

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
September 14, 2015

The Supervisors of Clay Township met on a regularly scheduled meeting date of September 14, 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 7:00 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the July 27, 2015 meeting minutes with the following correction on page 2, 3rd paragraph that “Mike Burkholder of Foundry Tire told Gary he” . * The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to approve the August 10, 2015 meeting minutes as printed in the September 14, 2015 agenda. * The motion was approved unanimously with Timothy Lausch abstaining from the vote because of his absence at the August 10th meeting.

Treasurer’s Report

Keith Martin made a motion, seconded by Gary Landis, to approve the Treasurer’s Report for the month of August, 2015. *The motion was approved unanimously.

There was discussion on what revenue category stormwater inspection fees are coded to and do the actual fees collected cover the actual costs. Bruce Leisey will review and calculate costs and update the Board of Supervisors at the budget meeting.

Visitors

1. Ephrata Public Library

Tabled until next meeting.

Engineer's Report

1. Bethany Gardens I & II – Escrow Release

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

There was discussion on concerns with various locations throughout the development where it appears that the sidewalk is beginning to spall.

A representative from Hanover Engineering will meet with the Developer to identify the sidewalk locations that need to be repaired.

Gary Landis made a motion, seconded by Keith Martin to release escrow in the amount of \$114,057.53, leaving a balance of \$37,018.43. * The motion was unanimously approved.

2. Bethany Gardens – Street Dedication

This item was tabled until the October meeting.

The Developer is agreeable to reimburse the Township for Liquid Fuel Funds in the amount of \$1,408.91.

3. Clair Beyer – Land Development Plan

Ted Cromleigh, Diehm & Sons, and Clair Beyer, Developer, reviewed the plan with the Board of Supervisors. The property is situated on the North side of Lincoln Road and bisected by Middle Creek Road. The 80 acre dairy farm is primarily cultivated fields with the farmstead and barns at the Northeast corner of Middle Creek Road and Lincoln Road. Middle creek runs on the western edge of the farm. The project consists of the construction of a free stall barn, equipment shed, and associated driveways. The project addresses storm water management for the improvements by draining the proposed building roof areas to a cistern.

There was discussion on the riparian corridor easement agreement. The Township Staff will draft an agreement for the Board of Supervisors to review at their September 22, 2015 meeting.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers and modifications. * The motion was unanimously approved.

Section 303 – Preliminary Plan Application

The applicant is requesting a waiver of the requirement to provide a preliminary plan application for the proposed land development project. The applicant is requesting to provide a final land development plan only. The justification provided is that the overall nature of the proposed improvements is simple and that one (1) review by the Township will provide sufficient to ensure compliance with the Township requirements.

Section 402.A.1 – Plan Scale

The applicant is requesting a modification of the requirement that all plan sheets be drafted at a scale of 10, 20, 30, 40 and 50 feet to the inch. The applicant has stated that the development site is approximately 80 acres in size, and has been plotted at a scale of 1" = 150' so as to fit entirely on one (1) sheet. The applicant has stated that the sheet at the higher scale is legible in every detail and that the remaining land development sheets have been drafted to the standard scale of the Ordinance.

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

The applicant is requesting a waiver of the requirement to complete a properly executed land development agreement in the form and content required by the Township. The applicant states that due to the "minor nature" of the project they are proposing to use the "Memorandum of Understanding" document. The applicant notes that the document will be properly executed and approved by the Township.

Section 602.K.3 – Improvement of Existing Streets

The applicant is requesting a modification of the requirement of land development projects abutting an existing Township street to be improved, to the required 38-foot width as outlined in the Subdivision and Land Development Ordinance. The applicant notes that the project is located within the Agricultural Zoning District and that the plan proposes agricultural use buildings with no new access points onto Township or State roadways. The applicant states that the additional traffic generated by the proposed buildings will be very minimal.

Stormwater Management

Section 11-301.J.5 & Section 11-504.A – Geological Evaluation

The applicant is requesting a waiver of the requirement to provide a geological evaluation, prepared by a registered professional geologist, whenever a stormwater management facility will be located in an area underlain by carbonate geology. The applicant states that the proposed site is underlain by carbonate geology, but a cistern is being utilized to mitigate stormwater flows. The applicant notes that the cistern will be concrete, thereby eliminating any infiltration through the cistern.

Stormwater Management

Section 11-306.B – Riparian Corridor

The applicant is requesting a modification of the required width of the Riparian Corridor 4, to be a distance of 35 feet from the top of bank, instead of the limits of the 100-year floodplain. The applicant notes the Ordinance requires the establishment of a riparian buffer corridor easement on all properties containing waterways. The Middle Creek parallels the western land of the Beyer property. The western Beyer property line is in the center of the Middle Creek. The corridor of the creek is lined with grass and vegetative trees and shrubs. There are no animals pastured on the farm and the lands within the proposed 35-foot corridor easement are not farmed.

Stormwater Management

Section 11-307.E.1.a – Cistern to dewater within 72 hours

The applicant is requesting a modification of the requirement that the cistern is to be dewatered within 72 hours (3 days). The proposed cistern has been proposed to supply water to the dairy operation on the farm. The applicant states that the cistern dewatering time has been calculated to range from 1.75 days in the summer to 3.01 days in the winter. The justification provided is that the proposed dewatering times demonstrate the ability to dewater the cistern in a reasonable time frame in order to provide storage for the next storm event. The applicant notes that the dairy operation will use the cistern as a supplemental water source/stormwater BMP while water exists in the cistern and that wells exist on the property to supply water usage demand when the cistern has been dewatered. The applicant notes water reuse is a method of stormwater management listed in the PADEP BMP Manual, and that the NPDES Permit has been obtained for this project utilizing the cistern.

Stormwater Management

Section 11-503.A.4 – Plan Scale

The applicant is requesting a modification of the requirement to provide a minimum scale of 1" = 50'. The deed comprising the Beyer Farm totals approximately 80 acres in size and has been plotted to a scale of 1" = 150', to fit on a single sheet (Sheet 2 of 8). The plan sheet, at this highest scale, is legible in every detail. The remaining sheets in the plan have been drafted to the standards of the Ordinance.

Keith Martin made a motion, seconded by Gary Landis to approve the Clair Beyer Land Development Plan contingent on compliance with the Hanover Engineering letter date 9/9/15. * The motion was unanimously approved.

4. Jay Zimmerman – Approve and Execute Permit Agreement

Joan Kimsey, TeamAg, reviewed the permit agreement with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve and execute the Stormwater Management agreement, Permit agreement and MOU for the Jay Zimmerman plan. * The motion was unanimously approved.

5. Clay School Road Apartments Discussion

Ted Cromleigh and Jonathan Hostetter, Representatives of Diehm and Sons, discussed the plan which includes 14 apartment units and associated stormwater and parking amenities.

Discussion was focused on Section 602.N.1 – Clear Sight Triangle shall be measured 100 feet along the centerline in all directions from the intersection of the centerlines.

The Board of Supervisors informed the Developer that the revised plan should be re-submitted to the Planning Commission for their review.

Old Business

1. Request to Replace Pedestrian Markings in Charity Gardens Development

This item was tabled. The Township Staff has not reviewed all the quotes.

New Business

1. Appoint Voting Delegate for SMT Annual Meeting

Keith Martin made a motion, seconded by Gary Landis to appoint Bruce Leisey as voting delegate for the Susquehanna Mutual Trust Annual meeting. * The motion was unanimously approved.

2. Adopt No Parking and Restricted Parking Ordinance

Jennifer Mejia stated that the Ordinance was properly advertised and there were no comments from the audience.

Gary Landis made a motion, seconded by Keith Martin to adopt Ordinance #091415 to prohibit parking on portions on North Clay Road and to prohibit the parking of vehicles with a GVWR in excess of 19,000 LBS from parking on Longview Drive, Ridgeview Drive and Hillcrest Drive and adding provisions for special purpose parking zones to allow for handicapped parking spaces, and designating a handicapped parking space on Mount Olive Lane. * The motion was unanimously approved.

3. Execute MOU with Lancaster County Conservation District

Keith Martin made a motion, seconded by Gary Landis to adopt Resolution #091415 to approve and execute the MOU with Lancaster County Conservation District. * The motion was unanimously approved.

4. LCATS Convention – Monday, November 2, 2015

Gary Landis made a motion, seconded by Keith Martin to approve attendance to the convention for Gary Landis and Bruce Leisey at a fee of \$20 per person. * The motion was unanimously approved.

5. LCATS 2015 Dues

Gary Landis made a motion, seconded by Keith Martin to approve payment of the LCATS dues in the amount of \$30. * The motion was unanimously approved.

Executive Session

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 9:25 PM to discuss Potential Litigation and Personnel Issues. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to exit Executive Session at 11:00 PM. * The motion was unanimously approved.

There was discussion on personnel issues. No decisions were made at this time.

Keith Martin made a motion, seconded by Gary Landis to authorize the Township Manager to advertise for part-time snow plow driver if necessary before next meeting. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to authorize the Township Manager to advertise Road Inspection meeting on Thursday, September 24, 2015 at 7:00 AM. * The motion was unanimously approved.

Bills to be Paid

General Fund

Gary Landis made a motion, seconded by Tim Lausch, to approve the General Fund bills totaling \$117,049.24 for the month of August. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Tim Lausch, to approve the Recreation Fund bills totaling \$1,409.22 for the month of August. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Tim Lausch, to approve the Sewer Fund bills totaling \$2,244.50 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. 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 Tim Lausch, to adjourn the meeting at 11:15 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary