

The Board's Minutes of the East Donegal Township Board of Supervisors
Held on March 2, 2023

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, March 2, 2023, 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 Kingsboro.

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

Roll call of Supervisors: Present were Chairman Scott A. Kingsboro, Vice-Chairman Allen D. Esbenshade and Supervisor Michael L. Brubaker. Township Manager Jeffrey Butler was also present.

Mr. Phil Rudy and Mr. Shawn Carl, representing White Rudy LLC, presented the 2022 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 2022 totaled approximately \$4.85 million, while expenses totaled approximately \$4.55 million. At the end of 2022, the Township general fund had a balance of approximately \$3.8 million. At the end of 2022, the total amount available in all of the Township funds was approximately \$6.6 million.

A motion was made by Mr. Esbenshade, and seconded by Mr. Brubaker, to accept the audit report for 2022 as presented. Vote: Mr. Brubaker; yes, Mr. Esbenshade; yes and Mr. Kingsboro; yes. Motion carried.

Chairman Kingsboro introduced Ms. Charity Hain, representative from David Miller/Associates, Inc., 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. Hain 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. Hain provided an update on the status of the Township's Stormwater Management Program goals. A second round of wet weather discharge samplings will be done later in the year. Post-construction facility inspections have been completed for the entire Township. Yearly notices will be sent to facility owners reminding them of annual inspection requirements. The Township has hosted regional training sessions for Public Works crews on best practices to address storm water issues.

Ms. Hain indicated that the required annual report was filed with PA Department of Environmental Protection (DEP) on September 8, 2022. Approval of the annual report by DEP was received by the Township in December 2022. Ms. Hain stated that the Township's permit has been administratively extended by DEP two years. The permit is now valid through 2025.

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.

Ms. Hain provided an update regarding the proposed streambank/floodplain restoration project for Evans Run. An April 2023 start of the project is anticipated. The project will be funded through grants received by the Township.

There were questions regarding the method used to calculate sediment reduction resulting from the Evans Run project.

There were no stormwater comments received from the public.

Mr. Kingsboro opened the meeting for public comment on items not on the agenda. None were heard.

The Board approved the minutes for the February 1, 2023 special meeting of the Board of Supervisors by a motion made by Mr. Kingsboro and seconded by Mr. Esbenshade. Discussion: None. Vote: Mr. Brubaker abstained from voting, Mr. Esbenshade; yes, and Mr. Kingsboro; yes. Motion passed.

The Board approved the minutes for the February 2, 2023 regular meeting of the Board of Supervisors and the February 21, 2023 work session, by a motion made by Mr. Brubaker and seconded by Mr. Esbenshade. Discussion: None. Vote: Mr. Brubaker: yes, Mr. Esbenshade; yes, and Mr. Kingsboro; yes. Motion passed.

A motion was made by Mr. Esbenshade and seconded by Mr. Brubaker to approve the Treasurer's Reports for the Township and approve the payment of Township bills. Discussion: none. Vote: Mr. Brubaker: yes, Mr. Esbenshade; yes, and Mr. Kingsboro; yes. Motion carried.

FUND	AMOUNT	CHECK #'s
General Fund	\$194,999.21	52652-52677
Trash and Recycling Fund	\$ 79,693.20	2096-2100
Subdivision Escrow Fund	\$ 9,908.98	606
TOTAL	\$284,601.39	

Mr. Kingsboro acknowledged the Board’s receipt of the Balance Sheets for the period ending January 31, 2023, for all Township Funds.

Old Business.

Conditional Use Application – Rental Storage, Brubaker Farms, LLC, 743 Anderson Ferry Road

A motion was made by Mr. Esbenshade, and seconded by Mr. Kingsboro, to approve execution of the written decision granting approval of Brubaker Farms, LLC’s request for a conditional use under the terms of Section 52-114(b)(2)k and Section 52-290 of the Zoning Ordinance to permit Rental Storage in an existing farm building on the approximate 82.6 acre farm located at 743 Anderson Ferry Road.

Discussion: None. Vote: Mr. Brubaker; abstained due to his interest in Brubaker Farms LLC, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

New Business.

Preliminary/Final Land Development Plan for Hiltz Propane Systems

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to approve the Preliminary/Final Land Development Plan for Hiltz Propane Systems, prepared by RGS Associates, Inc., dated November 18, 2022, last revised January 23, 2023, and grant the following modification to Township ordinance requirements:

Modification of Chapter 42, Article IV, Section 42-71 to waive preliminary plan processing.

Modification to Chapter 42, Article V, Section 42-96.(a). –To permit plan to be prepared at a scale other than 50 feet or 100 feet to the inch.

Modification to Chapter 42, Article IV, Section 42-123.(a)(9) and Section 42.162(e)(1) –To waive improvements to existing perimeter streets.

Modification to Chapter 39, Article IV, Section 39-82(1)(b)(3) –To permit loading ratios for volume control facilities in Karst areas to exceed requirements listed within the ordinance for BMP-001 and BMP-002.

Modification to Chapter 39, Article IV, Section 39-83.(3) –To permit stormwater storage facilities to completely drain in a time period to exceed 24 hours.

Modification to Chapter 39, Article IV, Section 39-84.(g) –To permit use of 12 hour

SCS storm for the infiltration period used for design of stormwater management facilities.

Modification to Chapter 39, Article IV, Section 39-83.(c)(1)(a)[3] –To permit use of 15” Class IV reinforced concrete pipe in lieu of providing 1 foot of cover for the run of stormwater pipe between I-A8 to inlet I-A6.

Modification to Chapter 39, Article IV, Section 39-82 –To permit use of the MRC design method per DEP criteria for runoff volume control design.

Modification to Chapter 42, Article VII, Section 42-163.(a)(2) –To waive curbing along property frontage on PA Route 441.

Modification to Chapter 42, Article VII, Section 42-163.(b)(4) –To waive sidewalk along property frontage on PA Route 441.

The approval of the stormwater management plan and the granting of ordinance modifications are subject to the following conditions:

Compliance with the review comments outline by David Miller/Associates, Inc. in a review letter dated January 30, 2023.

Applicant is to enter into a deferral agreement obligating the applicant to complete the waived roadway improvements at such time the Board of Supervisors determine the improvements are required.

Applicant is to enter into a deferral agreement obligating the applicant to complete the waived sidewalk improvements at such time the Board of Supervisors determine the improvements are required and provide a grading exhibit showing that the sidewalk can be installed on the property and that there are no conflicts with the proposed stormwater management design.

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. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Resolution 2023-4, Adopting Rules and Regulations for the Conduct of Public Meetings of the Board of Supervisors

A motion was made by Mr. Esbenshade, and seconded by Mr. Brubaker, to adopt Resolution 2023-4 establishing rules and regulations for the conduct of public meetings before the Board of Supervisors.

Supervisor Kingsboro explained that the provisions of the Resolution were intended to ensure everyone at meeting can hear comments made by others. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Ordinance 2023-1, Amendment to Township Fireworks Regulations

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to adopt Ordinance 2023-1 amending Chapter 18, Article V of the Code of Ordinances of East Donegal Township regulating use of fireworks, to reflect changes made by PA Act 74 of 2022.

Discussion: None. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Appointment to East Donegal Township Planning Commission

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to appoint Daniel McGannon to the East Donegal Township Planning Commission to fill an unexpired term ending December 31, 2027.

Mr. Kingsboro indicated the appointment fills the vacancy that was created with the appointment of Mr. Brubaker to the Board of Supervisors. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Award Contract for Chickies Creek Day Use Area Improvement Project

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to award the contract for the completion of the Chickies Creek Day Use Area Improvement Project, to include Alternate No. 2, to DH Funk & Sons LLC, based on bids received and opened on Friday, February 24, 2023, and listed below:

COMPANY	BID SUBMITTED w/Alternate No.2
DH Funk & Sons LLC	\$ 209,705.17
Kinsley Construction Sitework	\$ 267,925.70
Dustin Nagy Excavating	\$ 266,252.87
Construction Masters Services LLC	\$ 332,135.64
H&H General Excavating, Inc.	\$ 379,435.00
CHNsite Construction	\$ 379,378.25
Shiloh Paving & Excavating, Inc.	\$ 391,233.00
WG Land Company LLC	\$ 453,584.00
CPA Pavement Services, Inc.	\$ 573,293.22

Mr. Butler explained that the bid documents included to alternate approaches to improving the access drive into the park. Alternate #2 includes the full-depth reconstruction of the access drive. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Donegal Athletic Club 5k Race - Saturday, March 18, 2023

A motion was made by Mr. Esbenshade, and seconded by Mr. Brubaker, to approve the request of the Donegal Athletic Club to hold a 5k race utilizing Koser Road on Saturday, March 18, 2023, subject to submittal of the appropriate Certificate of Insurance citing East Donegal Township as an additional insured party.

Discussion: None. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Items To Be Listed on MuniBid

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to approve the listing of the following items for sale on the MuniBid website:

- WILDCAT TROMMEL SCREENER
- WILDCAT COMPOST TURNER
- WACKER - JUMPING JACK
- ATLAS – GAS POWER JACKHAMMER
- 9 - HUBBELL TENNIS COURT FLOOD LIGHTS
- STIHL HT75 – POLE SAW
- ECHO CHAINSAW
- WACKER BTS 1035 – GAS CHOP SAW

Mr. Butler explained that the sale of the items will also be advertised in the newspaper. The Board will approve all sales, if acceptable, at the April 6, 2023 meeting. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Advertise for the Receipt of Bids for Roadway Materials (Asphalt and Aggregate) for 2023.

A motion was made by Mr. Esbenshade, and seconded by Mr. Brubaker, to authorize the Township Manager to advertise for the receipt of bids for the roadway materials as required for the completion of projects undertaken by Township Public Works.

Discussion: None. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Approval of Fuhrman Park Asphalt Resurfacing Project

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to approve acceptance of the proposal prepared by The Breneman Company, dated March 1, 2023, for the resurfacing and restriping of the basketball court and skatepark area and the

striping of a new pickleball court within Fuhrman Park for a COSTARS price of \$31,000.00.

Discussion: None. Vote: Mr. Brubaker; yes, Mr. Esbenshade, yes; and Mr. Kingsboro, yes. Motion passed.

Copies of the February 2023 Zoning/Building Report were provided to the Board. For the month, a total of 12 permits were issued (7 Zoning Permits, 1 UCC Permits and 4 combination Zoning/UCC Permits). The total value of construction authorized equaled \$888,300.00. Permit fees collected totaled \$9,252.00. There were 20 zoning inspections and 36 UCC inspections conducted in the month.

The Board received copies of the February 2023 Township Roadmaster report.

The Board received copies of the February 2023 report from the Milanof-Schock Library

For January 2023, Northwest EMS responded to 62 calls in East Donegal Township.

For January 2023, Fire Department Mount Joy responded to 0 first due calls in East Donegal Township.

The Board received copies of the East Donegal Sewer Authority January 17, 2023 meeting minutes.

The Board received copies of the Marietta Donegal Joint Authority meeting minutes from January 24, 2023.

The Board received copies of the East Donegal Township Planning Commission December 8, 2022 meeting minutes.

The Board received copies of the East Donegal Township Park Commission February 23, 2023 meeting minutes.

Liaison Assignment Reports

Administration/Personnel – None.

Finance – None.

Parks and Recreation – None.

Planning and Development –None.

Public Safety – In response to Supervisor Kingsboro question, Maytown East Donegal Township Fire Department Deputy Chief provided an update on the Rescue Unit that has been ordered. He indicated there will be a pre-construction meeting in September. Delivery is expected approximately 12 months later. Also, Deputy Chief Houseal

indicated that the Department is responding to more calls out of the area due to lack of manpower elsewhere.

Public Works – None.

Adjournment

A motion was made by Mr. Esbenshade and seconded by Mr. Brubaker to adjourn at 7:50 PM. Motion passed.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary