

.CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
July 12, 2021

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 12, 2021, 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.

Also, present was Bruce Leisey, Township Manager, Bob Lynn of Hanover Engineering, 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 6:34 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the June 14, 2021, meeting minutes. * The motion was unanimously approved.

Treasurer's Report

Gary Landis made a motion, seconded by Keith Martin to approve the Treasurer's Report for the month of June 2021. * The motion was unanimously approved.

Engineer's Report

1. Wyndale – Subdivision Land Development Plan #20-09 7/20/21

Jamie Strong Esq., of McNees, Wallace & Nurick, LLC, Developer's Counsel and Josh Boulbee, Pioneer Management, Developer's Engineer reviewed the plan with the Board of Supervisors and audience. Wyndale is being developed in the area designated on previous plans as Phase 3 & 5 of the Home Towne Square development. Wyndale will be a separate planned community of 96 single family dwellings. There will be no age restrictions for Wyndale. The community will have separate civic and recreation facilities from Home Towne Square and there will be no pedestrian or vehicle access between the developments.

Bernadette Hohenadel, Esquire of Nicholas & Hohenadel, LLP attended on behalf of the Hometowne Square Home Owners Association (“HOA”). Attorney Hohenadel stated that the HOA’s prior concerns with shared emergency access, streets, etc have appeared to be cleared up and recommended a maintenance agreement and easement agreement for the landscape buffer that divides the two communities. Attorney Hohenadel also asked that the Township consider stormwater easements with Home Towne Square and Wyndale on shared stormwater facilities. The HOA prefers not to have a parking area at tot lot to better prevent unwanted parking on the Home Towne Square property near tot lot.

The following is a summary of the discussion which occurred:

Josh Boulbee -stated that parking for tot lot will be on streets in Wyndale

Jamie Strong -stated that the plan name will be revised to make it clear Wyndale is not a part of Home Towne Square.

Peter Hockstead -345 Home Towne Blvd. – what is the basis for not continuing the Home Towne Square development and age restricted community, what will be the lot size and price point of homes?

Josh Boulbee– Lots will be slightly larger average 7,000 sf vs. 4-5,000 sf. Price of homes in the 350,000 to 400,000 range for standard home. Will have similar home styles of the Home Towne Square development with front loading garages, will have a community feel.

Jamie Strong- Statutory deadline to continue age restricted development has expired.

Jennifer Mejia – Is it possible, practical to sheds, basketball hoops, etc. on the lots with the proposed lot sizes?

Cliff Weaver – Developer will not allow sheds on lots.

Jeffrey Jonas – 310 Constitution Drive – Why were we not notified there would be an emergency access? Where the residents of Kimberly Drive notified of the proposed emergency access to their development?

Jennifer Mejia – they were notified.

Jamie Strong – The Kimberly Lane residents were notified because the original proposal was a public street connection. During the meeting with the Board it was changed to emergency access only.

Rose Perazzo 425 Ashton Circle – Has concerns with the potential of 96 new homes with potential of additional 192 children having access to the existing public trail behind her home. Why can children use our trail?

Cosmo Perazzo 425 Ashton Circle – what will the emergency access look like?

Josh Boulbee – Pavers covered with grass, will look like a lawn, with a chain across.

Scott Cover – Will the board allow a 30-day continuance so we can have more time to get a better understanding of the impacts from Wyndale? Concerns with what happens when the landscape buffer and fence need maintenance and repairs? Can an escrow be put in place to cover costs? Let Home Towne Square decide if we want an emergency entrance with Wyndale community.

Paula Murdaco 371 Liberty Street – Concerned with potential illegal access through emergency access. Will there be signage at entrance to Wyndale to eliminate confusion?

Josh Boulbee – there will be a chain across emergency access. Signage will be placed at the entrance to Wyndale.

Russell Lanzafame 410 Liberty Street – Concerned with illegal access from tot lot.

Josh Boulbee– Developer willing to eliminate emergency access if requested by Home Towne Square.

Marie Smith – 310 Declaration Avenue – Concerns with location of tot lot.

Lloyd Chapman – Will Wyndale have similar regulations, dos and don'ts to Home Towne Square?

Jamie Strong – there will be uniformity between the two, but not exactly the same.

Edward Malarik – 513 Constitution Drive - Can Home Towne Square residents see HOA declarations before approval

David Levens - Suggest Landmark pays to make Home Towne Square a gated community and we all go home happy.

Allen Glass – 316 Declaration Avenue – Need to make sure it is clear that Wyndale is not a part of Home Towne Square since 85% of lots must be occupied by age 55+ or we lose our age exemption. Home Towne Square should not be referenced in Wyndale plans.

Ronald Hoben – 431 Constitution Drive – I agree we need 30 days to review and digest plan.

Richard Stauffer 505 Constitution Drive – Concern with Home Towne Square loss of 100 homes to pay to maintain private streets, pool club house. Will Wyndale have public streets? We also have streets that meet Township and Liquid Fuel standards that could be dedicated to the Township.

Bob Lynn – development as a whole does not meet township standards

Allen Glass – 316 Declaration Avenue – Where will you put the snow in Wyndale? Truck it away?

Tim Lausch – we have had discussions on that no definite answer at this time.

John Krejci – 370 Home Towne Blvd – the lot in the back seems slightly larger, what will be the size of the homes?

Josh Boulbee– 3 different house plans size range is 2,500, 2,800 sf, and 3,000 sf.

Carol Collins – 513 Landon Circle – CND requires min, 50 acres of land. How will Wyndale at 29 acres meet that requirement?

Jamie Strong – Our opinion is Wyndale is under the Home Towne Square preliminary plan umbrella and does not need 50 acres individually.

Jennifer Mejia – there is a conditional use decision recorded.

Bernadette Hohenadel .– the questions that need to be answered are: Is it one or two CND's and are the concerns of Home Towne Square taken care of?

Janet Harbin – 306 Freedom Drive – What are the three lots in the north end?

Josh Boulbee– There are I flag lot and two larger lots

John Krejci – 370 Home Towne Blvd. – Why is there no barrier over the water main?

Josh Boulbee– There is an easement located there that does not allow anything to be placed there.

Tim Lausch – Thank you for sharing your comments and questions. We will review them.

Gary Landis – Thanks for coming to the meeting

Keith Martin – Thank you for your patience and for coming to the meeting.

Bob Lynn – The plan will not need to go back to the Planning Commission unless the Board determines it is not a part of the Home Towne Square CND

Jennifer Mejia - The plans deadline date to make a decision on the plan is 7/20/2021. The Board will need to make a decision on the plan tonight or Landmark will need to provide a time extension request for Board approval.

Keith Martin made a motion, seconded by Gary Landis to approve a 30-day time extension to make a decision on the Wyndale Plan and to table the plan until the August 9, 2021 meeting. * The motion was unanimously approved.

Visitors

1. Debra Rossen Hagman – Home Towne Square Trail Concerns

Debra voiced her concerns regarding a variety of vehicles including bicycles that utilize the public trail located on the southern border of the Home Towne Square property. She also has concerns with people walking their dogs and people not littering and not properly disposing of dog waste along the trail. She feels that 65% of the people using the trail do not live in the development and observed that not all dogs are restrained. Concerns regarding a hazard posed to walkers by with women running with their baby strollers was also mentioned. The overall concern is a perceived unsafe condition for the residents of Home Towne Square who walk on the trail. There have been accidents on the trail due to these conditions. The issue is worse due to the fact the trail is only 5 feet wide and there are numerous blind spots along the trail. She and members of the community, who signed a petition want the trail to be a walking only trail.

A question was raised regarding if the HOA has the ability to post and enforce rules on the trail. Jennifer Mejia informed the audience the Township was researching the designation of the trail as pedestrian only or shared use and related issues.

Cosmo Perazzo 425 Ashton Circle – If HOA is responsible for maintenance of trail can we close it?

Jennifer Mejia – No, the HOA owns the land and maintains it but the Township has an easement to allow the public use.

Howard Hodge – 430 Liberty Street – Did any of the Board or staff walk the trail?

Keith Martin and Bruce Leisey acknowledged they have walked the trail.

The Board of Supervisors thanked the audience for their comments, and they will take them into consideration.

Old Business

1. Middle Creek Search and Rescue – Request Land for Building

Wes Clark, Sue Hamberger and Sue Stauffer of Middle Creek Search and Rescue reviewed their request for the use of land on the Township's property to locate a new storage building.

After discussion, it was decided to locate the new building at the Northwest corner of the Township's property.

New Business

1. Discussion on Fence and Wall Ordinance

Township Staff reviewed the existing Fence regulations with the Planning Commission at their June 28th meeting. The Planning Commission was unanimous in their feelings that the ordinance should be modified to allow a solid fence up to 6 feet in height by right and not require Board of Supervisor approval. Their feeling was the increase in higher density housing and smaller lot sizes in developments that has taken place in the Township and the increase in construction of “outdoor” living areas for entertainment provides less privacy. They also noted a solid fence provides a visual barrier to reduce noise from dogs barking at people or activities in neighboring properties.

The Planning Commission was **not** in favor of changing the portion of the Ordinance requiring Board of Supervisors approval to locate a fence closer than 3 feet of the property line.

The Planning Commission recommended the Board of Supervisors consider adding language to the Ordinance addressing maintenance of fences either through the Property Maintenance Code or stand-alone language.

Gary Landis made a motion, seconded by Keith Martin to authorize Township Staff to draft an updated Ordinance for review by the Planning Commission. * The motion was unanimously approved.

Engineer’s Report – Con’t

2. Woodcorner Properties – Escrow Release Request

Township Staff reviewed the escrow release request with the Board of Supervisors.

After review, Keith Martin made a motion, seconded by Gary Landis to reduce the escrow in the amount of \$880,769.50 leaving an escrow balance in the amount of \$183,229.50. * The motion was unanimously approved.

3. Weaver, 385 North Clay Road – Sewage Planning Module Approval

Township Staff reviewed the Sewage Planning Module with the Board of Supervisors. The 77.96-acre large agricultural property contains a single-family dwelling, garage and associated infrastructure in the southwestern portion of the tract off of North Clay Road. The property also has an equipment and storage building in the northcentral portion of the property off of Hopeland Road. The landowners are proposing the construction of a new single-family dwelling, driveway

and associated infrastructure in the northcentral portion of the property, east of the existing equipment and storage building.

Gary Landis made a motion, seconded by Keith Martin to approve and execute the Sewage Planning Module for Dwayne & Janelle Weaver at 385 North Clay Road. * The motion was unanimously approved.

Old Business – Con’t

2. Annex Renovation Update

Bruce Leisey updated the Board of Supervisors that the roof is scheduled for the week of July 19th and windows are scheduled for the week of July 26th.

3. Update on Wissler Road Bridge Abutment Repair over Middle Creek

Bob Lynn updated the Board of Supervisors on timeline.

Gary Landis made a motion, seconded by Keith Martin to authorize Bob Lynn to prepare the bid package for project. * The motion was unanimously approved.

New Business – Con’t

2. Annex Renovation Project – Request for Payments

Bob Lynn reviewed the request for payments with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve payment in the amount of \$62,539.82 to Wagman Construction for Contract #1, Payment Application #3. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment in the amount of \$3,435.31 to Ames Construction for Contract #2, Payment Application #2. * The motion was unanimously approved.

3. Lancaster Bicycle Club – Permission to use Township Roads

Bruce Leisey reviewed the request with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve use of the Township Roads in Clay for the Lancaster Bicycle Club ride on Sunday, August 15, 2021, contingent on receipt of

Certificate of Liability Insurance with Clay Township listed as additional insured. * The motion was unanimously approved.

4. Hackman Road Repair Project – Review and Award Bids

Bob Lynn reviewed the bids with the Board of Supervisors.

After review, Keith Martin made a motion, seconded by Gary Landis to award bid to Berg Construction, Morgantown PA in the amount of \$64,750.00 for the base repair project on Hackman Road. * The motion was unanimously approved.

5. Approve Attendance at LCATS Meeting on July 29, 2021

After discussion, Gary Landis made a motion, seconded by Keith Martin to approve attendance to the LCATS meeting for Keith Martin and Bruce Leisey. * The motion was unanimously approved.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:12 PM to discuss potential litigation. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:50 PM. * The motion was approved unanimously.

There was discussion on the proposed Ephrata Borough Authority and Clay Township Sewer Service Agreement.

Keith Martin made a motion, seconded by Gary Landis to approve the Tolling Agreement extension with the Ephrata Borough Authority. * The motion was unanimously approved.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$40,100.22 for the month of June. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$529.23 for the month of June. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$4,802.18 for the month of June. * The motion was approved unanimously.

Capital Reserve

Gary Landis made a motion, seconded by Keith Martin to approve the Capital Reserve Fund bills totaling \$2,020.64 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. Planning Commission Minutes
- 4. Solicitor’s Report
- 5. Engineer’s Report
- 6. Manager’s Report
- 7. Road Master’s Report
- 8. Zoning Officer’s Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 11:05 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary