

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
April 8, 2019

The Supervisors of Clay Township met on a regularly scheduled meeting date of April 8, 2019, 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 Keith Martin, Vice-Chairman and Gary Landis, Secretary. Tim Lausch, Chairman was absent due to a work conflict.

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.

Keith Martin called the Meeting to order at 6:35 p.m.

Meeting Minutes

Gary Landis made a motion, seconded by Keith Martin to approve the March 11, 2019 meeting minutes with the addition to the note “Keith Martin arrived at the meeting at 6:50 PM “due to farm schedule conflict” and addition to New Business item #2 second to last sentence “and a revised sketch plan”. * The motion was unanimously approved.

Treasurer’s Report

Gary Landis made a motion, seconded by Keith Martin to approve the Treasurer’s Report for the month of March 2019. * The motion was unanimously approved.

Engineer’s Report

1. HomeTowne Square Phase 4, Subdivision, Land Development

Kim Graybill, Pioneer Management and Dave Schroeder reviewed the revised plan with the Board of Supervisors.

Mr. Graybill informed the Board of Supervisors that the Developer is using infiltration to mitigate increased post development flows onto the Stoltzfus farm.

Mr. Graybill reviewed two modifications being requested with this revision of the plan with the Board of Supervisors.

Russ Begly, 322 Constitution Drive asked if this modification will diminish sinkholes on individual property owner's properties.

Mr. Graybill stated yes it should.

Mike Gable, 300 Hackman Road asked when all the basins will be put in. Mr. Gable asked if he will continue to get water in his yard.

Mr. Graybill stated that there isn't a timeline of when the basins will be put in. Landmark is not sure why water is flowing differently behind the Gable property. There were no changes on the undeveloped land.

Township staff will visit with Mr. Gable to determine source of water flows.

Terry Wright, 411 Declaration expressed concern with the water from homes that lies between the homes on grass channels could cause sinkholes.

Keith Martin made a motion, seconded by Gary Landis to approve the requested modifications on the revised plan. * The motion was unanimously approved.

Section 304.F.5 – BMP Manual for Loading Ratios

This modification request pertains to the maximum 3:1 impervious surface to infiltration area loading ration and the 5:1 drainage area to infiltration area ratio. A modification to this requirement is requested to allow higher loading ratios than the BMP Manual recommends. Refer to stormwater calculations and geology study for justification included with Pioneer Management letter dated 4/3/19.

Section 304.F.6 – Groundwater Recharge Volume shall be Infiltrated within 48 hours after the end of the Design Storm

The proposed infiltration facility will dewater in approximately 54 hours. This time is within the range of the BMP manual guidelines as well as the current Clay Township SMM Ordinance (24-72 hours).

It was decided by the Board of Supervisors to table a decision on the revised plan until the 4/23/19 meeting to allow time for Bob Lynn to review the modifications to the stormwater plan.

2. PaulB LLC – Waiver of Land Development Plan Request

Township Staff reviewed the plan with the Board of Supervisors. The plan is to place a pole barn within the fenced storage area currently utilized for retail sales. The nature of this project is relatively minor in scope and the building being planned will be located on existing impervious

area and will store materials that are currently being sold on the property elsewhere. The project will not generate any additional traffic but will generate additional sales to existing customers.

The Clay Township Planning Commission was in favor of the request.

Gary Landis made a motion, seconded by Keith Martin to approve the waiver request. * The motion was unanimously approved.

3. Elizabeth Farms – Deferment of Planning and DEP Sewage Planning

Township Staff reviewed the request with the Board of Supervisors.

The 100.26-acre property contains sandstone dwellings, sandstone and frame barns, gravel driveways and field lanes. Planning is underway to gain approval to offer the historic grounds to the public as a Farm to Table venue destination. The venue would consist of the barn court yard, parking lot and grounds surrounding the improvements. The venue would run from approximately May through October. It would be open one (1) to two (2) days per week but more than likely just for 4 or 5 hours per day over dinner on those days.

The project will utilize the existing improvements on the property and will not result in any new impervious coverage. Earth disturbance relating to the installation of the new on-lot sewage disposal system will be less than .25 acre. This is the only earth disturbance proposed by the project.

All improvements existing and proposed are located in Elizabeth Township. All lands located within Clay Township are unimproved agricultural land totaling 2.35 acres. The property land joiner in Clay Township is the PA Game Commission.

Gary Landis made a motion, seconded by Keith Martin to approve the deferment of planning and DEP sewage planning to Elizabeth Township. * The motion was unanimously approved.

4. Lincoln West Storage – Approve Cost Opinion, Land Development Agreement, Stormwater Management Agreement and ROW Agreement

Steve Nolt, Developer, reviewed the proposed building revisions with the Board of Supervisors.

The building layout has been revised to incorporate a storage building for RV's. The overall building configuration remains similar. The site impervious area remains the same as the original design. Inlets 5A and 6A have been eliminated and the proposed pipe profiles and proposed stormwater management easement information has been updated on the plan set.

Gary Landis made a motion, seconded by Keith Martin to approve the Cost Opinion in the amount of \$408,893.09, Land Development Agreement, Stormwater Management Agreement and ROW Agreement for the plan. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve the plan as revised. * The motion was unanimously approved.

5. Sharp Shopper – Approve Amendment to Plan and Agreements

Township staff reviewed the revised plan with the Board of Supervisors.

The revised plan consists of directing all the stormwater from the roof of the proposed building to the basin located in the Sharp Shopper Plaza. Originally the stormwater from the front part of the proposed building was directed to the Udder Choice basin and over property owned by Carl Nolt.

Mr. Nolt had expressed concerns with the additional water flowing into his farm fields.

Gary Landis made a motion, seconded by Keith Martin to approve the amended plan, MOU, Land Development Agreement and the revised Stormwater Management Agreement. * The motion was unanimously approved.

6. Barry Wissler – Stormwater Basin Discussion

Township staff discussed the current condition of the stormwater basin for the Wissler lots located along Clay School Road. The original basin design was intended to infiltrate stormwater events through the 100-year storm. In order to mitigate any surface stormwater through evaporation and transpiration, vegetation was included in the design. Most of the plantings that were installed are no longer there due to extreme variations between wet and dry conditions in the basin and owner neglect due to the fact the deeds did not reference the Stormwater Maintenance Agreement.

After review of the basin and plan, staff believes the basin will function as designed without additional plantings and with the current planting of grass, shrubs and plants. Township staff is requesting the Board of Supervisors consider the current condition as equivalent to the plan and agree to release the balance of escrow when requested.

The Board of Supervisors is generally in agreement with this request.

There was discussion on 3 storage sheds that are located in the basin and the effect the sheds have on the function of the basin. Township Staff will investigate and update the Board of Supervisors at the next meeting.

New Business

1. Approve West Girl Scout Road Guide Rail Replacement Quote

After review, Gary Landis made a motion, seconded by Keith Martin to approve the quote from Chemung Supply Corp to install guide Rail along West Girl Scout Road over the PA Turnpike as noted in the quote dated 4/11/19 in the amount of \$7,802.00 and the addition of an extra 150' at a cost of \$1,680.00 for a total of \$9,482.00. * The motion was unanimously approved.

2. Execute Dirt and Gravel Road Maintenance Project Agreement

After review, Gary Landis made a motion, seconded by Keith Martin to approve and execute the Dirt and Gravel Road Maintenance Project Agreement between Clay Township and Lancaster County Conservation District. * The motion was unanimously approved.

3. Discussion on Changes to Forestry Regulations

Township Staff reviewed a draft Model Ordinance that the Attorney General's Office has indicated would be compliant with ARCE Regulations and acceptable for adoption by Clay Township.

Jennifer Mejia also outlined provisions collected from other Municipalities that have been approved by the Attorney General's office and may be added to the Model Ordinance.

The Board of Supervisors had concerns with additional stormwater and erosion from clear cutting land on a slope and with logging near wetlands and the effect that it has on waterways.

The Board of Supervisors asked Township Staff to determine if more provisions could be added to the model Ordinance to lesser their concerns.

Township Staff will further investigate and report back to the Board of Supervisors.

4. Application for Dedicated Handicap Parking Space

Bruce Leisey reviewed with the Board of Supervisors a request for a handicap parking space from Suzan Johns, 342 Mt Olive Lane, Ephrata (Bethany Gardens).

After discussion, the Board of Supervisors authorized the Jennifer Mejia to draft an Ordinance to remove the current handicap parking space at 322 Mt Olive Lane and install new handicap parking space at 342 Mt Olive Lane. It was noted that this will be a public handicap parking space and not reserved excessively for Mrs. Johns.

5. Permission for Middle Creek WMA Road Race

Bruce Leisey reviewed the Middle Creek WMA Road Race request with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve request from Lauren Fenstermacher, representative of the PA Game Commission, for permission to hold the Middle Creek WMA Road Race on portions of Mill Stone Road, Girl Scout Road, Laurel Road and Museum Road as indicated on the map provided with request letter dated 4/9/19, contingent on the PA Game Commission supplying Township with a Certificate of Insurance by 8/1/19. * The motion was unanimously approved.

6. Discussion on PSATS 2019 Proposed Resolutions and Bylaws

Bruce Leisey reviewed with the Board of Supervisors the proposed changes to the PSATS Bylaws and Resolutions.

The Board of Supervisors informed Bruce Leisey, voting delegate, on their decisions on voting.

Old Business

1. Sewer Lateral and Manhole Investigation

Bob Lynn informed the Board of Supervisors that Hanover Engineering has located sewer manholes that are potentially leaking and that they recommend should be cleaned and televised to determine specific areas of infiltration.

Bob Lynn will have quotes for work to be completed at the next meeting for the Board of Supervisors to review and award.

2. Review RFP for Growing Greener Grant

Bruce Leisey reviewed the revised grant budget sheets and RFP with the Board of Supervisors.

The Board of Supervisors are generally in agreement with the RFP and budget sheets. Bruce Leisey will forward the revised documents to DEP for approval.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:07 pm to discuss personnel issues. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:15 pm. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to continue employment with Don Moyer as a regular full-time employee of the Township effective 4/2/19. * The motion was unanimously approved.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$125,289.84 for the month of March. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$3,880.94 for the month of March. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$1,130.00 for the month of March. * 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 10:21 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

_____ ABSENT _____
Timothy Lausch, Chairman

_____ _____
Keith Martin, Vice Chairman

_____ _____
Gary Landis, Secretary