

The Board's Minutes of the East Donegal Township Board of Supervisors  
Held on September 5, 2024

The regular meeting of the Board of Supervisors of East Donegal Township was held on Thursday, September 5, 2024 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 Supervisor Allen Esbenshade.

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

Roll call of Supervisors: Present were Supervisors Allen Esbenshade, Michael Brubaker and Kenton Sweigart. Also present was Jeffrey Butler, Township Manager and Bernadette Hohenadel, representing the Township Solicitor.

Mr. Esbenshade opened the meeting for public comment on items not on the agenda.

Ms. Tina Filizzi, 1160 Long Lane, thanked the Board for the "SLOW" pavement markings placed on Long Lane.

The Board approved the minutes for the August 1, 2024 regular meeting of the Board of Supervisors, and the August 20, 2024 work session of the Board of Supervisors, by a motion made by Mr. Brubaker and seconded by Mr. Sweigart. Discussion: None. Vote: Mr. Sweigart: yes, Mr. Brubaker: yes, and Mr. Esbenshade; yes. Motion passed.

Old Business.

Reduction of Financial Security – Final Subdivision Plan for Bridle Path, Phase 3

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigart, to approve the reduction of financial securities posted for the Final Subdivision Plan for Bridle Path, Phase 3, in the amount of 455,372.04, as recommended by David Miller/Associates, Inc., in a letter dated August 26, 2024.

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

Reduction of Financial Security – Major Stormwater Management Plan for 1143 Long Lane

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to approve the reduction of financial securities posted for the Major Stormwater Management Plan for 1143 Long Lane, in the amount of \$36,608.20, as recommended by David Miller/Associates, Inc., in a letter dated August 21, 2024.

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

Reduction of Financial Security –Preliminary/Final Land Development Plan for Smucker’s Meats

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigart, to approve the reduction of financial securities posted for the Preliminary/Final Land Development Plan for Smucker’s Meats, in the amount of \$207,312.89, as recommended by David Miller/Associates, Inc., in a letter dated August 6, 2024.

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

Resolution 2024-7, Resolution Accepting Dedication of Streets Within the Castleton Development

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to adopt Resolution 2024-7 accepting dedication of Acanthus Street, Basil Street, Daplin Avenue, Heathersage Drive, Honeysuckle Drive, Sable Drive and Shadetree Boulevard in the Castleton development.

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

Resolution 2024-8, Resolution Accepting Dedication of Streets Within the Bridle Path, Phase 3 Development

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigart, to adopt Resolution 2024-8 accepting dedication of a portion of Coffee Goss Road, Appaloosa Drive, Stirrup Lane, Surrey Way, Equine Drive and Pommel Lane in the Bridle Path, Phase 3 development.

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

New Business.

Preliminary/Final Land Development Plan for GSK Marietta

Mr. Keith Heigel, Light-Heigel Associates, representing the applicant, was present to address questions from the Board.

Mr. John Mateyak, attorney representing the owner of the property on the north side of Route 441 opposite of the GSK project, asked a series of questions regarding parking provided on the GSK property and how the number of required parking spaces was calculated. Mr. Heigel provided the number of existing and proposed employees for the site.

Mr. Mateyak inquired about the evaluation done within the various drainage areas

identified on the plan and why some areas of the site were not designated within a drainage area. Mr. Hiegel explained that the drainage areas examined were those in which changes were proposed.

Mr. Mateyak questioned the use of the term “un-named tributary to Evans Run” to describe the waterway on the north side of Route 441, arguing that it’s not a tributary but is a result of erosion. He provided arial photography from 1993, prior to most recent projects on the GSK property, stating that no erosion appears on the photos. In response to a comment regarding the additional of a swale draining the Village Square development, developer and property owner Gary Grossman stated that water from the Village Square retention basin does not cause the erosion that occurs in the southern portion of his property.

Mr. Mateyak cited PennDOT documents regarding management of stormwater within and adjacent to PennDOT rights-of-way. He stated his position that GSK and possibly the Township would be responsible for exceeding the capacity of PennDOT stormwater facilities.

Mr. Grossman stated as a Township resident he is not interested in stopping the project but does not want the project to further negatively impact his property. He asked that the Board delay its decision on the plan until the November 7, 2024 meeting so the parties could work together to address his concerns.

Mr. Heigel stated that it was GSK’s intent not to change discharge onto Mr. Grossman’s property. Any new discharge occurs in a location that does not touch his property.

The Board took a brief recess to hold an executive session with the Township Solicitor regarding legal questions with the application before them.

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to approve the Preliminary/Final Land Development Plan for GSK Marietta, prepared by Light-Heigel Associates, Inc., dated April 12, 2024, last revised August 5, 2024, and grant the following modifications to Township ordinance requirements:

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

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

Modification to Chapter 42, Article IV, Section 42-123.(a)(9), Section 42.162(e)(1) and Chapter 42, Article VII, Section 42-162.(e)(3)–To waive improvements to existing perimeter streets and dedication of additional rights-

of-way.

Modification to Chapter 42, Article VII, Section 42-163.(a)(2) –To waive installation of curbing along property frontages.

Modification to Chapter 42, Article VII, Section 42-163.(b)(4) and Chapter 42, Article VII, Section 42-163.(b)(5)–To permit installation of macadam path in lieu of concrete sidewalk along Decatur Street and River Road frontages.

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

Compliance with the review comments outlined by David Miller/Associates, Inc. in a review letter dated September 5, 2024.

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.

Mr. Sweigart amended the motion, seconded by Mr. Brubaker, to include approval of modification to Chapter 52, Article VI, Section 52-153.(b)(4) - To waive landscape screen.

Additional discussion: None. Vote: Mr. Sweigart; yes, Mr. Brubaker, yes; and Mr. Esbenshade, yes. Motion passed.

#### Resolution 2024-9 Approving Contract Change Order for Long Lane Bridge Scour Repair Project

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigart, to adopt Resolution 2024-9 approving contract Change Order 1 for an increase in the amount of \$9,080.39 for the Long Lane Bridge Scour Repair Project.

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

#### Resolution 2024-10 Adopting a Policy for Inspecting and Duplication of Public Records in Accordance With the Pennsylvania Right to Know Law

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigert, to adopt Resolution 2024-10 adopting a policy for inspection and duplication of public records in

accordance with the Pennsylvania Right to Know Law.

There was a brief discussion regarding the changes from the previous policy adopted in 2009. Vote: Mr. Sweigart; yes, Mr. Brubaker, yes; and Mr. Esbenshade, yes. Motion passed.

#### Acknowledge Minimum Municipal Obligation to the Non-Uniform Pension Plan for the year 2025.

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to acknowledge the receipt of the calculated Minimum Municipal Obligation to the Non-Uniform Pension Plan for the year 2025, as prepared by Jeffrey L. Butler, the plan's Chief Administrative Officer, in the amount of \$124,999.38.

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

#### Approval of 2024 Contribution to the Milanof-Schock Library

A motion was made by Mr. Brubaker, and seconded by Mr. Sweigart, to approve a contribution of \$43,000.00 to the Milanof-Schock Library for the year 2024.

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

#### Riverfront Park Farm Lease 1-Year Extension

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade, to notify Sweigart Farms LLC, current sub-leaseholder for Riverfront Park, of the Township's agreement to extend the lease an additional one-year period as provided for within the terms of the current Lease Agreement.

It was noted that this would be the final 1-year extension to the lease agreement approved in 2021. Vote: Mr. Sweigart; abstained due to familial relationship with the leaseholder, Mr. Brubaker, yes; and Mr. Esbenshade, yes. Motion passed 2-0.

#### Trash and Recycling Contract for East Donegal Township

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to award the contract for trash and recycling collection to Casella Mid-Atlantic, LLC for the Base Bid amount of \$232.91 per unit.

The Board noted that the potential increase in cost to residents will be part of the 2025 budget discussions. Vote: Mr. Sweigart; yes, Mr. Brubaker, yes; and Mr. Esbenshade, yes. Motion passed.

#### Request For Enactment of Temporary Tax Exemption For Improvements Provided Under

Local Economic Revitalization Tax Assistance Act – GSK 325 North Bridge Street

A motion was made by Mr. Sweigart, and seconded by Mr. Brubaker, to authorize the Township Solicitor to prepare an ordinance to affix the boundaries of an Economic Revitalization Area in accordance with the Local Economic Revitalization Tax Assistance Act consisting of 6 tracts of land totaling approximately 96.079 acres currently owned by Corixa Corporation and forward such ordinance to the Township Planning Commission for review and recommendation, and to publish the appropriate notice for a Public Hearing, and potential enactment of the ordinance, at the October 3, 2024 meeting of the Board of Supervisors.

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

A motion was made by Mr. Brubaker, and seconded by Mr. Esbenshade to authorize the Township Solicitor to prepare a resolution to exempt from real property taxation the assessed valuation of improvements to qualifying properties and the assessed valuation of new construction within designated economic revitalization areas in the amounts and in accordance with the Local Economic Revitalization Tax Assistance Act.

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

A motion was made by Mr. Sweigart 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. Sweigart; yes, Mr. Brubaker; yes, and Mr. Esbenshade; yes. Motion passed.

FUND	AMOUNT	CHECK #'s
General Fund	\$411,347.85	53243-53277
Trash and Recycling Fund	\$ 89,540.48	2223-2229
Subdivision Escrow Fund	\$ 10,887.01	638-639
Highway Aid Fund	\$ 84,487.35	149
TOTAL	\$596,262.69	

Mr. Esbenshade acknowledged the Board’s receipt of the Balance Sheets for the period ending July 31, 2024, for all Township Funds.

Copies of the August 2024 Zoning/Building Report were provided to the Board. For the month, a total of 14 permits were issued (6 Zoning Permits, 4 UCC Permits, and 4 combination Zoning/UCC Permits). The total value of construction authorized equaled \$701,534.00. Permit fees collected totaled \$2,682.00. There were 11 zoning inspections and 48 UCC inspections conducted in the month.

The Board received copies of the August 2024 Township Roadmaster Report.

The Board received copies of the August 2024 Milanof-Schock Library Report

The Board received copies of the Marietta Donegal Joint Authority July 23, 2024 meeting minutes.

The Board received copies of the Municipal Emergency Services Authority of Lancaster County monthly report.

The Board received copies of the GEARS Board of Directors July 16, 2024 meeting minutes.

The Board received copies of the East Donegal Township Park Commission August 22, 2024 meeting minutes.

The Board received copies of the agenda for the September 9, 2024 meeting of the Township Zoning Hearing Board.

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. Brubaker and seconded by Mr. Sweigart to adjourn at 9:05 PM.

Vote: Mr. Sweigart; yes, Mr. Brubaker, yes; and Mr. Esbenshade, yes. Motion passed.

Respectfully Submitted,

Jeffrey L. Butler, Township Secretary