

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

**DATE:** July 5, 2016

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

**ATTENDANCE:** Beth Birchall, Duane Sellers, Carl Drexel, Charley Braught, Jr. 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.

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

Beth Birchall made a motion and was seconded by Don Snyder to approve the minutes of the June 6, 2016 Supervisors Meeting. The motion passed 5-0.

Beth Birchall presented the Treasurer's Report for the period ending July 1, 2016. With no questions asked, a motion was made by Don Snyder and seconded by Carl Drexel, to approve the Treasurer's Report. The motion passed 5-0.

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

No comment was heard.

### **UNFINISHED BUSINESS**

**Proposed ordinance:** After the Board had time to review the proposed draft ordinance from resident Tina Virgil, which proposes to regulate surface land use affiliated with transmission pipelines, a motion was made by Charley Braught and seconded by Don Snyder to ask the solicitor to review the document and give his comment. The motion passed 5-0.

The Planning Commission met on June 16, 2016 to review the Stormwater Management applications for both James Hostetter 850 Susquehannock Dr. and Jonathan Kloppmann 225 Magnolia Drive.

**Hostetter SWM plan for 850 Susquehannock Drive:** James and Mary Louise Hostetter presented their Stormwater Management plan to the Supervisors. He explained that they are proposing to build a new home on the vacant lot. The plot is zoned Rural Conservation and is 6.4 acres. His engineer has established a security bond value of \$16,395.84 which has been approved by Wilson Consulting Group. After discussion, a motion was made by Charley Braught and seconded by Carl Drexel for a conditional approval for signing of the documents but only after the solicitor reviews are acceptable and all conditions from reviewing agencies have been met. The motion passed 5-0. A motion was made by Charley Braught and seconded by Don Snyder to authorize the execution of the Escrow Agreement by the Township's solicitor for \$16,395.84. The motion passed 5-0. A motion was made by Carl Drexel and seconded by Don Snyder to authorize the execution of the Stormwater Management Agreement by the Township's solicitor. The motion passed 5-0.

**Kloppmann SWM plan 225 Magnolia Drive:** Jonathan Kloppmann presented his Stormwater Management plans to the Supervisors. He is also proposing to build a new home on this property. The plot is zoned Residential Low Density and is 19.49 acres. It was noted that a complaint was received by the LC Conservation District and the PA Dept of Environmental Protection for unpermitted earthmoving activities. Mr. Kloppmann said he was only removing trees, but work has stopped and he is addressing their comments. There has been some disagreement on the security bond amount. Mr. Kloppmann has proposed \$16,852 and Brian Gilbert w/ Wilson has stated that this is too low. A range of between \$22 –

\$25,000 would be more acceptable. Mr. Kloppmann was told that for the Township to consider his proposed bond amount, that the Township would need a letter from his contractor on the contractor's letter-head indicating they are willing to perform the work indicated at those prices, should the owners fail to complete the work. This letter would need to either list, line item by line item those prices or indicate there is an attached list which shows the breakdown. Duane Sellers stated that the number is immaterial to the Township as long as the Township has something legal, such as a contractor's letter which would make the Township whole in case Mr. Kloppmann fails to complete his SWM. Mr. Kloppmann questioned whether the Township replaces culverts on private property. No we do not. Then he asked if the culvert replacement cost needed to be included on the cost estimate. Brian Gilbert would check with the solicitor which if it is deemed necessary would then be a section IV on his estimate. Mr. Kloppmann stated that at the Planning Commission meeting, Mr. Gilbert stated that he wanted to be present during the installation of the infiltration system as well as the testing to confirm that the rate is 10" or less per hour. Brian Gilbert did state that he only needs to be present during the actual test. Another item that still hasn't been obtained yet is the GP7 permit from the Lancaster County Conservation District; Mr. Kloppmann is still waiting on that permit. Once Mr. Kloppmann has the answer on the culvert; he will finalize a security bond amount for the Board and depending on the dollar amount, provide the required letter from his contractor. A motion was made by Carl Drexel and seconded by Don Snyder to make a conditional approval for signing after all solicitor reviews are complete and all conditions from the reviewing agencies have been met. The motion passed 5-0. A motion was made by Duane Sellers and seconded by Beth Birchall to authorize the execution, by the Township's solicitor, the Stormwater Management Agreement. The motion passed 5-0. Until a security bond amount is agreed upon, the discussion on the Escrow Agreement will be tabled until the August meeting.

#### Road Department:

Tim Kiehl read the road report for June:

- The week of June 5: Laid out for wheel ruts, to be filled on Hilldale, between Maple Springs & Martic Heights Dr., skin patching in prep for oil and chipping, removed downed trees.
- The week of June 12: continued skin patching, checked roadways
- The week of June 19: pipe work on Steinman Farm Road, roadway mowing
- The week of June 26: pipe work on Steinman Farm Road, roadway mowing.

28 Lake Aldred Terrace, a sink hole has developed. The property owners state that the township removed a wall and installed guardrail, years ago. Tim Kiehl asked the Board to run by the location and give him their opinion on how best to correct the problem. Also, he is meeting with Pennsy Supply on Thursday to discuss when the paving will be done. He also contacted Hammaker East regarding the oil & chipping and they said approximately 2 weeks. Once the dates are confirmed, they will be posted on the township's website calendar, LC Planning Commission will put in the paper and Dave Walter w/ RVFC said to let them know and they will put it on their Facebook page.

Zoning Officer Report shows: 3 building permits, 2 stormwater management permits, 2 zoning permits, 4 building use and occupancy and 1 zoning certificate of use permits were issued in June.

The SEO Report shows: 2 perc and probe, 4 inspections and 2 septic permits were issued in June.

June 2016 invoices: Duane Sellers made a motion which was seconded by Don Snyder, to approve the bills for payment totaling \$ 19,339.35. The motion passed 4-0 with Carl Drexel abstaining in accordance with Section 1103(j) of the Ethics Act and noting that his public disclosure memorandum is on file in the township office.

#### **NEW BUSINESS**

Well/Septic distance agreement at 719 Marticville Road: John Hershey w/ Hershey Excavating presented, on behalf of the property owners Christ & Phoebe Fisher of Cadiz, KY, a Well/Septic Agreement due to the size of the lot and the proximity of the well to the new septic system. The old system has failed and the SEO said this is the only spot for the new system. This agreement waives the minimum isolation distance of 100'. Information received from the Sewage Enforcement Office said that the new system shall not be less than 55' from the well. A motion was made by Beth Birchall and seconded by Carl Drexel to approve this agreement and require that the property owners record the

agreement with the County so that it gets attached to the deed. The motion passed 5-0. Proof of that filing must then be sent to both the SEO and Martic.

Dussinger subdivision/ Steinman Farm Road – Keith Dussinger has contacted the Township that his subdivision is ready to record except for the requirement to post a security bond by Letter of Credit. He has requested a waiver from that requirement. His subdivision still falls under LCPC's requirements, since he began it several years ago. Their ordinance requires the security bond and that the Township signs the Appendix 27 that gets filed with his plan. The Township has established a Stormwater Management Security Waiver agreement which clearly places all responsibility back on the developer to make clear to all buyers of his lots; that they are made aware that to ever obtain a permit to build; they must first establish a SWM plan and post a security bond with the Township. A motion was made by Carl Drexel and seconded by Charley Braught to authorize the execution, by the Township's solicitor, of the SWM Financial Security Waiver. The motion passed 5-0. Also, a motion was made by Don Snyder and seconded by Carl Drexel to authorize the execution, by the Township's solicitor, of the Stormwater Management Agreement. The motion passed 5-0.

Municipal Lease option for the new tractor: Charley Braught contacted BB&T Bank who does offer a municipal lease. The interest would be between 3.25–4%. This option would allow the Township to stretch the budgeted money in case another piece of equipment would need major repair or replaced. He suggested that the Board authorize the Treasurer to apply for the lease for up to \$95,000 for 3 years and with an interest rate not to exceed 4% that includes an option for a early pay-off. And if the Township is able to secure a lease with these terms, the Treasurer is authorized to utilize the leasing agent to transact the purchase of the equipment rather than make full payment for the John Deere tractor from our funds. He feels this gives the township more flexibility with the current money. Beth Birchall asked what would the township have paid in interest if they keep it for 3 years, approx \$3800. Carl Drexel commented that he would like to see the interest at or lower than we are currently earning on the money. Beth Birchall recommended tabling this discussion until the August meeting, to see where we are with the budget.

2016-2017 PennDOT Winter Maintenance Agreement: Martic Heights Drive is the only state road we have accepted winter maintenance of in the past. It is the one main east/west roadway in the township; besides it runs past the township shed and the fire company. A motion was made by Beth Birchall and seconded by Charley Braught to accept the 2016-2017 PennDOT Winter Maintenance Agreement with PennDOT. The motion passed 5-0.

In light of the Township's new Subdivision and Land Development Ordinance, the Lancaster County Planning Commission has made a request for an updated Memorandum of Understanding be signed by the township and LCPC, it addresses when and how LCPC will review township submittals. After discussion, a motion was made by Duane Sellers and seconded by Beth Birchall to sign the updated MOU Agreement with LC Planning Commission. The motion passed 5-0.

A request has been made by Bill Birchall to take the pesticide exam on Friday, July 8<sup>th</sup> with the road department. Tim Kiehl stated that it would be helpful if they had another registered applicator for the Township. A motion was made by Don Snyder and seconded by Carl Drexel to allow Bill Birchall to take the exams. The motion passed 4-0 with 1 Beth Birchall abstaining.

The Worker's Comp notices and recognitions: The RVFC Auxiliary: A food sale on July 16, 2016.

Brian Gilbert with Wilson Consulting Group asked how the Board would like for Wilson, when reviewing the new SALDO submissions to respond to applicants; with a formal letter or with an informal letter. After discussion the Board decided on the formal response letters to all applicants.

The Township has received an unsolicited proposal to purchase our Western snow plow. Second Class Township Code requires that anything the Township wishes to sell must be advertised as such, except if it is to another Township. Charley Braught will work with Tim Kiehl to establish a list of items that are no longer used and present that list to the Board at the August meeting for possible sale.

Tim Kiehl commented that he was contacted by a resident who said that people are running the stop sign at River Road and Route 372 (Holtwood Rd), which are both state roads. He asked if the Township can do anything about this situation. Duane Sellers recommended contacting Corp. Pratt with the Pa State Police and making him aware of the situation.

The next meeting of the Martic Township Board of Supervisors is scheduled for Monday, August 1, 2016 at 7:00 p.m. at the Municipal Building.

They're being no further business the meeting was adjourned at 8:42 pm by a motion made by Beth Birchall and seconded by Don Snyder.

Respectfully submitted,

Karen D. Sellers  
Martic Township Manager