

MARTIC TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA

**MINUTES OF THE MARTIC TOWNSHIP BOARD OF SUPERVISORS**

**DATE:** March 4, 2013

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

**ATTENDANCE:** Duane Sellers, Beth Birchall, Ted Irwin, Carl Drexel and Richard Drumm, Jr. 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.

**MINUTES & TREASURER'S REPORT**

Beth Birchall made a motion, which was seconded by Carl Drexel, to approve the minutes from the February 4, 2013 Supervisors Meeting. The motion passed (5-0).

Beth Birchall presented the Treasurer's Report for the period ending March 1, 2013. With no questions, a motion was made by Duane Sellers and seconded Richard Drumm, to approve the Treasurer's Report. The motion passed (5-0).

**PUBLIC COMMENT:**

Michael Richards of 50 Martic Heights Dr. asked if the Township was aware of PA One markings being placed on the road in front of his house. Duane Sellers commented that typically when there is going to be work done, you must notify PA One call. Also, Martic Heights is a state road and the Township would not typically be notified of work that is to be done on a State road. Bill Birchall commented that he heard the state might be cutting that road bank back.

**UNFINISHED BUSINESS**

Ordinance 03-04-13 A: Authorizing Martic to join with other local government units as a settler of the PA Local Gov. Investment Trust (PLGIT) for the purpose of purchasing shares of the trust was done by roll-call vote (5-0).

Ordinance 03-04-13 B: Amendment to the Sewage System Ordinance was done by roll-call vote (5-0).

The Martic Township Planning Commission met on February 21, 2013 and made recommendations to the Supervisors for:

1) Granting the following waivers to 109 Hilldale Rd. subdivision:

- Section 602.03.C – Street Cartway Width
- Section 602.06 – Sidewalks
- Section 602.07 – Vertical Alignment Maximum Grade
- Section 602.16.C – Cul-de-sac Length
- Section 602.16.E – Cul-de-sac Radius
- Section 602.23/608.03 – Street Trees
- Section 602.24 – Street Lighting
- Section 602.07.A – Vertical Curve K Value

And to also grant the 3 meeting delay request for LCPC.

After discussion and comment being heard from Mike Rankin, Carl Drexel made a motion, which was seconded by Ted Irwin to grant the requested waivers and the 3 meeting delay. The motion passed (5-0).

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2) Regarding the proposed vacation of a portion of Old Pinnacle Road (between Old Holtwood Rd. & New Village Rd.): this is in accordance with the objectives of the formally adopted comprehensive plan.

A motion was made by Beth Birchall and seconded by Duane Sellers stating that the proposed vacancy is in accordance with the objectives of the formally adopted comprehensive plan. The motion passed (5-0).

Stormwater Management – Lanc. County ACT 167 - Duane Sellers explained that Martic must either adopt the plan that the county has or we must pay an engineer to draw up a plan for the township. What this appeal is because DEP would have final approval and they have nobody in place to be able to move requests forward; this would place projects in limbo. The County and Townships, along with the Building Industry, have taken exception that residents needs an avenue to follow to be able to get answers and to be able to move their projects forward. Carl Drexel commented that it's the procedure for waivers and to put a time limit on DEP to give an answer. The way it stands now, your project could be buried. Duane Sellers made a motion, which was seconded by Ted Irwin, to authorize this Township to join with other Lancaster County municipalities and with the Building Industry Assoc. of Lancaster County in an appeal to the PA Environmental Hearing Board from the letter dated February 5, 2013, from Scott R. Williamson, Program Manager, Wetlands and Waterways Program, of the PA Depart. Of Environmental Protection, approving the Lanc. County ACT 167 Stormwater Management Plan, subject to conditions, and to further authorize the Solicitor and appropriate Township officials to execute a notice of appeal or other documents necessary or desirable to prosecute the appeal. The motion passed (5-0).

Mike Rankin gave the Road Master's report for the month of February: They got hit with many 1 inch storms to where they had to go out and salt. They had 300 tons of salt delivered. Mike is trying to let the salt bin run low so they can fix the floor as they have had trouble with scrapping up stones. They dug the new electric service and placed conduit in the trench and backfilled, PP&L has come and hooked up the new service.

They have bought a new Vermeer chipper. After trying 3 different brands they picked the Vermeer because of performance and the safety features and it was the cheapest of the 3. They also bought a good used Stihl 460 chainsaw with a 28" bar. They have been out clearing and grubbing and cleaning ditches and maintaining the trucks and chains.

For March they plan on finishing up the tree trimming on the roads that are planned for paving, along with tar and chipping for this year. Then they will be cleaning side gutters and swales on those same roads, making sure they are ready for when the contractor is. They have several pipes to replace; and as soon as he gets a definitive date as to when the asphalt plants open, they will be starting those.

Proposed Stone quantities for bidding:

- 150 ton – #8 ½" stone
- 400 ton – PA-2A Subbase
- 200 ton – #57
- 500 ton – R-4
- 400 ton – R-6
- 500 ton – R-7
- 400 ton – Type III Anti-skid (Sandstone)

Delivery to township building along with budget & price of stone to determine exact quantities. A motion was made by Beth Birchall and seconded by Carl Drexel to accept the proposed stone quantities. The motion passed (5-0).

A request was made by developer, Ike King of the King Farm Road subdivision, to have his Letter of Credit money released since all of his lots are sold and now have homes on them. Dennis Shenk, ZO, has checked and the information that has been given is correct. A motion was made by Beth Birchall and seconded by Richard Drumm to grant Mr. King's request for release from his Letter of Credit. The motion passed (5-0).

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Letter of Credit vs Cash Escrow account – Doug Metzler project.

After much discussion the Board agreed that the cash escrow option was something that they would like to continue investigating as a possible avenue for projects. However, Duane Sellers explained that an account would need to be set up, there would be solicitor fees associated with this process, the Township bond for the treasurer would need to be increased, along with the administrative costs and other fees that has not been considered yet. He also stated that this would take some time and not be done in the near future; thus holding Mr. Metzler up from completing his project in a timely manner, if he chooses to wait for the outcome. Mr. Metzler commented that he would get the two required Letters of Credit. Duane Sellers also stated that hopefully in a year, when it is time to renew his Letter of Credit that the Township will have found out a little bit more and possibly have set up the appropriate account. A motion was made by Ted Irwin and seconded by Carl Drexel to approve the Final Subdivision Plan for J. Douglas Metzler and Jonelle L. Metzler and the Resolution authorizing execution of Appendix 27 to the Lancaster County Subdivision and Land Development Ordinance subject to the following conditions:

- 1. The Township shall be provided with a fully completed, executed, notarized and recordable Storm Water Management Agreement and Declaration of Easement (including fully completed, executed and recordable Joinders by Mortgagees from Fulton Bank, United States of America, acting through the Farm Service Agency, United States Department of Agriculture, and Daniel and Ethel Metzler) in form acceptable to the Township solicitor.*
- 2. The Township shall be provided with a fully completed and executed Memorandum of Understanding in form acceptable to the Township solicitor.*
- 3. The Township shall be provided with a fully completed Appendix 27 (Notice of Acceptance of Improvement Guarantee) in form acceptable to the Township solicitor.*
- 4. The Township shall be provided with a fully completed and executed letter agreement in form acceptable to the Township solicitor.*
- 5. The Township shall be provided with a fully completed, executed, notarized and recordable Spray Irrigation Agreement (including fully completed, executed and recordable Joinders by Mortgagees from Fulton Bank, United States of America, acting through the Farm Service Agency, United States Department of Agriculture, and Daniel and Ethel Metzler) in form acceptable to the Township solicitor.*
- 6. The following plan note shall have been added to the final subdivision plan before it is recorded (and the recording reference for the Spray Irrigation Agreement inserted after the Spray Irrigation Agreement is recorded):*
  - 23. A spray irrigation system is proposed for Lot No.1 Block "A". Lot No. 1 Block "A" and the spray irrigation sewage system to be located thereon are subject to the terms and conditions of a certain Spray Irrigation Agreement recorded in the Lancaster County Recorder of Deeds' Office at Instrument No.(insert number).*
- 7. Such revisions, if any, shall have been made to the Plan as are deemed appropriate by the Township Engineer.*
- 8. The Township shall be provided with a letter of credit to secure completion of improvements (exclusive of spray irrigation system improvements). The letter of credit shall be in an amount acceptable to the Township Engineer and in a form and content acceptable to the Township Solicitor.*
- 9. The Township shall be provided with a letter of credit to secure the operation of the spray irrigation system improvements. The letter of credit shall be in an amount acceptable to the Township Engineer and in a form and content acceptable to the Township Solicitor.*

I further move that the Chair or Vice Chair of the Board of Supervisors be authorized to execute and that the Township Secretary be authorized to attest all of the documents referenced in this Motion, along with any other documents deemed necessary for approval of the plan and acceptance of financial security, after the forgoing conditions have been satisfied. I further move that the Chair or Vice Chair of the Board of Supervisors be authorized to execute and that the Township Secretary be authorized to attest a Resolution of the Board Authorizing Execution of Appendix 27 to the Lancaster County Subdivision and Land Development Ordinance after the forgoing conditions have been satisfied. The motion passed (5-0).

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Route 324 Crossover update: Duane Sellers commented that the Township has been notified by KCI, the engineer with which PennDOT has hired to draw up the plans for the Rt. 324 Crossover/realignment. The project has been advertised by Dist. 8-0 and bids were to be received by February 28, 2013. The work in the field is scheduled to begin around April 15, 2013. There was previous talk of possibly a temporary red light being placed to help with traffic flow.

Zoning Officer's Report shows: 2 building permits, 1 minor land, 2 zoning permits and 3 use & occupancy permits issued for February.

The SEO Report shows: no permits were issued in February.

**NEW BUSINESS**

February 2013 invoices: Richard Drumm made a motion which was seconded by Duane Sellers to approve the bills with the addition of Cintas Uniforms for \$ 33.18 which brings the total to: \$ 95,386.21. The motion passed (4-0) with Carl Drexel abstaining; referencing his abstention that is attached to the January 2013 minutes.

Dennis Shenk, Zoning Officer, told the board that there was a Labor & Industry inspection done on February 13<sup>th</sup> at three of the township's commercial projects. There were several issues discovered and he recommended to the Board to only have one Construction Code Official in Martic Township. After discussion, a motion was made by Ted Irwin and seconded by Beth Birchall to only have Commonwealth Code Inspection, Inc. as the Township's CCO. The motion passed (5-0).

Regarding the proposed vacation of a portion of Old Pinnacle Rd. (between River Road & Rt. 372), Since it appears that the property owners are currently using this portion as a driveway, will be landlocked after the vacation occurs and per the recommendation of the township solicitor and the engineer, a motion was made by Duane Sellers and seconded by Richard Drumm to send the Newports and Exelon a courtesy letter alerting them to the proposed vacation and recommending the two property owners consider an easement. The motion passed (5-0). Mike Rankin suggested that before a letter is sent, he would stop down to explain to the Newports what the Township is planning regarding the vacating of this portion of Old Pinnacle Rd.

A motion was made by Carl Drexel and seconded by Ted Irwin to have DWD Landscaping do the municipal lawn mowing for the 2013 season at the \$95 rate. The motion passed (5-0). A motion was made by Beth Birchall and seconded by Carl Drexel to advertise the township mower on municibid. The motion passed (5-0).

A motion was made by Duane Sellers and seconded by Beth Birchall to send the Road Dept. to LTAP's class on Traffic Signs on March 19<sup>th</sup>. The motion passed (5-0).

A motion was made by Beth Birchall and seconded by Duane Sellers to give permission to Tony Williams, Emergency Management, to attend the EM Association's 2013 Spring Forum on April 21<sup>st</sup> and to split the cost 3 ways with Providence and Pequea Township's. The motion passed (5-0).

Notice was given of the LCATS Spring meeting on March 26<sup>th</sup>. Attending from the Township will be Beth Birchall, Carl Drexel, Duane Sellers and Karen Sellers.

Notice was given that the 2012 Municipal audit has been completed and has also been advertised.

Notice was given that the Township health insurance will only be increasing by 3.7%.

Ted Irwin commented that during construction of Route 372, if there is the use of a red light, would it be the first in Martic? Bill Birchall commented that when the bridge was worked on at the bottom of Miller's Hill on Rt. 372, there was a temporary red light used.

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Carl Drexel commented on whether we have heard anything on investments for the township money. Beth Birchall stated that the meeting with PLGIT is scheduled for the upcoming Wednesday and hopefully they will find something out then.

The next meeting of the Martic Township Board of Supervisors is scheduled for April 1, 2013 at 7:00 p.m. at the Municipal Building.

They're being no further business the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Karen D. Sellers  
Secretary to the Board of Supervisors  
Martic Township