

MARTIC TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

MINUTES OF THE MARTIC TOWNSHIP BOARD OF SUPERVISORS

DATE: September 2, 2014

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

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

ORDER OF BUSINESS

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

Enola Low Grade Trail - Trestle Bridge Improvements DCNR Grant: In light of the grant requirements and bidding deadlines, a motion was made by Duane Sellers and seconded by Carl Drexel for the Board of Supervisors to reject the attempted withdrawal by Rylind Construction Company, Inc., of its proposal dated July 17, 2014, for the Martic Forge Viaduct improvements on the basis that the attempted withdrawal was untimely and was for a reason not permitted by state law. The motion passed (5-0).

A motion was made by Duane Sellers and seconded by Ted Irwin to ratify and confirm the acceptance of the proposal of Rylind Construction Company, Inc., dated July 17, 2014, for its Base Bid and for Alternates #1, #2, and #3 subject to Rylind Construction Company, Inc., returning to Providence Township within ten (10) days the required performance bond, payment bond, and maintenance bond and signed contract together with the other items required by the Contract Documents. The motion passed (5-0).

A motion was made by Duane Sellers and seconded by Carl Drexel that if Rylind Construction Company, Inc. fails to provide the required performance bond, payment bond, and maintenance bond to Providence Township within ten (10) days or otherwise fails to comply with the provisions of the Contract Documents relating to the award of the Contract that Rylind Construction Company, Inc. be declared in default. The motioned passed (5-0).

A motion was made by Duane Sellers and seconded by Beth Birchall that if Ryland Construction, Inc. fails to provide the required performance bond, payment bond, and maintenance bond to within ten (10) days or otherwise fails to comply with the provisions of the Contract Documents relating to the award of the Contract that the Township Solicitor be directed to work with the Solicitors for Martic Township and Conestoga Township to pursue collection for the Bid Proposal Guaranty Bond dated July 17, 2014, submitted by Rylind Construction Company, Inc. The motion passed (5-0).

A motion was made by Duane Sellers and seconded by Ted Irwin that if Ryland Construction, Inc., fails to provide the required performance bond, payment bond, and maintenance bond to Providence Township within ten (10) days or otherwise fails to comply with the Contract Documents relating to the award of the Contract that Wilson Consulting Group, Inc., be authorized to seek an allowable extension of time from the second lower bidder, Heisey Mechanical, Ltd., within which to make an award of the contract for the Martic Forge Viaduct improvements. The motion passed (5-0).

A motion was made by Duane Sellers and seconded by Carl Drexel that if Heisey Mechanical, Ltd., grants the requested extension of time and if the Pennsylvania Department of Conservation and Natural Resources agrees to provide a grant in the amount of at least \$200,000 toward the cost of the Martic Forge Viaduct improvements that, upon the furnishing of the required bonds and compliance with the other provisions of the Contract Documents relating to the award of the Contract, Heisey Mechanical, Ltd., be awarded the contract for the amount of its base bid, excluding any alternates, prior to the expiration of the extension time. The motion passed (5-0).

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Duane Sellers called a recess at 7:14 pm to allow for the Township Manager to call Providence Township's solicitor with the motions.

Duane Sellers reconvened the meeting at 7:15 pm.

MINUTES & TREASURER'S REPORT

Beth Birchall made a motion, which was seconded by Richard Drumm, to approve the minutes from the August 4, 2014 Supervisors Meeting. The motion passed (5-0).

Beth Birchall presented the Treasurer's Report for the period ending September 1, 2014. With no questions, a motion was made by Duane Sellers and seconded by Carl Drexel, to approve the Treasurer's Report. The motion passed (5-0).

PUBLIC COMMENT:

Melinda Clatterbuck – 550 Tucquan Glen Rd on behalf of the Lancaster County Conservancy, if the Township can place Towing signs along the trail head at Tucquan Glen? Fred Kyper 753 River Road commented that the towing company already placed them along River Road. Duane Sellers commented that only PennDOT or the Township may place Towing signs. We will check with our solicitor to see if the signs that were placed along this roadway are legal. Comment was also heard from Paul Hoffman 37 Four Oaks Dr. and John Lehr 699 Martic Heights Dr. Stephan Brown of 139 Douts Hill Road commented on guns being shot. There is no noise ordinance in the Township and if she feels unsafe she needs to be contacting the state police.

UNFINISHED BUSINESS

David/Elizabeth Fisher Dog Kennel enforcement action: A motion was made by Beth Birchall and seconded by Richard Drumm to have the Chairman or Vice Chairman of the Board of Supervisors be authorized to execute the agreement between David Fisher and Elizabeth Fisher and the Township, relating to the Zoning Ordinance enforcement action for violations of the Zoning Ordinance at 548 Drytown Road conditional upon receipt of the agreement signed by Mr. and Mrs. Fisher and payment of the penalty and cost reimbursement in the amount of \$3,636.50. The motion passed (5-0).

Planning Commission: They met on August 21, 2014 to discuss the J. Douglas Metzler DEP Sewage Module. They gave their approval for the alternate septic system.

A motion was made by Ted Irwin and seconded by Richard Drumm to sign the DEP sewage module for Douglas Metzler

Gas Pipeline update/info: Melinda Clatterbuck read a prepared statement. A group has been created called Martic SOUL (Save Our Unspoiled Land). Their group walked the proposed route and polled people. 58 responses, 49 opposed, 4 unopposed and 5 undecided. Comment was heard from:

Tim Spiese - 55 Covered Bridge Rd.

Paul Hoffman - 37 Four Oak Dr.

Jodi Stauffer - 293 House Rock Road

Kevin Shelly - 929 Susquehannock Dr.

Barry Finberg - 142 Deerfield Dr.

Sherry Wesolowski - 12 Drytown Rd.

Caleb Eshbach – Tucquan Glen Rd.

Laura Finberg – 142 Deerfield Dr.

Kris Collins – 911 Susquehannock Dr.

Jennifer Hreben – 81 Den Mar Dr.

Joe Wesolowski – 12 Drytown Rd.

Linda Hess – 12 Venture Dr.

Ralph Huber – 247 Red Hill Road read a statement that he prepared. He is not in favor or against the

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pipeline which will go through his farm. He did state that he is against the Board of Supervisor spending any township money for either side because as it's been stated many times, there is nothing the Supervisors can do. It has always been in the hands of the Federal government, FERC. After a lengthy discussion a motion was made by Beth Birchall and seconded by Carl Drexel to contact the Township solicitor to investigate the possibility of a resolution. The motion passed (5-0).

Road Department:

Duane Sellers read the report for August:

- The week of August 4th, road bank mowing, gutter work, tar & chipping cracks, base repair on Bethesda Church Rd. (Muddy Run entrance), measure base repair on Old Pinnacle Rd. for PPL to fix.
- The week of August 11th, road bank mowing, pipe cleanout, sealed around patch work
- The week of August 18th, road bank mowing, prepared roads for paving, septic work at township rental, base repair, signage replacement
- The week of August 25th, Paved Covered Bridge Rd, Martic Forge Loop & Steinman Farm Rd portion, gutter work, mowing banks and rail trail spraying and mowing.

Office door buzzer: Two proposals were received to fix the buzzer. ARC electric's proposal was \$600.00 and Wilco Electric's proposal was \$220.00. Our part time employee Bill Birchall was able to fix the problem. A motion was made by Beth Birchall and seconded by Duane Sellers to not accept the proposals and to pay Bill Birchall for the time he spent to fix it. The motion passed (5-0).

330 Hilldale Rd.: Denny Shenk reported that the Road Dept found the old cess pool and it's been pumped. Ted Irwin received two proposals, one from Shenk builders for \$9845 and one from Pencroft Ridge for \$15,500 for the barn work. The value of the barn boards is \$1500. After discussion a motion was made by Beth Birchall and seconded by Richard Drumm to table the discussion until the Sept. 24th Budget work session. The motion passed (5-0). Comment was heard from Paul Hoffman.

PennDOT has conducted a road study at Route 324 and Red Hill Rd, per the request the Township made after receiving a request from a resident to have Stop Signs placed on Rt 324. PennDOT's response was that after conducting their engineering and traffic study, results indicated conditions for a multi-way stop were not met. PennDOT will be installing a stop line on Red Hill Road, to encourage motorists to stop at the desired stopping point to achieve maximum sight distance.

Code Enforcement Officer's Report shows: 2 building permits, 1 zoning permits, 2 SWM permits, 4 Building U & O's and 1 Zoning U & O's permits were issued in August 2014.

SEO Report shows: 2 inspections, 1 perc and probe and 5 sewage permits was issued in August 2014.

August 2014 invoices: Ted Irwin made a motion which was seconded by Richard Drumm to approve the bills for a total of: \$16,386.25. 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

PSATS Pension Trust restatement – A motion was made by Beth Birchall and seconded by Carl Drexel to approve and sign the PSATS Pension Trust Amended and Restated Declaration and Agreement of Trust. The motion passed (5-0).

2015 Pension MMO – A motion was made by Beth Birchall and seconded by Ted Irwin to approve for its employees Martic's 2015 MMO. The motion passed (5-0).

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The pension audit has been conducted by the Dept of Auditor General's Bureau of Municipal Pension. There were no findings for this audit which covered January 2011 – December 2013. Ted Irwin congratulated Beth Birchall as treasurer and Karen Sellers during a difficult couple of years regarding the pension fund and concluding with the Township joining PSATS Pension Trust Fund.

Duane Sellers and Carl Drexel met with State Rep Bryan Cutler and PennDOT rep Scott Tanguay regarding the non-communication between PennDOT and municipalities. They now have a better understanding of how PennDOT works. PennDOT is supposed to send Rep Cutler a weekly website link, regarding their road work schedule. The Township manager will place the link on the Township's website. Comment was heard from Don Snyder and Paul Hoffman.

Keystone Wildfire worker's comp request: Mike Hall with Keystone Wildfire has made a request that the Board recognize them as a specialized resource fire company/unit so that they could be covered under the Township's workers comp insurance. They are currently covered under DCNR, however they must be called out by DCNR, before they may respond to any calls. He feels they would be a great asset to the Township because of their training. Beth Birchall commented that she has checked with our insurance agent. There are too many unknown variables and grey areas when it comes to who they would fall under for this insurance coverage. Ted Irwin commented he would need to know specifically when DCNR is covering the insurance and when the Township would be expected to cover it. For him this is a risk exposure for the Township. Duane Sellers commented that he isn't in favor because we just completed a very costly merger. Comment was heard from Dave Walter with the RVFC that he isn't in favor of the Board recognizing them. Comment was also heard from Carl Strickler. Duane Sellers made a motion, which was seconded by Richard Drumm to table until the October meeting, a decision until after the Township's solicitor and insurance agent have been contacted with questions that were raised. The motion passed (5-0).

Tony Williams our Emergency Management coordinator has asked the Board to consider purchasing a couple of the new radios for emergency management, the ones the county is requiring the fire company to purchase. The discounted price would be \$1850/ea. Comment was heard from Carl Strickler w/ RVFC regarding the new system. After discussion a motion was made by Beth Birchall and seconded by Ted Irwin to purchase 1 radio for emergency management and place the order through the fire company. The motion passed (5-0).

Lanc. County Planning Commission has provided information regarding the restricted bridges in the county. They have placed a map on their website.

The next meeting of the Martic Township Board of Supervisors is scheduled for Wednesday, September 24, 2014 at 7:00 p.m. at the Municipal Building for a budget work session.

They're being no further business the meeting was adjourned at 10:23 pm.

Respectfully submitted,

Karen D. Sellers
Martic Township Manager