

## MINUTES OF THE MARTIC TOWNSHIP BOARD OF SUPERVISORS

**DATE:** August 6, 2018

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

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

### **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.

### **EXECUTIVE SESSION**

Notice was given that an Executive Session was held prior to this meeting regarding enforcements against Eli and Barbie Stoltzfus and Living Stones Masonry at 290 Hilldale Road.

Regarding the Storm Water Management Ordinance violations:

A motion was made by Beth Birchall and seconded by Carl Drexel that the Township Manager and the Township Solicitor be authorized to prepare and negotiate an agreement with Eli B. Stoltzfus and Barbie K. Stoltzfus to settle the outstanding violations of the Township Storm Water Management Ordinance on 290 Hilldale Road with the following minimum terms and conditions: (1) Landowners submit a fully engineered major storm water management plan showing all impervious surface on the property and providing storm water management for all impervious surface in the area of the chicken house within 15 days, together with all required fees and escrow; (2) Landowners respond to the Township Engineer's comments on the plan within 20 days; (3) Landowners post financial security, execute a storm water management agreement, reimburse all outstanding Township fees and expenses for plan review, and record the plan within 15 days after approval of the storm water management plan; (4) Landowners install all storm water management facilities to the satisfaction of the Township Engineer within 30 days after plan recording unless the Township Engineer agrees that weather conditions will not allow the installation within that time period and reimburse the Township for all inspection fees; (5) Landowners acknowledge that the Township's entry into a settlement agreement for the violations of the Storm Water Management Ordinance does not constitute the approval of any use of the property, including but not limited to the Living Stones Masonry use; (6) Landowners agree to reimburse the Township for all costs and fees associated with the enforcement of the Storm Water Management Ordinance, including fees of the Township Solicitor, upon execution of the agreement; (7) Landowners acknowledge the Township is not agreeing Landowners have any vested rights in the storm water management facilities installed without permits, approvals, or inspections; Landowner shall pay a penalty of \$1,250 for violation of the Storm Water Management Ordinance upon execution of the agreement; and (8) if Landowners fail to meet any of the deadlines for submitting a plan, installing improvements or paying fees Landowners will be liable to pay the Township a daily penalty until they fulfill the delinquent obligation. The motion passed 5-0.

A motion was made by Beth Birchall and seconded by Don Snyder that if an agreement between Eli B. Stoltzfus and Barbie K. Stoltzfus to settle the outstanding violations of the Township Storm Water Management Ordinance on 290 Hilldale Road in a form acceptable to the Township Manager and Township Solicitor has not been executed by Landowners on or before August 23, 2018, the Township Manager and the Township Solicitor are authorized to immediately commence proceedings against Eli B. Stoltzfus and Barbie K. Stoltzfus to enforce the Township Storm Water Management Ordinance relating to the violations on 290 Hilldale Road. The motion passed 5-0.

Regarding the Uniform Construction Code violations:

A motion was made by Beth Birchall and seconded by John Ulaky that the Township Manager and the Township Solicitor be authorized to prepare and negotiate an agreement with Eli B. Stoltzfus and Barbie K. Stoltzfus to settle the outstanding violations of the Uniform Construction Code on 290 Hilldale Road with the following minimum terms and conditions: (1) Landowners submit an application and plans

prepared by an architect showing all work performed to date and all additional proposed work meeting the requirements of Section 403.42a of the Department of Labor and Industry Regulations within 15 days; (2) Landowners allow the Township's UCC third party agency inspector to inspect all construction performed to date within 10 days after submission of the plans, paying all costs for that inspection; (3) Landowners respond to any requests for further information from the Township Uniform Construction Code third party agency plan reviewer within 20 days; (4) Landowners shall make all revisions to work already completed required by the Township's Uniform Construction Code third party agency plan reviewer or inspector, paying all fees for any inspections; (5) Landowners perform all future construction in accordance with the Uniform Construction Code, including inspections, paying all related fees and obtaining a certificate of occupancy; (6) Landowners acknowledge that the Township's entry into a settlement agreement for the violations of the Uniform Construction Code does not constitute the approval of any use of the property, including but not limited to the Living Stones Masonry use; (7) Landowners agree to reimburse the Township for all costs and fees associated with the enforcement of the Uniform Construction Code, including fees of the Township Solicitor, upon execution of the agreement; (8) Landowners acknowledge the Township is not agreeing Landowners have any vested rights in the construction installed without permits, approvals, or inspections; Landowner shall pay a penalty of \$1,250 for violation of the Uniform Construction Code upon execution of the agreement; and (9) if Landowners fail to meet any of the deadlines for submitting a plan, allowing inspections, or paying fees Landowners will be liable to pay the Township a daily penalty until they fulfill the delinquent obligation. The motion passed 5-0.

A motion was made by Beth Birchall and seconded by Carl Drexel that if an agreement between Eli B. Stoltzfus and Barbie K. Stoltzfus to settle the outstanding violations of the Uniform Construction Code on 290 Hilldale Road in a form acceptable to the Township Manager and Township Solicitor has not been executed by Landowners on or before August 23, 2018, the Township Manager and the Township Solicitor are authorized to immediately commence proceedings against Eli B. Stoltzfus and Barbie K. Stoltzfus to enforce the Uniform Construction Code relating to the violations on 290 Hilldale Road. The motion passed 5-0.

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

Don Snyder made a motion which was seconded by John Ulaky to approve the minutes of the July 2, 2018 Supervisors Meeting. The motion passed 5-0.

Beth Birchall presented the Treasurer's Report for the period ending August 1, 2018. A motion was made by John Ulaky and seconded by Don Snyder, to approve the Treasurer's Report. Barb Stokes 888b Hilldale Road asked for a clarification regarding the one account. The motion passed 5-0.

John Ulaky made a motion which was seconded by Carl Drexel, to approve the bills for the payment from the General Fund for the July invoices totaling \$ 32,312.48. The motion passed 5-0.

Carl Drexel made a motion which was seconded by Don Snyder, to approve the Pennsy Supply invoice for paving from the State Fund (Liquid Fuels), totaling \$194,862.71. The motion passed 5-0.

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

The Martic Township Planning Commission did not meet in July.

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

Victor Ressler RVFC President gave the Board an update on their fund drive to refurbish the one truck. They have raised \$110,000 and with commitments from the RVFC Auxiliary and Providence Township they will be short approximately \$100,000. They are hoping to raise the funds so they may have a 2019 slot opening for the refurbishment. They are continually looking for funding sources and feel if they can safely tell businesses that they definitely will be sending the truck out for repair next year, donors will be more willing to commit money to the project. Comment was heard from Barb Stokes and Carl Strickler RVFC Chief. After much discussion, a motion was made by Duane Sellers and seconded by Beth Birchall to offer a loan to the fire company, up to \$100,000 so that they can get the truck into the 2019 refurbishment program. The motion passed 5-0.

Carl Strickler updated the Board that there have been 254 incidents to date for the fire company, of

which 103 were in Martic Township. Beth Birchall asked everyone consider doing something for the National Night Out for 2019. RVFC will be at Providence Township this year.

## **UNFINISHED BUSINESS**

Beth Birchall commented on the Wells Fargo/Ginnie Mae investments. She needs to check with them again as she did not receive the information she was looking for. She recommended tabling the discussion until the September meeting.

### **Department Reports:**

Road Department:

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

- 7/2 – 7/5/18: ROW mowing, cleaned equipment, sign work, marked for line painting. Signs installed on Rail Trail. Tree cleanup on 7/4 1 man 1.5 hours. Tree cleanup.
- 7/9 – 7/14/18: ROW mowing, shoulder work on Bethesda Church Rd W. Seeded and mulched. T04 repair p/u tarp for T84 and installed. Shoulder work on Pinnacle Rd, seeded and mulched. Steinman Farm Rd shoulder repair.
- 7/16 – 7/20/18: ROW mowing. Headwall repairs and work, Repaired T04, sign work, mtg at Providence Twp for 272, storm cleanup and repairs ongoing.
- 7/23 – 7/27/18: Storm, tree clean-up. Sign work, trees on Hilldale, Bradys Hill and Pennsy Road. Fix dirt roads, clean inlets.
- 7/30 – 7/31/18: Crack sealed (borrowed Providence equipment): Nissley Lane and Tucquan Glen Rd to continue as weather permits.

Two drains on Bethesda Church Road W require attention. The one is located at a residence that the property owner has offered to pay for the supplies and the Township will do the work. The resident will also assume all the responsibility and maintenance moving forward. The second location, the Township will pay for and install. A motion was made by Duane Sellers and seconded by Beth Birchall to move forward with the drain installation at these two locations. The motion passed 5-0.

Line painting, Todd Simone has received phone quotes for the 2018 line painting. DE Gemmill has the lowest quote at \$7,002.00 for 66,000 lin ft of double yellow and 12,000 lin ft of single white and 1 Stop bar.

Nissley Lane, road closed signs remain up, as they cannot do the pipe replacement until it has no water in it.

Permission was given for Todd Simone to contact the Township's engineer, Wilson Consulting Group to begin design work on some pipe replacements that will require DEP approval.

Rail Trail repair – at the pipeline location, still is in need of minor repairs. Todd Simone said the Road Crew can fix it and send Williams an invoice for the repair.

Duane Sellers stated that he is noticing that Township residences are blowing their grass clippings out onto the roadway, which is against the law. He wanted to state that if an accident would occur due to the clippings, the property owner most likely would be held liable for their actions.

Zoning Officer Report shows: 3 Building and 2 Zoning permits, 1 Road Occupancy and 3 Use and Occupancy permit were issued in July.

The SEO Report shows: 5 inspections, 1 perc & probe and 2 sewage permits were issued in July.

## **NEW BUSINESS**

Resolution 8-6-18 Fee Schedule: The last time the Township's Fee Schedule was established was in 2016. Karen Sellers stated that some highlights to this Fee Schedule was that while most of the neighboring Township's fees may be lower, such as a Residential building permit fee, they also require and addition 10% of the building code review. As Martic collects our fees when the application is dropped off, we do not know the building permit fee amount, so therefore we cannot collect it. Karen Sellers also proposed raising the fees on the Zoning Hearings and then eliminating the requirement that applicants reimburse the Township for ½ the Court Reporter fees. The applicants would still be required to reimburse the Township for the legal notice. Duane Sellers noticed a typo which needed fixed. Also, the Board suggested raising the proposed Holding Tank inspection fee to \$100/hour, as this is a new fee for the Township. After discussion, a motion was made by Duane Sellers to make the three

changes discussed and approve the new Fee Schedule by Roll Call vote. The Resolution passed 4-0.

Bill Birchall has asked for permission to attend a continuing education class for his pesticide license. September 18, 2019 for \$75.00. A motion was made by Duane Sellers and seconded by Carl Drexel to have Bill Birchall attend this class. The motion passed 4-0 with 1 abstention from Beth Birchall.

Eric Sauder, North Fork Adventures, LLC requested a letter of support from the Township for guided tours of the Wind Cave. The future owner, LC Conservancy, has requested he submit a Notice of Event form, which includes a letter of support from the local municipality. Duane Sellers commented that he sees issues with this, as there is no legal parking at this location. And this could result in liability issues for the Township if Martic gives an okay. Carl Drexel stated that this is only going to cause more of a burden on the Emergency Services. Comment was heard from Carl Strickler, RVFC Chief. After discussion, a motion was made by Beth Birchall and seconded by Don Snyder to deny Mr. Sauder's request. The motion passed 5-0. After more discussion, a motion was made by Beth Birchall and seconded by Duane Sellers to send Mr. Sauder a letter explaining why the Township and the Rawlinsville Fire Company are denying his request with an explanation. The motion passed 5-0.

The Board recognized that the Rawlinsville Fire Company Auxiliary will be holding a food sale on August 11<sup>th</sup> at 1063 Rawlinsville Road and again on August 18<sup>th</sup> at the Hoffman Building in Quarryville.

The next meeting of the Martic Township Board of Supervisors is scheduled for Tuesday, September 4, 2018 at 7:00 p.m. at the Municipal Building and again on Wednesday, September 19<sup>th</sup> at 6:30 pm for a Budget Workshop.

There being no further business the meeting was adjourned at 8:00 pm with a motion made by Beth Birchall and seconded by Don Snyder.

Respectfully submitted,

Karen D. Sellers  
Martic Township Manager