

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
October 12, 2015

The Supervisors of Clay Township met on a regularly scheduled meeting date of October 12, 2015, 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, Vice-Chairman, Keith Martin and Secretary, Gary Landis.

Clay Township employee present was Bruce Leisey, Township Manager. Also present was Bob Lynn 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 6:57 p.m.

Meeting Minutes

Gary Landis made a motion, seconded by Keith Martin to approve the September 14, 2015 meeting minutes as printed in the October 12, 2015 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 September, 2015. *The motion was approved unanimously.

Visitors

1. Ephrata Public Library

Penny Talbert, Director ; Ann Small, President and Joan Billet, Board Member were present for the Library. Penny Talbert gave the 3rd Quarter update to the Board of Supervisors. Ms. Talbert stated that the State Library Code requires the library to spend \$5.00 per capita in local financial support. The Township currently contributes \$3.33 per capita. Ms. Talbert is requesting the Township to increase their contribution to \$5.00 per capita for a total contribution of \$31,525. Ms. Talbert also stated that the Library is at minimum staffing required by the State due to financial constraints.

Jean Price stated that she is in total support of the work the Library is doing. Penny Talbert stated that the Library has the highest circulation in the County.

No decisions were made at this time.

2. Ephrata Recreation Center

Jim Summers, Director, reviewed the Summer Rec Program with the Board of Supervisors. Mr. Summers stated that the cost is \$32 per registration which has been the same for the last 3 years.

Mr. Summers requested a 2016 contribution in the amount of \$5,760 (180 registrations X \$32).

Mr. Summers also spoke with the Board of Supervisors about the \$500,000 Capital Campaign. He stated that over the last 3 years they have raised \$350,000 in contributions. These funds will be used to replace the roof, new HVAC and to convert to natural gas.

Jean Price stated she supports fundraisers held at the Rec.

No decisions were made at this time.

3. Jean Price, 1390 Forest Hill Road

Jean Price stated that she is happy with the road widening, tree removal, grass planting but she does have concerns with the control of stormwater.

No decisions were made at this time.

4. Lou Katz

Lou Katz discussed concerns he has with the stormwater basin behind his house along Clay School Road. During the last rain storm, there was a person in the basin in a kayak. Mr. Katz inquired whether this is a violation of the Stormwater Management Agreement.

Mr. Katz was advised to address the matter with the Homeowners Association and was also told to contact the Police if he ever observes what he perceives to be a potentially dangerous situation.

Engineer's Report

1. Mike Martin Duck Operation – Permit Agreement/Conditional Approval

Mr. Martin reviewed the plan with the Board of Supervisors. The property is located northeast of W Burkholder Drive, south of its intersection with Rock Road. A duck barn, manure storage facility and associated infrastructure are proposed for this project. All plans and permits have been submitted to the Township.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers/modifications as per the Hanover Engineering letter dated 10/9/15. * The motion was unanimously approved.

Section 303 – Preliminary Plan Application

The applicant is requesting a waiver of the requirement to provide a Preliminary Plan prior to the submission of a Final Plan. The justification provided for the request is that no subdivision of land is proposed, no new streets are proposed and no land or facilities are being offered for dedication to the Township.

Section 402.A.1 – Plan Scale

The applicant is requesting a modification of the requirement to provide the plan at a scale of 10 feet, 20 feet, 30 feet, 40 feet or 50 feet to the inch. The justification provided is that a scale of 1" = 150' for the overall plan adequately displays the tract of land involved in this project and surrounding area. The applicant used a scale of 1" = 500' for the property plan and feels that the plan adequately displays the tract of land involved with the project. Lastly, the applicant notes a scale of 1" = 60' was used for all plan of the areas of the proposed improvements.

Section 402.A.2 – Existing Lot Lines

The applicant is requesting a modification of the requirement to show the existing lot line dimensions in feet and decimals and bearing shown with degrees, minutes and seconds. The justification provided is that the property has been plotted on the plan based on the latest recorded plan as shown per the Lot Add-On Plan and Subdivision Plan by Diehm & Sons. Also, the applicant notes there is not dedication proposed, subdivision of land, or establishment of a lot area with the project. The request also states the proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines.

Section 402.A.3 – Error of Closure

The applicant is requesting a modification of the requirement for survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. The justifications provided include that the property has been plotted on the plan based on the latest recorded plan as prepared by Diehm & Sons. The project does not propose any dedication, subdivision of land, or establishment of a lot area. Lastly, the proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines.

Section 402.B.9 – Lot Line Markers

The applicant is requesting a waiver of the requirement to show the location of existing lot line markers along the perimeter of the entire existing tract. The justification provided is that the property has been plotted on the plan based on the latest recorded plan as shown by the lot add-on and subdivision plans prepared by Diehm & Sons, Inc. Secondly, the project does not propose any dedication, subdivision of land or establishment of a lot area. The proposed operation is to be constructed in the middle of the property and is not proposed against any building setback lines or property lines. Lastly, the tract of land is large and it would be very costly to survey the entire property to develop less than 15% of the site.

Section 403.E.4.f – Land Development Agreement

The applicant is requesting a waiver of the requirement to provide a Land Development Agreement. The justification provided is that the proposed operation is limited to the construction of one (1) duck house and does not seem to meet the criteria to be required to comply with this section based on the nature of the project. It is noted that there is no dedication proposed, subdivision of land, or establishment of lot area with this project. The operation is also compliant with all federal, state and local regulations associated with animal husbandry. And NPDES permit application has been submitted for the operation to show compliance with environmental regulations. The applicant notes that no employees are required to operate the proposed duck operation.

Section 602.K and 602.K.2 – Street Right-of-Way Widths

The applicant is requesting a deferral of the requirements to provide a 60-foot right-of-way for local streets, which would result in the dedication of an additional five (5) feet of right-of-way to come into compliance with the current Subdivision and Land Development Ordinance. The justification provided is that the proposed operation is limited to the construction of one (1) duck house. The applicant notes that there is no dedication proposed, subdivision of land, or establishment of a lot area with this project.

Section 602.K.3.b – Improvement of Existing Streets and Intersections

The applicant is requesting a deferral of the requirement to improve the existing roadside along the limits of the property to the minimum standards of the Ordinance. The justification provided is the proposed operation is limited to the construction of one (1) duck house. The applicant notes that there is no dedication proposed, subdivision of land, or establishment of a lot area with this project. The applicant also notes that there are no proposed roadway improvements associated with this project.

Section 602.U.4 – Maximum Driveway width at the Right-Of-Way

The applicant is requesting a modification of the requirement to provide a minimum driveway width of 10 feet and a maximum width of 30 feet within the limits of the right-of-way. The applicant is providing approximately a 48 foot width at the proposed right-of-way limits. The justification provided is that the existing driveway entrance from West Burkholder Drive needed to have additional taper widening to allow for adequate access for the anticipated truck movements.

Stormwater Management

Section 11-306 – Riparian Corridor Easement Width

The applicant is requesting a modification of the requirement for riparian corridor easement widths to be measured the greater of the limit of the 100-year floodplain or 35-feet from the top of the stream bank (on each side). The justification provided is that the applicant is participating in the CREP program and will be providing planting and fencing at a minimum 35 feet from the top of the bank of the U.N.T. to Middle Creek on both sides. Due to the expanse of the 100-year floodplain for the U.N.T. to Middle Creed, it is requested that the width of the riparian corridor easement be reduced from the limit of the 100-year floodplain to what is identified as the “Riparian Corridor Easement” shown on Sheet 206. A minimum width of 35 feet from the top of the bank of the U.N.T. to Middle Creek will be provided. The remainder of the 100-year floodplain will continue to be used as pasture. The applicant notes that building in the floodplain is prohibited; therefore, no further obstructions will be constructed within the 100-year floodplain. The following note has been included on the land development plan: “Proposed vegetation shall be protected and maintained within the riparian corridor easement. Whenever practical, invasive vegetation shall be actively removed. Proposed vegetation shall be planted within native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site”.

Stormwater Management

Section 307.A.2 – 5:1 Slopes for Above Ground Storage Facilities & Fencing

The applicant is requesting a modification of the requirement that above ground storage facilities without restricted access shall have side slopes no greater than 5:1 or the basins shall be protected by fencing. The justifications provided are that some of the interior slopes of the proposed basin will be 3:1 to provide adequate infiltration area as required per loading ration requirements set forth in the Ordinance. It is noted that Basin A provides an accessible 5:1 interior slope at the east end of the basin. Basin B provides a maximum 5:1 slope from the driveway down to the bottom of the infiltration facility. The applicant also notes that the storage depth of the proposed basin will be 2.0 and 2.5 feet at the riser pipe crest and emergency spillway elevations, respectively. The maximum water depth in the proposed Basin A is 1.22 feet and Basin B is 1.16 feet during the 100-year, 24-hour storm. The applicant also indicates that the proposed stormwater facilities are privately owned and maintained and are not dedicated to the public.

Stormwater Management

Section 307.A.12 – Type D-W Endwall, D Endwall or Riser Box Outlet Structures

The applicant is requesting a modification of the requirement to provide a Type D-W Endwall or Riser Box Outlet Structure for facilities with a depth of two (2) or greater. The applicant is proposing to use a HDPE pipe riser with control orifices connected to an HDPE outlet pipe. The drainage area to Basin A is 2.83 acres and the drainage area to Basin B is 5.91 acres, the applicant feels that a large outlet is not necessary for the contributing drainage area. Lastly, the proposed basin will be owned and maintained by the landowner and is not offered for dedication to the Township. The applicant notes the riser pipe has been noted to be made of U.V. resistant material.

Stormwater Management

Section 11-307.A.14 – Reinforced Concrete and Stainless Steel Discharge Control Devices

The applicant is requesting a modification of the requirement that all discharge control devices with appurtenances shall be made of reinforced concrete and stainless steel. The applicant is proposing the basin outlet structures to be HDPE. The drainage area to Basin A is 2.83 acres, while the drainage area to Basin B is 5.91 acres. The applicant feels a large structure is not necessary. The proposed HDPE riser pipe base will be set in concrete to prevent floatation. The applicant notes the proposed basins will be owned and maintained by the landowner and is not offered for dedication to the Township. The applicant notes the riser pipe has been noted to be made of U.V. resistant material.

Stormwater Management

Section 11-307.B.1.b(2) – 5:1 Slopes for Above Ground Storage Facilities

The applicant is requesting a modification of the requirement that aboveground storage facilities with a depth of two (2') to eight feet (8') provide a maximum interior side slope of 5:1. The justification provided is some of the side slope will be 3:1 to provide adequate infiltration area as required per loading ration requirements. Basin A provides an accessible 5:1 interior slope at the east end of the basin. Basin B provides a maximum 5:1 slope from the driveway down to the bottom of the infiltration facility. Lastly, the applicant notes the storage depth of the proposed basin will be 2.0 feet and 2.5 feet at the riser pipe crest and emergency spillway elevations the maximum water depth in the proposed Basin A is 1.22 feet and in Basin B is 1.16 feet during the 100-year storm.

Stormwater Management

Section 11-503.A.4 – Plan Scale

The applicant is requesting a modification of the requirement to provide the plan at a scale of 10 feet, 20 feet, 30 feet, 40 feet or 50 feet to the inch. The justification provided is that a scale of 1" = 150' for the overall plan adequately displays the tract of land involved in this project and surrounding area. The applicant used a scale of 1" = 500' for the property plan and feels that the plan adequately displays the tract of land involved with the project. Lastly, the applicant notes a scale of 1" = 60' was used for all plan of the area of the proposed improvements.

Gary Landis made a motion, seconded by Keith Martin to approve financial security in the amount of \$101,377.68, Stormwater Management Agreement, Memorandum of Understanding, Riparian Corridor Agreement and Permit Agreement. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to grant conditional approval of the plan contingent on compliance with the Hanover Engineering letter dated 10/9/2015 and submittal of revised plan cover sheet with modifications. * The motion was unanimously approved.

2. Bethany Gardens – Street Dedication

It was discussed that some of the sidewalks in Bethany Gardens seem to have be repaired, but not in an acceptable way. The Township Engineer will notify the Developer.

This item was tabled until the November meeting.

The Developer also needs to submit signed Agreements to the Township.

3. Clay School Apartments – Time Extension Request

Keith Martin made a motion, seconded by Gary Landis to approve the 120 day time extension request for the plan. The new plan deadline is 2/27/16. * The motion was unanimously approved.

4. Jay Zimmerman – Time Extension Request

Gary Landis made a motion, seconded by Keith Martin to approve the 90 day time extension request for the plan. The new plan deadline is 1/14/16. * The motion was unanimously approved.

5. Clayton Martin & Sons – Escrow Release Request

Keith Martin made a motion, seconded by Gary Landis to approve a waiver of the “As Built” requirements and release the total escrow in the amount of \$13,988.70. * The motion was unanimously approved.

6. Request for Payment – Pennsy Supply

Gary Landis made a motion, seconded by Keith Martin to approve Change Order #1 in the amount of \$12,266.76 for additional material needed and approve payment to Pennsy Supply in the amount of \$126,566.33. * The motion was unanimously approved.

Old Business

1. Request to Replace Pedestrian Markings in Charity Gardens Development

After discussion, Keith Martin made a motion, seconded by Gary Landis to install 2 each 6” straight lines at each intersection in Charity Gardens Development. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to also replace the stop bar at North Clay Road and West Church Road. * The motion was unanimously approved.

New Business

1. Real Estate Tax Exoneration for 322 Constitution Drive

After review, Keith Martin made a motion, seconded by Gary Landis to approve the tax exoneration in the amount of 34.14 for Russell & Susan Begly, 322 Constitution Drive, Ephrata. * The motion was unanimously approved.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 8:30 PM to discuss Potential Litigation and Personnel Issues. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:30 PM. * The motion was unanimously approved.

The Board of Supervisors authorized the Township Manager to draft a Six (6) year Lease for the Police Annex and notify NLCRPD of lease increases in 2018 as per the requirement of the current lease agreement.

The Board of Supervisors authorized the Township Manager to send notification to the Developer of Clay School Road Apartments of the issue with some desks being built in the rear yard setbacks.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$186,430.57 for the month of September. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$2,013.27 for the month of September. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$3,853.55 for the month of September. * The motion was approved unanimously.

Reports for the Month

1. Chief of Police / Police Department
2. Fire Companies / Ambulance
3. DMR
4. Engineer’s Report
5. Manager’s Report
6. Road Master’s Report
7. Zoning Officer’s Report

Adjournment

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 11:00 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary