

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
July 9, 2018

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 9, 2018, 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, 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 6:34 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the May 22, 2018 special meeting minutes as printed in the July 9, 2018 Agenda. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve the June 11, 2018 meeting minutes as printed in the July 9, 2018 Agenda. \* The motion was unanimously approved.

**Treasurer's Report**

Keith Martin made a motion, seconded by Gary Landis to approve the Treasurer's Report for the month of June 2018. \* The motion was unanimously approved.

**Visitors**

None

## **Engineer's Report**

### 1. Hopeland Mennonite Church – Land Development

Kevin Varner, Diehm and Sons, reviewed the plan with the Board of Supervisors. The plan is to develop a 12,480 sq ft building and associated infrastructure on a 7.637 acre parent tract. The project is located outside the Hopeland Village Growth Area along Hopeland Road near the Sun Valley Road Intersection.

After review and discussion, Keith Martin made a motion, seconded by Gary Landis to approve the following waiver, deferral and modifications as outlined in the Hanover Engineering letter dated 6/22/18. \* The motion was unanimously approved.

#### **Section 303.A – Submission of a Preliminary Plan**

The applicant is requesting a waiver of the requirement to submit a preliminary plan. The applicant notes the project is located on an existing lot of record. The applicant also notes the plan submission included items for both preliminary and final plan information. The applicant further states they feel the project is not complicated, nor does it have any phasing components.

#### **Section 602.K.3 – Improvement of Existing Streets**

The applicant is requesting a deferral of the requirement to improve the existing street. The applicant notes that the site is in a rural area where there are no other curb or sidewalk improvements for miles. The applicant indicates that they feel a piece meal improvement here offers little value to the Township and furthermore, the road is a State Highway.

#### **Section 602.M.3 – Intersections with Collector Streets Shall Not be Closer than 400'**

The applicant is requesting a modification of the requirement to provide all intersections with collector streets shall not be closer than 400'. The applicant notes that the site was tested for sewage and the location on the plan were the locations that worked, and it is not possible to provide the access drive 400' away from Sun Valley Road intersection. The applicant notes that there is an inlet in the gutter along the site frontage that the church would like to leave alone. The applicant also notes that if the driveway is moved to 400' away from Sun Valley Road, the inlet will have to be relocated and Penn Dot will insist the Township take over maintenance of the storm system. The access drive is proposed at 362' from the intersection of Sun Valley Road. The applicant believes that this is a de minimum modification request. It was also noted that if the driveway is moved 400' from Sun Valley Road, the location of the driveway would be steeper and less safe during inclement weather.

#### **Section 602.M.6 – Minimum radius of 55' at Cartway Edge of Intersections with Collector Roads**

The applicant is requesting a modification of the requirement to provide a minimum radius of 55' at cartway edge of intersections with collector roads. The applicant states Hopeland Road is a State Highway and is subject to PennDot criteria. The applicant further states that Chapter 441, Figure 8 provides the criteria for low volume driveways and for driveways involving only single unit trucks and passenger cars, along a roadway with a speed limit of less than 45 MPH, the maximum radius permitted is 15'. The applicant feels a 15' radius is sufficient for the proposed use.

Section 602.T.1.B – Access Drives

The applicant is requesting relief from a recorded Agreement to establish Maintenance Conditions for the access drive. The applicant notes this is a private access drive to be used only by the Church.

Section 603.A.1.g – Lighting for Parking Compounds, Access Drive and Entrances

The applicant is requesting a modification of the requirement to install lighting for parking compounds, access drives and entrances. The applicant states that the church does not intend to have main activities outside of daylight hours. The applicant proposed to provide lighting on the building to illuminate the parking areas surrounding the building area.

The modification was conditionally approved based on the fact that if the building use changes to include evening activities, light will need to be installed.

Section 609.E.4.c – The interior of each Parking Lot shall have One (1) Shade Tree for every Five (5) Parking Spaces

The applicant is requesting a modification of the requirement of providing one shade tree for every five parking spaces of the interior of each parking lot. The applicant states that a number of landscape islands have been provided with the parking compound. The applicant feels that the required number of islands is not practical and proposes to provide the required 29 trees with 21 trees in islands interior to the parking lot and 12 trees around the perimeter of the parking lot. The other 8 trees will be placed somewhere else on the property.

Section 609.E.4.d.(3) – Landscape Islands are Required every 10 Parking Spaces

The applicant is requesting a modification of the requirement to provide landscape islands every 10 parking spaces. The applicant states that in order to balance the needed landscaping and keeping the parking lot design efficient, the plan proposes five different rows of parking that exceed 10 spaces in a row. The applicant states that the trees required in these islands are provided around the perimeter of the parking lot. The applicant notes that the parking islands are proposed in areas that help to delineate traffic flow.

It was noted that the islands noted on the plan will be acceptable, but all the required trees will be located elsewhere on the property.

Section 609.E.4.d.(4) – A Planting Strip is Required for Every Four (4) Rows of Parking

The applicant is requesting a modification of the requirement to install a planting strip for every four (4) rows of parking. The applicant indicates that the parking lot has six (6) rows of parking. The applicant states that landscaping is provided around the perimeter of the parking lot and within the islands that are proposed. The applicant states that the church wishes to maintain the ease of plowing the parking lot without a planting strip.

It was noted that the lot has six parking rows, but the two exterior rows will have a planting strip.

Section 609.F.2.a.1 – High and Low Level Screening

The applicant is requesting a modification of the requirement of providing high and low level screening around the perimeter of the property adjacent to the public street. The applicant states

that the church is located at a significant vertical and horizontal distance from the street in a rural setting. The applicant feels that this elevation difference provides visual screening from the street. It is further noted that low lever plantings have been proposed along the edge of the parking areas that face the street.

The modification request will provide the 28 trees elsewhere on the property.

Stormwater Management Ordinance

Section 11-302.A.2.c – Maximum Loading Ratio shall be 8:1 Total Drainage Area to Infiltration Area

The applicant is requesting a modification to the required maximum loading ratio of 8:1 total drainage area to infiltration area. The applicant states that the required loading ratios have been met for all facilities with the exception of Facility #1. The applicant further states Facility #1 is located between the access drive and sewage system and the facility was configured to provide the required 50-foot setback from the sewage system area. The total loading ratio provided for Facility #1 is 12.7:1 and the impervious ratio is 3.1:1 (less than the 5:1 allowable).

Section 307.C.1.g – Infiltration Rates shall not be used in Computing Storage Volume

The applicant is requesting a modification of the requirement that infiltration rates shall not be used in computing storage volume. The applicant indicates that the soils testing showed excellent shale soils for infiltration stormwater trench designs. The applicant notes the system design utilized half the rate in the design and the applicant feels that by providing a factor of safety and the shale soils adequate volume is provided in the system.

Gary Landis made a motion, seconded by Keith Martin to recommend conditional approval of the land development plant contingent on compliance with the Hanover Engineering letter dated 6/22/18. \* The motion was unanimously approved.

2. Dove Fellowship – Approve Use of Temporary Construction Access off Larkspur Lane

Mark Strunk, Speedwell Construction, requested permission to access the Dove Fellowship property off Larkspur Lane for the construction entrance. The existing proposed entrance would be off of Rt 322 at the church main entrance. Mr. Strunk feels this entrance off of busy Rt 322 near the Sharp Shopper traffic signal would not be as safe as an entrance off Larkspur Lane.

Tim Lausch informed Mr. Strunk that the Township ROW off Larkspur Lane does not connect to the Dove property. There is a 15-20' wide area of land owned by GAF Reality.

Mr. Strunk was aware of this and has received verbal permission from GAF Reality.

After discussion, the Board of Supervisors will consider the idea but, has concerns with potential damage to Larkspur Lane. The Board of supervisors requested written permission from GAF Reality to cross their property before making a final determination.

## **Old Business**

### 1. Furnace Hill Road, Stony Lane and Camp Road Stormwater Discussion

Bob Lynn reviewed actions since last meeting with the Board of Supervisors. Items included installing 15 erosion trenches in substitution for erosion socks.

After the last storm, there was notably less water erosion since Refreshing Mountain Camp put in the E&S trenches.

The next proposed phase will be to put in a retention basin near the Refreshing Mountain Camp hotel parking lot and improve the gutter along Camp Road and divert from gutter into woodland at the corner of Camp Road and Stony Lane.

There was discussion on installation of diversion and who would be responsible for continuous maintenance of the storm water facilities.

Fred Hubach said we should transfer water to Middle Creek Water Shed from Indian Run Water Shed. Allow storm water to be directed across Camp Road to Stony Lane and Forest Hill Road. He also encourages the Board of Supervisors to not “write off” crossing water under Camp Road.

Gary Landis suggested dividing the storm water over many spots to lessen burden on all property owners.

Dan Stahl said the water volume is increasing over the last 15-20 years.

No decisions were made at this time.

## **Engineer’s Report**

### 3. HomeTowne Square – Storm Water NOV

Jennifer Mejia reported both parties have an Agreement that they have agreed upon. The Agreement and Stormwater Plan needs to be approved by Hanover Engineering. The documents must be submitted to Hanover Engineering by August 1, 2018 for review and approval prior to the August 13, 2018 meeting.

Gary Landis made a motion, seconded by Keith Martin to extend NOV deadline to August 13, 2018 to have an executed Agreement between the two parties. \* The motion was unanimously approved.

\*\* Keith Martin abstained to the next item due to ownership conflict of the property.\*\*

4. Rachel Martin – Escrow Relief Request

Bruce Leisey reviewed that escrow relief request with the Board of Supervisors.

Gary Landis made a motion, seconded by Tim Lausch to approve a reduction of escrow in the amount of \$91,597.21 retaining a balance of \$15,053.57. \* The motion was unanimously approved with Keith Martin abstaining from the vote.

5. Wildflower Pond – Road Dedication Update

Bob Lynn informed the Board of Supervisors that Dennis Burkholder, road contractor, will be starting road improvements this week.

The Township Staff is reviewing Agreements for Stormwater and Road Dedication.

**New Business**

1. Lancaster Bicycle Club – Permission for Bicycle Ride

Bruce Leisey reviewed the request with the Board of Supervisors. Lancaster Bicycle Club is requesting permission to use roads for the ride on Sunday, August 19, 2018.

Keith Martin made a motion, seconded by Gary Landis to approve use of the roads as noted in request on Sunday, August 19, 2018 contingent on the receipt of a Certificate of Insurance by August 13, 2018. \* The motion was unanimously approved.

2. Approve 2018-2019 Winter Maintenance Agreement with Penn Dot

After review, Keith Martin made a motion, seconded by Gary Landis to approve the Penn Dot 2018-2019 Winter Maintenance Agreement for Mt Airy Rd, Hopeland Rd, Clearview Rd and Kleinfeltersville Rd in the amount of \$17,621.44. \* The motion was unanimously approved.

3. Approve and Execute Pension Investment Management Agreement

After discussion, Gary Landis made a motion, seconded by Keith Martin to approve and execute the Investment Management Agreement with BB&T for the non-uniform pension plan. \* The motion was unanimously approved.

4. Use of Rock Road for Film Shoot

Bruce Leisey received a request from Emmet Ashton to use a portion of Rock Road for a film shoot on July 28, 2018 and July 29, 2018.

Keith Martin made a motion, seconded by Gary Landis to deny the request due to safety concerns.  
\* The motion was unanimously approved.

5. Request to Apply for Growing Greener Plus Grant

After discussion, Gary Landis made a motion, seconded by Keith Martin to authorize TeamAg to use data from Mariner East Grant to apply for Growing Greener Plus Grant at a fee of \$150.00. \* The motion was unanimously approved.

**Executive Session**

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 9:00 PM to discuss potential litigation and employment issues. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:15 PM. \* The motion was unanimously approved.

There was discussion on correspondence from the PA Office of the Attorney General regarding ACRE complaint against Clay Township.

There was discussion on drafting a new Sewer Service Agreement with Ephrata Borough.

There was discussion on contracting with an outside source to provide GIS/mapping services to the Township.

Keith Martin made a motion, seconded by Gary Landis to approve contracting for support services with drafting and review of a new Sewer Service Agreement between Clay Township and Ephrata Borough in the amount of up to \$5,000. \* The motion was unanimously approved.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$39,162.63 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 \$734.49 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 \$7,518.44 for the month of June. \* The motion was approved unanimously.

Liquid Fuel Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Liquid Fuel Fund bill totaling \$221,012.76 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. Engineer's Report
5. Manager's Report
6. Road Master's Report

**Adjournment**

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:35 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