

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
March 11, 2013

The Supervisors of Clay Township met on a regularly scheduled meeting date of March 11, 2013, 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; Justin Harnish, Vice-Chairman and Keith Martin, Secretary.

Clay Township employee present was Bruce Leisey, Township Manager. Also present were 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 7:05 p.m.

**Meeting Minutes**

Keith Martin made a motion, seconded by Justin Harnish, to approve the February 11, 2013 meeting minutes as printed in the March 11, 2013 agenda. \* The motion was approved unanimously.

**Treasurer's Report**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Treasurer's Report for the month of February, 2013. \*The motion was approved unanimously.

## **Visitors**

1. Lou Katz, 30 Meadow Drive

Mr. Katz informed the Board of Supervisors that vehicles are parking on the walking trail and grass along Synder Lane at Snyder Park.

The Board of Supervisors thanked Mr. Katz and will look into the situation. No other decisions were made at this time.

2. Herb Noack, 216 Woodchuck Drive

Mr. Noack thanked the Board of Supervisors for the installation of the 25 MPH speed limit signs in his development.

3. Ann Weaver, 275 North Clay Road

Mrs. Weaver expressed concerns with speeding along North Clay Road.

The Board of Supervisors will obtain accident reports from the Police Department to look into this concern. No other decisions were made at this time.

## **Engineer's Report**

1. HomeTowne Square – Final Land Development Plan PHII

Jim Henke, Pioneer Management, LLC reviewed the developers revised plan with the Board of Supervisors. The developer plans to revise basin out fall from basin #3. The developer will meet with adjacent homeowners to obtain permission for the proposed change. The developer will work on legal documents and come back to next Board of Supervisors meeting for approval.

The Board of Supervisors is generally in favor of the proposed plan changes. No other decisions were made at this time.

\*\* Keith Martin dismissed himself from the meeting due to conflict with next item on the agenda. Rachel Martin is his Mother. \*\*

## 2. Rachel Martin – Final Land Development Plan

Ted Cromleigh, Diehm and Sons representative of the developer, reviewed the plan with the Board of Supervisors.

Justin Harnish made a motion, seconded by Tim Laush to approve the following waivers/modifications for the Rachel Martin Final Land Development Plan. \* The motion was unanimously approved.

### Section 303.A – Preliminary Plan Application

The applicant is requesting a waiver of the requirement to process a preliminary plan application for a land development plan proposing construction of non-residential buildings greater than 15,000 square feet. The justification provided is that the applicant is proposing to construct two (2) poultry houses, an equipment shed and compost shed, resulting in a total of 65,040 square feet. The applicant feels that the proposed improvements are simple in nature and that one (1) review will ensure compliance with the Township requirements.

### Section 402.A.1 – Plan Scale shall be 1"=10', 20', 30', 40', 50'

The applicant is requesting a modification of the requirement to provide the plans at a scale of 1"=10', 20', 30', 40', 50'. The applicant also notes that the Ordinance states that the remaining lands over 10 acres in size can be drafted legibly with no mention of plan scale. The two (2) deeds comprising the Martin farm total 46 acres and have been plotted at a scale of 1"=100' in order to fit the entire property on one (1) plan sheet. The remaining plan sheets have been drafted to the standards of the Ordinance.

### Section 602.K.3 – Improvements to Existing Streets

The applicant is requesting a waiver of the requirement to improve the existing roadway to meet the minimum standards of the Ordinance. The justification provided is that the Martin farm is located within the Agricultural Transition Zoning District and all of the surrounding properties are also zoned Agriculture Transition. The plan proposes two (2) new poultry houses, and the additional traffic generated by the poultry houses will be very minimal. The applicant notes that the additional right-of-way required by the Ordinance has been proposed on the plan.

### Section 602.U.4 – Driveways shall have a maximum width of 30 feet within the right-of-way

The applicant is requesting a modification of the requirement limiting the maximum width of driveways within the right-of-way to 30 feet. The justification provided is that the proposed driveway will be receiving tractor trailers from time to time and to accommodate these vehicles the radii have been made 35 feet, resulting in a driveway that is 82 feet wide at the edge of the existing cartway. If the driveway is provided with a maximum width of 30 feet, tractor trailers will not be able to turn into and out of the driveway. A note has been added to the plan, and arrangements will be made the poultry grower to limit all service trucks to entering and exiting the site from the North. Truck turning templates have warranted the 50 foot radius for trucks to

effectively enter and exit the site safely. The applicant further states that in an effort to cut down the width of the driveway opening, truck traffic will be limited to the north/south route with a 50 foot radius. In discussion vehicle deliveries with the operator of the facility, it was determined that feed truck deliveries would be approximately two (2) per week. Flock clear out would occur bi-monthly and involve 12 trucks per flock. Unloading of the flock would be approximately six (6) hours per house. The overall width of the driveway outside of the right-of-way will be 15 feet per the truck turning templates.

Section 603.D.6 – Land developments involving non-residential buildings containing 15,000 square feet or more gross floor area shall be provided with at least two (2) separate and distinct means of access from existing public streets.

The applicant is requesting a waiver of the requirement to provide a second separate access to the public street from the site. The justification provided is that the plan is proposing the construction of two (2) poultry houses, an equipment shed and a compost shed, resulting in a total gross floor area of 65,040. The applicant feels that there is ample space on the property for trucks to turn around. The applicant also feels that a second access for the trucks would further impact the neighboring residences in the area.

Section 606.B – Nothing shall be placed within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.

The applicant is requesting a modification of the requirement prohibiting the placement of any obstructions or structures within a stormwater management easement that would affect the functions of the easement or conflict with the easement agreement. The plan proposes the collection and conveyance facilities for Stormwater Facilities 1 and 2 to traverse under the poultry houses to the detention basin. The collection point in these facilities has been centralized to most efficiently collect the runoff from these facilities. The applicant notes that the stormwater management agreement will need to address this specific condition.

Stormwater Management

Section 302.D and Section 304.G – Water Quality Volume shall dewater in 24 hours

The applicant is requesting a modification of the requirement to dewater the required water quality volume in a minimum of 24 hours. The justification provided is that in the case of the facilities proposed for the Martin site, large broad facilities are being used. The site has excellent soils to support infiltration of the stormwater flows being routed through them. The applicant indicates that the facilities will be dewatered in less than 24 hours, however, all water will be infiltrated back into the ground.

Stormwater Management

Section 402.B and Section 402.B.12 – Plan scale shall be 1"=50'

The applicant is requesting a modification of the requirement to provided the plans at a scale of 1"=50'. The justification provided is that the two (2) deeds comprising the Martin farm total 46 acres in size, and have been plotted at a scale of 1"=100' in order to fit on one (1) plan sheet.

Justin Harnish made a motion, seconded by Tim Lausch to approve the Storm Water Management Agreement, Memorandum of Understanding Regarding Improvement Guarantee, and Opinion of Probable Construction Cost and to grant conditional approval based on compliance with the Hanover Engineering letter dated 2/22/13. \* The motion was unanimously approved.

\*\* Keith Martin remained excused from the meeting because of a conflict with the next item on the agenda. Mr. Martin is employed by Marlin Sensenig. \*\*

### 3. Countryside Enterprise – discuss road improvement requirements

Marlin Sensenig, developer, inquired about the timing of installation of road improvements from the Board of Supervisors.

The Board of Supervisors is generally in favor of deferring curb on Woodcorner Road. Curb will need to be installed along the frontage of Mr. Sensenig's lot. The balance of the curbing along Enterprise Drive will need to be installed when the lots are developed.

Tim Lausch recommended a note regarding the curbing be put on the deed of each lot.

No other decisions were made at this time.

\*\* Keith Martin returned to the meeting. \*\*

### 4. Charity Gardens – Storm Water Pipe Inspections

Bob Lynn informed the Board of Supervisors that bids will be submitted by Friday, March 15, 2013. Bob will review bids and have a recommendation by the April Board of Supervisors meeting.

No other decisions were made at this time.

## **Old Business**

### 1. Wildflower Pond

It was discussed that Kimett and Ecternach are in the process of submitting escrow and then work on repairing sinkhole will proceed.

No other decisions were made at this time.

## **New Business**

### 1. Appoint Charles Sheidy as UCC Appeals Board Solicitor

Justin Harnish made a motion, seconded by Tim Lausch to appoint Charles Sheidy as the Solicitor for the UCC Appeals Board. \* The motion was unanimously approved.

### 2. Ratify Action to Join Appeal to PA Environmental Hearing Board

Keith Martin made a motion, seconded by Justin Harnish to ratify and confirm the action of this Township to join with other Lancaster County municipalities and with the Building Industry Association of Lancaster County in an appeal to the Pennsylvania Environmental Hearing Board from the letter dated February 5, 2013 from Scott R. Williamson, Program Manager, Wetlands and Waterways Program, of the Pennsylvania Department of Environmental Protection, approving the Lancaster County Act 167 Stormwater Management Plan, subject to conditions, and to further authorize the Solicitor and appropriate Township officials to execute other documents necessary or desirable to prosecute the appeal. \* The motion was unanimously approved.

### 3. Approve Attendance at LCATS Meeting on Tuesday, March 26, 2013

Justin Harnish made a motion, seconded by Keith Martin to authorize attendance to the meeting for Tim Lausch, Keith Martin, Justin Harnish and Bruce Leisey. \* The motion was unanimously approved.

### 4. Approve Pension Authorization Signatures

Keith Martin made a motion, seconded by Justin Harnish to execute the Employer Identification of Authorized Signatures of the Clay Township Non-Uniformed Pension from Susquehanna Bank. \* The motion was unanimously approved.

5. Adopt Resolutions to participate in Co-Operative Bidding

Justin Harnish made a motion, seconded by Keith Martin to adopt Resolution 031113A for co-operative bidding for 350,000 of line paint and Resolution 031113B for 120,000 sq yds of chip seal coating and 27,000 sq yds of ultra thin friction course. \* The motion was unanimously approved.

6. Execute Letter of Agreement for usage of Township Facility for Voting

Justin Harnish made a motion, seconded by Keith Martin to allow the Lancaster County Board of Elections to utilize the township's facility for the Preliminary Election on May 21, 2013. \* The motion was unanimously approved.

7. Approve Annual Rec Alliance Bike Ride on June 23, 2013

Justin Harnish made a motion, seconded by Keith Martin to allow the Annual Rec Alliance Bike Ride on June 23, 2013 to utilize Township roads as listed on map. \* The motion was unanimously approved.

8. Approve Annual Lancaster Farmland Trust Bike Ride on June 1, 2013

Keith Martin made a motion, seconded by Justin Harnish to allow the Annual Lancaster Farmland Trust Bike Ride on June 1, 2013 to utilize Township roads as listed on map. \* The motion was unanimously approved.

9. Review Request for Plan Modification for Lot 19 Clearview Gardens

This item was tabled until approval was given from Lancaster Country 911 Emergency Center on the requested address.

No other decisions were made at this time.

10. Adopt Resolution to Apply for DCNR Park Grant

Justin Harnish made a motion, seconded by Keith Martin to adopt Resolution 031113C granting authorization to apply for DCNR Park Grant to install a pavilion, restroom, play ground equipment and amenities at the new Snyder Park. \* The motion was unanimously approved.

11. Approve Action to Co-sign Correspondence to LCCD regarding Speedwell Forge restoration

Keith Martin made a motion, seconded by Justin Harnish to co-sign petition to formally request that LCCD take any and all actions that are necessary and appropriate to cause the PA Fish and Boat Commission to promptly case or reduce the discharge of nutrient-enriched sediment from the Speedwell Dam, and to prepare and implement a plan in several phases to restore downstream watercourses to their pre-breach condition, and to document any and all changes in floodplain elevations resultant from the dam breach. \* The motion was unanimously approved.

12. Appoint Bob Lynn to enforce Clay Township Stormwater Management Ordinance

Keith Martin made a motion, seconded by Justin Harnish to appoint Bob Lynn as an authorized Township representative to initiate enforcement processing in accordance with MPC and the Clay Township Stormwater Management Ordinance. \* The motion was unanimously approved.

### **Executive Session**

Justin Harnish made a motion, seconded by Keith Martin to enter into Executive Session at 9:15 PM to discuss potential litigation. \* The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin to exit Executive Session at 9:45 PM. \* The motion was unanimously approved.

No decisions were made at this time.

### **Bills to be Paid**

#### **General Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$29,544.98 for the month of February. \*The motion was approved unanimously.

#### **Rec Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$160.82 for the month of February. \*The motion was approved unanimously.

#### **Sewer Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$3,380.79 for the month of February. \*The motion was approved unanimously.

Liquid Fuel Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Liquid Fuel Fund bills totaling \$122.50 for the month of February. \*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

Adjournment

Justin Harnish 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

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Timothy Lausch, Chairman

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Justin Harnish, Vice-Chairman

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Keith Martin, Secretary