

The Board's Minutes of the East Donegal Township Board of Supervisors  
Held on April 7, 2022

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, April 7, 2022, 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 Jones.

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

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

Chairman Jones stated that a representative from David Miller/Associates, Inc., Township Engineer, was present to discuss the Township's Small Municipal Separate Storm Sewer System (MS4) program. The purpose of the presentation was to meet the requirement that an annual public meeting be held to update the community on the development and implementation of the Stormwater Management Program, and to gather public comments. Mr. Butler noted that the meeting was advertised, and meeting notices were posted at the Municipal Building.

Ms. Charity Burkhart, David Miller/Associates, Inc., stated that the Township is subject to terms and conditions of an issued Municipal Separate Storm Sewer System (MS4) Permit. The MS4 Permit regulates the discharges of stormwater to local streams. The Township addresses the MS4 requirements through actions needed to meet the goals stated in the Township's Stormwater Management Program.

Ms. Burkhart indicated that the required annual report was filed with PA Department of Environmental Protection (DEP) on September 1, 2021. This is year 3 of the 5-year permit period.

The Township was audited for compliance with program requirement by DEP staff in November 2021. The audit did not identify any significant items to be addressed. It did identify the need to better document Public Works training attendance, the labeling of used oil containers, and the need to continually update the targeted audience groups.

Illicit discharge detection and elimination is a crucial element of the Township's stormwater management program for protection of receiving waterways from concentrated pollutants that may result in the regulated system causing and/or contributing to an impairment. There were two issues identified in the 2021-2022 permit year. Both issues were construction erosion and sedimentation control related, and were adequately remediated by education.

Wet weather inspections of 18 outfalls were completed late November 2021. There were 4

outfalls that indicated high results for the elements tested. The next step in these locations is to attempt to identify the origins of the pathogens.

All post-construction stormwater best management practices inspections have now been completed. Two locations required follow-up to address issues identified during the inspections.

Following the completion of the first round of post-construction stormwater inspections of all BMP facilities in the Township, annual inspections are to be done by facility owners. This self-reporting process will probably require Township follow-up until property owners become familiar with the process.

Township efforts continue to address the minimum control measures, or MCMs, of the stormwater management program. Some the efforts, such as multi-municipal training of public works road crew members and promotion of public stormwater activities, such as, the county-wide Water Week event.

Ms. Burkhart provided an update regarding the proposed streambank/floodplain restoration project for Evans Run. The Township has now received grants that should provide 100% of the project cost. The permit application for the project has been filed and has gone through an initial DEP review.

There were questions regarding the anticipated emphasis of the next round of permits. Ms. Burkhart indicated that early discussions have been that there will be target levels for nitrogen in the next permit period. However, DEP has not offered anything publicly. There were no stormwater comments received from the public.

Mr. Shawn Carl, representing White Rudy LLC, presented the 2021 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, mostly to align with the state form used for filing. He indicated to the Board that there is a good process in place for the budgeting, handling, and reporting of Township finances.

The audit found that general fund revenues for 2021 totaled approximately \$4.56 million, while expenses total approximately \$4.37 million. At the end of 2020, the Township general fund had a balance of approximately \$3.55 million, approximately \$186,000 more than at the end of 2020. Mr. Rudy noted that the adopted 2020 budget anticipated utilizing approximately \$194,000 of the general fund reserve.

Mr. Carl indicated that the report included some recommendations regarding the need for formal lease agreements for the use of Township buildings with Northwest EMS and the Maytown East Donegal Township Fire Department. Other recommendations included the need

for signatures on statements, the need for additional escrow funds to cover costs incurred by the Township when reviewing land development plans and land development plans, and the completion of the accounting procedures and policies manual that has been initiated.

There was general discussion regarding leases for Township-owned facilities and the fees collected when plans are filed for review.

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to accept the audit report for 2021 as presented. Vote: Mr. Esbenshade; yes, Mr. Kingsboro; yes and Mr. Jones; yes. Motion carried.

Mr. Jim Smith, 533 Bent Oak Drive, and member of the Orchards Homeowners Association stated that the Association has address the BMP deficiencies noted during the recent inspection by the Township Engineer. He indicated that the Association believes they are unfairly impacted by stormwater facilities located upstream in Mount Joy Borough. He also indicated that the Association’s contractor has identified additional steps they may want to take to address the function of the larger basin along Anderson Ferry Road. However, the Association does not have funds available to make those changes and asked if Township funding was available.

Ms. Bridey Hannold, 9 North River Street, stated that the on-line version of the Township Code of Ordinance has not been updated with ordinance provisions adopted following its initial posting.

Mr. Frank Splain, 125 Stirrup Lane, indicated that Ashely Drive and Chelmsford Drive have loose stones from last year’s seal coating. He also indicated that crack sealing is needed Amanda Court, Tanger Street and Sload Circle.

Ms. Sara Gutshall thanked the Board for allowing her to place a collection box for female veterans in the lobby of the Township Building. So far, 736 items have been received in the collection box.

The Board approved the minutes for the March 3, 2022 regular meeting of the Board of Supervisors, by a motion made by Mr. Esbenshade and seconded by Mr. Kingsboro. Discussion: None. Vote: Mr. Kingsboro; yes, Mr. Esbenshade; yes and Mr. Jones; yes. Motion passed.

A motion was made by Mr. Esbenshade and seconded by Mr. Kingsboro to approve the Treasurer’s Reports for the Township and approve the payment of Township bills. Discussion: none. Vote: Mr. Kingsboro; yes, abstaining from voting on check 52329 payable to him, Mr. Esbenshade; yes, abstaining from voting on check 52305 payable to him and Mr. Jones; yes. Motion carried.

FUND	AMOUNT	CHECK #'s
------	--------	-----------

General Fund	\$193,074.20	52304-52332
Trash and Recycling Fund	\$ 69,111.79	2015-2022
Subdivision Escrow Fund	\$ 7,406.65	583-589
TOTAL	\$269,592.64	

Mr. Jones acknowledged the Board’s receipt of the Balance Sheets for the period ending February 28, 2022, for all Township Funds.

Old Business.

Release of Financial Security – Stormwater Management Plan for Florin Farms Hatchery

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to approve the release of financial securities posted for the Stormwater Management Plan for Florin Farms Hatchery, in the amount of \$4,242.44, as recommended in the letter from David Miller/Associates, Inc., dated April 5, 2022.

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

Ordinance 2022–1, Amendment to Township Code of Ordinances – Chapter 52, Zoning, Change Zoning Classification of 1442 River Road From Planned Commercial (PC) To Industrial (I).

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to adopt Ordinance 2022-1 to amend Chapter 52, Section 446., Zoning Map, of the Township Code of Ordinances, to change the zoning classification of 1442 River Road, Tax Parcel 150-35507-0-0000, from Planned Commercial (PC) to Industrial (I).

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

Ordinance 2022–2, Amendment to Township Code of Ordinances – Chapter 52, Zoning, Adding Mini-warehousing In General Commercial (GC) District

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to adopt Ordinance 2022-2 to amend Chapter 52, Article V, Section 52-120., General Commercial District (GC) of the Township Code of Ordinances by adding Mini-warehousing as a Permitted Use and Structure.

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

New Business.

Stormwater Management Plan for Michael Buckwalter Swine Operation - 350 Rock Point Road

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to approve the Stormwater Management Plan for Michael Buckwalter Swine Operation, prepared by Red Barn Consulting, Inc., dated November 15, 2021, last revised March 21, 2022, and grant the following modification to Township ordinance requirements.

Modification to Chapter 39, Article IV, Section 39-82(1)(b)(3) –To permit loading

ratios for volume control facilities to exceed requirements listed within the ordinance.

The approval of the Stormwater Management Plan and the granting of the ordinance modification is subject to the following conditions:

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated March 29, 2022.

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

**Award Contract for Roadway Improvements**

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to award the contract for the completion of roadway improvements to Colebrook Road to Highway Materials Inc., based on bids received and opened on Monday, April 4, 2022, and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Kinsley Construction, Inc.</i>	<i>\$247,650.00</i>
<i>Long’s Asphalt, Inc.</i>	<i>\$247,870.00</i>
<i>Pennsy Supply, Inc.</i>	<i>\$285,271.00</i>
<i>Highway Materials, Inc.</i>	<i>\$215,423.00</i>
<i>New Enterprise Stone &amp; Lime Co., Inc.</i>	<i>\$238,645.00</i>

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

**Award Contract for Roadway Materials (Asphalt) for 2022.**

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to award the contract for the asphalt roadway materials, both FOB and delivered, as required for the completion of projects undertaken by Township Public Works, to Highway Materials, Inc., based on bids received and opened on Monday, April 4, 2022, and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>	
	<b>FOB Total</b>	<b>Delivered Total</b>
<i>Highway Materials, Inc.</i>	<i>\$29,855.00</i>	<i>\$34,230.00</i>
<i>Pennsy Supply Co.</i>	<i>\$31,250.00</i>	<i>No Bid</i>

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

**Award Contract for Roadway Materials (Aggregate Picked Up) for 2022.**

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to award the

contract for the roadway aggregate materials FOB, as required for the completion of projects undertaken by Township Public Works, to County Line Quarry, based on bids received and opened on Monday, April 4, 2022 and listed below:

<b>COMPANY</b>	<b>FOB BID SUBMITTED</b>
<i>County Line Quarry</i>	<i>\$7,340.00</i>
<i>Pennsy Supply, Co.</i>	<i>\$7,400.00</i>

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

**Award Contract for Roadway Materials (Aggregate Delivered) for 2022.**

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to award the contract for the roadway aggregate materials delivered, as required for the completion of projects undertaken by Township Public Works, to Pennsy Supply Company, based on bids received and opened on Monday, April 4, 2022 and listed below:

<b>COMPANY</b>	<b>DELIVERED BID SUBMITTED</b>
<i>County Line Quarry</i>	<i>\$11,640.00</i>
<i>Pennsy Supply Co.</i>	<i>\$10,632.00</i>

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

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

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to award the contract for the seal coating of Vinegar Ferry Road, Steller Drive, Quasar Drive, Kelly Avenue, Jane Avenue and Oak Lane to Russell Standard Corporation based on bids received and opened on Monday, April 4, 2022 and listed below:

<b>COMPANY</b>	<b>BID SUBMITTED</b>
<i>Martin Paving, Inc.</i>	<i>\$119,819.78</i>
<i>Russell Standard Corp.</i>	<i>\$110,032.50</i>

It was noted that the residential streets scheduled for oil and chip treatment will receive a fog seal coating. Vote: Mr. Kingsboro, yes; Mr. Esbenshade, yes; and Mr. Jones, yes.

**Request For Use of Riverfront Park - Juvenile Diabetes Research Foundation**

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to approve the request of the Juvenile Diabetes Research Foundation for the use of Riverfront Park for an awareness event and fun ride on Sunday, June 26, 2022 from noon to 3:00 PM, subject to submission of the appropriate certificate of insurance.

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

**Consent to Assignment of Lease to Columbia Water Company**

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to approve the assignment of the lease for a portion of the Township's Storage Building for location and operation of Well #1 to Columbia Water Company.

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

#### Donation of Field Grooming Equipment to Donegal Baseball Softball Association

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to approve the donation of a John Deere Gator and field grooming equipment to the Donegal Baseball Softball Association.

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

#### Amendments to Uniform Construction Code

Mr. Craig Underwood, Township Zoning Officer/Building Code Official, addressed the Board regarding the 2018 edition of the International Construction Code standards authorized by the PA Department of Labor and Industry. The Township will need to amend the current ordinance provisions to appropriately reference the 2018 code.

He also addressed the need for the Township to, by ordinance amendment, begin to require the issuance of permits for the installation of photovoltaic solar arrays. Through this process, sections of the 2018 code that regulate these facilities can be applied.

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to authorize the preparation of the appropriate ordinance amendment to reference the 2018 edition of the International Construction Code and to require the issuance of permits for the installation of photovoltaic solar arrays.

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

#### Formation of Emergency Services Authority

Mr. Butler provided the Board with an update regarding the work underway to recommend a means to address sustainable funding for emergency medical services. As explained at a meeting of municipal officials from 12 municipalities served by Northwest EMS, it appears that the creation of an Authority is the most promising. The group working on this option has asked that each community interested in pursuing the creation of an authority pass a resolution supporting the concept. Those passing a resolution will be provided the opportunity to have representation on an authority board, if formed.

There was general discussion regarding past funding providing by municipal donations. The creation of an authority, and the imposition of fees, would replace the need to rely on municipal donations for funding.

It was indicated that a resolution would be placed on the May 5, 2022 agenda for the Board's consideration.

#### No Parking Zone – East High Street

Mr. Butler stated that a numerous comments have been received regarding the parking of vehicles on either side of East High Street, in the area between Apple Alley and the Maytown East Donegal Township firehouse. Vehicles parked in this area force moving

vehicles into the opposing lane of travel. The vertical alignment of the road makes it difficult to view oncoming traffic.

A motion was made by Mr. Kingsboro, and seconded by Mr. Esbenshade, to authorize completion of the necessary traffic study, and the preparation of the appropriate ordinance, to prohibit parking on both side of East High Street in the area between Apple Alley and the entrance drive to Fuhrman Park.

Vote: Mr. Kingsboro, yes; Mr. Esbenshade, yes; and Mr. Jones, yes.

#### Truck Traffic On West High Street

Mr. Butler stated that the Township continues to receive complaints regarding truck traffic on West High Street. There was general discussion regarding the nature of traffic, local verses pass-through, and the time of year truck traffic may be the highest.

Mr. Butler indicated that he would discuss the issue with the Township's traffic consultant to determine when the best time, and what type, a truck based traffic study be undertaken. The Township would then have data to make a decision regarding any restrictions on truck traffic on this roadway.

Copies of the March 2022 Zoning/Building Report were provided to the Board. For the month, 13 Zoning Permits and 8 UCC Permits were issued. The total value of construction authorized equaled \$632,421.00. Permit fees collected totaled \$5,577.50. There were 19 zoning inspections and 56 UCC inspections conducted in the month.

The Board received copies of the March 2022 report from the Milanof-Schock Library

For February 2022, Northwest EMS responded to 47 calls in East Donegal Township. To date, Northwest EMS has responded to 109 calls in East Donegal Township.

For February 2022, Fire Department Mount Joy responded to 9 first due calls in East Donegal Township.

Maytown East Donegal Township Fire Department – No Report.

The Board received copies of the March 1, 2022 meeting minutes of the Susquehanna Regional Police Commission. The Board also received copies of the Department's 2021 End of Year Report.

The Board received copies of the February 10, 2022 meeting minutes of the East Donegal Township Planning Commission.

The Board received copies of the February 15, 2022 meeting minutes of the East Donegal Sewer Authority.



The Board received copies of the February 15, 2022 meeting minutes of the East Donegal Township Municipal Authority.

The Board received copies of the March 2022 NewsBulletin prepared by the PA State Association of Township Supervisors.

The Board received copies of the February 22, 2022 meeting minutes of the Marietta Donegal Joint Authority.

The Board received copies of the March 24, 2022 meeting minutes of the Township Park Commission.

#### Liaison Assignment Reports

Administration/Personnel – Supervisor Jones stated that the Township continues to look to fill the current opening for a Public Works Director/Roadmaster.

Finance –Supervisor Kingsboro stated that the Township Non-Uniform Pension Committee met with plan managers. The plan is currently 95% funded.

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. Kingsboro to adjourn at 8:55 PM.

Respectfully Submitted,  
Jeffrey L. Butler, Township Secretary

**The next regular meeting of the Board of Supervisors will be held on Thursday, May 5, 2022 at 7:00 PM at the East Donegal Township Municipal Building, 190 Rock Point Road, Marietta PA 17547.**