

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
July 14, 2014

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 14, 2014, 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 Timothy Lausch, Chairman, Keith Martin, Vice Chairman and Gary Landis, Secretary.

Clay Township employee present was Bruce Leisey, Township Manager. Also present was Jennifer Prunoske of Hanover Engineering, Inc., Township Engineer and Jennifer Mejia of Shirk and Mejia, Township Solicitor.

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

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

Moment of Silence/Prayer by Pastor David Ryan of the Hopeland United Methodist Church.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the May 15, 2014 meeting minutes as printed in the July 14, 2014 agenda. * The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to approve the June 9, 2014 meeting minutes as printed in the July 14, 2014 agenda. * The motion was approved unanimously.

Treasurer's Report

Keith Martin made a motion, seconded by Gary Landis, to approve the Treasurer's Report for the month of June, 2014. *The motion was approved unanimously.

Visitors

1. Rick Stehr – 10 West Girl Scout Road

Mr. Stehr made comments regarding Henry Nolt and the Red Maple Mobile Home Park. Mr. Stehr questioned the Board of Supervisors on their handling of issues relating to Red Maple Mobile Home Park. A friend of Mr. Stehr's visited the mobile home that the Township has condemned. Mr. Stehr encouraged the Board of Supervisors to work with Mr. Nolt.

The Township Manager inquired from Mr. Stehr which mobile home was visited since there are 4 condemned units in the park and Mr. Stehr was not sure which unit it was.

No decisions were made at this time.

2. Clair Beyer, 401 Middle Creek Road

Mr. Beyer shared the same concerns as Mr. Stehr.

No decisions were made at this time.

Engineer's Report

1. Willis & Joanne Lefever – Escrow Release Request (07-21)

After discussion, Gary Landis made a motion, seconded by Keith Martin to release entire escrow in the amount of \$1,535.77 which represented the 18 month maintenance guaranty for roadway improvements.. * The motion was unanimously approved.

2. Modification of Hometowne Square Phase Two Agreement Regarding Sewer Hook-up

Jennifer Mejia reviewed the sewer piping changes with the Board of Supervisors and the Temporary Utility Agreement previously executed by the Developer and approved by the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to allow Hometowne Square Phase Two to proceed with development of the reference lots on Ashton Circle (#29, 32, 34 and 36) without the need to come before the Board of Supervisors for approval of changes for each lot. The changes will be reflected on the “As Built” plans when construction is completed. * The motion was unanimously approved.

3. Weaver Excavating & Contracting Waiver of Land Development and SWM Plan (14-04)

Chuck Hess, Forino Company, and Dwayne Weaver, developer, reviewed the plan with the Board of Supervisors.

The Forino Company has prepared a Post Construction Stormwater Management Plant to account for the construction of a storage building associated with parking lots and driveway access to the proposed development. The tract is located on the south side of Hopeland Road. The new

improvements include a 11,250 square feet building which is for storage of the property owner's construction equipment and agricultural implements, an estimated 9,538 square feet parking lot and 5,207 square feet driveway. The total disturbed area is less than 1 acre.

Based on the current Clay Township Ordinances, a Land Development Plan and Storm Water Management Plan are required to address the future development of the property with the proposed improvements and the associated increase in impervious coverage. After construction of the proposed improvements, the runoff from the entire impervious area of the building and parking area will be conveyed through designed swales and to an underground infiltration tank. The increased runoff from the proposed driveway will be directed into a 3'X3'X250' infiltration trench on the east side of the driveway. Both the underground infiltration tank and the infiltration trench will provide storage volume for the 100-year storm event in order to address the increase in peak rate runoff and 50% reduction requirements. In addition, they will address both the Water Quality and Best Management Practices requirements of the Townships by providing an opportunity for infiltration.

The proposed location of the project site is within an existing 78-acre property which access along Hopeland Road (a State Road), within Clay Township, Lancaster County PA. The property is currently being developed and contains an existing single-family dwelling, barn/garage and other outbuildings that are surrounded by farmland. The proposed site for the new improvement is presently undeveloped with a predominately farmland cover condition. The site drains in southwesterly direction.

After review, Gary Landis made a motion, seconded by Keith Martin to approve the following waiver/modification for the plan. * The motion was unanimously approved.

Section 303 and Section 304 – Preliminary and Final Plans

The applicant is requesting waivers of the requirements to provide Preliminary and Final Land Development Plans. The applicant states that after review and approval by the Township, the Stormwater Management Plan can address all of the necessary and required aspects of constructing the proposed building and site improvements. The scope of this project is relatively small and is related to construction a second principle building for the storage of both agricultural and commercial equipment. The applicant feels that the proposed building could be considered as a "partial" accessory building since it will also be used to store agricultural implements. The applicant notes that the building will be utilized solely by the owner of the existing 78.2 acre property, and no subdivision of land is proposed or necessary. The applicant also notes that the project just barely exceeds the threshold of 10,000 square feet for Minor Land Development Plan (Section 309) by virtue of the proposed building just above that threshold. The request also indicates that the Zoning approval for the new building and use has already been obtained from the Township Zoning Hearing Board. A Highway Occupancy Permit has already been obtained from the Pennsylvania Department of Transportation for the proposed, separate Minimum use Driveway to the building. The applicant has indicated that upon favorable action on the above requested waivers, he agrees to install the required bathroom facilities per the Building Code. The proposed bathroom facility would be served by a second on-lot sewage disposal system near the building. The necessary Planning Module and associated design of the system would be address

as part of the Building Permit Application. The applicant also notes another on-lot well will be drilled in order to provide a source of potable water for the building.

Stormwater Management

Section 303.A.16 and Section 402.B.19 – A minimum 20 foot easement shall be provided around the stormwater facilities

The applicant is requesting a modification of the minimum easement width of the stormwater management easement around Swale 2 along the eastern side of the building. The applicant indicates that in order to maintain the limit of disturbance a 10 foot easement width is proposed around Swale 2. The applicant indicates the top width of the proposed Swale 2 is eight (8) feet which if the easement is centered around the swale with one (1) foot on each side of the swale. The applicant also notes that access to the easement will be provided by virtue of the expanded easements extending to the public right-of-way along Hopeland Road.

Gary Landis made a motion, seconded by Keith Martin to approve the plan contingent on compliance with the Hanover Engineering letter date 7/14/14 and escrow in the amount of \$24,027.87. * The motion was unanimously approved.

4. John & Alta Nolt Lot Add-On Plan (14-05)

Jennifer Prunoske, Hanover Engineering reviewed the plan with the Board of Supervisors.

Mr. Nolt is purchasing an additional 9.573 square feet from the property located at 495 E Mt Airy Road to be added to his 9.9 acre property.

Gary Landis made a motion, seconded by Keith Martin to approve the Nolt Lot Add-On Plan. * The motion was unanimously approved.

5. Hometowne Square Phase Two Escrow Release

Keith Martin made a motion, seconded by Gary Landis to approve a reduction of escrow for Hometowne Square Phase Two in the amount of \$104,069.25, leaving a balance of \$568,718.78.

* The motion was unanimously approved.

Old Business

1. Rock Road Bridge Repair Bid Update

This item was tabled until next meeting.

2. Discussion on Village of Clay Sewer Feasibility Study

The Township Manager reviewed the memo regarding the meeting on 4/3/14 with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to authorize advertising a public meeting to be held with the impacted residents and the Board of Supervisors.

New Business

1. 680 Hopeland Road – Relief from Fence Type Requirement

Mr. & Mrs. Barto, 680 Hopeland Road would like to replace their split rail fence with a solid fence vinyl fence and locate it closer than 3' to their neighbors property. Their neighbor does not have a problem but has not had an opportunity to submit a letter stating his agreement with fence.

Gary Landis made a motion, seconded by Keith Martin to approve relief of Chapter 10, Section 104 H and I of the Clay Township Code of Ordinances, to allow a solid fence and placement of the fence closer than 3 feet to the property line contingent on review and approval from Donald Summers, 684 Hopeland Road whose property borders the fence. * The motion was approved unanimously.

2. Tax Exoneration Request for 545 Mountain Road

Keith Martin made a motion, seconded by Gary Landis to approve the real estate tax exoneration for 545 Mountain Road. The property owner combined 2 separate parcels and will receive a new tax bill for the combined parcels. * The motion was approved unanimously.

3. Review Electric Contract

The Township Manager reviewed the Proposal to purchase electric for municipal operations.

Keith Martin made a motion, seconded by Gary Landis to approve a 3 Year Electric Contract with Guttman Energy at a price of .0818 KWH starting with the December 2014 billing. * The motion was approved unanimously.

4. Resolution to Extend NLCRPD Contract

After discussion, Gary Landis made a motion, seconded by Keith Martin to adopt Resolution #071414 to extend the Charter Agreement with the NLCRPD for 5 additional years through 12/31/2021. * The motion was approved unanimously.

Gary Landis would like to thank the NLCRPD for their reports issued to the Board of Supervisors of each municipality each month.

5. Resolution to Approve Penn Dot Winter Maintenance Agreement

Gary Landis made a motion, seconded by Keith Martin to adopt Resolution #071414A to enter into agreement with Penn Dot to provide winter maintenance on Mt Airy Road, Clearview Road and Kleinfeltersville Road to be reimbursed in the amount of \$13,019.02 per year. * The motion was approved unanimously.

6. Authorize Purchase of Grating for Sewer Plant Tanks

Keith Martin made a motion, seconded by Gary Landis to approve purchase of up to 17 sections of 20' long 2' wide aluminum I bar grating at a cost of \$353 per 20' section. Three quotes were received: (1) Dutchland 66 pcs 2X5 \$11,550; (2) Musser Ent Supplies 66 pcs 2X5 \$11,880; (3) Musser Ent Supplies 17 pcs 2X20 \$6,001.00. * The motion was approved unanimously.

*** Keith Martin excused himself from the meeting because Rachel Martin is his Mother and Countryside Enterprises is an employer. ***

Engineering – Cont

6. Rachel Martin Escrow Release

The Township Manager stated that a \$3,000 cash escrow was being held until the development site seeding was completed and established. The site was inspected (pictures taken) and the improvements are in place and established.

Gary Landis made a motion, seconded by Tim Lausch to release the escrow in the full amount of \$3,000. * The motion was approved unanimously.

7. Countryside Enterprises Modification to Traffic Study Request

There was discussion on the Countryside Enterprises request for a waiver of a Preliminary Plan that was recently submitted.

Gary Landis made a motion, seconded by Tim Lausch to authorize Jennifer Mejia to prepare summary of discussions of the last two meetings with Township Staff and Countryside Enterprises regarding the waiver request.

The Board of Supervisors is not inclined to approve a waiver of Preliminary Plan but will consider expediting the review process to the extent possible, should the Developer choose to concurrently submit Preliminary and Final Plans.

Gary Landis made a motion, seconded by Tim Lausch to approve advertising of a special meeting on 8/1/14 at 7:30 am to review potential development issues with the Countryside Enterprises development. * The motion was unanimously approved.

*** Keith Martin returned to the meeting***

Executive Session

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

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

No decisions were made at this time.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$27,927.90 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 \$832.57 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 \$3,227.16 for the month of June. * The motion was approved unanimously.

Liquid Fuel Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Liquid Fuel Fund bills totaling \$88,399.35 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. Ambulance
5. Solicitor's Report
6. Engineer's Report
7. Planning Commission Minutes
8. EAJA

Adjournment

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 10:30 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary