

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
September 10, 2018

The Supervisors of Clay Township met on a regularly scheduled meeting date of September 10, 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 6:35 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the August 13, 2018 meeting minutes as printed in the September 10, 2018 Agenda with the following correction on page 6, Keith Martin “recused” himself from the meeting because of an “employment” conflict with the next agenda item. \* 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 August 2018. \* The motion was unanimously approved.

**Visitors**

None

**Engineer’s Report**

1. Clair Beyer – Storm Water Small Project Plan

Ted Cromleigh, Diehm and Sons, reviewed the plan with the Board of Supervisors. The Developer is proposing to construct a 9,480 sf silage bunker on his property.

After discussion, it was discovered that the applicant has constructed the footer and walls of the bunker before stormwater approval and without a building permit. It was also discovered the bunker encroaches in the front yard setback.

There was also concerns discussed with the silage juice and spillage leaking into the ground and flowing off the property.

Gary Landis made a motion, seconded by Keith Martin to approve the following waiver as outlined in the Hanover Engineering letter dated 9/6/18 and contingent on the developer submitting within 30 days a Zoning Hearing Application requesting relief from the requirement to locate a structure in the front yard setback and subject to incorporating recommendations from the Developers Conservation Plan preparing for prevention of silage juices and spillage leaving the property and leaching into the ground. \* The motion was unanimously approved.

#### Section 11-405 Major Stormwater Management Plan Submission

The applicant is requesting a modification to allow the proposed bunker silo installation to be processed as a SWM Small Project Design/Application. Current regulations allow the applicant to utilize on-ground tube silage storage in the location of the proposed bunker silo. The on-ground storage results in similar impervious coverage on a long-term seasonal basis due to the type of cover used for the silage. In addition, the proposed bunker silo includes a provision for runoff volume control through infiltration of a 1” rainfall event, as required by the Ordinance.

## 2. HomeTowne Square – Storm Water NOV

Kim Graybill, Pioneer Management, reviewed the proposed Minor Stormwater Plan which will resolve the NOV currently filed against HomeTowne Square with the Board of Supervisors. The Developer is proposing to pipe stormwater from Basin #1 of the HomeTowne Square Development (Phase #1) through the Lincoln Storage property along the perimeter of Peaceable Animal Kingdom property and daylight the pipe adjacent to the Weaver and Weaver Realty property parking lot.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers as outlined in the Hanover Engineering letter dated 9/6/18. \* The motion was unanimously approved.

#### Section 11-302 – Volume Control

The applicant is requesting a waiver to provide any volume control facilities. The applicant states this project proposes no new impervious but because the Ordinance requires an assumption of meadow cover in the pre-developed condition, the volume calculations show a theoretical increase in runoff volume of 238 cubic feet. Since the project is very limited in scope and will not produce an actual increase in runoff volume and believe it is unnecessary to provide any volume control facilities.

Section 11.302.C and 11-504.A – Carbonate Geology Report and Evaluation

The applicant is requesting a waiver to provide a carbonate geology report and evaluation. This project is underlain with carbonate geology. The applicant states rather than providing a carbonate geology report they have proposed other safeguards on the plan for working in this carbonate environment. This includes using watertight joints on the stormwater piping, providing a typical sinkhole remediation detail on Sheet 4 and adding General note 12 on the Cover Sheet requiring the contractor to notify the Township and a geologist should any carbonate features be encountered during construction. The applicant believes this alternative approach will equally meet the objectives of this Ordinance requirement. The applicant also wishes to note that they have proposed a clay lining beneath swale.

Section 11.304.G – Conveyance Facilities Conveying Water Originating Offsite shall be Designed to Convey a 50-Year Storm Event

The applicant is requesting a waiver to convey for the 50-year storm event. The applicant anticipates showing in a subsequent submission that calculated flows from a 50-year storm event will exceed the capacity of the proposed swale even though it has been designed with the largest cross section that can fit between the existing parking lot and the property line. Swale calculations will be provided comparing the swale capacity to the largest storm events that it could possibly handle.

Section 11.305.B – Stormwater Runoff Calculations

The applicant is requesting a waiver to provide any runoff calculations. The applicant states that because this project proposes no new impervious cover, runoff from the disturbed area will not be increased. Therefore, the applicant believes it is unnecessary to provide runoff calculations

Section 11-307.D.2.c(3) – One Foot Minimum Cover Shall be Provided Over Pipes

The applicant is requesting a waiver to provide a minimum 1' cover over pipes. The applicant states due to cover constraints, one-foot cover over the pipe between SMH-2 to FES-1 cannot be provided. The minimum cover provided from the pipe crown to finish grade is 0.70' at the downstream end of the pipe. A high strength concrete pipe is proposed as an alternative to the Ordinance requirement.

Section 11-307.D.2.c.8 – Swales shall be provided with a minimum freeboard of six inches

The applicant states that since the 50-year storm event is anticipated to exceed the capacity of the swale, no freeboard can be provided.

Section 307.D.2.c(10) – Minimum swale slope shall be 1%

The applicant is requesting a waiver to provide a minimum of 1% swale slope. The applicant states due to cover constraints on the storm sewer pipe, a 1% slope cannot be provided in the proposed swale. It has been proposed at a 0.5% slope which is the maximum obtainable.

Section 307.D.2.c(11) – Minimum side slopes in non-residential areas shall be 3:1 maximum

The applicant is requesting a waiver to provide side slopes in non-residential areas to be 3:1 maximum. The applicant states Swale #1 is proposed with 2:1 side slope in order to fit in between

the applicant's property line and their parking lot. The proposed slopes will only be 1.5' high and the applicant is willing to maintain these steeper side slopes.

Section 11.502.A.6 – Total site boundary shall be provided

The applicant is requesting a waiver to provide total site boundary. The applicant states they have shown the property boundaries that they believe are necessary to establish the proposed drainage easement and believe it is unnecessary to show the entire tract boundaries of all involved properties. The owners of each affected property along with their account numbers are provided on the plan's Cover Sheet.

Section 502.B.11.b – Location of existing facilities within 100' of the tract

The applicant is requesting a waiver to provide location of existing facilities within 100' of the tract. The applicant states that instead, they are providing field run topography within the immediate vicinity of the project. Due to the limited scope of this project, the applicant believes it is unnecessary to obtain more data that is not necessary for the design or review.

Section 502.B.11.e – All man-made features within 100' of the tract

The applicant is requesting a waiver to provide the location of man-made features within 100' of the tract. The applicant states that instead, they are providing field run topography within the immediate vicinity of the project. Due to the limited scope of this project, the applicant believes it is unnecessary to obtain more data that is not necessary for the design or review.

Keith Martin made a motion, seconded by Gary Landis to approve the plan contingent on compliance with the Hanover Engineering letter date 9/6/18. \* The motion was unanimously approved.

3. Stormwater Concern – 1730 Furnace Hill Road

Bob Lynn and Bruce Leisey reviewed Mr. Gensemer's concerns with the Board of Supervisors.

After discussion, it was decided since Mr. Weaver owner of 1730 Furnace Hill Road was not proposing to pave his driveway for 2 years, the Board of Supervisors requested the Road Master to remove at least 1" of the top of the concrete swale basin to allow the water ponding in front of the basin and on the road to flow in the basin and under the road thru the existing pipe. The Board of Supervisors also requested the Road Master to contact the Fire Company to flush out the 10' pipe under the driveway at 1730 Furnace Hill Road to eliminate any blockage.

4. Wildflower Pond Update

Jennifer Mejia informed the Board of Supervisors that the road improvements are completed, and Deed descriptions are being finalized.

Rick Bernaduci supplied the Board of Supervisors an executed copy of the Wildflower Pond HOA Agreement.

## 5. Mt. Spring Stormwater Concern

Bruce Leisey and Bob Lynn informed the Board of Supervisors they visited the site of the previous month's complaints. Their investigation determined that while the new home located at 63 Mountain Spring Road has some minor improvement to be completed on its stormwater facilities, it appears a substantial amount of the stormwater is coming from the property at 55 Mountain Spring Road. This property was developed long before there were mandated stormwater controls in place.

It was decided after Fall (once leaves fall), Bruce Leisey and Bob Lynn will walk the property down stream of the stormwater pipe and pond at 40 Mountain Spring Rd and 20 Mountain Spring Rd to determine if the drainage pattern has changed due to the excessive rains of the past few years.

There will also be an investigation to determine if stormwater is bypassing the catch basin and pipe between 20 Mountain Spring Road and 10 Mountain Spring Road.

## 6. Heath Weaver – Escrow Release Request

Bruce Leisey informed the Board of Supervisors that he had a discussion with Mr. Weaver after he submitted his escrow release request. It was agreed that since the amount being held was relatively small and the total amount would not be recommended to be released. It was decided to wait and send in a request when all items were completed.

The Board of Supervisors concurred with the decision. Gary Landis made a motion, seconded by Keith Martin to deny the request as required by the Municipal Planning Code. \* The motion was unanimously approved.

## 7. Clay School Apartments – Escrow Release Request

Bob Lynn reviewed the escrow release request with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve escrow release in the amount of \$171,033.78, retaining a balance of \$24,271.36. \* The motion was unanimously approved.

## **Old Business**

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

It was the consensus of the Board of Supervisors, Staff and members of the audience that the work being completed by the Township Staff and Refreshing Mountain Camp has significantly improved the situation.

Donna Thomas, 280 Stony Lane – stated she has great concerns with the amount of stormwater flowing to the pipe at the edge of her driveway.

It was determined that continuing updates will be provided when available.

## **New Business**

### 1. Approve Attendance at LCATS Meeting on 11/5/18

After discussion, Keith Martin made a motion, seconded by Tim Lausch to approve attendance for Bruce Leisey and Gary Landis to the LCATS Meeting on 11/5/18 at a cost of \$20 each. \* The motion was unanimously approved.

### 2. Approve 2019 Pension Minimum Municipal Obligation

After discussion, Gary Landis made a motion, seconded by Keith Martin to approve the 2018 Pension MMO in the amount of \$19,059 of which the entire amount is projected to be paid through the Municipal State Aid Funds. \* The motion was unanimously approved.

### 3. Request For Payment – Landis Deck & Sons

After review, Keith Martin made a motion, seconded by Gary Landis to approved Payment Application #1 in the amount of \$166,185 and Change Order #1 in the amount of \$16,062.43 for a total of \$182,247.43 to Landis Deck & Sons, Skippack PA for work completed on Forest Hill Road. Funds to be paid from the Liquid Fuels account.

### 4. Request For Payment – New Enterprise Stone

After review, Gary Landis made a motion, seconded by Keith Martin to approve payment for paving parks parking lots and Hopeland basketball court for a total of \$47,516.44 (\$9,888.51 paid from the Sewer fund and \$37,627.93 paid from the Rec fund). \* The motion was unanimously approved.

## **Executive Session**

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 8:55 PM to discuss potential litigation. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to exit Executive Session at 9:10 PM. \* The motion was unanimously approved.

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

## **Bills to be Paid**

### **General Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$72,237.57 for the month of August. \* The motion was approved unanimously.

### **Rec Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$38,178.22 for the month of August. \* The motion was approved unanimously.

### **Sewer Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$12,396.26 for the month of August. \* 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 9:14 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