

The Board's Minutes of the East Donegal Township Board of Supervisors  
Held on March 4, 2021

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, March 4, 2021, at 6:00 PM in the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta, PA 17547.

The meeting was called to order by Chairman Tom Jones.

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

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

Chairman Jones announced that prior to the meeting the Supervisors held an executive session to receive advice from legal counsel on the laws and regulations that apply to the ownership and management of East Donegal Township Municipal Authority real estate assets.

Public attendance is attached.

Ms. Bridey Hannold, 9 North River Street, thanked the Board for addressing the little inconsistencies in the Township Code of Ordinance with the draft ordinance under consideration. She suggested that additional revisions be made to address the use of the Center Square street name.

Ms. Hannold asked about the email she sent the Board regarding potential revisions to the Township sign regulations. Supervisor Jones indicated that the email will be attached to the meeting minutes. Ms. Hannold had questions regarding specific sections of the sign regulations. Supervisor Jones indicated he would review the provisions and follow-up with her.

Mr. Frank Splain, 125 Stirrup Lane, asked if there was any consideration of his comments regarding roof-mounted solar panels. It was indicated that this issue would be discussed later in the meeting as an item on the agenda.

Mr. Splain asked about the hiring process for a new Chief of the Susquehanna Regional Police Department. He suggested that residents be part of that process. Supervisor Murphy gave an update of the hiring process undertaken by the Regional Police Commission.

Mr. Splain highlighted issues with 911 response to properties surrounding the square in Maytown. Some of the units that are part of the Three Center Square apartment that front South River Street have a West High Street address.

Supervisors Jones asked that anyone using recording devices, other than members of the press, place those devices on a table at the front of the meeting room. Ms. Hannold objected to the request. Mr. Jones cited Township Resolution 2002-22 regarding policies and procedures for Township meetings and his intention to have everyone attending the meeting know they were being recorded. Following discussion, Ms. Hannold moved to the table at the front of the meeting room with the cellular phone she was using to record the meeting.

The Board approved the minutes for the February 4, 2021 regular meeting of the Board of Supervisors by a motion made by Mr. Murphy and seconded by Mr. Esbenshade. Discussion: None. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Jones; yes. Motion carried.

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, Mr. Esbenshade; yes, and Mr. Jones; yes.

<b>FUND</b>	<b>AMOUNT</b>	<b>CHECK #'S</b>
General Fund	\$188,493.30	51881-51909
Trash and Recycling Fund	\$99,652.01	1921-1925
Subdivision Escrow Fund	\$10,889.76	560-562
Highway Aid Fund	\$6136.68	134
<b>TOTAL</b>	<b>\$305,171.75</b>	

Mr. Jones acknowledged the Board’s receipt of the Balance Sheets for the period ending January 31, 2021 for all Township Funds.

Old Business.

None.

New Business.

Amendment to Township Code of Ordinance – Chapter 1, Article III, Planning Commission, Section 1-46. Creation of Commission, Chapter 28. Motor Vehicles and Traffic, Article II. Traffic Regulations and Chapter 28. Motor Vehicles and Traffic, Article IV. General Parking Regulations

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to authorize the Township Manager to advertise the proposed ordinance to amend Chapter 1, Article III, Section 1-46. Creation of Commission, Chapter 28. Motor Vehicles and Traffic, Article II. Traffic Regulations and Chapter 28. Motor Vehicles and Traffic, Article IV. General Parking Regulations of the Township Code of Ordinances for consideration at the April 1, 2021 meeting of the Board of Supervisors.

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

Award Contract for Roadway Improvements

A motion was made by Mr. Murphy, and seconded by Mr. Jones, to award the contract for the completion of roadway improvements to Long Lane, Old Colebrook Road, Vinegar Ferry Road and Oak Road to Kinsley Construction Inc., based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Kinsley Construction, Inc.</i>	<i>\$59,750.00</i>
<i>Long's Asphalt Inc.</i>	<i>\$67,222.80</i>
<i>Pennsy Supply Inc.</i>	<i>\$77,290.19</i>
<i>York Excavating Inc.</i>	<i>\$96,159.90</i>
<i>Construction Master Services, LLC</i>	<i>\$89,715.95</i>

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

Award Contract for Maytown East Donegal Township Fire Department Parking Lot Paving

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to award the contract for the paving of the Maytown East Donegal Township Fire Department parking lot to Kinsley Construction Inc., based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Kinsley Construction Inc.</i>	<i>\$17,596.00</i>
<i>York Excavating Co.</i>	<i>\$22,493.00</i>
<i>Construction Master Services LLC</i>	<i>\$24,880.08</i>

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

Award Contract for East High Street Paving Project

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to award the contract for the completion of East High Street paving project to Pennsy Supply, Inc. based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Pennsy Supply Inc.</i>	<i>\$58,802.20</i>
<i>Long's Asphalt Inc.</i>	<i>\$78,433.00</i>
<i>Kinsley Construction Inc.</i>	<i>\$66,830.00</i>
<i>York Excavating Inc.</i>	<i>\$96,514.00</i>
<i>E.K. Services, Inc.</i>	<i>\$85,485.00</i>
<i>Construction Master Services LLC</i>	<i>\$83,599.00</i>

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

Award Contract for Roadway Materials (Asphalt) for 2021.

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to award the contract for the asphalt roadway materials as required for the completion of projects undertaken by Township Public Works to Highway Materials, Inc., based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>	
	<u>FOB Total</u>	<u>Delivered Total</u>
<i>Highway Materials, Inc.</i>	\$26,185.00	\$29,185.00

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

Award Contract for Roadway Materials (Aggregate) for 2021.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to award the contract for the roadway materials as required for the completion of projects undertaken by Township Public Works to County Line Quarry Inc., based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>County Line Quarry, Inc.</i>	\$15,248.00
<i>R.E. Pierson Materials</i>	\$16,420.00

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

Award Contract for Oil & Chip Roadway Projects.

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to award the contract for the seal coating of Long Lane, Old Colebrook Road, Vinegar Ferry Road, Oak Road and Gible Road to Russell Standard Corp., based on bids received and opened on Monday, March 1, 2021 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Russell Standard Corp.</i>	\$69,520.00
<i>Martin's Paving Inc.</i>	\$69,772.15
<i>Stewart &amp; Tate Inc.</i>	\$79,595.66

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

Request For Road Closure –Memorial Day Antique, Art Craft and Collectible Show

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to approve the request of the American Legion Auxiliary Unit #809 for closure of Township streets East High Street from Queen Street to the square, West High Street from King Street to the square and acknowledge their application to PennDOT for the closure of South River

Street from Elizabeth Street to the square, and North River Street from Jacob Street to the square on Monday, May 31, 2021 from 6:00 AM to 5:00 PM.

It was indicated that, as part of the PennDOT permitting process for the roadway closure, the event sponsor, American Legion Auxiliary, will need to submit a plan compliant with COVID restrictions. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Jones; yes. Motion carried.

#### Proposed Amendment to Township Zoning Ordinance – Airport Commercial District

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to acknowledge receipt of the proposed amendment to the Township's zoning regulations prepared by the Township Planning Commission and authorize forwarding the request to the Lancaster County Planning Commission for review and recommendation and schedule the required public hearing on this proposed amendment for the regular meeting of the Board of Supervisors on Thursday, June 3, 2021.

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

#### Amendment to Township Code of Ordinances – Chapter 8, Code Enforcement; Article II., Uniform Construction Code

Mr. Craig Underwood, Township Zoning Officer and Building Code Official, stated that he had the opportunity to research and discuss the suggestion that revisions be made to the Township Code of Ordinance to address roof mounted solar panel placement. Through that effort it has been identified that the state is currently considering adoption of the most recently prepared building code provisions. These provisions would include requirements that address roof-mounted solar panels. Once adopted by the state, the Township would be considering adopting those provisions later this year. Due to the inclusion of solar panel regulations in the new building code, there is no need to amend the Township code provisions prior to that.

#### 2021 Scholarship Program

Mr. Jones announced that the East Donegal Township Scholarship Program information and application packet has been provided to the Donegal School District. The deadline for applications to the program that provides \$1,000 scholarship to a graduating East Donegal Township senior is 4:00 PM, April 15, 2021. It was indicated that this would be the seventh year of the program.

#### East Donegal Township Financial Statements for the Year Ended December 31, 2020

A motion was made by Mr. Esbenshade, and seconded by Mr. Murphy, to accept the Financial Statements for the Year Ended December 31, 2020, as prepared by White, Rudy LLC and authorize the filing of the required PA Department of Community and Economic Development Report prior to April 1, 2021.

It was indicated that the auditors would be attending the April 1, 2021 meeting of the Board to formally present the report. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Jones; yes. Motion carried.

#### Township Park Commission Appointment

A motion was made by Mr. Murphy, and seconded by Mr. Esbenshade, to approve the appointment of Brandon Crouser to the East Donegal Township Park Commission to complete an unexpired term until December 31, 2021.

Mr. Crouser is active in the Donegal Fish and Conservation Association and is a member of the Study Committee working to prepare a Master Plan for the Chickies Creek Day Use Area. Mr. Crouser has completed the Habitat Steward Program of the Lancaster County Conservancy and is presently enrolled in the Master Watershed Steward classes of the Penn State Extension office. Vote: Mr. Murphy; yes, Mr. Esbenshade; yes, and Mr. Jones; yes. Motion carried.

#### GEARS Park and Recreation Programs

Mr. Butler announced that the Township has worked with GEARS (Greater Elizabethtown Area Recreation and Services) to provide recreation programs in Township Parks. These programs include health and nutrition workshops, canoeing, kayaking, bicycling, and stargazing.

In addition, GEARS will be staffing and running this year's summer playground program in Fuhrman Park. Last year, the program had to be cancelled due to the pandemic. Residents should watch the Township website and newsletter for registration information.

Copies of the February 2021 Zoning/Building Report were provided to the Board. For the month, 7 Zoning Permits and 3 UCC Permits were issued. The total value of construction authorized equaled \$243,077.00. Permit fees collected totaled \$11,005.00. There were 7 zoning inspections and 8 UCC inspections conducted in the month.

For January 2021, Northwest EMS responded to 63 calls in East Donegal Township. For 2020, Northwest EMS responded to 646 calls in East Donegal Township.

For January 2021, Fire Department Mount Joy responded to 3 first due calls in East Donegal Township.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the January 19, 2021 meeting minutes of the East Donegal Sewer Authority.

The Board received copies of the January 19, 2021 East Donegal Township Municipal Authority meeting minutes.

The Board received copies of the Liquid Fuels Tax Fund 2019 Audit that was prepared by Pennsylvania Department of the Auditor General.

The Board was reminded of the municipal officials meeting to be held by the Northwest EMS on March 31, 2021 at the Elizabethtown Borough office.

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 8:10 PM.

Respectfully Submitted,

Jeffrey L. Butler  
Manager/Secretary

The next regular meeting of the Board of Supervisors will be held on Thursday, April 1, 2021 at 7:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.

**From:** [Bridey Hannold](#)  
**To:** [Tom Jones](#); [John Murphy](#); [Allen Esbenshade](#)  
**Cc:** [Jeff Butler](#); [Craig Underwood](#)  
**Subject:** March 4 Public comment  
**Date:** Sunday, February 28, 2021 8:33:18 AM

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Below is the submission of my information for public comment on March 4.  
Thanks and have a great day,  
Bridey Hannold

Several months ago as I was driving through the Township I noticed several political signs. These particular signs caught my attention for several reasons:  
<!--[endif]-->Their size seemed very extreme- close to what one might consider a billboard  
<!--[endif]-->They were still displayed several months after the primary election.  
I wondered if this was listed/addressed anywhere in the Township Code. After reviewing the Township's zoning ordinance I found the following:

**Sec. 52-213. - Classification of signs by use.**

(10) *Temporary display sign or banner.* A sign of a charitable, institutional, or public organization that advertises an event for a specific date, **or an election sign which directs attention to a candidate for public office, a political party or a ballot issue.**

**Sec. 52-217. - Sign standards based on use classification**

The following specific sign standards shall apply to signs based on use:

**9) Temporary display signs or banners shall conform to the following:**

- a. The sign or banner shall not exceed an area of 24 square feet.
- b. The sign or banner shall be permitted for one period of not more than 30 days.
- c. A sign or banner used to advertise an event of specific date shall be removed within five days after the date of such event.
- d. The sign shall not be located within a street right-of-way without the approval of the Township board of supervisors.

I contacted Mr. Underwood and asked if the Township would be addressing these few signs. His response was that the Township could not address any sign displaying one's opinion because it violated their right to free speech.

**The questions I have for you is:**

**Is this section of your current ordinance unconstitutional?**

**If yes, will the Township be addressing this? Possibly by amending.**

**If no, why was it not enforced?**

<!--[endif]-->**Does the Township attached and enforce the General Regulations listed in their ordinance on ALL signs or are freedom of speech signs exempt from these regulations?**

The response I have received from Mr. Underwood is that freedom of speech signs are exempt from all general regulations in your code. In this case, I will be placing the following signs:

My first sign will read "Tom Jones Stinks" and it will be placed on the side of my property by



my driveway. I have a decent amount of room, so this sign could be quite large – possibly 10’x10’. Mr. Jones has a few years left on his current term and if he is elected again that adds even more time, so this sign could remain for 8 years.

I want this sign to be as big as I can make it because I want my message to be easily seen and read by all.

It doesn’t matter that this sign will totally obstruct the vision of the traffic utilizing the Church St/River St intersection. Sure, it is a high traffic area, but if accidents occur due to this sign I’m sure our emergency services will respond and the safety of those using this roadway/intersection does not trump my right to free speech.

My second sign will be placed at the other end of this side of my property. I have decided the topic of abortion should be addressed, so I will erect a huge red octagon shaped sign that reads “Stop Abortion Now”.

I think people will really read this particular message because it too will be quite large and will be placed at the intersection entering Center Square where a yield sign exists on the opposite side of the roadway. After reading my sign and seeing it’s just an opinion and not a true traffic control sign they will probably just continue on.

As with my other sign, visibility at the intersection may be obstructed, and pedestrians within crosswalks may not be seen, but that doesn’t matter because my rights are protected.

<!--[endif]-->**Is it time for the Township to list/address signs of free speech?**

Freedom of speech is obviously very important to all- below is an example from Lancaster City where the issue of signs/freedom of speech is addressed both in definition and regulation. (They amended their ordinance in 2017). You can read this ordinance in its entirety online.

**Noncommercial sign:** A sign containing a noncommercial message constituting a form of personal, political, religious, social or other expression without limit of content, as protected by the First Amendment of the U.S. Constitution.

**Noncommercial signs:** signs containing noncommercial messages constituting a form of personal, political, religious, social or other expression and that are not advertising a product or service, provided that the sign has no internal illumination and the total area of all noncommercial signs on a single property shall not exceed 12 square feet.

This example ordinance is also different from your “temporary sign” regulation in that:

<!--[endif]-->The ordinance also lists this as a sign requiring no permit

<!--[endif]-->There is no time limit – because one’s personal opinion could come at “any time of the year”

It is the similar to your ordinance in that a size limit is attached. (theirs is probably a bit small)