

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
September 13, 2021

The Supervisors of Clay Township met on a regularly scheduled meeting date of September 13, 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 6:30 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the August 9, 2021 meeting minutes with the spelling correction on page one under Visitors to “their” not they’re. \* 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 2021. \* The motion was unanimously approved.

**Visitors**

1. Ephrata Public Library Presentation – Aubree Fahringer

Ephrata Public Library Board Member, Aubree Fahringer updated the Board of Supervisors on the activities of the past year. Ms. Fahringer noted the installation of lockers for material pick up and instituting a delivery service within a 3 mile radius as no touch service options, installation of WIFI hotspots at church parking lots in the area, the offering of preprogramed I-pads, audio books and Wonder Books, 2,300+ children participated in the Summer Reading Program and 1,000 in the Go Lancaster Program. There are currently no WIFI hotspots located in Clay Township but Ms. Fahringer indicated the library will look for placement within Clay Township as they expand the program.

## **Engineer's Report**

### 1. Wyndale – Approval of Subdivision Land Development Plan #20-09 9/14/21

Josh Boultree, Pioneer Management, Jamie Strong and Cliff Weaver, Landmark Homes reviewed the plan with the Board of Supervisors.

There was discussion on the Rec fee in lieu of offer of open space in the amount of \$2,300 per dwelling unit for recreation to be provided to the Township. There was discussion on the developer having the option to construct recreation facilities in lieu of a portion of the monetary contribution upon consent of the Township. This option is discretionary with the Township and if there are no projects the Township determines to be acceptable, the developer shall pay the full amount due. The developer acknowledged this requirement and consented to the amount.

Gary Landis made a motion, seconded by Keith Martin to approve and accept Rec Fee in lieu of recreation open space in the amount of \$2,300 per dwelling unit with a minimum of 96 units. With the option to construct recreation facilities in lieu of a portion of the monetary contribution with consent of the Township, at Township's sole discretion. Township reserves the right to require cash payment of the full amount due. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve the following waiver and modification as outlined in the Hanover Engineering letter dated 8/23/21. \* The motion was unanimously approved.

#### **Section 303 – Preliminary Plan**

The applicant is requesting a waiver of the requirement to process a preliminary plan. The justification provided is that the final plan application for Wyndale has been prepared to contain all the relative information that is normally submitted with that preliminary plan. The applicant feels that the reviewing agencies can review the submitted final plan data and determine the plans accuracy without having to process a preliminary plan first.

#### **Section 602.12 – Permanent Cul-de-sac Length**

The applicant is requesting a modification of the requirement to exceed the maximum cul-de-sac length. The justification provided is that the plan was intended to include an additional public access at Kimberly Lane. At the Township's direction and based on feedback from residents, the design was changed to remove the permanent street connection from Wyndale to Kimberly Lane and to provide a temporary grass paver connection in its place with a street right-of-way intended for dedication to the Township. In addition, the applicant is providing a temporary emergency secondary emergency access to Pristine Lane. The applicant notes that the existing phases of Home Towne Square function with a single access to the development and an emergency access to Sweet William Way.

#### **Section 615.A.5(Table6 and Figure 1) – Street Cartway Widths and Curb Alignments (i.e.; bump-outs)**

The applicant is requesting a modification of the street cartway widths and curb alignment requirements. The applicant notes that the street is intended to be private but mimic the public

street standards. The applicant is proposing the cartway width to be 36 feet wide and notes that the curb line does not include a bump-out design. The applicant feels that this design is more conducive to residential lots utilizing front-load garages. The applicant notes that this design will also offer a consistent beauty strip along the private streets.

Section 303.B.1.e – Emergency spillway elevation shall be at least 6” above the highest principal outlet device

The applicant is requesting a modification of the requirement that the emergency spillway elevation be at least 6” above the highest principal outlet device. The applicant proposes for Basin 4, that the difference in elevation between the top of grate elevation and the emergency spillway elevation be 0.30’. The applicant feels this is a reasonable freeboard amount as this 2005 Ordinance requirement is subjective in nature and it is not a requirement of the current Ordinance.

Stormwater Management Ordinance

Section 304.F.5 – BMP Manual for loading ratios

The applicant is requesting a modification of the BMP Manual for loading ratios; the section of the Ordinance requires that the design of all BMP facilities utilize all available design criteria in the BMP Manual to meet the requirements of the Stormwater Management ordinance. The applicant is requesting a modification as it pertains to the maximum 3:1 imperious surface to infiltration area loading ratio and the 5:1 drainage area to infiltration area ratio. The applicant is requesting a modification to allow higher loading ratios that then BMP Manual recommends. The applicant asks to refer to the enclosed stormwater calculations and geology study for justification.

Stormwater Management Ordinance

Section 304.F.2.a – Minimum separation between the bottom of a facility and the limiting zone shall be 48”

The applicant is requesting a modification to allow the depth from facility bottom to limiting zone to be 24”, in accordance with the PADEP BMP Manual.

Stormwater Management Ordinance

Section 301.F.1.b – Minimum separation from closed depressions to SWM facilities

The applicant is requesting a modification of this section for Basin 4, which is located partially of a closed depression. The Geology Study includes an analysis of this location and provides for conditions related to the separation.

Stormwater Management Ordinance

Section 303.B.1 – Freeboard at the emergency spillway shall be a minimum of 1 foot

The applicant is requesting a modification to allow the freeboard to be approximately 8”. The justification provided is that the current Stormwater Management Ordinance requires 6” of freeboard.

Stormwater Management Ordinance

Section 303.B.1.f – Easement from spillway discharge to a downstream watercourse is required

The applicant is requesting a modification to this requirement for Basins 4 and 5. The justification provided includes that the applicant has provided level spreaders/bubblers for each basin to mimic the existing drainage discharge characteristics from the site to the adjacent property. The

applicant notes that there are no watercourses on the project site or the adjacent downstream property.

Stormwater Management Ordinance

Section 303.B.1.g – Stormwater management facility shall dewater in 24 hours

The applicant is requesting a modification for Basin 7 to allow a maximum dewatering time of 54 hours for stormwater volume. The justification provided includes that a similar modification was provided for Basin 1 in Phase 1 of Home Towne Square.

Stormwater Management Ordinance

Section 303.B.3 – Maximum dewatering time of 48 hours for groundwater recharge and water quality volumes

The applicant is requesting a modification to allow the water quality volume for Basins 4, 6, and 7 to dewater in more than 48 hours. The applicant notes that the groundwater recharge volume dewateres within the 48 hours. The applicant also notes that previous relief was granted for Basin 1 in Phase 1 of Home Towne Square.

Stormwater Management Ordinance

Section 304.E.1 – Runoff coefficients shall be based on soil type

The applicant is requesting a modification of this requirement for Hagerstown soils. The justification provided includes that Hagerstown soils were classified as hydrologic group “C” when the Preliminary Plan and Phase 1 Final Plan were approved. Subsequent phases of Home Towne Square were also approved with this soil classification. The USDA has since reclassified the soil as group “B”. The applicant has not provided any comparison of the expected impacts the change will have on the stormwater management design.

The Board of Supervisors noted that a modification of Section 602.09 – Right-of-way and Cartway Widths was withdrawn after being determined unnecessary.

The Board of Supervisors also noted that various other modifications were granted as part of the Home Towne Square development and are included as part of this current application for the Wyndale final plan.

It was also noted that concerns raised by the Home Towne Square Home Owners Association have been heard and addressed as follows: All existing agreements involving Home Towne Square will be revised as necessary to clearly noted separation between Home Towne Square and Wyndale developments and clearly delineate responsibilities as shown in the approved plan.

Gary Landis made a motion, seconded by Keith Martin to conditionally approve the plan on compliance with the Hanover Engineering letters dated 8/23/21 and 9/2/21, the Mejia Law Group letter dated 9/8/21 regarding required agreements and McNeese, Wallace & Nurick LLC memorandum dated 7/29/21 last revised 9/17/21. \* The motion was unanimously approved.

2. Homestead Investments – Approve As-Built Plan and Escrow Release

Township Staff reviewed the as-built plan and escrow release with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve release of remaining escrow in the amount of \$22,657.54. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve As-Built Plans as noted in Diehm & Sons Project #20016 dated 8/25/21. \* The motion was unanimously approved.

3. Carl Wenger – Approve Modification of SWM Ordinance, MOU, Cost Opinion and Storm Water Management Agreement

Township Staff reviewed the plan with the Board of Supervisors. The minor stormwater plan has been approved by Township Staff.

Gary Landis made a motion, seconded by Keith Martin to approve the following modification as outline in the Hanover Engineering letter dated 8/13/21. \* The motion was unanimously approved.

Section 11-502.B.11(b) – The location of existing utilities (including on-lot disposal system and wells), sanitary sewers, and waterlines and associated easements within 100 feet of the development site boundary shall be included on the plan

The applicant is requesting a modification of the requirement to provide plans that include the location of off-site utilities. The applicant states all existing onsite utilities have been identified and shown on the plan. The proposed BMP is located more than 100' from any property line and therefore is located more than 100' from any utilities on the neighboring properties and will have no effect on these utilities.

4. Furnace Hills Retreat – Approve Modification of Exemption and Small Project Plan Processing

Daryl Brubacker, representative of Furnace Hills Retreat and Tony Schimaneck, counsel reviewed their request to enter into an agreement with Clay Township to consolidate stormwater exemptions of six tracts that are on the same deed.

After discussion, the Board of Supervisors approved execution of the agreement to merge separate tracts and parcels together to allow the use of stormwater exemptions and small projects on the total tract subject to conditions which included a reduction in the total exemption amount allowed and an agreement that development outside the scope of the area shown on exhibit A of the agreement will not qualify for an exemption and may only be developed in accordance with the stormwater ordinance in place at the time of application.

5. Annex Building Project – Approve Request for Payment and Change Order

Bob Lynn reviewed the payment applications and change order with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve payment of Application #4, Contract #2 in the amount of \$7,252.31 to Ames Construction and payment of Application #3, Contract #4 in the amount of \$2,486.63 to Ames Construction. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve Change Order #1, Contract #3 in the amount of \$3,233.00 for KH Electric. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve payment of Application #5, Contract #1 in the amount of \$5,750.01 to Wagman Construction. \* The motion was unanimously approved.

**New Business**

1. 905 Maple Street – Relief from Fence Ordinance Requirements

Ryan and Melissa Wentzel reviewed their request for relief to install a 6’ high solid fence partially on the property line in their yard. The Wentzel’s provided signed permission from their neighbors to install the fence.

Keith Martin made a motion, seconded by Gary Landis to approve relief from the Clay Township Code of Ordinance Chapter 10, Section 104b to allow a 6’ high solid fence to be installed. \* The motion was unanimously approved.

2. Adopt Ordinance to Amend Fence and Wall Ordinance

After discussion on the proposed Ordinance changes, a decision was tabled due to the fact that the Ordinance was advertised incorrectly.

Keith Martin made a motion, seconded by Gary Landis to re-advertise the proposed Ordinance with the addition of elimination of the restriction of allowing solid fences and compliance with stormwater provisions. \* The motion was unanimously approved.

## **Old Business**

### 1. Approve Sanitary Sewer Connection Ordinance

Keith Martin made a motion, seconded by Gary Landis to approve Ordinance #091321 which ID's the area serviced by the Ephrata Borough Sewer Authority, outlines the terms of service and require all properties located within the designated area and meet the requirements to be hooked up. \* The motion was unanimously approved.

## **New Business – Con't**

### 3. Appoint Voting Delegate for PSATS Business Meeting October 15, 2021

Keith Martin made a motion, seconded by Gary Landis to appoint Gary Landis as voting delegate and Bruce Leisey as the alternate and approve cost of attendance to meeting, dinner and lodging for attendee. \* The motion was unanimously approved.

### 4. Approve Attendance at LCATS Convention 11/1/2021

Keith Martin made a motion, seconded by Gary Landis to approve attendance at the LCATS convention meeting on 11/1/2021 for Gary Landis in the amount of \$20.00. \* The motion was unanimously approved.

### 5. Discussion on Request for Speed Limit Reduction on West Main Street

Township Staff reviewed concerns with the speed of traffic along the 200 block of West Main Street from employees of a business located in the 200 block of West Main Street.

Keith Martin made a motion, seconded by Gary Landis to authorize Township Staff to request a speed study from PennDOT for that area of West Main Street. \* The motion was unanimously approved.

### 6. Approve Non-Uniform Pension MMO for 2022

Gary Landis made a motion, seconded by Keith Martin to approve the 2021 Non-Uniform Pension MMO in the amount of \$23,112.00. \* The motion was unanimously approved.

## **Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:30 PM to discuss personnel issues. \* 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 personnel issues.

## **New Business Con't**

### 7. Zoning Officer Report

Bruce Leisey reviewed the October Zoning Hearing applications with the Board of Supervisors.

### 8. Engineering Report

Bruce Leisey and Gary Landis reviewed information from the EAJA meeting with the Board of Supervisors.

### 9. 2022 Budget Fire and EMS Donations

Bruce Leisey and Keith Martin reviewed requested donations for 2022 Budget with the Board of Supervisors.

## **Bills to be Paid**

### General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$42,370.00 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 \$671.06 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 \$4,027.24 for the month of August. \* The motion was approved unanimously.



Capital Reserve

Keith Martin made a motion, seconded by Gary Landis to approve the Capital Reserve Fund bills totaling \$2,614.38 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. 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 11:15 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