

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
October 10, 2011

The Supervisors of Clay Township met on a regularly scheduled meeting date of October 10, 2011, 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. 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 7:00 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Justin Harnish, to approve the September 12, 2011 meeting minutes as printed in the October 10, 2011 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 September, 2011. *The motion was approved unanimously.

Engineer's Report

1. Bollinger Land Development Plan, Waivers, Cost Opinion

Ted Cromleigh, Diehm & Sons, reviewed the Bollinger plan with the Board of Supervisors.

Justin Harnish made a motion, seconded by Keith Martin, to approve the following waivers for the Bollinger plan. *The motion was approved unanimously.

Section 303 – Preliminary Plan Submission

The applicant is requesting a waiver of the requirement to provide a preliminary plan for the proposed project. The Ordinance requires the submission of a preliminary and final plan

submission for all land development plans proposing construction of non-residential buildings greater than 15,000 square feet. A second principal building (dwelling) is permitted to be submitted under a preliminary final land development plan if proposing less than 10,000 square feet. The applicant indicates that the proposed poultry house will be 31,500 square feet in size. The total project proposes the construction of one (1) new poultry house and a single family dwelling on an 81 acre lot. The property is currently improved with a single family dwelling, three poultry houses and several barns and sheds. The property is operated as a family farm used for agricultural purposes and the proposed improvements are an expansion of the family farm complex and will not impact any surrounding properties.

Section 402.A.01 – Drafting Standards

The applicant is requesting a waiver of the drafting standards for Plan Sheets 2 and 3. The Ordinance requires that plan sheets be drafted at a scale of 10-, 20-, 30-, 40-, or 50- feet to the inch, while also stating that all remaining lands if over 10 acres in size can be drafted at any scale that is legible. The justification provided is that the two (2) deeds comprising the Bollinger farms total 81.1 acres and have been plotted at a scale of 1"=200'. The plan shows the existing buildings, wells and septic systems, as well as replacement sewage testing locations. The applicant indicates that the information provided is from recent surveys. The applicant feels that providing the information at a scale required by the ordinance would require additional plan sheets, increasing the expense to the owner. By providing the information at a scale of 1"=200' the entire landholdings of the Bollinger's can be shown on a single plan sheet.

Section 602.K(2) and Section 602.K.3(A-E) – Dedication of additional right-of-way/improvements of existing streets and intersections

The applicant is requesting a waiver of the requirement to provide the additional right-of-way to the Township and to improve the existing streets and intersections which abut the subject property. The justification provided is that the Bollinger property is zoned Agricultural and all the surrounding properties are also zoned agricultural. The Bollinger property is enrolled in an Agricultural Conservation Easement with the Lancaster County Agricultural Preserve Board. The terms of the conservation easement do not allow for dedication/conveyance of additional right-of-way from a preserved farm for public roads. The applicant feels that the additional traffic generated by the installation of one (1) new poultry house and one (1) new residential dwelling would be minimal. The applicant further states that under the terms of the Lancaster County ACE, and current Township zoning, there may be one (1) more single family dwelling/subdivision of the parent tract.

Section 402.C.1 – Existing contours at an interval of 2 feet

The applicant is requesting a waiver of the requirement to provide contour information for existing contours at an interval of 2 feet for land with an average natural slope between 3 percent and 20 percent. The justification provided is that the site is comprised of 81 acres and the areas to be developed represent only a small portion of the site. The plan includes detailed 1-foot contours in the areas proposed for development. The 1-foot contours are based on field survey data. The applicant proposes to show 5-foot contours derived from the Lancaster County GIS for the remaining portions of the farm.

Section 303.B.1 Stormwater Mgt – 1-foot of freeboard from the water surface elevation to the top of the berm

The applicant is requesting a waiver of the requirement to provide a minimum freeboard of 1-foot above the water surface elevation of the emergency spillway. The justification provided is that the proposed Basin 2 has been designed with a 6-inch spillway and 3 inches between the spillway and the principal outlet device. The basin is small, serving one (1) residential dwelling and barn. The tributary drainage area to the basin is only .67 acres and the proposed basin berm is designed to be 2 feet high.

Section 303.B.1e Stormwater Mgt – Emergency Spillway elevation shall be a minimum of 6-inches above the primary outlet device

The applicant is requesting a waiver of the requirement to provide a minimum of 6 inches between the emergency spillway and the primary discharge outlet device. The justification provided is the proposed Basin 2 has been designed with a 6-inch spillway and 3 inches between the spillway and the principal outlet device. The basin is small, serving one (1) residential dwelling and barn. The tributary drainage area to the basin is only .67 acres and the proposed basin berm is designed to be 2 feet high.

Section 304.F.2a Stormwater Mgt – Minimum depth of 48 inches between the bottom of the stormwater facility and limiting zone

The applicant is requesting a waiver of the requirement to provide a minimum of 48 inches of separation between the bottom of the stormwater facility and the top of the limiting zone. The applicant proposes to provide a 24 inch separation between the bottom of Basin 2 and the limiting zone. The applicant indicates the area being infiltrated in the basin is a combination of roof, driveway, and flow over lawn areas. The flows from the driveway flow over lawn areas prior to entering the basin. The limiting zone was mottled, and the applicant states that the percolation testing results were adequate. The applicant further justifies the waiver requesting by referring to the Pennsylvania BMP Manual guidelines that allow a minimum two (2) foot separation between the limiting zone and infiltration facility.

Keith Martin made a motion, seconded by Justin Harnish, to approve the Bollinger Construction Cost Opinion in the amount of \$31,486.40. * The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin, to approve the Bollinger Final Land Development/Lot Annexation Plan. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Justin Harnish, to defer the Stormwater Maintenance fund payment on proposed lot until a building permit is applied for. * The motion was unanimously approved.

Visitors

1. Ephrata Recreational Center

Jim Summers, REC Program Coordinator, reviewed the Summer Municipal Recreation program results from 2011 and the cost for 2012. The Rec requested \$29.00 per Township resident participating in the program in 2011 to help supplement program costs. The 2012 budget request is \$7,569.99 (261 participants x \$29.00).

No decisions were made at this time.

2. Ephrata Public Library

Penny Talbert, Executive Director, informed the Board of Supervisors of the different services offered at the library. Ms Talbert stated that Clay Township residents account for 16% of the library service area circulation. The library has municipal funding budgeted at \$140,000 in 2012. The library is requesting funding in the amount of \$22,400 from the township which represents 16% of the total municipal budget of \$140,000.

No decisions were made at this time.

3. Durlach Mt. Airy Fire Company

John Martin, President, and Don Moyer, Fire Chief, represented the fire company. Don Moyer will give the Township Manager contact information from County to update contact information for township employees.

4. Chief Steffan

Chief Steffan reviewed his request for modifications to the current township police building. Several officers will be added and the additional locker space will be placed in the temporary evidence storage area. An area would be added within the evidence area for existing staff of Sergeants and a criminal investigation office and restroom will be established possible funding through grants.

Chief Steffan also updated the Board of Supervisors on the animal control options to offset the Humane League option.

No decisions were made at this time.

5. Carl Musser

Mr. Musser voiced his concerns with water issues along West Girl Scout Road near his property. The Township discussed the possible installation of new piping and catch basin at Mr. Lawrence's driveway and also replace pipe along road on North East side of Mr. Lawrence property. Mr. Musser has concerns about installing an enclosed pipe with the potential of clogging. Mr. Lawrence will be subject to a Stormwater Maintenance Agreement.

No decisions were made at this time.

Engineer's Report - Cont

2. Hometowne Basin Update

Bob Lynn updated the Board of Supervisors. The Township Solicitor sent a letter of violation to the developer of Hometowne Square.

The Developer informed the Board of Supervisors that they are having conflicts with the property owners.

Bob Lynn informed the Developer that they need to submit a written plan before the November 2011 Board of Supervisors meeting.

No decisions were made at this time.

3. Two Cousins Plaza – Sinkhole Update

The Township Engineer and the Township Manager investigated sinkholes that opened up in the basin. Three new sinkholes have appeared since the last meeting. There has been no response from the communications sent by the Township to the Developer.

No decisions were made at this time.

4. Wildflower Pond – Sidewalk Update

The sidewalk repairs are moving along, there are still a few sidewalks with inlets to be completed. Sinkhole repair on curb area will be started this week.

No decisions were made at this time.

5. Clearview Gardens – Landscape Plan Review

Mr. Wissler, Developer, submitted his revised landscape plan for Clearview Gardens.

Justin Harnish made a motion, seconded by Keith Martin to approve the landscape plan subject to review by the Township Engineer. * The motion was unanimously approved.

Old Business

None

New Business

1. Approve Adoption of Local Tax Collection Ordinance

Tim Lausch opened the hearing at 8:30 PM

Jennifer Mejia stated that the proposed Ordinance was advertised properly. The existing Ordinance provisions are slightly modified to come into compliance with Act 32 of 2008. There is limited change on how collection will be handled.

Tim Lausch closed the hearing at 8:39 PM

Justin Harnish made a motion, seconded by Keith Martin to approve Ordinance #101011 Local Tax Collection Ordinance. * The motion was unanimously approved.

2. Attendance at LCATS Fall Meeting, Monday, November 7, 2011 and 2012 Dues

After discussion, Justin Harnish made a motion, seconded by Keith Martin to approve attendance to the meeting for Bruce Leisey and 2012 dues in the amount of \$30.00. * The motion was unanimously approved.

3. Approve Advertising of Road Tour Meeting

Keith Martin made a motion, seconded by Justin Harnish to approve advertising of a road tour meeting tentatively scheduled for Thursday, October 27th. * The motion was unanimously approved.

4. Stormwater Run Off Issues – Hopeland Road

Don Moyer, Hopeland Road, voiced his concerns with the stormwater run off in front of his house near SunValley Road and Hopeland Road.

No decisions were made at this time.

5. Approve Advertising of Temporary Sewage Tank Ordinance

Keith Martin made a motion, seconded by Justin Harnish to approve advertising of the Temporary Sewage Tank Ordinance subject to approval by the Clay Township SEO. * The motion was unanimously approved.

6. Hopeland Fire Dam

The Board of Supervisors authorized Bob Lynn and Bruce Leisey to meet with the owners of the pond to discuss the current issues.

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 \$255,457.15 for the month of September. *The motion was approved unanimously.

Rec Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$362.98 for the month of September. *The motion was approved unanimously.

Sewer Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$2,589.00 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. DMR
5. Solicitor's Report
6. Engineer's Report

Adjournment

Keith Martin made a motion, seconded by Justin Harnish, to adjourn the meeting at 10:30 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Justin Harnish, Vice-Chairman

Keith Martin, Secretary