the proof of publication of the legal notice of the hearing has been added to the application file. He also offered the Township Planning Commission's recommendation that the Board approve the application.

Mr. Christian Fisher, applicant, stated that the proposal is to utilize approximately 1.16 acres for a cemetery dedicated to the Amish Old Order Church. The area used for the cemetery will be subdivided and ownership transferred to the Church.

Mr. Fisher indicated that the exact locations of the proposed property lines have not yet been determined, therefore a subdivision plan has not been filed with the Township. The right-of-way for a PPL overhead powerline on the property is being adjusted and may impact the area proposed for the cemetery. However, it will be used as a cemetery prior to the subdivision and transfer of ownership.

Access to the site will be from Trout Run Road. A parking area will be located within the PPL right-of-way. A board fence will be erected around the cemetery.

Mr. Creme led Mr. Fisher through the zoning requirements for cemeteries permitted by conditional use. Mr. Fisher stated compliance with the requirements of the zoning ordinance. Mr. Fisher stated that the Old Order Church will be responsible for maintenance.

Mr. Creme inquired about permanent right of access for families of those to be buried in the cemetery. He indicated that state statute requires such access. Mr. Fisher stated that a note indicating such right of access would be added to the subdivision plan to be filed with the Township.

It was indicated that the creation of this new use on the property, with or without the subdivision of land, will require the use of a development right allocated to the farm.

Mr. Don White, 1402 Trout Run Road, presented his support for the application as a neighboring property owner.

No one appeared in opposition to the application.

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. Jones, and seconded by Mr. Esbenshade, to approve the Applicant's request for conditional use approval to permit the proposed use of a Cemetery, pursuant to Chapter 52, Article V, Section 52-114(b)(2)f. and Article IX, Section 52-261. of the Zoning Ordinance of East Donegal Township, conditioned on the following:

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

Applicant shall depict the location of the cemetery plots, parking and other features on the subdivision plan to be filed to create a separate cemetery parcel.

The recorded subdivision plan, and resultant deed for the cemetery use, provide for permanent right of access to families of those buried in the cemetery.

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

Bridey Hannold, 9 North River Street, noted that the agenda included potential action to rescind the Resolution of the Board regarding the COVID-19 pandemic. She expressed a concern, and opposition, to action to rescind the Resolution declaring a disaster.

The Board approved the minutes for the June 4, 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, abstaining from check #51596, payable to Carper Signs, Inc. Motion carried.

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

Old Business.

None

New Business.

Preliminary/Final Land Development Plan for PTV 1102, LLC, Dollar General Store

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve the Preliminary/Final Land Development Plan for PTV 1102, LLC, Dollar General Store, prepared by Civil & Environmental Consultants, Inc., dated January 2020, last revised May 27, 2020 and grant the following modification to Township Ordinance requirements:

Modification to Chapter 22, Part 3, Section 302.2. – The waive preliminary plan processing procedure.

Modification to Chapter 22, Part 4, Section 403.1. – To permit plan to be prepared at scale other than a scale of fifty (50) or one hundred (100) feet to the inch.

Modification to Chapter 28, Part 3, Section 307.A.3. – To permit use of impermeable liner in lieu of an impervious core/key trench.

Modification to Chapter 28, Part 3, Section 307.A.6. – To permit use of emergency outlet structure in lieu of emergency spillway.

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

Compliance with the review comments outlined by David Miller/Associates, Inc. in a review letter dated June 5, 2020.

ADA ramps and proper crosswalk to be provided where sidewalk crosses access driveway into the site.

All modifications granted shall be listed on the plan cover sheet with ordinance citations and the date modification was granted.

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.

In response to a question from the Board, Mr. Adam Whalen, representing the applicant, explained the alternative design of the use of an impermeable liner within the stormwater basin embankment in lieu of a clay core. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

Resolution 2020-11 Approving Contract Change Order for East High Street Improvements, Phase II Project

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to adopt Resolution 2020-11 approving contract Change Order 10 and Change Order 11 for a decrease in the amount of \$25,994.46 for the East High Street Improvements, Phase II Project.

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

Ordinance 2020-4, Authorize Vacation of Right-of-Way Over a Section of Coffee Goss Road

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to adopt Ordinance 2020-4 authorizing the vacation of right-of-way over a section of Coffee Goss Road and authorizing the Board of Supervisors to transfer title to a portion of the vacated right-of-way to the adjoining land owners and to repurpose a portion as a drainage easement.

Mr. Butler briefly explained that the proposed realignment of Coffee Goss Road, as part of the Bridle Path Section 3 development, will result in a portion of the existing road right-of-way being no longer needed. A section of the vacated road right-of-way will be re-purposed as a stormwater management drainage easement, while some of the right-of-way will be transferred to adjacent property owners and will serve as an area for a private driveway for accessing neighboring properties. The ownership and maintenance of the private is addressed in an Easement and Maintenance Agreement, also on the agenda for approval. Vote: Mr. Jones; yes, Mr. Esbenshade; yes, and Mr. Murphy; yes. Motion carried.

Rescind Declaration of Disaster Emergency

A motion was made by Mr. Esbenshade, and seconded by Mr. Jones, to rescind the declaration of disaster emergency passed by Resolution 2020-6 of the Board of

Supervisor in response to the COVID-19 Pandemic.

There was general discussion regarding the status of the declared disaster emergency. There has not been a directive from the county or state for municipalities to end or rescind disaster emergency declarations and no penalty for keeping it in place. Vote: Mr. Jones; no, Mr. Esbenshade; yes, and Mr. Murphy; no. Motion did not pass.

Easement and Maintenance Agreement – Coffee Goss Road/Bridle Path at Village Square Section 3

A motion was made by Mr. Jones, and seconded by Mr. Esbenshade, to approve the execution of the Easement and Maintenance Agreement for stormwater management improvements and access improvements undertaken as part of the Bridle Path at Village Square Section 3 development.

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

Copies of the June 2020 Zoning/Building Report were provided to the Board. For the month, 21 Zoning Permit and 14 UCC Permits were issued. The total value of construction authorized equaled \$606,334.00. Permit fees collected totaled \$4,826.00. There were 9 zoning inspections and 16 UCC inspections conducted in the month.

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

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

For May 2020, Northwest EMS responded to 62 calls in East Donegal Township.

For May 2020, Fire Department Mount Joy responded to 0 first due calls in East Donegal Township.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the May 5, 2020 meeting minutes of the Susquehanna Regional Police Commission.

The Board received copies of the May 14, 2020 meeting minutes of the East Donegal Township Planning Commission.

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

The Board received copies of the June 25, 2020 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the May 19, 2020 meeting minutes of the East Donegal Township Park Commission.

The Board received a thank you letter from Carrie Hess, the recipient of the 2020 Township Scholarship.

The Board received notice of the Blood Drive to be held at the Municipal Building on Saturday, July 11, 2020.

The Board received notice of the Township Zoning Hearing Board meeting schedule for Monday, July 13, 2020.

The Board received copies of the 2019 Annual Report prepared by the Mount Joy Borough Authority.

Liaison Assignment Reports

Administration/Personnel – None.

Finance –None.

Parks and Recreation – None.

Planning and Development –None.

Public Safety – Mr. Murphy informed the Board that the Susquehanna Regional Police Commission has placed employment advertisements for Chief of Police.

Public Works – None.

Adjournment

A motion was made by Mr. Jones and seconded by Mr. Esbenshade to adjourn at 8:11 PM.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary

The next regular meeting of the Board of Supervisors will be held on Thursday, August 6, 2020 at 7:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.