

MARTIC TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 03-07-22A

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MARTIC, LANCASTER COUNTY, PENNSYLVANIA, ESTABLISHING FEES FOR THE SUBMISSION AND REVIEW OF SUBDIVISION AND LAND DEVELOPMENT PLANS, PLANS PROPOSING THE CONSTRUCTION OF A PUBLIC STREET, AND STORM WATER MANAGEMENT PLANS AND FOR THE INSPECTION OF IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AS PART OF SUCH PLANS; ESTABLISHING FEES TO BE CHARGED IN CONNECTION WITH THE ADMINISTRATION OF THE MARTIC TOWNSHIP ZONING ORDINANCE; AND ESTABLISHING FEES FOR MISCELLANEOUS TOWNSHIP PERMITS, HEARINGS AND SERVICES.

WHEREAS, the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, is required to review plans and documents submitted by developers to determine compliance with applicable Township ordinances and regulations, including but not limited to the Township's Subdivision and Land Development Ordinance and Storm Water Management Ordinance; and

WHEREAS, Section 2317 of The Second Class Township Code (the "Township Code") provides that no person may construct, open or dedicate any road or drainage facilities for public use or travel unless the Board of Supervisors has reviewed and approved a plan or plans thereof; and,

WHEREAS, the Township incurs expenses in connection with the review of plans proposing the installation of new streets and drainage facilities and documentation necessary to insure the Township will obtain clear title to such facilities upon dedication; and

WHEREAS, the Township has enacted a Storm Water Management Ordinance in accordance with the authority of the Pennsylvania Storm Water Management Act and with Section 2704 of the Township Code; and

WHEREAS, the Township incurs costs in connection with the review of plans, review of documentation to insure the long-term maintenance of storm water management facilities; and inspection of improvements; and,

WHEREAS, the Township Manager, Township Zoning Officer, Township Engineer, Township Solicitor or other professional consultants retained by the Township perform technical reviews of subdivision and land development plans and documents at a cost to the Township; and

WHEREAS, the inspection of improvements required to be installed in subdivisions or land developments may be done by Township staff or by the Township Manager, Township Zoning Officer, Township Engineer or other professional consultants retained by the Township; and,

WHEREAS, the Township Manager, Township Zoning Officer, Township Engineer or other professional consultants retained by the Township perform such inspections at a cost to the Township and when the Township staff performs such inspections, there is a cost to the Township as that employee is not performing general municipal work which may benefit the entire Township but rather is providing services which benefit a particular developer; and,

WHEREAS, Martic Township has enacted a Zoning Ordinance, and the Township incurs costs in the receipt of applications, issuance of permits, and inspection of construction authorized by such Ordinances; and,

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WHEREAS, the Board of Supervisors is authorized to adopt fees to be paid by applicants to reimburse the Township for expenses incurred in the processing of applications, the review of plans and documents, and for expenses incurred in the inspection of improvements; and,

WHEREAS, the Board of Supervisor has enacted a Small Wireless Facilities Deployment Ordinance in accordance with Act 50 of 2021; and,

WHEREAS, the Township incurs costs in connection with the review of plans, review of documentation and inspection of facilities; and

WHEREAS, the Township may impose fees for hearings before the Zoning Hearing Board and fees for proceedings before the Board of Supervisors; and

WHEREAS, the Township incurs costs in the publication of various documents and maps, and in the provision of such publications and other services; and

WHEREAS, the Township provides citizens with copies of certain documents and other records, and to establish fees for the copying of such records in order to recover the costs incurred by the Township; and

WHEREAS, the Board of Supervisors desires to establish and adopt fees and costs for such applications, inspections, publications and services.

NOW AND THEREFORE BE IT RESOLVED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. SUBVISION, LAND DEVELOPMENT, STORM WATER MANAGEMENT, AND RELATED PLAN OR WAIVER APPLICATION FEE ESTABLISHED.

- (a) The preliminary, final, and revised subdivision and/or land development plan fee shall consist of two (2) parts, namely, a basic fee and a lot and/or unit of occupancy fee. The basic fee covers the cost of the initial lot (remaining acreage) or unit of occupancy based upon the type of development involved. The lot fee is charged toward each additional proposed lot and/or each existing lot which receives additional area (lot add-on). The unit of occupancy fee is charged for each proposed unit of occupancy in excess of one (1) unit per lot. The amount of the above-mentioned fees shall be as follows: preliminary, final, revised and lot add-on plan filing fee:

Basic Fee:

- | | |
|-------------------|----------|
| • Residential | \$200.00 |
| • Non-Residential | \$500.00 |

Additional Fee:

- | | |
|-------------------|--------------------------------------|
| • Residential | \$10.00 per lot or unit of occupancy |
| • Non-Residential | \$10.00 per 1,000 square feet |

- | | |
|---------------------------------|----------|
| (b) Sketch Plan | \$250.00 |
| (c) Lot add-on plan | \$250.00 |
| (d) Waiver request (per waiver) | \$50.00 |
| (e) Floodplain plan review | \$250.00 |
| (f) Stormwater Management: | |
| • Stormwater (< 1000 sq ft) | \$75.00 |

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- Stormwater (1,001 – 2,500 sq ft) \$165.00
- Stormwater (2,501 – 5,000 sq ft) \$200.00
- Stormwater (> 5,000 sq ft) \$1000.00
- (g) Pre-application meeting with Twp Solicitor, Engineer and Staff \$200.00

The filing fee shall be used to reimburse the Township for its administrative expenses in connection with the processing of the application, including but not limited to receipt, transmittal, and storage of plans and reports, postage, and similar expenses.

Section 2. POSTING OF ESCROW FOR REIMBURSEMENT OF TOWNSHIP EXPENSES IN PROCESSING SUBDIVISION AND LAND DEVELOPMENT, PUBLIC STREET AND STORM WATER MANAGEMENT APPLICATIONS Each applicant shall deposit with the Township a sum in the amount as set forth below (the “Escrow Fund”) at the time of filing an application for approval of a subdivision or land development plan, a public street plan and/or a storm water management plan. The Escrow Fund shall be used to reimburse the Township for all engineering, inspection and legal fees incurred in the review of the plan, inspection of improvements, preparation and recording of any appropriate deeds or documents, and any other expenses which the Township may incur in the connection with the processing of the application and development of the property as set forth in Sections 8,9,10 and 11 below. The Township shall be irrevocably authorized to withdraw from time to time any monies deposited in the Escrow Fund by the applicant/developer in order to pay expenses and fees incurred by the Township. At such point as the Escrow Fund has been reduced to one-half of the amount posted by the applicant at the time of filing the application or less as a result of withdrawals as herein provided, then, and in that event, and at that time, the Township shall bill the applicant/developer an amount sufficient to restore the Escrow Fund to the original sum. In the event the Escrow Fund is insufficient at any time to pay such costs, the Township shall bill applicant/developer for the actual or anticipated additional costs. In the event the Escrow Fund is in excess of the Township’s costs, the Township shall refund such excess monies, without interest, to Developer upon completion of the development of the property. The amount of the Escrow Fund shall be determined as follows:

- (a) Minor Residential Subdivision or Land Development Plan (1-3 Lots or Units of Occupancy) \$2,000.00
- (b) Minor Residential Subdivision or Land Development Plan (4-10 Lots or Units of Occupancy) \$3,500.00
- (c) Major Residential Subdivision or Land Development Plan (11-20 Lots or Units of Occupancy) \$7,500.00
- (d) Major Residential Subdivision or Land Development Plan (21 or more Lots or Units of Occupancy) \$10,000.00
- (e) Non-Residential Subdivision or Land Development Plan \$7,500.00 or such lower amount for a minor subdivision or land development plan if the applicant presents sufficient evidence that all costs associated with reviews and inspections will be less than \$7,500.00

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(f) Sketch Plan	\$500.00
(g) Lot Add-on plan	\$1,000.00
(h) Waiver request (per waiver)	\$100.00
(i) Floodplain plan review	\$1,500.00
(j) Stormwater management plan review (2501 – 5000 sq ft)	\$2,000.00
(k) Stormwater management plan review (> 5,000 sq ft)	\$3,000.00
(l) Inspection of stormwater management facilities which are part of an approved subdivision or land development plan and the lot owner will be installing stormwater management facilities	\$1,000.00

Section 3. FEES AND ESCROW PAYABLE WITH APPLICATION

All filing fees and any required escrow deposit must be submitted to the Township with plan applications. Plan applications shall not be accepted without fees and required escrow deposits, and neither the Martic Township Planning Commission nor the Martic Township Board of Supervisors shall take action on a plan application submitted without a fee and if required, an escrow deposit. The fees imposed by the Resolution are in addition to any fees imposed by the Lancaster County Planning Commission pursuant to Section 502 of the Pennsylvania Municipalities Planning Code for its review of plans or by any municipal authority or public utility as established by such authority or utility for review of plans showing improvements, extensions, or connections to the authority's or the utility's facilities. All fees and, if required, escrow deposits shall be paid by check or money order drawn to Martic Township.

Section 4. RECORDING FEES

Any costs relating to the reduction of final plans for the purpose of recording the same with the Recorder of Deeds of the County of Lancaster and any recording fees shall be paid by the applicant.

Section 5. FEES FOR INSPECTIONS AND ACTIVITIES INCURRED IN CONJUNCTION WITH INSTALLATION OF IMPROVEMENTS IN CONNECTION WITH A SUBDIVISION OR LAND DEVELOPMENT OR STORM WATER MANAGEMENT AND REVIEW OF STREET DEDICATION PLANS

(a) Reimbursement for Plan and Document Review Expenses.

Applicants shall reimburse the Township for all reasonable and necessary expenses incurred by the Township's professional consultants, including but not limited to the Township Engineer and the Township Solicitor, for the review of any report or reports to the Township on an applicant's application, plans, supporting data, proposed agreements relating to the maintenance of improvements or open space, financial security, and similar matters, if any, in connection with public street plans and storm water management applications. Such review fees shall be the actual fees charged by the Township employees, Township Engineer, Township Solicitor or other professional consultant for the services performed. The present fee schedule of the Township employees is attached hereto as Exhibit "A", the present fee schedule of the Township Engineer is attached hereto as Exhibit "B", and the present fee schedule of the Township Solicitor is attached hereto as Exhibit "C", all of which are incorporated herein. Such schedules shall be revised from time to time to reflect the changes in the rates charged to the Township by the Township Engineer, Township Solicitor, or such other professional consultant. The filing of a plan or application under the Martic Township Subdivision and Land

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Development Ordinance or Storm Water Management Ordinance, and/or Section 2317 of the Township Code, shall constitute an implied agreement by the applicant to pay such expenses.

(b) Reimbursement for Inspection of Improvements

Developers/Applicants shall reimburse the Township for all reasonable and necessary expenses which the Township's professional consultants or the Township employees incur for inspections of the improvements required to be constructed under the Subdivision and Land Development Ordinance or the Storm Water Ordinance or when the Township incurs expenses for any report or reports to the Township thereon. Such inspection fees shall be the actual fees charged by the Township Engineer, Township Solicitor or other professional consultant for the services performed. The present fee schedule of the Township employees is attached hereto as Exhibit "A", the present fee schedule of the Township Engineer is attached hereto as Exhibit "B", and the present fee schedule of the Township Solicitor is attached hereto as Exhibit "C", all of which are incorporated herein. Such schedules shall be maintained in the Township Office and shall be revised from time to time to reflect the changes in the rates charged to the Township by the Township Engineer, Township Solicitor, or such other professional consultant. Any such changes in rates shall be deemed incorporated herein by reference. The filing of a plan or application with the Township which requires or results in the inspection of improvements shall constitute an implied agreement by the applicant to pay such expenses.

(c) Reimbursement for Inspection of Improvements when such Inspection is Performed by Township Personnel.

In some circumstances, inspection of improvements may be performed by personnel employed by the Township. If the inspection is performed by Township personnel, developers shall reimburse the Township for all reasonable and necessary charges incurred by the Township for inspection of the improvements required to be constructed under the Storm Water Management Ordinance or the Subdivision and Land Development Ordinance and any report or reports to the Township thereon. When the inspection is performed by Township personnel, the fee shall be as set for in Exhibit "A". A minimum charge of one hour per person will be billed for the first hour or any portion thereof. Any time in excess of one (1) hour shall be billed at the same rate on a proportional basis. This charge shall be revised from time to time to reflect changes in the costs to the Township of utilizing its personnel to perform such inspections. The developer shall also reimburse the Township for all mileage reimbursement which the Township may pay to its personnel if such personnel use personal vehicles to travel to and from a development site.

(d) Resolution of Fee Disputes

In the event the developer disputes the amount of any such plan review or inspection fees or expenses, the developer shall, follow the procedure set forth in Article V of the Pennsylvania Municipalities Planning Code. The Township shall respond to any disputing of the fees of professional consultant in accordance with Article V of the Pennsylvania Municipalities Planning Code.

- If within twenty (20) days of the date of billing, the Township and the developer cannot agree on the amount or the expenses which are reasonable and necessary, then the Township and the developer shall jointly, by mutual agreement, appoint another

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professional engineer or consultant of the same discipline whose fee is challenged (“Consultant”) to review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.

- The consultant so appointed shall hear such evidence and review such documentation, as the consultant in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The developer shall pay the entire amount determined in the decision immediately.
- The fee of the consultant for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required is less than the original bill by One Thousand (\$1,000.00) Dollars or more, the Township shall pay the fee of the consultant. In all other situations the Township and the developer shall each pay one-half (½) the fee of the consultant.
- If the Township and the developer cannot agree upon the consultant to be appointed, the consultant shall be selected in the manner provided in Article V of the Pennsylvania Municipalities Planning Code.

(e) Additional Expenses

All expenses incurred by the Township prior to street dedication for the installation, maintenance or operation of street signs, traffic control signs, traffic control lights, street lights and any other signs or lights which necessitated by the Developer’s land development or subdivision shall be charged to and paid by the Developer. The fees set for in Exhibit “A” shall be billed for the costs of installing traffic control signs or performing other services for the development. A minimum charge of one hour per person will be billed for the first hour or any portion thereof. Any time in excess of one (1) hour shall be billed at the same rate on a proportional basis. The actual cost of all supplies and equipment, including signs, poles and other materials shall be paid by the developer. The developer shall also reimburse the Township for all mileage reimbursement which the Township may pay to its personnel if such personnel use personal vehicles to travel to and from a development site. The Township will not be responsible to provide snow removal for private roads.

Section 6. ZONING HEARING BOARD HEARINGS:

To be paid at the time application or appeal is filed:

- | | |
|---|------------|
| • Zoning Hearing Board Application or Appeal | \$750.00 |
| 2 nd meeting | \$375.00 |
| • Curative Amendment or Amendment to the Zoning Ordinance or Zoning Map | \$1,500.00 |
| • Conditional Use Application | \$750.00 |
| • UCC Appeals (SLCIMC) | \$1,000.00 |

Applicants and appellants shall, upon receipt of an invoice from the Township, reimburse the Township. The Township’s invoice shall be payable within thirty (30) days of receipt or upon the issuance of any permit authorized by the decision of the Zoning Hearing Board or Board of Supervisors, whichever date is earlier.

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- Legal Advertisement fees Actual cost incurred by Township

Section 7. ZONING/BUILDING PERMIT FEES:

- Residential structures:
(Including additions, decks & accessory structures) \$0.25/sq. ft. minimum \$50.00
- Agricultural related structures: \$0.15/sq. ft. minimum \$50.00
- Commercial, Office, Church, Educational structures: \$0.50/sq. ft. minimum \$150.00
- Cellular Tower (*after ZHB approval*) \$250.00
Antenna replacement \$150.00
- Windmill \$100.00
- Demolition – Residential/AG \$ 50.00
Demolition – Commercial \$150.00
- Fence \$0.15/lin. ft. minimum \$25.00
- Sign (Residential/Agriculture) \$ 75.00
Sign (Commercial) \$150.00
- Solar panels Residential (ground and roof mounted) \$10.00 per \$1,000 of construction cost
(minimum fee \$150.00)
Solar Panels Commercial (ground and roof mounted) \$25.00 per \$1,000 of construction cost
(minimum fee \$500.00)
- Pools: Above Ground \$ 50.00
In-ground, whirlpools, spas, Jacuzzis \$ 150.00
- Residential - Remodeling/ Alterations (includes Electrical) \$ 75.00
Existing Commercial \$150.00
- Permit renewal (additional 1 year – max. 1 year) ½ the original fee
- Driveway: New \$ 50.00
Expansion or alterations to existing driveway \$ 25.00
- Home Occupation for an in-home business – *No Impact* \$ 65.00
- Replace structure damaged by fire or natural disaster (within 1 year) no charge
- Rezoning Application \$1,500.00

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- Any other residential/Ag permit not listed \$ 55.00
- Any other commercial permit not listed \$ 80.00
- Road Occupancy (HOP)
 - Pipe/Conduit under roadway (open cutting/boring) or in right-of-way*
 - Under 4” diameter pipe/conduit/post \$ 200.00
 - 4”-10” diameter pipe/conduit/post \$ 300.00
 - Greater than 10” diameter pipe/conduit/post \$ 500.00
 - Opening in pavement: \$150.00 base fee + \$50.00/ft of parallel opening
- Beginning a project prior to obtaining all necessary approvals and permits Double actual fees

Section 8. SEWAGE FEES (SEO)

- Percolation & Probe Test \$ 200.00
- Second test, same lot \$ 100.00
- Sewage Permit \$ 125.00
- Rate per Hour for all other work \$ 50.00
- Sewage Certification \$ 75.00
- Hourly Inspection rate \$ 50.00
- Holding Tank inspection and all other annual inspections, reports and tracking \$ 100.00/hour

Section 9. PUBLIC STREET DEDICATION FILING FEE

- Deposit to recover costs for processing acceptance of streets which have been offered for dedication to the Township \$ 500.00

Should the fees and costs incurred by the Township in processing acceptance of dedication of streets be greater than the deposit established herein, the Township shall bill the person requesting that such streets be accepted for all such additional fees and costs. The person requesting acceptance of the streets shall pay the bill for the additional fees and costs within thirty (30) days after the date of the invoice. It is the intention of the Board of Supervisors that the person requesting that the Township accept dedication of streets reimburses the Township for all costs, including fees, costs, and expenses of any other nature, incurred in the acceptance of dedication of such streets. * see Section 5.e

Section 10. SMALL WIRELESS FACILITIES (Ord. 10-04-21)

- 1 - 5 co-located small wireless facilities \$500.00
- More than 5 co-located small wireless facilities \$500.00 plus \$100
for each beyond five
- Request the installation of a new or replacement utility pole \$1,000.00

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Section 11. OPEN RECORDS POLICY

- Duplication/Photocopy black-and-white copy of a standard 8.5” x 11” page \$0.25 per page/per side
- Duplication/Photocopy color copy \$0.40 per page/per side
- Duplication to electronic media/diskette actual cost
- Postage for items mailed to requester actual cost
- Certification of any documentation as a true and correct copy \$5.00/per cert
- Certification that the Township has examined its records and the identified record does not exist \$5.00/per cert

In the event that Martic Township incurs additional costs, over and above those stated here; additional fees will be charged on actual cost. The Township will require prepayment if the total fees are estimated to exceed \$100.00

Section 12. REFERENCE MATERIALS

- Zoning Ordinance \$20.00 paper
- Comprehensive Plan \$20.00 paper
- Floodplain Ordinance \$10.00
- Storm Water Management Ordinance \$25.00
- Subdivision and Land Development Ordinance (SALDO) \$25.00
- Zoning Maps \$10.00
- Martic Township Road Map \$10.00
- Martic Township Nitrate Map \$10.00

Section 13. OTHER TOWNSHIP FEES

- Notary Fee \$5.00/per seal
- Clerical Fee associated with a notary \$2.00/per transaction
- Uniform Construction Code Admin. Fee (state sets) \$ 4.50

Section 14. RETURNED CHECK

Non-sufficient funds \$50.00

Martic Township will charge a fee of **\$50.00 (fifty dollars)** for any check that is returned to the Township due to insufficient funds, an account being closed, or for any other reason. The Township has the right to refuse payment by check from anyone who has previously had a check that was returned to the Township.

SECTION 15. ESCROW ACCOUNTS

Except as otherwise set forth herein, all fees imposed hereunder or all payments required to replenish escrow accounts as required by Section 2 of this Resolution, shall be due and payable in full within

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thirty (30) days of the date of the invoice for such fees. If payment is not received by the Township on or before the thirtieth (30th) day, such fee shall be deemed delinquent. A penalty of ten percent (10%) shall be added to such outstanding fee. In addition, the outstanding fee shall bear interest at the rate of one and one-half percent (1.5%) per month or fraction thereof beginning one month after the fee becomes due and payable until paid. This is an annual percentage rate of eighteen percent (18%).

SECTION 16. CHALLENGES

If the applicant/developer should challenge any portion of any fee imposed hereunder, the applicant/developer shall nonetheless make timely payment of the unchallenged portion of the fee. If payment of the unchallenged portion of the fee is not received within thirty (30) days of the date of the invoice, the uncontested fee shall be deemed delinquent and shall be subject to the penalties and interest set forth in Section 14 above.

SECTION 17. APPEALS UNDER LOCAL AGENCY LAW

Every request for a hearing under the Local Agency Law, 2Pa.C.S. §551 et seq., for which the Township has not established a specific fee by other resolution or ordinance, shall be accompanied by a fee in the amount of \$750.00. A stenographic record of the proceeding shall be kept. The cost of the original transcript shall be paid by the Township **if** the transcript is ordered by the Township or shall be paid by the person or entity appealing from the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person or entity requesting such copy or copies. In all other cases, the party requesting the original transcript shall bear the cost thereof.

SECTION 18. NON-REFUNDABLE

No part of a fee established by this Resolution is refundable.

SECTION 19. FEE REVISIONS

The Board of Supervisors reserves the right to revise the fees in this Resolution at any time by resolution.

SECTION 20. REPEALS

The Resolution shall not be deemed to repeal any other resolution of this Township establishing fees or charges. This Resolution shall be interpreted to amend only those fees expressly set forth in this Resolution, and all other fees and charges imposed by all other resolutions are hereby ratified and confirmed.

SECTION 21. SEVERABILITY

The provisions of this Resolution are severable, and if any section, sentence, clause or part of the Resolution shall be held invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is

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hereby declared to be the intent of the Board of Supervisors that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

This Resolution shall take effect and be in force immediately as proved by law.

DULY ADOPTED the _____ day of _____, 2022 by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest: _____
Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

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EXHIBIT A

Martic Township Employee 2022 Fee Schedule

Zoning Officer	\$50.00/hr
Road Foreman	\$50.00/hr
Administrative Services	\$40.00/hr

EXHIBIT B

Solanco Engineering Associates, LLC

Township Engineer	\$125.00/hr
Engineering Technician	\$ 100.00/hr
Administrative	\$ 45.00/hr
Mileage, per current IRS schedule	

EXHIBIT C

Morgan, Hallgren, Crosswell & Kane, P.C.

William C. Crosswell	\$190.00/hr.
Josele Cleary	\$185.00/hr.
Anthony P. Schimaneck	\$185.00/hr.
Robert E. Sisco	\$185.00/hr
Jason M. Hess	\$180.00/hr.
Other Attorneys	Not to exceed \$190.00/hr.

In addition, out of pocket expenses will be required to be reimbursed, including, but not limited to, photocopying, long distance telephone charges, filing and recording fees, and travel expenses.