

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
December 14, 2015

The Supervisors of Clay Township met on a regularly scheduled meeting date of December 14, 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 Timothy Lausch, Chairman, Vice-Chairman, Keith Martin and Secretary, Gary Landis.

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.

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

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the November 9, 2015 meeting minutes as printed in the December 14, 2015 agenda. * The motion was approved unanimously. Gary Landis abstained from the vote since he was absent from the meeting.

Treasurer's Report

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

There was a question asked where Well Permits are coded.

Visitors

1. Lou Katz

Mr. Katz asked the Board of Supervisors what is happening with the proposed pavilion and restrooms at Snyder Park #2.

The Township Manager informed Mr. Katz that Township Staff is currently working through the details with the DCNR (grant organization) and hope to put the project out to bids in February 2016.

2. Ephrata Public Library

Lloyd Chapman – 328 HomeTowne Blvd; asked the Board of Supervisors to support the library at \$5.00 per capita.

Jean Price – 1390 Forest Hill Rd; stated she loves the library and that it is the busiest library in the County. She also stated that Clay Township needs to increase their donation or Ephrata Borough will cut their donation.

Walt Trumbauer – 1360 Pleasantview Rd; stated he uses the library frequently and the library provides important services to the entire community. He asked the Township to support the library to the highest extent possible.

Jon Price – 106 Forry Dr; stated he loves the library, he feels Ephrata Borough has good points and the Township needs to step up and be a participant in the community.

Ralph Kurtz – 245 Durlach Road; stated he appreciated the support comments, he stated that he has never used the library and doesn't mind tax dollars being donated to library. He also asked what percentage of Clay Township residents use the library.

Barb McCaffrey – 1709 Girl Scout Rd; stated that we should be encouraging residents to use the library

Levi Zimmerman – 380 Durlach Rd; stated he agrees with the supporters of the library

Penny Talbert – Ephrata Public Library; stated that the library is currently a minimum staffing and operating hours and if they lose State Funding it would equal \$180,000.

Jon Price – stated several library employees live in Clay Township

Jon Price – asked if the Township could commit to increasing the donation \$500 per year over the next 3-4 years?

Ralph Kurtz – stated that \$31,000 is a lot of money, he asked if attendees could pay per visit?

The library cannot charge attendees for services.

Glen Hursh – 515 Clearview Rd; his understanding is that we use 9% of services and pay 6% of costs

Gary Landis stated that \$5.00 per capita is a goal for the Township. He stated in the first draft 2016 budget, there was no increase. The budget was recalculated and an additional \$500 is proposed for the library. He said that Township residents are not interested in a tax increase.

Penny Talbert – stated that the school contributes \$4,000 to the library

Gary Landis stated that he cannot make a commitment to the future but will strive to get to the goal of \$5.00 per capita.

Ralph Kurtz – stated every organization needs more money, business and farms pay a majority of the taxes, everyone needs money. He also stated that not everyone uses the library just like not everyone uses public parks. He recognizes the Board of Supervisors has a tough job.

Brenda Landis – 110 Yummerdall Rd; stated that she uses the Lititz Library cause it is easier to get in and out of.

Lou Katz – 30 Meadow Dr; stated that in NJ (where he is from) the library does not get used, he also feels that the building is high maintenance.

Penny Talbert – stated that Ephrata Borough owns the building.

Lou Katz – asked if Ephrata Borough is paying all the bills why does the library need additional money from the Township?

Tim Lausch stated that the Township did make an effort with the \$500 increase in donation amount. He also said that it is not possible to get to the \$5.00 per capita without raising taxes.

Keith Martin stated that Gary Landis addressed the way he feels. When the economy crashed, the Township cut back expenses and now is in a “catch up” mode. There is a need to add Public Works personnel and update equipment.

Keith Martin stated that the State mandates the library to expend \$5.00 per capita to receive State Aid.

Penny Talbert – stated that Ephrata Township is at \$3.50 per capita, Ephrata Borough is \$4.70 per capita and Akron Borough is at \$2.90 per capita.

Ralph Kurtz – asked how funding is collected?

Penny Talbert – stated that funding is based on population and other criteria.

At this time Tim Lausch closed comments regarding library funding.

Tim Lausch stated that in 2016 the donation was increased \$500 to \$21,500.

Keith Martin agreed with the donation of \$21,500 which is a \$500 increase from the first draft budget. He thanked everyone for coming to the meeting and sharing their comments.

Gary Landis also thanked everyone for coming to the meeting and expressing their opinions.

3. Jon Price, Board Member of Ephrata Rec Center

Mr. Price asked to discuss funding for the Ephrata Rec Center Capital Improvement Fund. He stated that the Township contributes to the Summer Rec Program which goes directly to support Clay Elementary School students who attend the Summer Rec Program. The Ephrata Rec Center is asking \$1.00 per capita for 3 years for the Capital Funding Program.

Ralph Kurtz – stated one reason he does not use the rec center is because you must pay a full membership to use just one machine.

Tim Lausch stated that the 2016 budget will contribute \$1,000 to the Capital Funding Program and in 2015 the Township contributed \$1,500 to the fund.

Keith Martin asked if the Rec was soliciting for funds?

Jon Price stated that the Ephrata Rec has raised \$600,000 through fundraising. He thanked the Board of Supervisors for their 2015 contribution and the 2016 contribution.

Ralph Kurtz asked how much of the budget is from memberships and donations?

Engineer's Report

1. John R and Stephanie Gooding – Subdivision Plan

Ron Hogg, Land Grant Surveyors, reviewed the plan with the Board of Supervisors. The Gooding project proposes to subdivide 1.79 acre lot with dwelling from a 6.499 acre tract that contained 2 dwellings. The resultant lot will contain 4.846 acres and one dwelling. The new lot will have access to Kleinfeltersville Road via an existing 12' R-O-W Agreement through the neighbor's property.

Gary Landis made a motion, seconded by Keith Martin to approve deferral of Section 403.D.4 and Section 403.D.26. The applicant shall submit a driveway exhibit to the Township which shows a schematic future driveway location and proposed grading for a driveway within the Lot 2 flagpole to prove that access to Lot 2 is feasible in the event that the existing access right-of-way is to be extinguished. Clay Township Planning Commission recommended a deferral of this requirement at their November 23, 2015 meeting. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve the plan contingent on compliance with the Hanover Engineering letter dated 12/10/15. * The motion was unanimously approved.

** Gary Landis excused himself from the meeting at this time because of a conflict with the next agenda item. Gary is part owner of the property. **

2. Christian Landis – Land Development Plan

Christian Landis and Joan Kimsey reviewed the plan with the Board of Supervisors. Christian Landis is planning to expand his farm operation with the construction of two poultry barns located on the south side of Durlach Hill Road between Durlach Road and Flintstone Road. The new poultry barns will be constructed approximately 100 feet east of existing barn. The total delineated earth disturbance area is approximately 5.96 acres.

The Board of Supervisors discussed compliance with Section 403.D.23 of the SubDivision and Land Development Ordinance. The Township agreed to do a traffic study to determine the speed limit requirement and the applicant agreed to reimburse the Township for the cost of the study and signs.

The Board of Supervisors had concerns with potential of additional water on the Strauss property. Joan Kimsey and Bob Lynn stated that the Strauss property will not have any additional stormwater issues with the additional water coming from the Landis property due to the timing of the discharge of the water from the property.

Keith Martin made a motion, seconded by Tim Lausch to approve the following waivers, modifications and deferrals for the plan. * The motion was unanimously approved.

Section 401.B.9, Section 403.D.13 and Section 607.E – Location and material of all lot line markers

The applicant is requesting a waiver of the requirement to provide the location and material of all lot line markers on the land development plan. The justification provided for this is the project is an existing Agricultural property subject to agricultural land preservation easement. The property is protected from future development under these easements. No boundary survey was performed as part of this project, only a survey of the topographic information was performed.

Section 402.A.1 – Plan Scale shall be a minimum of 1”=50’

The applicant is requesting a modification of the requirement to provide a minimum plan scale of 1”=50’. The applicant has provided a site plan at a scale of 1”-100’. The justification provided is that the total lot area is 75 acres.

Section 403.E.4.f – Land Development Agreement

The applicant is requesting a waiver of the Land Development Agreement requirement for the project. The applicant states the project is not creating any additional lots nor conveying any public amenities. The applicant also indicates the project will have a Stormwater Management Agreement and Declaration of Easement Agreement which will address any issues of future maintenance and site access.

Section 602.K and Section 602.K.2 – Minimum 60-foot right-of-way width for Durlach Hill Road

The applicant is requesting a waiver of the requirement to provide a minimum 60 foot side right-of-way for the portion of the Durlach Hill Road adjacent to the project site. The justification provided is that the farm is in Ag Preserve.

Section 602.K.3 – Roadside Improvements

The applicant is requesting a deferral of the requirement to improve the side of Durlach Hill Road to the minimum standards of the Subdivision and Land Development Ordinance. The justification provided is that Durlach Hill road is a rural road and the applicant notes the Township has no immediate plans to widen the roadway.

Section 602.u.4 – Driveway Maximum Width

The applicant is requesting a modification of the requirement that all driveways shall maintain a minimum width of 30 feet within the right-of-way limits. The applicant is proposing a six (6) foot at edge of right-of-way and approximately 90 feet at edge of paving. The larger driveway entrance width is needed for truck turning into and out of the site for poultry operation.

Stormwater Management

Section 11-307.A.2 – Fencing shall be provided for slopes steeper than 5:1

The applicant is requesting a waiver of the requirement to provide fencing around a basin with side slopes great than 5:1. The justification provided is that the stormwater storage facility is located on private property and should not be accessible to the public.

Stormwater Management

Section 11-307.B.1.b(2) – Maximum interior slope of 5:1

The applicant is requesting a waiver of the requirement to provide a maximum slope of 5:1 for above ground storage facilities with a depth of two to eight feet (2'-8'). The applicant is providing a side slope of 3:1. No justification has been provided.

Stormwater Management

Section 11-302.D – Dewatering time not less than 24 hours and not greater than 72 hours

The applicant is requesting a modification of the requirement to dewater the proposed stormwater basin between 24 and 72 hours. The basin dewateres in 14.6 hours. The justification provided is that the stormwater detention facility, although located in karst geology, does not provide infiltration and drains in less than the required 24 hours.

Stormwater Management

Dewatering time not less than 24 hours for the 100-year storm event

The applicant is requesting a modification of the requirement to dewater the proposed stormwater basin in 24 hours. The basin dewateres in 14.6 hours. The justification provided is that the stormwater detention facility, although located in karst geology, does not provide infiltration and drains in less than the required 24 hours.

Keith Martin made a motion, seconded by Tim Lausch to grant plan approval contingent on compliance with the Hanover Engineering letter dated 12/10/15, reimbursement to the Township cost of traffic study, ordinance and signs, execution of MOU, Stormwater Maintenance Agreement and Letter of Credit in the amount of \$68,045.04. * The motion was approved unanimously.

It was also a condition of approval that manure will not be stacked to the east of the buildings, and that concrete floors will be installed in compost hoop structures. The developer agreed to these conditions.

** Gary Landis returned to the meeting. **

3. Edwin & Judith Kurtz – Stormwater Management Plan

Bob Lynn reviewed the plan with the Board of Supervisors. Mr. Kurtz is proposing to construct a 46' X 380' poultry barn on his property located at 535 Indian Run Road.

Gary Landis made a motion, seconded by Keith Martin to approve financial security in the amount of \$37,786.13. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to approve the Stormwater Management Plan contingent on compliance with Hanover Engineering letter dated 12/10/15 and execution of MOU and Stormwater Management Agreement. * The motion was approved unanimously.

4. HomeTowne Square – Hackman Road Street Dedication

Bob Lynn informed the Board of Supervisors that the stormwater pipe has been repaired along Hackman Road there was a sinkhole located also and has been repaired. The site will be back filled and paved tomorrow.

The dedication process will be tabled until next meeting.

5. Floodplain Ordinance Revisions

The Township received a letter from Shirk & Mejia, LLP identifying the proposed changes in Zoning and SALDO to bring into compliance with newly adopted FEMA regulations. Mr. Shirk and Bob Lynn will review the changes with the Planning Commission at its December 28, 2015 meeting.

No decisions were made at this time.

6. Bethany Gardens “As Built” Plan

Bob Lynn informed the Board of Supervisors that all comments on the plan have been addressed.

Gary Landis made a motion, seconded by Keith Martin to accept the “As Built” plans for Bethany Gardens Phases I, II and III. * The motion was approved unanimously.

New Business

1. 2016 Budget

Bruce Leisey, Township Manager, reviewed the proposed 2016 Budget with the Board of Supervisors and audience.

Items discussed included building permit revenue, transfer tax revenue, Police Contract service fees, donations, Rec Fund Capital Improvement, highway revenues and projects for 2016.

The Township Manager informed the Board of Supervisors and audience the 2016 Budget will be approved at its December 22, 2015 meeting.

2. Approve Use of Township Building for Tax Collection

Keith Martin made a motion, seconded by Gary Landis to approve use of the Municipal Building for collection of Real Estate taxes in April 2016.

3. Approve and Execute Police Annex Lease Agreement

Keith Martin made a motion, seconded by Gary Landis to approve and execute a four (4) year lease agreement with the NLCRPD for use of the old township offices at a rate of \$10,100 per year. * The motion was unanimously approved.

4. Approve Advertising of 2016 Meeting Dates

Keith Martin made a motion, seconded by Gary Landis to approve advertising of the 2016 Meeting Dates, including the Tuesday AM Board of Supervisors meeting. * The motion was unanimously approved.

5. Approve CM High 2016 Preventive Maintenance Agreement

Keith Martin made a motion, seconded by Gary Landis to approve execution of the 2016 Preventive Maintenance Agreement with CM High. * The motion was unanimously approved.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:45 PM to discuss Potential Litigation and Personnel Issues. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 11:20 PM. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to hire Donald Moyer for Seasonal Snow Plow Driver at a rate of \$18.00 per hour contingent on passing all employment verification and testing. * 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 \$35,363.48 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 \$699.91 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 \$3,380.30 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. DMR
- 4. Engineer’s Report
- 5. Manager’s Report
- 6. Road Master’s Report
- 7. Zoning Officer’s Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 11:30 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary