

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
December 14, 2020

The Supervisors of Clay Township met on a regularly scheduled meeting date of December 14, 2020, 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 attended via Zoom. Due to Tim Lausch attending virtually, Supervisor Keith Martin ran the meeting.

Also, present was Bruce Leisey, Township Manager and Bob Lynn of Hanover Engineering, Township Engineer. Jennifer Mejia of Mejia Law Group, Township Solicitor attended via Zoom.

Also attending were those listed on the meeting attendance sheet, which is attached to these Minutes.

Tim Lausch called the Meeting to order at 6:35 p.m.

Meeting Minutes

Tim Lausch made a motion, seconded by Gary Landis to approve the November 9, 2020 meeting minutes. * The motion was unanimously approved.

Treasurer's Report

Tim Lausch made a motion, seconded by Gary Landis to approve the Treasurer's Report for the month of November 2020. * The motion was unanimously approved.

Visitors

NONE

Engineer's Report

1. Homestead Investments – Lot Add On

Andrew Adams, Diehm & Sons Engineer for the Developer and Marcus Kline, Developer reviewed the plan with the Board of Supervisors.

The purpose of this plan is the lot addition(s); Parcel A will be added to and adjoined with adjacent land for Marcus and Joan Kline (Lot #1), Parcel B will be Added to and adjoined with adjacent land of Homestead Investments (Lot #2), Parcel C will be added to and adjoined with adjacent lands of Homestead Investments (Lot #3). This will create a 16.631-acre Lot #1, a 3.102-acre Lot #2 and a 1.427-acre Lot #3.

After review and discussion, Gary Landis made a motion, seconded by Tim Lausch to approve the following modification and deferral to the plan. * The motion was unanimously approved.

Section 402.A.1 – Plan Scale

The applicant is requesting a modification of the requirement to provide a minimum plan scale of 1" = 50'. The applicant is proposing a plan scale of 1" = 60' to allow the total existing tract boundaries, per field survey, to be shown on a single plan sheet. The applicant notes that the plan is legible at this scale.

Section 402.C (4) (f) and Section 407 – Wetland Location and Wetland Study

The applicant is requesting a deferral of the requirement to provide a wetland study and report for the project. The justification provided is that no new construction is occurring at this time. The applicant has included a note to the plan to address that wetlands may be present on the site based upon the National Wetland Mapper Inventory and a wetland study and report must be completed prior to any new construction occurring on Lot(s) 1, 2, and/or 3 to the satisfactory of the Subdivision and Land Development Ordinance requirements.

Tim Lausch made a motion, seconded by Gary Landis to recommend approval of the plan contingent on verification that the replacement sewage system on Lot #2 meets the 10' front yard setback. * The motion was unanimously approved.

2. Barry Wissler – Escrow Release Request

Township Staff reviewed with request with the Board of Supervisors. There was discussion on storage sheds located in the stormwater management easement.

After review, Tim Lausch made a motion, seconded by Gary Landis to approve an escrow release in the full amount of \$43,710.00 and approve a waiver of the eighteen (18) month maintenance guaranty for improvements dedicated to the Township. * The motion was unanimously approved.

3. Wildflower Commons – Escrow Release Request

Township Staff reviewed the request with the Board of Supervisors. There was discussion and concerns with the \$3,819.00 balance owed to the Township by the Developer for construction observations.

After review, Tim Lausch made a motion, seconded by Keith Martin to approve an escrow release in the amount of \$208,946.90, retaining an escrow balance of \$361,755.10. * The motion was approved with Tim Lausch and Keith Martin voting yes and Gary Landis voting no. Mr. Landis has concerns with the age of the past due balance on the Developer's account owed the Township for Engineering and Solicitor fees.

4. Marc Startoni - Escrow Release Request

Township Staff reviewed the escrow release request with the Board of Supervisors.

After review, Gary Landis made a motion, seconded by Tim Lausch to approve release of the entire escrow balance in the amount of \$4,448.13. Financial security will no longer be retained for this project. * The motion was unanimously approved.

Old Business

1. Discussion on 2021 Preliminary Budget

Bruce Leisey inquired if any attendees had any questions on the budget. Being no responses, the Board of Supervisors noted the 2021 Budget will be approved at the 12/22/20 meeting as advertised.

New Business

1. Approve Advertising of 2021 Meeting Schedule

After review, Keith Martin made a motion, seconded by Gary Landis to approve the 2021 Township Meeting Schedule for advertising. * The motion was unanimously approved.

2. Discussion on Personal Delivery Device Regulations

This item was tabled at this time, Bruce Leisey informed the Board of Supervisors that more information will be coming in the near future.

3. Approve Use of Municipal Building for Tax Collection in 2021

Tim Lausch made a motion, seconded by Gary Landis to approve use of the Municipal Building for the Tax Collector as noted on March 18, 2021, April 15, 2021, April 21, 2021 and April 30, 2021. * The motion was approved unanimously.

4. Approve and Execute Traffic Signal Preventative Maintenance Proposal

After review, Gary Landis made a motion, seconded by Tim Lausch to approve execution of the Traffic Signal Preventative Maintenance Proposal from CM High, Myerstown PA in the amount of \$1,395.00 for 1/1/2021 to 12/31/2021. * The motion was approved unanimously.

Executive Session

Tim Lausch made a motion, seconded by Gary Landis to enter into Executive Session at 8:15 PM to discuss personnel issues and potential litigation. * The motion was approved unanimously.

Tim Lausch made a motion, seconded by Gary Landis to exit Executive Session at 9:45 PM. * The motion was approved unanimously.

There was discussion on the draft Ephrata Borough Authority Sewer Agreement and Personnel Issues. No decisions were made on these items.

Past Due 2020 Sewer Accounts – Bruce Leisey informed the Board of Supervisors that there are numerous 2020 sewer accounts that remain unpaid after the delay of penalty charges until 12/1/2020. The Board of Supervisors authorized Township Staff to apply a 10% penalty charge as outlined in the Township Sewer Ordinance.

Bills to be Paid

General Fund

Tim Lausch made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$34,835.15 for the month of November. * The motion was approved unanimously.

Rec Fund

Tim Lausch made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$274.16 for the month of November. * The motion was approved unanimously.

Sewer Fund

Tim Lausch made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$7,901.06 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. 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 10:07 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary