

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
December 11, 2017

The Supervisors of Clay Township met on a regularly scheduled meeting date of December 11, 2017, 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 Tim Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

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.

Tim Lausch called the Meeting to order at 7:00 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the November 13, 2017 meeting minutes as printed in the December 11, 2017 Agenda with the following change on page 2 paragraph 1; change “Board of Supervisors” to “he is” and on page 7 visitors 3rd line change Supervisors to Supervisor. \* The motion was unanimously approved.

**Treasurer’s Report**

Keith Martin made a motion, seconded by Gary Landis to approve the Treasurer’s Report for the month of November 2017. \* The motion was unanimously approved.

**Engineer’s Report**

1. MS4 Annual Update Report

Tabled until later in meeting

## 2. Homestead Investments – Stormwater Management Plan

Kevin Varner, Diehm & Sons, and Marcus Kline, Developer, reviewed with plan with the Board of Supervisors. The plan consists of expanding a gravel pavement area into the cultivated area to the rear of the existing improvements. The purpose is to add additional space for extra storage for his flooring business and also the neighboring property, Zimmerman Masonry, would like to park some of their equipment on the new gravel area. The proposed new gravel area would be a multi-use storage area for Homestead Investments and Zimmerman Masonry.

There was discussion on the requirement of enclosing the storage area with fence and screening.

Tom Zorbaugh stated that materials and equipment stored and not used on a daily basis must be in a fenced in area and screened from the street. It is also Tom's opinion that the storage area is already screened by landscaping on the north side and is not visible from the road on the south and west side, so additional screening is not required.

It was agreed that a note will be put on the plan regarding Tom's opinion of the screening. Tom will send a letter describing his understanding of the current use of the stoned and if a fence is required now under the Zoning Ordinance or, if not, what would be the trigger point to require a fence.

Keith Martin made a motion, seconded by Gary Landis to conditionally approve the plan contingent on compliance with the Hanover Engineering letter dated 12/5/17 with inclusion of the plan note at described above. \* The motion was unanimously approved.

## 3. Jesse Kinsinger – Waiver of Land Development/Stormwater Management Plan

Craig Williams, Strausser Surveying & Engineering reviewed the plan with the Board of Supervisors. The applicant is proposing to construct a parking area, mulch and stone storage bins and a roof overhang for his landscape and hardscape business at his property located at 795 Leed Hill Road. The Board of Supervisors considered the limited scope of the proposed improvements.

Gary Landis made a motion, seconded by Keith Martin to approve a waiver of Ordinance #06140 – Clay Township Subdivision and Land Development as outlined in the Hanover Engineering letter dated 9/22/17. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to grant conditional approval of stormwater plan contingent on compliance with the Hanover Engineering letter dated 12/6/17. \* The motion was unanimously approved.

#### 4. Ephrata Community Church – Land Development

Todd Shoaf, Engineer, and Mark Ulrich, representative of the church, reviewed the plan with the Board of Supervisors. The plan is to develop a 56,955 sf building expansion and associated infrastructure on a 20 acre tract. The church sanctuary will be expanded from 700 seats to 1,600 seat capacity.

There was discussion on concerns with traffic exiting the farthest eastern exit causing congestion on Clay School Road going east bound.

Keith Martin made a motion, seconded by Gary Landis to approve the following waivers and modifications as outlined in the Hanover Engineering letter dated 12/7/17. \* 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. The applicant notes that the initial planning for the expansion was discussed with the Township and the Township Engineer during a Township staff meeting. The applicant feels that the proposed expansion was well presented during the re-zoning process to the Township's Planning Commission and Board of Supervisors. The applicant states that no new road or off-site easements are proposed, and that the applicant believes that the information contained within the proposed plan either meets or exceeds what normally would be included with a Preliminary Plan application.

##### Section 402.C.3 – Existing Features within 200 feet of the subject tract

The applicant is requesting a modification of the requirement to provide all existing features within 200 feet of the subject tract. The applicant states that they are providing field run topography to within approximately 50 feet of the subject tract and then supplemented GIS and LIDAR information to beyond the 50 foot distance. The applicant feels that the enclosed plan shows the necessary information for proper review of the project by the reviewing/approval agencies.

##### Section 602.T.5 – Access Drive Horizontal Alignment

The applicant is requesting a modification of the requirement to provide a minimum 310 foot design centerline radius for access drives. The applicant is proposing a 150 foot centerline radius for Access Drive A. The applicant states that the vast majority of vehicles utilizing the access drive will be cars and that the turning templates provided with this submission shows that a fire truck can easily negotiate the access drive. The applicant further states that within the original plan for the existing church, a 112.50 foot centerline radius was provided for the connection between Rt 322 and Clay School Road. The applicant feels that a 310 foot centerline radius within the current design would encroach into the recreation space adjacent to the detention basin and would not provide any better results than the proposed 150 foot centerline radius.

#### Section 602.T.8 – Parking Lot Paving Cross Section

The applicant is requesting a modification of the requirement to install one and one-half inches (1-1/2") of ID-2 Wearing Course and three inches (3") of ID-2 Binder Course within the parking lots and drive isles. The applicant is proposing to install four inches (4") of ID-2 Binder Course. The applicant states that the church's contractor has recommended this paving section as part of their value engineering evaluation to help curb construction costs and that the contractor has indicated that the four inches (4") of binder will result in an equal paving section as that is listed in the Township's Subdivision and Land Development Ordinance due to increase in aggregate size within the binder course versus the wearing course. The applicant notes that the proposed Access Drive A will meet the paving specification listed within the Township's Subdivision and Land Development Ordinance.

#### Section 603.A.1.c – 15 Foot Landscape Buffer Adjacent to Residential Properties

The applicant is requesting a waiver of the requirement of providing a 15 foot wide landscape buffer along an approximately 34 foot long section of 220+ feet adjacent to the eastern property line of the subject property. The applicant states that a vegetated screen currently exists along the eastern property line, however, an existing parking stall encroaches approximately one foot into the buffer and since it is well established, it is the applicant's position that an adequate buffer is provided for the existing condition.

#### Section 603.A.1.1 – Parking Lot Landscape Screening Adjacent to Residential Properties

The applicant is requesting a waiver of the requirement to provide an uninterrupted vegetated screen along a portion of the existing parking stalls adjacent to Clay School Road and a small segment of proposed stalls along Rt 322. The applicant states that due to close proximity of existing utilities (low pressure force main, waterline/meter pit and sewer main) a vegetative screen cannot be installed. The applicant feels that the Land Development Plan does; however, provide a landscape screen adjacent to the existing parking stalls were no existing utilities are present. The applicant notes that an extra screen is located along the entire eastern property line while Rt 322 and Clay School Road create an additional separation for the residential properties from the existing/proposed parking stalls within the church's property.

#### Section 603.A.1.j – Curbing Shall Be Provided in Parking Lots

The applicant is requesting a waiver of the requirement to install curbing within areas of the proposed parking facility where stormwater runoff is permitted to sheet flow into grassed areas. The applicant indicates that the required interior and perimeter landscape islands are still proposed to be curbed. The applicant feels that allowing runoff to sheet flow into grassed areas, some infiltration will occur and grit from the parking lot has a better chance of "settling out" of the stormwater flow rather than if the runoff was directed by a curb into an inlet and conveyance pipe. The applicant has also noted that in areas where no curb is provided, there are adjacent grass areas with negotiable slopes so that no dangerous conditions are created. The applicant states that the church's contractor has determined through their value engineering evaluation that the proposed limits of curbing help manage project costs. It is the applicant's opinion that the proposed limit of curbing with associated adjacent grass areas provide an acceptable design with added water quality benefits. The applicant will add wheel stops where no curbing is provided.

Section 603.C.4 – 8” Curb Height

The applicant is requesting a modification of the requirement of providing curbing at the required height of eight inches. The applicant is proposing curb that is six inches high. The applicant notes that the curbing adjacent to Access Drive A will have an eight inch curb. The applicant states that the two inch reveal difference does not reduce the safety factor that curbing provides as a safety barrier, it will not alter or change stormwater flows that will travel adjacent to the curb line, and that the reduction of curb height will still provide equal results as if the higher curb was installed. The applicant feels that the lower curbing would reduce the potential damage that could be done to vehicles, especially those with low ground clearance.

Section 609.E.4.c – The interior of each parking lot shall have at least one (1), two inch (2”) caliper deciduous shade tree for every five (5) parking spaces

The applicant is requesting a modification of the requirement of providing one, two inch caliper deciduous shade tree for every five parking spaces. The applicant notes that the proposed site design provides for 676 total parking stalls; 176 of those stalls are existing stalls that are to remain. The applicant states that the design provides 100 deciduous trees (500 new stalls / 5 = 100 trees) located within and surrounding the parking facilities and that the tree count includes 14 existing deciduous trees to remain. The applicant feels that this level of landscaping meets the intent of the ordinance by providing the necessary tree canopy within and surrounding the proposed parking area.

Section 609.F.2.a – The entire perimeter of the tract undergoing development shall be provided with a 30 foot wide planting strip, 50 foot if adjacent to residential use or district.

The applicant is requesting a waiver of the requirement that a 50 foot wide planting strip shall be provided. The applicant indicates that the Township Subdivision and Land Development Ordinance specifies that a 30 foot planting strip be provided along the entire perimeter of the tract, and this plan complies with that requirement. The applicant states that existing improvements such as driveways, parking lots, utilities, and pump station are all located within 50 feet of the Clay school Road and Rt 322 right-of-way lines. The applicant feels that the roads, 30 foot planting strip, and vegetative screening provides for more than adequate separation for the residential use south of the existing roads.

Section 609.F.2.a(1) – Vegetative screen shall consist of evergreen trees and shrubs

The applicant is requesting a modification to the landscape screening requirement to compose of evergreen trees and shrubs. The applicant is proposing a mix of deciduous and evergreen trees within the planting strip along Clay School Road and Rt 322 instead of a solid evergreen screen. The applicant states that the Ephrata Community Church counts on the visibility of the church as a way to welcome the community to their services and with the proposed expansion, large windows allowing views into the church, allows for the purpose of showing the community some of the amenities the church provides inside (indoor children’s playground). The applicant notes that the proposed landscaping design within the planting strips contains various plant types and species to provide visual appeal instead of a solid view of evergreen trees. The applicant feels that the design provides for adequate screening of the parking lot while the property is separated from the

residential zones by two roads. The applicant continues to note that an existing mature vegetative screen is currently located along the eastern side of the tract and provides an acceptable screen for the residential community. It is the applicants position that the landscape design provides for an acceptable screen which will be more visually appealing than that required by the ordinance.

#### Stormwater Management Ordinance

##### Section 305.D – Rainfall intensities

The applicant is requesting a modification to the required rainfall intensities used for stormwater management design. The applicant states that they have used the older PennDOT Region 5 rainfall intensities and the VT/PSUHM computer software program for the stormwater management design to be consistent with the previous design and approval in lieu of using the required NOAA Atlas 14 rainfall intensities. The applicant has included a table of the Region 5 rainfall intensities compared to the NOAA values which is based on 38.1 minute time of concentration to the basin. The applicant feels that using a lower intensity value for the 2 year storm and a higher value for the 100-year storm should make for a conservative design. We have no objection to the requested relief based on the justification provided.

##### Section 307.D.2.b.7 – Inlets shall be depressed two inches when located within vehicle loading areas outside of the public right-of-way

The applicant is requesting a waiver of the requirement to provide two inch inlet sumps for all Type C inlet tops located within the parking area. The applicant indicates that curbing with an eight inch reveal is proposed within Access Drive A, while the curbing with a six inch reveal is located within the remainder of the site (ie, no depression). The applicant states that all Type C inlet tops will be in a sag condition and against the curb. The applicant notes that there are a few Type M inlets located within the pavement and at grade, but those inlets have a relatively small drainage area to them and no bypass flows will bypass the basin. The applicant wished to keep all inlet tops flush with the adjacent pavement grades to minimize dip in the pavement and allow smoother travel across the inlet.

Gary Landis made a motion, seconded by Keith Martin to grant approval of the plan contingent on compliance with the Hanover Engineering letter date 12/7/17, Cost Opinion in the amount of \$1,369,738.39 and it was also agreed the entrance/exit at the farthest east side of the property will be an entrance only. \* The motion was unanimously approved.

## 5. Heath Weaver – Escrow Release Request/As-Built Plan Waiver

Bob Lynn reviewed the escrow release and waiver request with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve the waiver request of processing an As-Built plan since Hanover Engineering was on-site and inspected the installation of the critical components of the stormwater facilities. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve an escrow release in the amount of \$2,355.00 leaving a balance of \$790.90. \* The motion was unanimously approved.

## MS4 Annual Update Report

Bruce Leisey reviewed the Summary of Stormwater Activities for 2017 (copy attached) with the Board of Supervisors and audience.

Bob Lynn informed the Board of Supervisors and audience that the Clay Township Pollutant Reduction Plan (PRP) has been submitted to PA DEP. The Township has not received approval of the plan at this time.

The PRP consists of reducing the sediment load from the waters of Clay Township in the amount of 714,381 lbs. over the 5 year permit. This will be accomplished by the restoration of approximately 1,615 linear feet of stream banks per PADEP specifications. The process to identify property owners willing to participate in this process is ongoing.

There was public discussion on procedures for determining and reporting an illicit discharge.

Lou Katz commented on illicit discharges on streets in Clay Township.

## Old Business

### 1. Wildflower Pond – Road Dedication Request

Bob Lynn reviewed the dedication request with the Board of Supervisors. There was a question on the status of the Wildflower Pond basin repair. Bob stated that the detention pond renovation has been completed. Bob and Bruce Leisey met with Mike Saxinger, Developer's Engineer, to inspect the roads. Bob will send letter to developer stating the basin is in compliance with the Township's regulations and send written notification to the developer identifying deficiencies that need to be corrected with the roads. Bruce will send maintenance information for the Wildflower basin and approved plan which states maintenance requirements for the basin.

## 2. 2018 Proposed Budget Review

Bruce Leisey reviewed 2018 proposed budget with the Board of Supervisors and audience.

There was discussion on Real Estate Taxes, Earned Income Tax and Expenses associated with MS4 Compliance. The proposed budget proposes a 7.5% tax millage increase which will generate an additional \$43,266 in tax revenue.

The Board of Supervisors expects to approve the 2018 budget and tax increase of 7.5% at their December 26, 2107 morning meeting.

### **New Business**

#### 1. Approve Non-Uniform Pension Plan State Review (LPE)

After discussion, Keith Martin made a motion, seconded by Gary Landis to approve the Clay Township Non-Uniform Pension review for years 2013, 2014, 2015 and 2016 completed by the PA Auditors General office. There were no Finding of Deficiencies noted in the review. \* The motion was unanimously approved.

#### 2. Approve Advertising of 2018 Meeting Dates

Keith Martin made a motion, seconded by Gary Landis to approve advertising of the 2018 meeting date schedule. It was noted the change in time for the Board of Supervisors meeting to start at 6:30 PM instead of 7:00 PM. \* The motion was unanimously approved.

#### 3. Approve Use of Township Building Tax Collector

After review, Keith Martin made a motion, seconded by Gary Landis to authorize use of the Township meeting room for the Tax Collector to collect the 2018 Real Estate taxes. \* The motion was unanimously approved.

#### 4. Approve CM High Preventative Maintenance Agreement for 2018

After review, Gary Landis made a motion, seconded by Keith Martin to approve the 2018 CM High Preventative Maintenance Agreement. \* The motion was unanimously approved.



5. Approve collection of County Taxes

After review, Gary Landis made a motion, seconded by Keith Martin to authorize the Clay Township Tax Collector to collect the Lancaster County real estate taxes with the municipal real estate taxes for township residents. \* The motion was unanimously approved.

6. EAJA Grant Letter from Township

After discussion, Gary Landis made a motion, seconded by Keith Martin to authorize Bruce Leisey to draft and send a letter to PA DCED in support of a grant request by EAJA to replace 2600 water meters in Clay & Ephrata Township. \* The motion was unanimously approved.

7. Interview Audit Firm for 2017 Year End Financial Audit

After discussion, the Board of Supervisors authorized Tim Lausch and Bruce Leisey to interview potential audit firms for auditing the 2017 Financial Reports.

\*\* Keith Martin abstained from the next item due to an employment conflict. \*\*

8. Countryside Enterprises – Stormwater, Permit Agreement, MOU, Traffic Impact Study and Land Development Agreement

After review, Gary Landis made a motion, seconded by Tim Lausch to approve and execute the Countryside Enterprises Stormwater Agreement, Permit Agreement, MOU, Traffic Impact Study and Land Development Agreement. \* The motion was unanimously approved with Keith Martin abstaining.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$29,726.30 for the month of November. \* The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$1,571.32 for the month of November. \* The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$3,150.90 for the month of November. \* The motion was approved unanimously.

**Reports for the Month**

1. Chief of Police / Police Department
2. Fire Companies / Ambulance
3. Zoning Officer's Report
4. Engineer's Report
5. Manager's Report
6. Road Master's Report

**Adjournment**

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:35 P.M. \* The motion was approved unanimously.

Clay Township Board of Supervisors

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Timothy Lausch, Chairman

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Keith Martin, Vice Chairman

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Gary Landis, Secretary