

## MINUTES OF THE MARTIC TOWNSHIP BOARD OF SUPERVISORS

**DATE:** October 1, 2018

**PLACE:** Township Building, 370 Steinman Farm Road, Pequea, Pa. 17565

**ATTENDANCE:** Beth Birchall, Duane Sellers, Carl Drexel, John Ulaky were present and Don Snyder was absent.

### **ORDER OF BUSINESS**

**CALL TO ORDER:** Duane Sellers called the meeting to order at 7:00 PM and led with the Pledge to the Flag.

### **MINUTES & TREASURER'S REPORT**

Beth Birchall made a motion which was seconded by John Ulaky to approve the minutes of the September 3, 2018 Supervisors Meeting. The motion passed 4-0.

Carl Drexel made a motion which was seconded by Beth Birchall to approve the minutes of the September 19, 2018 Budget Work Session meeting. The motion passed 4-0.

Carl Drexel made a motion which was seconded by John Ulaky, to approve the bills for the payment from the General Fund for the September invoices totaling \$ 108,879.71. Fireman's Relief was included with this payment. The motion passed 3-0 with Carl Drexel abstaining in accordance with Section 1103(j) of the Ethics Act and noted that his public disclosure memorandum is on file in the township office.

Beth Birchall presented the Treasurer's Report for the period ending October 1, 2018. A motion was made by John Ulaky and seconded by Carl Drexel, to approve the Treasurer's Report. The motion passed 4-0.

### **PLANNING COMMISSION/SUPERVISORS:**

The Martic Township Planning Commission met on September 20<sup>th</sup> to review:

A. Lot Line Change – 158 & 164 Magnolia Drive King/Jackson (Regester Assoc):

No action was taken by the Supervisor's at this time, as this plan must still be reviewed by the Lancaster County Planning Commission.

B. Storm Water Plan – 290 Hilldale Road Eli and Barbie Stoltzfus (Strausser Engineering): Craig Williams with Strausser presented the plan to the Supervisors. He explained that this project is part of an Enforcement action, where the Stoltzfus' began the project prior to obtaining approval for a Storm Water Management plan. Comment was heard from Josele Cleary, the Township's solicitor. After discussion, a motion was made by Beth Birchall and seconded by Carl Drexel that the Board of Supervisors grant approval of the waiver from Section 307.C(1)(a)[4] of the Storm Water Management Ordinance to allow for the substitution of 6 inch pipe for the conveyance of roof drainage from the western and center sections of the existing chicken house, and to approve the Stormwater Management Plan for Eli B. Stoltzfus, prepared by Strausser Surveying and Engineering, Inc., Drawing No. 18504031, dated August 9, 2018, subject to the following conditions:

1. Applicant shall add certificates as necessary to enable the Plan to be recorded.

2. Applicant and Barbie K. Stoltzfus shall sign the Plan and shall have all certifications on the Plan executed by the appropriate consultants within 15 days of the date the Township Engineer approves the plan.

3. Applicant shall make all changes to the Plan set forth in the letter from the Township Engineer dated August 24, 2018, which were not made to the satisfaction of the Township Engineer by the resubmission of the Plan with a last revision date of September 5, 2018, within 15 days of the date of approval of the Plan.

4. Applicant and Barbie K. Stoltzfus shall execute a Storm Water Management Agreement in a form acceptable to the Township Solicitor within 15 days after the date of approval of the Plan.

5. Applicant shall post financial security to secure completion of the required improvements in an amount acceptable to the Township Engineer and in a form acceptable to the Township Solicitor within 15 days after the date of approval of the Plan.

6. Applicant shall reimburse the Township for all reasonable engineering and legal fees incurred in the review of plans and supporting information under the Storm Water Management Ordinance and other governing ordinances, review or preparation of documentation required in connection with the Plan and other documentation, and for other costs as set forth in the Township's Fee Resolution within 30 days after the date of an invoice for such fees. If Applicant fails to pay such costs within 30 days after the date of such invoice, Applicant shall be in violation of this Condition.

7. The section of pipe under the driveway is stoned to the pipe. The motion passed 4-0. Also, a motion was made by Beth Birchall and seconded by Carl Drexel that the Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary are authorized to execute the Storm Water Management Agreement and Declaration of Easement between Eli B. Stoltzfus and Barbie K. Stoltzfus and the Township upon presentation of the Storm Water Management Agreement properly signed by Mr. and Mrs. Stoltzfus and acknowledged and the Joinder by Mortgagee executed on behalf of Mid Atlantic Farm Credit ACA. The motion passed 4-0.

C. Storm Water Plan – 65 Raven Crest Steve Dellinger (Dautrich Engineering): Matt Shramm (Builder) and Mr. Dellinger presented the plan to the Supervisors. After discussion, a motion was made by Beth Birchall and seconded by Carl Drexel, to approve the Storm Water Management Plan for Steven and Tracey Dellinger at 65 Raven Crest, Pequea, on condition that an Operation and Maintenance Agreement is executed, along with the Storm Water Plan, and both are recorded at the Lancaster County Recorder of Deeds office and provide proof of said recordings to the Township. Also, that the applicants complete a Performance Guarantee agreement and post financial security, with the Township. The motion passed 4-0.

#### **OTHER BUSINESS – PUBLIC COMMENT:**

Doug Hutton, 245 Douts Hill, commented on the continuing issue they are having with the Green N Grow operation/ Steve Lehman. Health concerns and DAF is still being applied. Josele Cleary gave a brief update on the status of the enforcement action. Mr. Lehman has appealed both the ZHB decision and the Lancaster County Court's decision. It is currently at the State level awaiting a hearing date. The same with the Department of Environmental Protection's suit against him. That suit is currently awaiting a hearing at the state level due to his appeal. There is nothing more the Township can do. Comment was also heard from Dan Malloy, 203 Douts Hill and Kelly Shoff, 245 Douts Hill regarding the same issues and the health hazards to themselves and their horses.

John Lahr, 699 Martic Heights Dr asked for a follow-up regarding his neighbor and storm water run-off onto his property. Duane Sellers stated that we have heard from LC Conservation District, who has been out several times. They are looking for 70% vegetation and he is working toward that. Unfortunately we have been getting very heavy rain events, which are not helping the situation.

Barb Stokes 888b Hilldale commented on a building project at her property and the storm water requirements where her excavator, Bill Webber, has challenged the pipe size. He was told to contact the Township's engineer and he did but, Brian Gilbert is on vacation. Brian Gilbert will address the issue when he gets back. Josele Cleary stated that the SWM ordinance requires an 8" pipe unless the engineer agrees that a 6" pipe is adequate.

#### **UNFINISHED BUSINESS**

Trestle Bridge update: Duane Sellers explained that a meeting was held with our state representatives giving them an update on the bridge. Jointly, Conestoga and Martic Townships applied for grant funding from DCED, which we did not receive. We have now applied for another grant from DCED, the Multimodal Transportation Fund Grant, and are asking for \$ 2,020,000. The anticipated amount to rebuild the bridge is 2-3 million and will take a couple of years. If needed, we can apply for Federal Grant money, however this will most likely double the cost and the length of time to repair. In association with the new grant application, the Supervisors must pass an updated Resolution.

Resolution 10-01-18 – Rehabilitation of the Martic Forge Trestle which is requesting \$2,020,000. Roll Call Vote: passed 4-0.

Lehman AG – A request has been made by Lehman Ag/Shawn and Josh Lehman for the release of their Financial Security. A final inspection was conducted by Brian Gilbert with Wilson Consulting Group. A letter from Wilson recommends to the Board of Supervisors release of the Financial Security in the amount of \$7,785.40. A motion was made by Beth Birchall and seconded by Carl Drexel to approve the release of Lehman Ag/Josh and Julissa Lehman's Financial Security for \$7,785.40. The motion passed 4-0.

Real Estate tax: Duane Sellers commented on how the Township, in the past, has not had to pass a Real Estate tax. Unfortunately due to the many unfunded mandates from the State and Federal Government, that the Township may only invest its funds in approved governmental investments that have very small interest rates and the ongoing struggle for the emergency services to operate in Martic Township; the Martic supervisors are having to make the hard decision to consider passing a Real Estate tax. Comment was heard from John Lahr regarding a break for people living on social security. The Township would check into it. More discussion will be held at the November meeting.

Carl Drexel stated that he spoke to Bill Clayton who lives at 1121 Pennsy Road, regarding another location for a Dry Hydrant. Mr. Clayton is very receptive to the idea; therefore Carl will contact the RVFC about this location.

### **Department Reports:**

Road Department:

Todd Simone, Road Foreman, read the report for September 2018:

- 9/3-9/6: ROW mowing. Equipment serviced, cleaned and inspected. Mowed rail trail. Planted wildflowers on bank at trail head. Blacktop repairs throughout Township.
- 9/10-9/14: Equipment repairs. Storm cleanup. Cleaned inlets. 2 trees cleaned up. Shop work. helped Providence Twp. Checked Martic Park.
- 9/17-9/21: Bill Birchall attended Pesticide class 9/18 & 9/19. Cleaned and repaired inlets. Equipment repairs. ROW mowing. Sign work. Helped Providence Twp. on Hollow Rd. Sprayed Ailanthis trees in Martic Park
- 9/24- 9/28: Equipment repairs, ROW mowing. Met with Williams representatives about road paving. Tree work on McKelvey Lane, Nissley Lane, Tucquan Glen Rd and Pennsy Rd.

Zoning Officer Report shows: 2 Building and 1 Zoning permit, along with 6 certificate of use and 8 Use and Occupancy permits were issued in September.

The SEO Report shows: 2 inspections, 1 complaint, 2 perc & probes and 2 sewage permits were issued in September.

### **NEW BUSINESS**

The Township Auditors have made a request to attend a training class on November 14, 2018 with a cost of \$80/each. A motion was made by Beth Birchall and seconded by John Ulaky to send the Auditors to this training session if it suits their schedules. The motion passed 4-0.

The Zoning Officer, Dennis Shenk has made a request to attend the PA Zoning Symposium on November 8, 2018 for \$99. A motion was made by Carl Drexel and seconded by Beth Birchall to send the ZO to this class. The motion passed 4-0.

Rawlinsville Auxiliary notified the Township that they will be holding Food Sales on November 2 and 17<sup>th</sup>, 2018 at 4324 White Oak Road, Paradise.

Josele Clearly asked the Board if they were able to review the letter, provided by Living Stones Masonry attorney, as to conditions they have set forth, if they are allowed to continue running their commercial business out of the chicken house at 290 Hilldale Road. Enforcement was previously filed against both Eli & Barbie Stoltzfus and Living Stones Masonry and it is currently in litigation with the Zoning Hearing Board. Josele Cleary stated that they were in attendance at the meeting, but left before Public Comment period. Duane Sellers commented he is opposed to any conditions they may make and Carl Drexel

stated it is in the hands of the Zoning Hearing Board.

John Mahoney of 269 Frogtown Road stated that he was attending with his daughter, as she was working on a school project. She asked for everyone's names and titles for her paper.

Duane Sellers announced there will be an Executive Meeting following this meeting, to discuss Employee matters.

The next meeting of the Martic Township Board of Supervisors is scheduled for Wednesday, October 17<sup>th</sup> at 6:30 pm for a Budget Workshop and again on Monday, November 5, 2018 at 7:00 p.m. at the Municipal Building.

There being no further business the meeting was adjourned at 8:15 pm with a motion made by Beth Birchall.

Respectfully submitted,

A handwritten signature in blue ink that reads "Karen D. Sellers". The signature is written in a cursive style with a large, looped initial "K".

Karen D. Sellers  
Martic Township Manager