

**West Donegal Township Supervisors  
Regular Meeting  
November 11, 2013**

The regular meeting of the Supervisors was held at 7:00 p.m. at the Township Municipal Building. Chairman Roger Snyder called the meeting to order with the following Supervisors in attendance: John Yoder, Clair Hilsher and Nancy Garber. Also in attendance were Township Manager Gene Oldham, Chief of NWRPD Mark Mayberry, Zoning Officer Wayne Miller, and Township Roadmaster Jeff Templin.

- I. **Call to Order**
- II. **Pledge of Allegiance, Silent Prayer, Tape Announcement**
- III. **Roll Call of Supervisors** – all Supervisors were present except Supervisor Ralph Horne.
- IV. **Approval of the October 14, 2013 Meeting Minutes (there was no Workshop in October)** –Supervisor Yoder moved to approve the minutes. Supervisor Garber seconded the motion. Motion carried.
- V. **Public Comments** – Marie Martin asked for an update on the Newville Road Bridge project. Oldham noted that Amtrak responded to the letter from PennDOT and they are going to review what needs done and who will do the specified work. Tom Dabbs asked if there is a date put on this. A deadline for when they have to get back to us. Oldham noted that there is no date indicated. Marie also stated concerns regarding the police department and cost of having a Christmas Party for the department. She also noted some concern with some jackets that were given out. Chief Mayberry noted that he will share her concerns with the police commission. He also noted that the Christmas Party costs will be split not paid in whole by the police commission. The Board noted they were in favor of this party to help with the morale of the department. Eli Smith of 111 Crimson Lane noted his concern about Freys Road being closed. Township Manager Oldham noted that Freys Road is a private road owned by the developer at this point and the work is incomplete. The road will be opened when construction starts in this area. Bill Beech of 170 Donegal Drive and 2 other residents from High Street requested an update on the R.E. Pierson zoning issue. Township Manager Oldham noted that R.E. Pierson only came before the Board asking their opinion of changing the zoning. There has been no formal request.
- VI. **Presentation – GEARS** – Barry Acker gave a presentation in order to inform the Board of Supervisors of Rapho and Londonderry Townships participating in summer playground programs.
- VII. **Reports** – Supervisor Yoder motioned to approve the Reports. Supervisor Hilsher seconded the motion. Motion carried.
- VIII. **Action Items** –
  - A. **Approve/Reject the reduction in the Letter of Credit for Donegal Woods (Bishop Woods), Phase 1B in the amount of \$275,303.54 with \$153,881.43 retained for the completion of the remaining items. See Engineer’s review memo dated November 6, 2013.** – Supervisor Garber motioned to approve the letter of reduction. Supervisor Yoder seconded the motion. Motion carried.
  - B. **Approve/Reject the Major Earth Disturbance Permit for the Conewago Industrial Park Water and Sewer Company prepared by D.C. Gohn Associates, Inc. See Engineer’s review letter dated October 16, 2013 and September 27, 2013.** – Todd Smeigh, with D.C. Gohn Associates, Inc., was present to explain the request. Supervisor Yoder motioned to approve the Major Earth Disturbance contingent upon the letters dated October 16, 2013 and September 27, 2013. Also included are the modifications/waivers listed below. Supervisor Garber seconded the motion. Motion carried.
    - I. Modifications/Waivers Requested
      - a. Section 190.12.B (4) – Items Within 500 Feet of the Property
      - b. Section 190.20.M (1) – 50% Reduction for the 2, 5 and 10-Year Design Storms
      - c. Section 190.23.H – Minimum Pipe Size of 18 Inches Required

2. Approve the plan for the project. – Supervisor Yoder motioned to approve the plan. Supervisor Garber seconded the motion. Motion carried.
  3. Approve the escrow amount of \$14,150.75 – Supervisor Garber motioned to approve the escrow amount. Supervisor Hilsher seconded the motion. Motion carried.
  4. Approve the signing of the Storm Water Management Agreement and Declaration of Easement Agreement as prepared by the Solicitor. – Supervisor Yoder motioned to sign and agree to this. Supervisor Garber seconded the motion. Motion carried.
- C. **Approve/Reject the Major Earth Disturbance Permit for the Masonic Village – Sewer Main Relocation and Screening Facility prepared by Rettew Associates, Inc. See Engineer’s review letter, dated November 1, 2013.** – Eric Hershey with Rettew Associates, Inc. was present to address this. He noted that this is regarding relocating a sewer main 1500 ft. Supervisor Yoder motioned to approve this Major Earth Disturbance contingent upon the Engineer’s letter dated November 1, 2013. Also included were the modifications/waivers listed below. Supervisor Hilsher seconded the motion. Motion carried.
1. Modifications/Waivers Requested.
    - a. Section 190.12.B (1) – Tract Boundaries
    - b. Section 190.12.B (3) – Names of Adjoining Property Owners
    - c. Section 190.12.B (4) – Significant Features Within 500 Feet of the Tract and all Buildings and Tree Masses Within the Tract
    - d. Section 190.17 – Financial Security
  2. Approve the plan for the project. –Supervisor Yoder motioned to approve the plan. Supervisor Garber seconded the motion. Motion carried.
- D. **Approve/Reject the Storm Water Management Plan for Levi Stoltzfus, 1595 Maytown Road, prepared by Mellott Engineering, Inc. See Engineer’s letter, dated November 1, 2013.** Mellott Engineering and Mr. Stoltzfus were present to explain their request. Mr. Stoltzfus is requesting to build 3 greenhouses on his property. Supervisor Yoder motioned to approve this plan contingent on Engineer’s letter dated November 1, 2013. Also included were the modifications/waivers listed below. Supervisor Garber seconded the motion. Motion carried.
1. Modifications/Waivers Requested.
    - a. Section 190.22.D – Basin Bottom Slope of 2%
    - b. Section 190.23.D – Storm Water Pipe Size of 18 Inches Required
  2. Approve the plan for the project with the provision that the driveway shall be paved a distance of 25 feet per Township standards. – Supervisor Garber motioned to approve the plan for the driveway. Supervisor Yoder seconded the motion. Motion carried.
  3. Approve the escrow amount of \$30,412.00 for the project. See Engineer’s memo, dated November 6, 2013. –Supervisor Garber motioned to approve the escrow amount based on the Engineer’s memo, dated November 6, 2013. Supervisor Hilsher seconded the motion. Motion carried.
  4. Approve the signing of the Storm Water Management Agreement and Declaration of Easement Agreement. – Supervisor Yoder motioned to approve the signing of this agreement contingent upon Solicitor Cleary’s review and approval of the plan and agreement. Supervisor Garber seconded the motion. Motion carried.
- E. **Approve/Reject Conewago Industrial Park, Project MARC modification requests.** – Todd Smeigh with D.C. Gohn Associates, Inc. was present to discuss the requests.
1. **Condition No. 4 of the Preliminary Plan approval as outlined in West Donegal Township letter, dated May 7, 2004.** – Supervisor Garber motioned that the Board of Supervisors grant a modification of Condition 4 on approval of the Preliminary Subdivision and Land Development Plan

4. Applicant, at its sole cost and expense, shall design, obtain all necessary regulatory approvals for, and construct widening on the south side of Zeager Road extending from the intersection of Route 230 and Zeager Road to the western property line of Lancaster County Tax Account No. 160-60053-0-0000. The street widening shall allow for a 12 foot wide travel lane and a 3 feet wide shoulder. Such costs shall include, but not be limited to, all surveying and engineering work for all necessary rights-of-way. Notwithstanding the foregoing, Applicant shall not be required to bear costs (other than surveying and engineering and miscellaneous costs such as relocation of driveways during construction of the road widening) to acquire rights-of-way necessary for such improvements from lands not held by Applicant or any other entity related to or controlled by Applicant. To the extent that the Township must be an Applicant for Department of Environmental Protection (“DEP”) general permits for this work, the Township shall execute necessary applications which Applicant shall prepare at its sole cost and expense.

Such modification shall be subject to the following conditions:

1. Applicant shall comply with all conditions imposed on approval of the Preliminary Plan set forth in the May 7, 2004, written decision unless the Board of Supervisors authorizes modifications of such conditions.
2. The final plan to be submitted shall be for development substantially identical to that shown on the Modification Exhibit for Project Marc.
3. Applicant shall comply with all representations in the letter to the Township Manager dated November 1, 2013, requesting the modification.
4. All waivers or modifications of Subdivision and Land Development Ordinance and Storm Water Management Ordinance requirements granted as part of the approval of the Preliminary Plan if Applicant continues to comply with any conditions imposed upon such waivers.
5. Any streets proposed for dedication to the Township shall be designed and constructed in a manner which will enable the Township to receive Liquid Fuels Tax Allocations for such streets.

Supervisor Yoder seconded the motion. Motion carried.

2. **Condition No. 8 of the Preliminary Plan approval as outlined in West Donegal Township letter, dated May 7, 2004.** – Supervisor Yoder motioned that the Board of Supervisors grant a modification of Condition 8 on the Preliminary Subdivision and Land Development Plan for Conewago Industrial Park set forth in the written decision dated May 7, 2004, so that Condition 8 shall provide:

8. Applicant shall execute a Storm Water Management Agreement and Declaration of Easement and a Developer’s Agreement, which shall be in a form acceptable to the Township Solicitor, and such documents shall be recorded prior to the release of the final plan for recording. Applicant shall post financial security to secure completion of erosion and sedimentation control and storm water management facilities prior to commencement of any earth-moving activities and shall post financial security to secure all other required improvements prior to the release of the final plan for recording. The financial security shall be in an amount acceptable to the Township Engineer and in a form acceptable to the Township Solicitor. Such modification shall be subject to the following conditions:
  1. Applicant shall comply with all conditions imposed on approval of the Preliminary Plan set forth in the May 7, 2004, written decision unless the Board of Supervisors authorizes modifications of such conditions.
  2. The final plan to be submitted shall be for development substantially identical to that shown on

the Modification Exhibit for Project Marc.

3. Applicant shall comply with all representations in the letter to the Township Manager dated November 1, 2013, requesting the modification.
4. All waivers or modifications of Subdivision and Land Development Ordinance and Storm Water Management Ordinance requirements granted as part of the approval of the Preliminary Plan if Applicant continues to comply with any conditions imposed upon such waivers.
5. Any streets proposed for dedication to the Township shall be designed and constructed in a manner which will enable the Township to receive Liquid Fuels Tax Allocations for such streets.

Supervisor Garber seconded the motion. Motion carried.

3. **Modification request of Sections 200-14.A and 200-14.B of the Subdivision and Land Development Ordinance to allow a Final Subdivision and Land Development Plan submission.** – Supervisor Yoder motioned that the Board of Supervisors grant the application of Conewago Industrial Park Associates for waivers from requirements of Sections 200-14.A and 200-14.B of the Subdivision and Land Development Ordinance to enable submission of a final plan for development of property located on the south side of Zeager Road identified as Lancaster County Tax Account No. 160-60053-0-0000 in a manner substantially similar to the Modification Exhibit for Project MARC prepared by D. C. Gohn Associates, Inc., dated November 1, 2013, without the necessity to submit an application and obtain approval of a revision to the Preliminary Subdivision and Land Development Plan for Conewago Industrial Park Associates which was approved subject to conditions set forth in a written decision dated May 7, 2004, and which was subsequently granted an extension of time to submit a final plan by written decision dated May 11, 2009, subject to the following conditions:

1. Applicant shall comply with all conditions imposed on approval of the Preliminary Plan set forth in the May 7, 2004, written decision unless the Board of Supervisors authorizes modifications of such conditions.
2. The final plan to be submitted shall be for development substantially identical to that shown on the Modification Exhibit for Project Marc.
3. All waivers or modifications of Subdivision and Land Development Ordinance and Storm Water Management Ordinance requirements granted as part of the approval of the Preliminary Plan if Applicant continues to comply with any conditions imposed upon such waivers.
4. Any streets proposed for dedication to the Township shall be designed and constructed in a manner which will enable the Township to receive Liquid Fuels Tax Allocations for such streets.

Supervisor Garber seconded the motion. Motion carried.

4. **Township Manager Oldham interjects that he has a Joint Permit/Agreement with DEP for this project. This is a Water Obstruction & Encroachment Permit.** – Supervisor Yoder motioned to allow the Township Manager to sign the Permit after receipt of a signed agreement with Conewago Industrial Park Associates. Supervisor Garber seconded the motion. Motion carried.
- F. **Authorize Solicitor to advertise the Amendment to the Code of Ordinances to revise regulations governing maintenance of on-lot sewage disposal systems within the Township; to provide regulations for septage haulers operating within the Township; and to add a definition to implement the provisions of the Township Official Sewage Facilities Plan for action at the December 9, 2013 Board of Supervisors' meeting. The Ordinance will take effect on January 1, 2014.** – Township Manager Oldham explained this is an Ordinance regulating mandatory on lot pumping system. This is requiring persons to pump their septic once every three years. Supervisor Garber motioned to advertise this Amendment to the Code of Ordinances. Supervisor Hilsher seconded the motion. Motion carried.
- G. **Authorize the Solicitor to advertise an Ordinance to amend the Code of Ordinances of the Township Chapter 170 to revise and restate regulations governing the use of Holding Tanks within the**

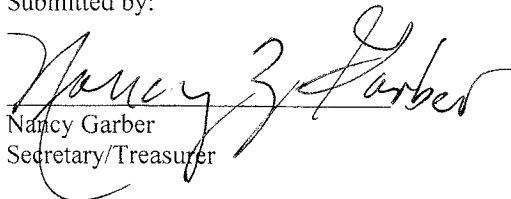
**Township for action at the December 9, 2013 Board of Supervisors' meeting. The Ordinance will take effect on January 1, 2014.** – Supervisor Yoder motioned to advertise the Ordinance. Supervisor Garber seconded the motion. Motion carried.

- H. **Approve/Reject the Fleetwood Realty Transfer Tax Refund from West Donegal Township in the amount of \$11,015.00. Approve/Reject the Fleetwood Realty Transfer Tax Refund that has been returned from Lancaster County as their fee of \$225.00.** – Township Solicitor Cleary goes over this. Supervisor Yoder makes the motion to approve the refund of transfer taxes. Supervisor Hilsher seconded the motion. Motion carried.

#### IX. Discussion Items

- A. **Stoney Brook Phase 1B** – Todd Smeigh with D.C. Gohn Associates, Inc. presented these requests for consideration.
1. Delay of roadway widening until Phase 1C. – He explained this request.
  2. Discussion of the park area. – This was briefly discussed.
- B. **Newville Road Bridge Project** – This was addressed in public comments.
- C. **Lancaster County SPCA** – Township Manager Oldham noted that there is a good chance they will get money back this year since they have only had two dogs picked up this past year.
- D. **Henderson Property, 111 Bullrush Landing** – Township Manager Oldham noted the Township cleaned up the property and in the future we are encouraging the Homeowner's Association to take care of it.
- E. **John T. Eldredge Living Trust, 2 Crimson Lane** – Zoning Officer Miller showed pictures to the board of the property along with a letter that was drafted by Solicitor Cleary. The letter from Solicitor Cleary will be sent tomorrow.
- F. **Request for Timber Villa Condo Association for use of the meeting room on December 11, 2013 at 7p.m. Meeting usually last 1 ½ hours maximum** – Township Manager Oldham noted they would not need the room in December but may want to use it in the future. Manager Oldham found a policy regarding the use of Township rooms but it was never approved or signed.
- G. **Robert L. Shenk, 115 Greider Avenue, update on property** – Township Manager Oldham notes that settlement should happen November 15, 2013 and the son and wife will be taking ownership of the property and will most likely tear most of it down and make the property safe and clean.
- H. **Budget** – Township Manager Oldham discussed the budget.
- X. **Correspondence** – There were a few items discussed earlier.
- XI. **Executive Session** – This was held prior to the budget discussion. No decisions were made.
- XII. **Bills Payable** – Supervisor Garber motioned to pay the bills. Supervisor Yoder seconded the motion. Motion carried.
- XIII. **Adjourn** – Supervisor Yoder motioned to adjourn. Supervisor Garber seconded the motion. Motion carried. Meeting adjourns at 9:49 pm.

Submitted by:

  
 Nancy Garber  
 Secretary/Treasurer