

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
May 10, 2021

The Supervisors of Clay Township met on a regularly scheduled meeting date of May 10, 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 6:32 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the April 12, 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 April 2021. * The motion was unanimously approved.

Visitors

1. Middle Creek Search and Rescue – new storage building

Wes Clark and Sue Hamburger, Middle Creek Search and Rescue provided the Board of Supervisors with a sketch plan of their proposed storage building to be located on the Township lot. They informed the Board of Supervisors that the building was expanded to provide a storage area for the Durlach Mt Airy Fire Company to replace their aging shed.

The Board of Supervisors asked the representatives to attend the July 2021 meeting to finalize the location of the proposed structure.

2. Scott Winter, 509 Countryside Dr – Relief to install fence in SW Easement

Mr. Winters reviewed his request to install a picket or split rail fence in the sides and rear of his yard. There is a stormwater easement located approximately 44' to 50' off the rear property line and most of the fence would be installed in the stormwater easement. Mr. Winters is seeking relief to install the fence in the stormwater easement. Mr. Winters stated reason for needing a fence is for the safety of his young children.

After discussion, the Board of Supervisors was in general agreement with the installation of a split rail fence with the lower rail at least 12" off the ground and with the execution of an Agreement to be prepared at Mr. Winter's expense allowing the Township to require removal of the fence at the Township's sole discretion.

Bruce Leisey and Bob Lynn will meet with Mr. Winters to review the site in more detail and a final decision will be made at the May 25, 2021 meeting.

Engineer's Report

1. Ralph Kurtz, 245 Durlach Rd – Request for Waiver of Land Development Planning #21-04 7/14/21

Ted Cromleigh, Diehm and Sons, reviewed the request with the Board of Supervisors. The property is comprised of a 71.06-acre farm. The property is being used for several mixed uses. Agriculture is the primary use of the property. There is a single-family dwelling in which Mr. Kurtz and his wife reside. Secondary uses on the property include a small trucking business and an ag-support business. There are no retail sales on site. The existing uses on the property that are deemed non-conforming under the current Clay Township Zoning ordinance were granted zoning approval on 3/24/21 – Case 656 to allow the expansion of the existing repair shop (Section 403.B). An expansion of the existing repair shop (20'X82" – 1,640 sq ft) is being proposed. The addition represents a 32% increase in size of the existing building. There is no off-site or privately-owned equipment brought to the site for repairs. The proposed addition will be constructed over existing impervious coverage consisting of a 20'X50' concrete pad and a 20'X32' shed. Both the concrete pad and the shed will be removed. The construction of the proposed improvements will not result in any new impervious coverage. The proposed building addition will not result in any additional traffic flow. The zoning hearing approval granted the property required the applicant to provide a landscape screen in a form acceptable to Clay Township so that trucks and trailers are not visible from Durlach Road or to neighboring properties. An evergreen landscape screening is proposed along the area where the commercial vehicles are stored. The screening will consist of a staggered row of 5' to 6' Norway Spruce trees. The trees will adjoin the gravel parking area. Waiver of Section 304 – Waiver of Final Land Development Plan is being requested.

Gary Landis made a motion, seconded by Keith Martin to approve waiver of Section 304 – Final Land Development Plan contingent on installation of an evergreen screening as noted on the sketch plan submitted from Diehm and Sons, Project #20082 dated 9/1/2020 and cash escrow in

the amount of \$3,105 to guarantee planting of trees in the Fall 2021 submitted to the Township.
* The motion was unanimously approved.

2. Leroy Zimmerman – Lot Add-On Plan #21-02 6/19/21

Ted Cromleigh, Diehm and Sons, reviewed the plan with the Board of Supervisors. The applicants propose a Lot Add-On Plan that adjusts the boundaries of the Subject Properties. Lot 1 of the Subject Properties contains approximately 29.358 acres and is currently unimproved. Lot 2 of the Subject Properties contains 23.7 acres and is currently unimproved. Lot 3 of the Subject Properties contains approximately seven (7) acres and is currently improved with a single-family dwelling and other residential accessory structures. Upon completion of the proposed subdivision, Lot 1 will contain approximately 25 acres, Lot 2 will contain 27.8 acres and Lot 3 will contain 6.3 acres.

Keith Martin made a motion, seconded by Gary Landis to approve the following modification and waivers as outlined in the Hanover Engineering letter dated 4/23/21. * The motion was unanimously approved.

Section 402.A(1) – Plan Scale

The applicant is requesting a modification of the requirement to provide a minimum plan scale of 1"=50'. The applicant notes that the properties involved with the plan total 61 acres in size. The applicant is proposing that the front page be a deed plot only and is at a scale of 1'=200'. The total tract boundaries per field survey have been shown at a plan scale of 1'=120' to allow the entire property to be shown on a single plan sheet. The applicant notes that a detail sheet is provided at 1'=50" where a zoomed in view is necessary. The applicant feels that the higher plan scales allow for fewer sheets while maintaining good legibility and clarity.

Section 402.C(4)(b), Section 402.C(4)(d) and Section 402.C(4)(f) – The plan shall provide the location of existing wells, sewage system, stormwater management facilities and wetlands on the subject tract

The applicant is requesting a waiver of the requirements that the plan provide the location of existing wells, sewage system, stormwater management facilities and wetlands on the subject tract. The applicant states that the plan proposes shifts to the property lines of largely vacant, wooded areas. The applicant notes that the lot add-on will clear up unusual and bizarre property configurations and provide for more conventional lot configurations. The applicant feels that the location of the features required by these sections would require additional field survey and expense to the applicant with no discernable benefit. The applicant notes that the only well and sewage system on the subject tracts are on Lot 3 and would be unaffected by the shifts in the property lines north of the road. The applicant indicates that the plan proposes no construction or earthwork of any kind and has provided Note 8 on the plan that ensures that the wetlands are identified before any construction or earthwork is ever undertaken on the property.

Section 403.D(17)(f) – Finished floor elevations of all residential units

The applicant is requesting a waiver of the requirement to provide the finished floor elevations of all residential units. The applicant notes that Lot 3 has an existing dwelling. The applicant feels that the finished floor elevation of the dwelling is meaningless in the context of this add-on plan as no new construction, grading or excavation is proposed.

Section 607.A – Monuments shall be placed at all angles along the street

The applicant is requesting a waiver of the requirement to place monuments at all angles along the street. The applicant states that as applied to this project, this requirement seems to conflict with the provision of Section 402.B.6 which states that properties larger than 10 acres need not be surveyed. The applicant notes that they have not surveyed Woodcock Drive and large swaths of Laurel Drive. The applicant indicates that Laurel Drive has only been surveyed where the proposed lot line is located along the frontage of Lot 3. The application states that the location of the roadways and their associated rights-of-way are approximate and reasonable accurate.

Gary Landis made a motion, seconded by Keith Martin to approve the Zimmerman Lot-Add On Plan contingent on compliance with the Hanover Engineering letter date 4/23/21. * The motion was approved unanimously.

3. Dennis Steffy – Request to have LOC Released for Mt. Spring Road Subdivision

Bruce Leisey informed the Board of Supervisors that the current owner of the property is willing to enter into an Agreement with the Township that would require the shared driveway to be installed before any lots can be sold off the tract.

The Township Solicitor will draft an Agreement for review at the next meeting.

4. Hackman Road Paving Project

Bob Lynn informed the Board of Supervisors there was a glitch with Penn Bid Online process which might have provided an unfair advantage to some bidders. Due to this fact, the project will be rebid at no cost to the Township. Penn Bid will cover the cost. The bids will be advertised May 19th and May 26th and bid opening will be June 11th.

5. Approve and Execute Co-Op Road and Line Painting Contracts

Bruce Leisey reviewed the contract with the Board of Supervisors.

There was discussion on whether to include Durlach Road in the Seal Coating Bid.

Gary Landis made a motion, seconded by Keith Martin to award the bid to Martin Paving Inc, Lititz, PA for seal coating single application in the amount of \$144,841.75 (117,471 sq yds at \$1.2333 per sq yd) and seal coating double application in the amount of \$9,667.35 (3,465 sq yds at

\$2.76 per sq yd) and award bid to A-1 Traffic Control Products, Douglassville PA for line painting single yellow in the amount of \$7,000.00 (140,000 lf at \$.05 per lf), line painting single white in the amount of \$5,250.00 (105,000 lf at \$.05 per lf) and line painting double yellow in the amount of \$6,175.00 (5,000 lf at \$.095 per lf) for a total of \$18,425.00. * The motion was approved unanimously.

Old Business

1. Annex Renovation Update

Bruce Leisey updated the Board of Supervisors on construction activities. The project seems to be on track with a 10-week construction timetable.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the documents to establish a Capital Reserve Fund bank account at BB&T Bank for payment of expenditures related to the renovation costs of the Annex. * The motion was approved unanimously.

New Business

1. General Obligation Note, Series of 2021

After review, Gary Landis made a motion, seconded by Keith Martin to approve and execute Closing Documents for the General Obligation Note from BB&T Bank in the amount of \$900,000.00. * The motion was unanimously approved.

2. Adopt Resolution to Rescind Declaration of Disaster Emergency

Keith Martin made a motion, seconded by Gary Landis to adopt Resolution #051021 to Rescind Declaration of Disaster Emergency. * The motion was unanimously approved.

3. Execute Federal Surplus Property Program Application

Bruce Leisey reviewed the program and application with the Board of Supervisors.

There was discussion on the economics versus the time spend traveling to the site and designation of Authorized Representatives.

A decision was tabled until a future meeting.

4. Review MOU from Penn Dot Regarding Hopeland Road Detour

Bruce Leisey reviewed with the Board of Supervisors a MOU from Penn Dot asking Clay Township to allow a detour for road closure on Hopeland Road between Rt 322 and Clay Road from March 2022 to June 2022.

The Board of Supervisors has concerns with the additional truck traffic on North Clay Road and is not in favor of execution of the MOU.

5. Wagman Construction – Request for Payment

Bruce Leisey reviewed the Request for Payment with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve Request for Payment #1 in the amount of \$29,360.16 to Wagman Construction, York PA. * The motion was approved unanimously.

6. Appoint Planning Commission Member

This item was tabled until next meeting.

7. LCATS Resolution on County Health Department

After discussion, Keith Martin made a motion, seconded by Gary Landis to support LCATS Resolution 2021-01 opposing the adoption of a County Health Department as envisioned in the outdated 1951 Local Health Administration Law. * The motion was approved unanimously.

8. Discussion with Durlach Mt Airy Fire Co

Keith Martin informed the Board of Supervisors that he had a conversation with Representative of the DMTA Fire Co regarding the refurbishing or replacement of their 1992 tanker. The representatives indicated that they are in the data collection process and will schedule a discussion follow up with the Board of Supervisors in the future.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:30 PM to discuss personnel issues and potential litigation. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:45 PM. * The motion was approved unanimously.

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

There was discussion on updating Personnel Policies.

Gary Landis made a motion, seconded by Keith Martin to authorize the Township Manager to implement a policy to utilize a written Purchase Order Requisition for approval of purchases for the Public Works and Administrative Departments. * 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 \$61,108.04 for the month of April. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$3,729.86 for the month of April. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$4,713.20 for the month of April. * 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

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 10:35 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary