

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
July 11, 2016

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 11, 2016, at the Clay Township Municipal Office, 870 Durlach Road, Stevens, Pennsylvania, at a time and place duly established to hold such a meeting, and advertised and posted in accordance with the Second Class Township Code and the Sunshine Law.

Supervisors present were Tim Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

Clay Township employee present was Wendy Hackman, Administrative Assistant. Also present was Robert Lynn of Hanover Engineering, Inc., Township Engineer and Jennifer Mejia of Mejia Law Group, Township Solicitor.

Also attending were those listed on the meeting attendance sheet, which is attached to these Minutes.

Tim Lausch called the Meeting to order at 7:00 p.m.

**Meeting Minutes**

Keith Martin made a motion, seconded by Gary Landis to approve the June 13, 2016 meeting minutes as printed in the July 11, 2016 Agenda. \* The motion was approved unanimously.

**Treasurer's Report**

Gary Landis made a motion, seconded by Keith Martin, to approve the Treasurer's Report for the month of June, 2016. \* The motion was approved unanimously.

Gary Landis asked when the monies are received from the Project 70 game lands in lieu of tax payment. Wendy Hackman will check and get back to Gary.

**Visitors**

1. David Martin, 502 Foggy Bottom Road; Rick Bernarduci, 108 Queen Annes Way; Fred Thomas, 521 Foggy Bottom Road

David Martin stated that the proposed Wildflower Pond Home Owners Association (HOA) places too much liability on the residents. He feels that the By-Laws for the HOA being presented are terrible. His understanding is that anything not dedicated to the Township will be the responsibility of the HOA.

Jennifer Mejia stated that the concerns regarding the formation of the HOA are between developer and home owner and that the Township is in a difficult position and does understand the frustrations of the home owner's.

David Martin asked why the Township accepted the Wildflower Pond HOA By-Laws when they were written over 16 years ago?

Jennifer Mejia stated that the Township would be happy to address the resident's concerns but, would like to have them in writing so they can be properly reviewed and answered.

David Martin said he doesn't have time to write down his concerns. He feels they are getting no representation for their tax dollars. He stated that he feels the By-Laws are written to protect the Developer. He said there are several sink holes in the retention basin that would be passed along to the HOA. He said that the commercial lot would become the responsibility of the HOA the way the By-Laws are written.

Jennifer Mejia stated that if Mr. Martin could document his concerns, the Township would be better able to address them.

David Martin asked Jennifer Mejia to document his concerns at this meeting.

Jennifer Mejia agreed to document a list of concerns regarding the formation of the HOA in Wildflower Pond and get back to the residents.

The below questions were asked by Mr. Martin:

1. Was the Developer's Attorney given a letter that the sidewalks in Wildflower Pond are acceptable and no other improvements would need to be made?
2. How can a Board be elected prior to the HOA being formed?
3. Is there a statute of limitations for the HOA being formed?
4. What other HOA is in place and collects fees?
5. Can Developer's Attorney keep meeting open and use attendance from first meeting at second meeting?
6. There is \$15,000 allocated for the retention basin. Couldn't the Township take over that basin because they have more knowledge and resources to maintain and simply charge the HOA a fee?

David Martin stated that he feels there is a lot more water going through the basin since the development of HomeTowne Square.

Tim Lausch asked David Martin if reference to the HOA was on his deed.

David Martin said that yes it was on his deed.

Rick Bernarduci stated that the HOA By-Laws contain items that have been changed or no longer exist.

Fred Thomas said that this has been going on for far too long. He would like a letter from the Township on where they stand on the issues.

Tim Lausch said he just wanted to make it is clear that the Township does not run HOA's.

Fred Thomas and Rick Bernarduci inquired if there was a letter from the Township to the Developer stating that the sidewalks in the development are acceptable?

David Martin stated that the feels the HOA is putting too much liability on the home owners in Wildflower Pond.

Rick Bernarduci has if the Township was invited to the next HOA meeting.

Tim Lausch asked what was the attendance at the first meeting.

Meeting attendance was very low, meeting held open so attendance at first meeting could be counted towards second meeting.

Keith Martin asked how the winter maintenance was.

Rick Bernarduci stated that it was terrible this year.

Rick Bernarduci and Fred Thomas both stated that the HOA should be been formed several years ago to avoid some of the current issues. Because of a large turnover rate in the development most residents are not even aware of a HOA.

Rick Bernarduci stated that the proposed HOA fee is \$78 yearly.

Gary Landis stated that typically the Developer pays for installation of the sidewalks and after street dedication, the Homeowner is responsible for maintenance and repair costs.

It was agreed Jennifer Mejia, Bob Lynn and Bruce Leisey will review the concerns and questions and notify the residents.

No other decisions were made at this time.

### **Engineer's Report**

None

## **New Business**

### 1. Approve and Execute Lancaster County Planning Commission MOU

Jennifer Mejia asked that this item be tabled. She would like to review with Bob Lynn and Bruce Leisey items that need clarification from the MOU with the Township's current Land Development and Sub Division Ordinance.

This item was tabled

### 2. Lancaster Bicycle Club Ride on August 21, 2016

After review, Keith Martin made a motion, seconded by Gary Landis to approve Lancaster Bicycle Club Ride as outlined in the letter dated 6/12/16 contingent on the Township receiving a Certificate of Insurance and coordination with the NLCRPD. \* The motion was approved unanimously.

### 3. Approve Purchase of De-Chlorinator for Sewage Disposal Plant

Bob Lynn informed the Board of Supervisors that because of new standards it was necessary to install the De-Chlorinator.

Gary Landis made a motion, seconded by Keith Martin to approve the purchase of the De-Chlorinator from Dutchland Incorporated in the amount of \$3,112.00 based on the contract proposal dated 6/30/16. \* The motion was unanimously approved.

### 4. Road Closed on North Clay Road

Tim Lausch said that he has received a complaint regarding the fact that with the closing of North Clay road, people are turning off at Church and when they reach the intersection of Church, Ice House and Leed Hill they have no idea which way to go and are driving through yards and driveways to get turned around.

It was discussed if a "temporary" 4-way stop could be installed during the bridge construction project.

Bob Lynn stated that it is not possible to install a temporary 4-way stop. He said that the Township could post detour signs for the Penn Dot. Penn Dot is not permitted to detour cars on Township roads and that is why the signs state that the road is closed.

It was discussed if the road closed signs could be located more towards the center of the road to deter outside traffic from going through. Possibly the sign could also state “local traffic only”.

Bob Lynn will contact Penn Dot and see if changes can be made.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$21,559.88 for the month of June. \* The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$629.31 for the month of June. \* The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$6,370.91 for the month of June. \* The motion was approved unanimously.

**Reports for the Month**

1. Chief of Police / Police Department
2. Fire Companies / Ambulance
3. DMR
4. Planning Commission Minutes
5. Engineer’s Report
6. Manager’s Report
7. Zoning Officer’s Report
8. Road Master’s Report

**Adjournment**

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 9:43 P.M. \*The motion was approved unanimously.

Clay Township Board of Supervisors

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Timothy Lausch, Chairman

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Keith Martin, Vice Chairman

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Gary Landis, Secretary