

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
August 10, 2015

The Supervisors of Clay Township met on a regularly scheduled meeting date of August 10, 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 Vice-Chairman, Keith Martin and Secretary, Gary Landis. Chairman, Timothy Lausch was absent from the meeting due to an employment conflict.

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.

Keith Martin called the Meeting to order at 7:00 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the July 13, 2015 meeting minutes as printed in the August 10, 2015 agenda. \* The motion was approved unanimously.

**Treasurer's Report**

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

**Visitors**

1. Lynn and Carol Weaver – Relief from Fence Height and Style Requirement

Mr. Weaver is requesting to install a 6' solid vinyl fence on his property at 442 Countryside Drive, Ephrata. The new fence would replace an existing row of arborvitae that has been there for 27 years. The primary reason for the arborvitae was privacy due to the close proximity of the houses. Mr. Weaver has concerns over the maintenance costs and current condition of the arborvitae which is why he is requesting a fence. The fence will be solid and 6' feet tall to continue to allow

the privacy Mr. Weaver and his neighbor currently have. Mr. Weaver submitted a letter dated July 21, 2015 signed by his neighbors, B.W. and Barbara Hambrick, indicating their agreement with the fence request.

Gary Landis made a motion, seconded by Keith Martin to approve exception to Chapter 10, Section 104b and 104h of the Clay Township Code of Ordinances to install a 6' high solid fence 3' off the property line to replace the current arborvitae which is currently 27 years old. \* The motion was approved unanimously.

### **Engineer's Report**

#### 1. Robert & Ruth Fox – Deferral of Land Development

Ted Cromleigh, Diehm and Sons representative of the Developer, informed the Board of Supervisors of the proposed changes to the plans which include diagonal parking, smaller access drive and total number of proposed parking spaces (existing lot 31 spaces + 43 spaces on the new temporary lot – 10 spaces for the produce stand in September and October = 64 spaces).

Ted Cromleigh reviewed the requested waivers with the Board of Supervisors.

There was discussion on a Land Development Agreement. It was agreed to eliminate the painted double arrow and replace with a “over flow parking” sign. Glenn Hursh, Township resident, asked how they are going to keep designated spaces on the lot. Ted Cromleigh said they will be using wheel stops and possibly painting lines. There was also discussion on the depth of the stone in the parking lot and the fact that the stone will serve as a retention basin.

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

#### Section 11-301.J.5, Section 302.C and Section 110504.A – Carbonate Geology Study for project site

The applicant is requesting a waiver of the requirement to perform a carbonate geology investigation for the site due to the use of a porous gravel mix. The proposed gravel surface will allow for continue natural percolation of rainfall events and optimizing loading ratios by not ponding water.

#### Section 11-301.L.1 – Minimum 24” Separation between the bottom of SWM facility and Limiting Zone

The applicant is requesting a waiver of the requirement to verify the bottom of the stone storage area has a minimum 24” of separation from any limiting zone. The applicant notes they are proposing the use of a porous gravel surface and will not be installing a stormwater management facility.

Section 301.L.2 – Field Infiltration Testing for the Project Area

The applicant is requesting a waiver of the requirement to provide field tested infiltration rates for this project. The applicant notes that the project is proposing the use of a porous gravel surface that will allow for natural percolation into the soil. The facility is temporary and will ultimately be returned to agricultural use.

Section 11-301.L.Q – Stormwater Management Easement to be Provided around the SWM facility

The applicant is requesting a waiver of the requirement to provide an easement around stormwater management facilities for this project. The project is proposing a “temporary facility” consisting of porous gravel. The parent tract is enrolled in a perpetual conservation easement with the Lancaster County Agricultural Preserve Board. The easement does not allow easements or deed restrictions of any type to be placed on the property. As an alternative to this requirement the Applicant will enter into a Developer’s Agreement being prepared by the Township Solicitor which will address stormwater related issues.

Section 11-302 and Section 11-303 – Design Calculations for the Proposed “Porous Gravel” Parking Area

The applicant is requesting a waiver of the requirement to provide design calculations for the proposed “porous gravel” parking area. The proposed use of the porous gravel surface will allow for natural percolation and will not result in increased run-off rates.

Section 11-504.B – Approved Erosion and Sedimentation Plan

The applicant is requesting a waiver of the requirement to provide an Erosion and Sedimentation Control Plan reviewed and approved by the Lancaster County Conservation District. An Erosion and Sedimentation Control Plan has been prepared for the project and is part of the plan submission. The applicant notes: 25 Pa Code Chapter 102 does not require approval of the E&S Plan for sites proposing 1 acre or less of total earth disturbance. There will be a copy of the E&S plan onsite during construction.

Section 11-504.C – NPDES Permit Submittal/Approval

The applicant is requesting a waiver of the requirement to provide an NPDES permit for the project. The project is proposing a total earth disturbance of .54 acres associated with the construction of the porous gravel surface area. The applicant notes per PA Code Chapter 102.5, a person proposing or conduction agricultural plowing or tilling activities or animal heavy use areas is not required to obtain an E&S Permit or an NPDES Permit for stormwater discharges associated with construction activities, for these activities under this Chapter. To soil from the project site will be field applied to agricultural land of the farm and crop farmed with the rest of the farm.

Section 11-409 - Financial Security for Minor and Major Stormwater Permits

The applicant is requesting a waiver of the requirement for financial security for the project. The project will be completed in a short about of time.

Gary Landis made a motion, seconded by Keith Martin to approve the Land Development Agreement with the following changes and additions. \* The motion was unanimously approved.

Changes:

Item 5-A

This item will include statement: Developer will submit request for extension of deferral at least 60 days prior to expiration date. Also add definition of permanent as Ag Preserve Board granting permanent status to temporary parking lot.

Item 5-B

This item will be deleted.

Item 5-H

Replace the word “annually” with “one time”.

Item 8

Replace “seventy-two (72) hours” with “forty-eight (48) hours”.

Item 18

Add the word “SALDO” to the last part of the last sentence in “compliance with all Zoning and the SWMC”.

Additions:

Item 5-Q

The Farm Lot shall not exceed 2,000 sq feet.

Item 5-R

There shall be no unloading or loading of passengers on Farm Lot.

Gary Landis made a motion, seconded by Keith Martin to approve a one (1) year deferral of Land Development requirements contingent on compliance with the Hanover Engineering letter dated 8/7/15. \* The motion was unanimously approved.

2. Fox Creamery – Escrow Release

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

Gary Lands made a motion, seconded by Keith Martin to approve the cash escrow release in the amount of \$1,500 in full. \* The motion was unanimously approved.

3. Approve Resolution to Accept Additional ROW for Bowman Property

After review, Gary Landis made a motion, seconded by Keith Martin to approve Resolution #081015 to accept in lieu of condemnation street right-of-way from Clair N. Weaver and Gale C. Weaver and Glen Hursh and Carolyn Hursh as shown on a Lot Add-On Plan for Clair Weaver, prepared by Diehm & Sons, Inc. (Project # 14118), and recorded #2015-00310J dated 10/27/14, last revised 1/31/15. \* The motion was unanimously approved.

4. Bethany Gardens III – Escrow Release

Bob Lynn reviewed the Hanover Engineering letter dated 8/7/15 with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve escrow release in the amount of \$141,061.15, leaving a balance of \$7,384.07. \* The motion was unanimously approved.

5. Matt Yutzy – Escrow Release

Bob Lynn reviewed the Hanover Engineering letter dated 8/7/15 with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to approve waiver of As-Built Plans since Township Engineer was on-site and performed inspections throughout the project verifying the design. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to release escrow in full in the amount of \$16,456.66. \* The motion was unanimously approved.

6. Jay Zimmerman – Land Development Plan

Joan Kimsey of TeamAg reviewed the Zimmerman plan with the Board of Supervisors.

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

Section 402a.1 – Plan Sheet Scale

The applicant is requesting a modification requiring plan sheets to be drawn at a scale of 10 feet, 20 feet, 30 feet or 50 feet to the inch. The applicant has provided a site plan at a scale of 150 feet to the inch. The total lot area is 49.54 acres.

Section 401.B.9 and Section 403.D.13 – Location and Material Existing Permanent Monuments or Lot Line Markers

The applicant is requesting a waiver from the requirement to show the location and material of all existing permanent monuments or lot line markers along the perimeter of the tract on the plan.

The project is an existing Agricultural property subject to agricultural land preservation easement. The property is protected from future development under these easements.

#### **STORMWATER MANAGEMENT ORDINANCE**

##### **Section 11-307.A.2 – Restrictive Fencing Around Basins with Steeper than 5:1 Side Slopes**

The applicant is requesting a modification of the requirement to provide restrictive fencing around basins that have side slopes steeper than 5:1. The applicant is proposing an interior side slope of 3:1. The applicant further indicates that the storage facility is located on private property and should not be accessible to the public.

##### **Section 11-307.B.1.b(2) – Maximum Interior Side Slopes for Above Ground Storage Facility with a Depth of Two (2) to Eight (8) feet is 5:1**

The applicant is requesting a modification of the requirement to provide a maximum interior side slope of 5:1 for above ground storage facilities with a depth ranging between two (2) and eight (8) feet. The applicant indicates the proposed basin will have an interior side slope of 3:1. The maximum water depth for the 100-year storm is .83 feet and the total basin designed depth is three (3) feet with the depth to the emergency spillway being two (2) feet. Lastly, the applicant indicates the storage facility is located in private property and should not be accessible to the public.

#### **Old Business**

##### **1. Safety Manual Discussion**

After review and discussion of the final draft of the Safety Manual, Gary Landis made a motion, seconded by Keith Martin to adopt and execute the Safety and Loss Control Policy designating Bruce Leisey as Accident and Illness Prevention Program Coordinator and to designate Earl Stauffer as Supervisor responsible for Public Works, Parks and Maintenance personnel safety and Bruce Leisey as Supervisor responsible for Office personnel safety. \* The motion was unanimously approved.

#### **New Business**

##### **1. Request to Replace Pedestrian Crosswalk Markings in Charity Gardens**

This item was tabled until cost quote to replace is received.

## 2. Request to Extend Truck Parking Restrictions to Hillcrest Development

Gary Landis met with complainant's to discuss the issues of concern and was not able to come to an agreement between the parties involved.

Gary Landis made a motion, seconded by Keith Martin to approve advertising a no parking ordinance to restrict parking along North Clay Road for all vehicles and to add roads in Hillcrest Development to the restricted truck, camper and trailer no parking ordinance. \* The motion was unanimously approved.

## 3. Resolution to Dispose of Township Records

After review by Bruce Leisey, Gary Landis made a motion, seconded by Keith Martin to approve Resolution #081015A to dispose of Old Township Records as noted on the resolution. \* The motion was unanimously approved.

## 4. Yarnell Security System at Hopeland Sewer Plant

After review by Bruce Leisey, Gary Landis made a motion, seconded by Keith Martin to approve purchase of replacement monitoring equipment for the Hopeland Sewer Plant at a cost of \$299 with a cellular monitoring annual fee of \$120.00, this will eliminate the approximate cost of \$45.00 a month for a land line phone. \* The motion was unanimously approved.

## 5. Sewer I & I

After discussion, Gary Landis made a motion, seconded by Keith Martin to authorize Hanover Engineering to develop a plan of action to detect and eliminate infiltration into the Hopeland Sewer plant from manholes, pipes and structures as per letter dated 8/4/15 from PA DEP. \* the motion was unanimously approved.

## **Executive Session**

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 10:45 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 11:15 PM. \* The motion was unanimously approved.

There was discussion on sewage disposal issues and concerns. No decisions were made at this time.

**Bills to be Paid**

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$111,078.36 for the month of July. \* The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$318.83 for the month of July. \* The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$5,604.32 for the month of July. \* 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 Keith Martin, to adjourn the meeting at 11:30 P.M. \*The motion was approved unanimously.

Clay Township Board of Supervisors

\_\_\_\_\_ ABSENT \_\_\_\_\_  
Timothy Lausch, Chairman

\_\_\_\_\_ Keith Martin, Vice Chairman

\_\_\_\_\_ Gary Landis, Secretary