

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
October 12, 2020

The Supervisors of Clay Township met on a regularly scheduled meeting date of October 12, 2020, 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 and Gary Landis, Secretary. Keith Martin, Vice-Chairman was in attendance via telephone.

Also, present was Bruce Leisey, Township Manager, Jennifer Mejia of Mejia Law Group, Township Solicitor, and Jennifer Prunoske of Hanover Engineering, Township Engineer.

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

Tim Lausch called the Meeting to order at 6:31 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the September 14, 2020 meeting minutes. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve the October 8, 2020 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 September 2020. \* The motion was unanimously approved.

**Visitors**

1. Ephrata Public Library

Penny Talbert, Director, updated the Board of Supervisors on the past years' activities of the Library and current financial challenges the Library is facing.

2. Ephrata Recreation Center

Jean Wentz, Representative, updated the Board of Supervisors on the past years' activities at the Rec and the challenges the Rec has faced during the COVID pandemic. Ms. Wentz asked the Board of Supervisors to consider a donation in the amount of \$9,152 for 2021 which is the same amount as 2020.

3. Solid Fence Relief Request – 791 Hopeland Road

Earl Kurtz, property owner, is requesting relief from Chapter 10, Section 104h of the Township Code of Ordinances to install a 5' high solid fence on his side yard. The requested fence will be installed 8' off the property line and will be 40' in length. Mr. Kurtz provided the Board of Supervisors with a signed letter indicating his neighbor's agreement with the requested fence.

Keith Martin made a motion, seconded by Gary Landis to approve relief from Chapter 10, Section 104h of the Township Code of Ordinances for the requested fence at 791 Hopeland Road. \* The motion was unanimously approved.

4. Request for Holiday Event – Refreshing Mountain Camp

Marlin Harnish, Representative from Refreshing Mountain Camp, reviewed the requested Holiday Event with the Board of Supervisors. Mr. Harnish stated the Holiday Event run weekends (Thursday or Friday to Sunday) from 11/27/20 to 1/9/21 and would be a drive thru Christmas light experience. The event would be free to the public however, each weekend donations will be collected for a designated local community service organization or ministry.

Mr. Harnish is requesting traffic on Camp Road and Stony Lane be restricted to one way during event times.

After discussion, the Board of Supervisors expressed concerns with the potential of cars stacking on Furnace Hill Road and the entrance to Camp Road.

A decision was tabled at this time and the Board of Supervisors will discuss again at its 10/27/20 meeting.

**Engineer's Report**

1. Thomas Livingston – Lot Add On Plan

Ted Cromleigh, Diehm and Sons and Tom Livingston, Developer reviewed the plan with the Board of Supervisors.

Thomas and Denise Livingston own a 7.355-acre property at 125 Woodcock Drive, Newmanstown. The property is to the south of Woodcock Drive and is situated in the Clay Township Forest Recreation (FR) district in Lancaster County. The plan proposes to add two parcels onto the Livingston property. Parcel 'A' is a 0.693-acre tract proposed to be added from the Roberts property to the Livingston property. This proposed parcel is located mostly in the Clay Township Forest Recreation (FR) district in Lancaster County. The parcel is situated on the south side of Woodcock Drive and is currently vacant and wooded. The intended use of the parcel is to give the property legal road frontage and potential future access to Woodcock Drive. The parcel upon approval/recording will be transferred to the Livingstons. Parcel 'B' is a 0.054-acre tract proposed to be added from the Hurst property to the Livingston property.

Keith Martin made a motion, seconded by Gary Landis to approve the following modification as outline in the Hanover Engineering letter dated 9/11/20. \* The motion was unanimously approved.

#### Section 402.1 – Plan Scale

The applicant is requesting a modification of the requirement to provide a minimum plan scale of 1" = 50'. The applicant is proposing a plan scale of 1" = 60' to allow the total existing tract boundaries, per field survey, to be shown on a single plan sheet. The applicant notes that the plan is legible at this scale. The applicant also states that they have provided a proposed features sheet showing the area of the add-on and Parcels 'A' and 'B' at 1" = 50' scale.

Gary Landis made a motion, seconded by Keith Martin to approve the DEP Non-Building Waiver. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve the plan contingent on compliance with the Hanover Engineering letter dated 9/1/20. \* The motion was unanimously approved.

## 2. Ephrata Community Church – Escrow Reduction Request

Jennifer Prunoske reviewed the request with the Board of Supervisors.

After review, Gary Landis made a motion, seconded by Keith Martin to approve release of entire balance of escrow in the amount of \$50,468.50 per the recommendation in Hanover Engineering letter dated 10/7/20. \* The motion was unanimously approved.

3. DOVE Westgate Church – Escrow Reduction Request

Jennifer Prunoske reviewed the request with the Board of Supervisors

After review, Keith Martin made a motion, seconded by Gary Landis to approve an escrow reduction in the amount of \$28,043.94, leaving an escrow balance of \$1,500.00 per recommendation in Hanover Engineering letter dated 10/1/20. \* The motion was unanimously approved.

4. Daniel Esh – Request for Modification to Stormwater Ordinance

Bruce Leisey reviewed request from Daniel Esh, 415 Indian Run Road to build a 34’X100’ greenhouse on his farm. This greenhouse will be in addition to the four other 34’X200’ greenhouses that he received permission to build in January 2020. The 10,000-gallon cistern installed in the previous plan (1/2020) in addition to the collected water re-use plan will meet the intent of the Stormwater Ordinance for infiltration and collection in a 2” storm event.

After review, Gary Landis made a motion, seconded by Keith Martin to approve the modification to reflect the addition of a 34’X100’ greenhouse and executing a revised Stormwater Management Plan for 415 Indian Run Road. \* The motion was unanimously approved.

5. Marlin and Wanda Martin – Time Extension Request

Bruce Leisey reviewed the time extension request with the Board of Supervisors. The Martin’s received conditional approval at the 9/12/20 Board of Supervisors meeting. The Martin’s are seeking an extension of time to modify the plan to incorporate future proposed impervious coverage. They are asking for an extension until 11/12/20.

Keith Martin made a motion, seconded by Gary Landis to approve the Martin’s time extension request. The new expiration date of the plan is 11/12/20. \* The motion was unanimously approved.

**Old Business**

1. Update on Sewer I&I Project

Township Staff informed the Board of Supervisors that the contractor has completed repairs and there are still some manhole linings that need to be completed.

2. Correspondence from PA DEP

This item was tabled at this time.

3. Review Revised Forestry Ordinance – Authorize Advertisement

Township Staff reviewed the revised Forestry Ordinance with the Board of Supervisors.

This item was tabled until the 10/27/20 Board of Supervisors meeting to allow Township Staff time to do more research.

4. Clay School Crossing Guard Follow-Up

Bruce Leisey informed the Board of Supervisors that he has not received any new information from the School District.

This item was tabled until the 10/27/20 Board of supervisors meeting for further discussion.

**New Business**

1. Request for Inclusion in Clay Ag Security Area

Bruce Leisey reviewed the request from Carl and Lena Martin who own a 21.7-acre tract located off Pleasant Valley Road near the Victoria Manor MPH.

After review and discussion, Keith Martin made a motion, seconded by Gary Landis to opt to use the “180 day procedure” for the petition of Carl & Lena Martin. The Township does not have a complete Agricultural Security Area Committee, but is in the process of filling the vacancies. Given the current pandemic, getting volunteers together for this function simply takes a bit longer and there would be no time saved to the applicant. This decision is by no means an indication of how future applications will be processed. \* The motion was approved with Tim Lausch and Keith Martin voting yes and Gary Landis voting no.

**Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:50 PM to discuss personnel issues and potential litigation. \* The motion was approved unanimously.

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

There was discussion on the draft Sewer Agreement Extension with Ephrata Borough and employee issues. No decisions were made.

### **Bills to be Paid**

#### **General Fund**

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$170,809.41 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 \$767.60 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 \$4,171.98 for the month of September. \* 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 \$156,836.66 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. 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 10:31 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