

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
June 12, 2017

The Supervisors of Clay Township met on a regularly scheduled meeting date of June 12, 2017, 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 7:05 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Tim Lausch to approve the May 2, 2017 meeting minutes with the spelling correction on page 4 from being to beginning as printed in the June 12, 2017 Agenda. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Tim Lausch to approve the May 8, 2017 meeting minutes as printed in the June 12, 2017 Agenda. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Tim Lausch to approve the May 23, 2017 meeting minutes as printed in the June 12, 2017 Agenda. * The motion was unanimously approved.

** Gary Landis arrived at the meeting. **

Treasurer's Report

Gary Landis made a motion, seconded by Keith Martin to approve the Treasurer's Report for the month of May 2017. * The motion was unanimously approved.

Visitors

1. NLCRPD – 2016 Annual Report

Chief Steffen reviewed the 2016 Annual Report and activities with the Board of Supervisors and audience.

There were concerns expressed with trucks speeding on Clay School Road.

The Chief stated that he will set up a speed warning device and increase patrol in that area.

2. Rick Bernarduci – Wildflower Pond Update

Bob Lynn, Township Engineering, inspected the stormwater basin. He found 4 sink holes and 20+ rodent holes. A letter of violation will be forwarded to the Developer.

Mr. Bernarduci voiced concerns with repairs to inlet at rip rap aprons.

Bob Lynn will include concerns with the letter of violation.

Mr. Bernarduci also asked to be included in the street inspections for dedication. Rick informed the Board of Supervisors he will be the President of the HOA when it is established.

Engineer's Report

1. Ephrata Community Church – Zoning Map Amendment Change

Dwight Yoder reviewed the amendment with the Board of Supervisors. Also present was Jim Henke, Mark Ulrich and Kevin Eshleman.

The proposed amendment eliminates portions of split zoning of lots 120, 121 and 122. The church is currently built in R2 zoning. In the R2 zoning a church is a Special Exception and NC it is a permitted use. Lot 120 is already zoned NC. Under this amendment, the Township is not losing any potential R2 development, as the R2 land to be rezoned is currently developed as a church.

The Lancaster County Planning Commission and the Clay Township Planning Commission recommend approval of the proposed amendment.

Jennifer Mejia stated that notice of the zoning map amendment change was advertised in the Ephrata Review on May 24, 2017 and May 31, 2017. The property was also posted on May 30, 2017 and letters were sent to adjoining neighbors May 12, 2017.

Jim Henke said the existing building is 18,000 sq ft and the proposed addition is 57,000 sq ft. The access points to the building will not be changing. The current stormwater basin will be enlarged at some point. There will be 675 total parking spaces when completed. Lot 120, 121, 122 and 123 will be joined in common with one deed.

Kathleen Leach, 59 Clay School Road – asked what the expansion is for?

Dwight Yoder said the expansion is to the West but, this hearing is not addressing the expansion that will be done with the Land Development. This hearing is regarding the zoning change from R2 to NC.

Kathleen Leach asked if the rezoning means the parsonage will be rezoned?

Dwight Yoder said yes that lot is included.

Kathleen Leach asked if a business could be located where the parsonage is?

Dwight Yoder said it would be very difficult to do that and not very practical.

Kathleen Leach expressed concern about lots being sold for commercial use.

Tom Zorbaugh said that currently 3 of the lots could be sold for commercial use and it will be harder to sell as 1 lot verses 4 lots.

Kathleen Leach stated that she heard a large rec center was going to be built at the location.

Mark Ulrich, Ephrata Community Church, stated that part of the project will include a place that the community can use for activities.

Peter Leach, 59 Clay School Road, expressed concern with access. He stated that vehicles cut thru parsonage parking lot to get to Clay School Road causing congestion and dangerous conditions for children.

Jim Henke said that the main entrance will be located at Clay School Road and Rt 322 signal.

Beth Cerullo, 67 Clay School Road, expressed the same concerns with traffic exiting at the parsonage parking lot onto Clay School Road.

Karen Novino, 71 Clay School Road, expressed the same concerns with traffic as Mr. Leach and Ms. Cerullo.

Kevin Eshleman, Ephrata Community Church, stated that they will do whatever is necessary to make it safe. If necessary, they will close access to parsonage parking lot. Kevin said that the church has also had concerns with the driveway access to Clay School Road.

Lou Katz, 30 Meadow Dr, expressed concerns with parents parking at the intersection of Meadow Dr and Clay School Road to wait for children to get off school bus.

Karen Novino, said she has concerns with zoning and expansion adding more traffic and congestion to area.

Dwight Yoder stated that this zoning change will not have much effect on church expansion.

Wayne Jenkins, 15 Bloomfield Dr, asked why not rezone all the land to R2 instead of NC.

Peter Leach stated that most of the NC developed will be parking lot. The church is tax exempt and will not generate income in either zoning district.

Dwight Yoder stated that the use determines tax exemption.

Kathleen Leach asked if the Urgent Care facility is still going in?

Kevin Eshleman stated that there was an agreement with WellSpan for years but, that option has expired.

Keith Martin asked if it will be one lot if amendment is denied.

Dwight Yoder stated that yes, relief will be applied for from the Zoning Hearing Board for expansion.

Peter Leach stated that if zoned to NC anything could be built there.

Dwight Yoder stated no, the church is not going to be able to build anything they couldn't currently build under R2 zoning.

Tim Lausch said that leaving the property R2 could potential lead to daily traffic but the church use would mostly be one day per week.

Gary Landis asked if anything will be circumvented by rezoning to NC?

Tom Zorbaugh stated that a Special Exception will be allowable if it meets Ordinance criteria.

Gary Landis asked if by special exception can the zoning line be moved 50'?

Tom Zorbaugh said yes.

Keith Martin made a motion, seconded by Gary Landis to close testimony.

Gary Landis said that given the fact that Lot 1 boundary can be moved 50' by special exception and land development will protect the interest of the Township and residents makes a motion to approve the Zoning Map Amendment request.

Keith Martin said that he supports the church and the addition 100% but does vote no to the motion. Keith said the problem with changing zoning on one lot, opens the doors to other applicants. He feels the change should be done under a Comp Plan and would fully support the request under a Comp Plan. He just does not support rezoning a single property.

Tim Lausch felt that Keith had valid comments but, feels this is a different setting and votes yes to the motion. Tim said that he does not feel this is spot rezoning. The property is unique and has two access points on Rt 322.

Gary Landis made a motion, seconded by Tim Lausch to approve the Zoning Map Amendment request. * Gary Landis, Yes; Tim Lausch, Yes and Keith Martin, No.

Gary Landis made a motion, seconded by Keith Martin to approve advertising June 21, June 28 and July 10, 2017 and property posting on June 28, 2017. * The motion was unanimously approved.

** Keith Martin abstained from the next item due to an employment conflict. **

2. Countryside Enterprises – Subdivision Plan

Tom Matteson, Diehm & Sons, and Marlin Sensenig, Developer, reviewed the plan with the Board of Supervisors.

There was discussion on the requested waivers and modifications requested by the Developer. There was concerns voice by the Township Staff, Township Engineer and Township Solicitor that approving the waivers/modifications could cause an increase in additional traffic to the intersection at Durlach Road/Woodcorner Road and Rt 322. There was no traffic info supplied that could identify the impact of the traffic from approval of the waivers/modifications, making it difficult to determine if the proposed waivers/modifications would cause a safety issue and be contrary to public interest.

No decisions were made at this time.

3. Dove Fellowship – Request for Time Extension to Record Land Development Plan

The Board of Supervisors reviewed the time extension request for a one year extension to record their recent land development plan. They are requesting the extension for additional time to work with Architect to develop the building expansion floor plan and work on raising funds for the construction.

Gary Landis made a motion, seconded by Keith Martin to approve the one year extension to record the plan to 6/12/2018 but, not extend the five year deferral of road improvements including sidewalks and curbs. * The motion was unanimously approved.

4. PA Game Commission Stormwater Plan Waiver

Sunoco Pipeline LP is requesting relief from processing a Stormwater Management Plan related to the construction of the Mariner's East II pipeline running through Clay Township.

The area affected in Clay Township will not create any new impervious area, is included in the PA Game Commission properties, is a linear project and all earth disturbance is covered under the required NPDES permit approved by PADEP.

Keith Martin made a motion, seconded by Gary Landis to approve the request. * The motion was unanimously approved.

Old Business

1. Approve Ordinance Amending Park Rules

After review, Keith Martin made a motion, seconded by Gary Landis to adopt Ordinance #061217 amending the Clay Township Park Rules to expand park rules to include all public land owned by Clay Township to prohibit overnight parking, permit dogs and cats in parks but requiring them to be leashed at all times and closing all parks from dusk to dawn daily. * The motion was unanimously approved.

New Business

1. Approve Advertising Bids for Rock Road and Lime Rock Road Bridge Repairs

Gary Landis made a motion, seconded by Keith Martin to authorize the Township Engineer to advertise bids for the bridge repairs on Rock Road and Lime Rock Road as indicated in the most recent PennDot Inspection report. * The motion was unanimously approved.

2. 322 Sewer Extension

Tabled for Executive Session.

3. 165 Icehouse Hill Road – relief from height and solid fence requirements

After review, Gary Landis made a motion, seconded by Keith Martin to approve relief from Chapter 10, Section 104.b and 104.h of the Clay Township Code of Ordinances to install a fence on both sides of the property that matches the fence in her backyard which is 6' tall and solid. The fence has been requested to contain her dog. * The motion was unanimously approved.

4. Request for Payment for the Snyder Park Pavilion Project

Bob Lynn reviewed the payment requests with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve payment #5 on Contract #1 in the amount of \$49,362.83 to Amric Construction. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment #4 on Contract #2 in the amount of \$12,557.36 to Spotts Brothers, Inc. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment #3 on Contract #3 in the amount of \$6,189.94 to AKC Mechanical, Inc. * The motion was unanimously approved.

5. Snyder Park Pavilion Project Water Lateral Change Order

Bob Lynn informed the Board of Supervisors that the current 3/4" water line installed at Snyder Park will not be a sufficient size to provide water supply to the new pavilion due to the distance from the water meter lateral, approximately 800'.

There are two remedy options: 1) install a booster pump and 220-gallon tank at a cost of \$22,344
2) Install a new 2” line through meter pit to pavilion at a cost of \$9,566.

After discussion, it was decided to have Township Road Crew install the new 2” line.

6. Ice House Hill Road – unlicensed vehicle

Gary Landis stated that there is an unlicensed vehicle located at a property along Ice House Hill Road.

Tom Zorbaugh will investigate and report back.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:55 PM. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 11:10 PM. * The motion was approved unanimously.

The Board of Supervisors discussed the proposal to extend the Ephrata Borough sewer system in and along Rt 322 in the Township to several properties along the South side of Rt 322.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$139,681.82 for the month of May. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$72,485.92 for the month of May. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$3,600.74 for the month of May. * 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 11:11 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary