

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
February 9, 2015

The Supervisors of Clay Township met on a regularly scheduled meeting date of February 9, 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, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

Clay Township employee present was Bruce Leisey, Township Manager. Also present was Bob Lynn of Hanover Engineering, Inc., Township Engineer and Kenelm Shirk III of Shirk and Mejia, Township Solicitor arriving at approximately 8:30 p.m.

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

Gary Landis made a motion, seconded by Keith Martin to approve the January 5, 2015 meeting minutes as printed in the February 9, 2015 agenda with addition on page 3 under Zoning Officer second sentence as needed basis “including evening hours yet to be determined”. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to approve the January 12, 2015 meeting minutes as printed in the February 9, 2015 agenda. * The motion was approved unanimously.

Treasurer’s Report

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

Visitors

1. Pete Sheppard and Paul Moore, School Resource Officer

This item was tabled until the next meeting.

Engineer's Report

1. Eastern Mennonite Publication – Escrow Release Request

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

Mr. Kurtz, Representative of Eastern Mennonite Publication, informed the Board of Supervisors that curb stops were installed on February 6, 2015.

Gary Landis made a motion seconded by Keith Martin to approve relief from the requirement to do “As Built” Plans since Hanover Engineering Associates were on-site for sufficient inspections to verify completeness and project was minor in nature. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve release of escrow in the full amount of \$53,213.39. * The motion was unanimously approved.

** Keith Martin dismissed himself from the meeting at this time because of an employment conflict of interest with the Countryside Enterprises project **

2. Countryside Enterprises – Relief from installing wearing course on proposed Enterprise Road

Mr. Sensenig informed the Board of Supervisors that his outstanding Financial Security on the Tents-for-Rent project includes \$7,997.40 for installation of paved wearing course on the future Enterprise Road. Mr. Sensenig is concerned with installing the wearing course until the balance of the tract is developed due to concerns of excess construction traffic.

After discussion, the Board of Supervisors authorized the Township Solicitor to draft an agreement whereby the escrow amount for the paving would be released and the developer would have the paving requirement deferred until the tract development is complete or within 5 years of the dated agreement, whichever comes first.

Mr. Martin returned to the meeting at this time.

3. Hopeland Sewer L&I Issues

Bob Lynn informed the Board of Supervisors on the infiltration issues within the conveyance system of the Hopeland sewer treatment plant. Mr. Lynn referenced an e-mail that Matt Epler sent dated 2/4/15 detailing the issues and recommended solutions.

Keith Martin made a motion, seconded by Gary Landis to authorize Hanover Engineering Associates to proceed with the recommended solutions from the 2/4/15 e-mail. * The motion was approved unanimously.

New Business

1. Approve Resolution to Participate in Joint Bidding

Gary Landis made a motion, seconded by Keith Martin to approve Resolution #020915 to participate in cooperative bidding for road materials and line painting. * The motion was approved unanimously.

There was discussion on the work that needs to be completed prior to seal coating. Tim Lausch will meet with Earl Stauffer to acquire a listing of work and time line for completing.

2. Echo Housing Request – 634 Hackman Road

Keith Martin made a motion, seconded by Gary Landis to approve and execute the Echo Housing Agreement with Elmer King at 634 Hackman Road, Ephrata after verification by the Zoning Officer that all requirements of the agreement have been met. * The motion was approved unanimously.

3. Multimodal Transportation Grant Discussion

The Township Manager informed the Board of Supervisors of an opportunity to apply for two grants through PennDOT and DCED to assist in funding of intersection improvement at Durlach Road, Woodcorner Road and Rt 322. The grant application deadline is June 14, 2015.

The Township Manager will meet with the Developer to determine their interest to participate in the project.

4. Audit Information Report

There was discussion on the request for the Board of Supervisors, Township Manager and Road Master to furnish the Independent Township Auditors with certain information in connection with the Township's annual audit.

The Township Manager reviewed the request with the Board of Supervisors.

5. Approve Advertising of Alarm System Ordinance

Keith Martin made a motion, seconded by Gary Landis to approve advertising of Alarm System Ordinance with the change to Section 13-306 as noted in the e-mail from Shirk & Mejia dated 2/4/15 which is included in the meeting agenda packet. * The motion was approved unanimously.

6. Discussion on Expansion of Limited Parking Ordinance

The Township Manager noted Ordinance #091310 which limits parking of certain sized trucks, trailers and rvs on certain streets in the Township does not include the Hillcrest Development streets.

The Township Manager has received concerns about a tractor trailer parking in the Hillcrest Development.

The Township Manager asked if the Board of Supervisors is inclined to add those streets to the Ordinance.

After discussion, the Board of Supervisors will address the parking issue in Hillcrest Development when parking regulations for Clay School Road are addressed.

Old Business

Mr. Shirk arrived at this time.

1. Discussion of Acceptance of Additional Right-of-Way Policy

Bob Lynn reviewed the process with the Board of Supervisors and audience. Bob Lynn explained to the audience the issue at hand was not the requirement of the offer of additional right-of-way with land development or sub-division plans that policy has been in effect since the early 1990's. The issue was how the offer of right-of-way will be accepted. Currently the acceptance of right-of-way on a newly proposed street and additional right-of-way on an existing street is via a fee simple deed. Concerns have recently been brought to the attention of the Township Staff and Board of Supervisors regarding this policy.

Bob Lynn explained the intention of this discussion is to hear the concerns of the residents. Bob Lynn also stated that the offer of additional right-of-way is a requirement of the filling of a land development or sub-division plan only. He dismissed the rumor that the Township is trying to “get” additional right-of-way from all property owners.

At this time Tim Lausch invited comments from the audience:

Glenn Hursh – 515 Clearveiw Road

Mr. Hursh stated that he is honored by people expressing interest and coming out to the meeting tonight. He also stated that he has concerns with the Township condemning land.

Bob Lynn and Tim Lausch explained that the Township is not condemning land; the offer of additional right-of-way is a requirement when doing a land development or sub-division plan.

Levi Zimmerman – 380 Durlach Road

Mr. Zimmerman asked why the Township requests the additional right-of-way.

Tim Lausch explained that the additional right-of-way is used to widen the road, stormwater drainage improvements and/or utilities placement.

Mike Nolt – 1398 Pleasant View Road

Mr. Nolt asked if his neighbor does land development, would he be required to comply.

Bob Lynn stated No only the property affected by the Land Development or Sub-Division plan.

Marlin Oberholtzer – 310 Sunnyside Road

Mr. Oberholtzer asked how large of a building can be built for an agriculture operation before Land Development would be necessary.

Bob Lynn stated 10,000 sf. (After review, the audience was informed that the size was 30,000 sf cumulative since December 13, 2000)

Ralph Kurtz – 245 Durlach Road

Mr. Kurtz stated that he is not in favor of the Township taking ownership of the additional right-of-way.

Marlin Oberholtzer

Mr. Oberholtzer stated that he is in favor of an easement and not a deed for the additional right-of-way.

Glenn Hursh

Mr. Hursh stated that he doesn't have concerns with an easement, but has concerns with transferring ownership over to the Township.

Christian Landis – 82 Durlach Hill Road

Mr. Landis asked if the additional right-of-way is done fee simple vs easement, who maintains the property.

Tim Lausch stated the Township would maintain the property.

Walter Horst – 690 Clearview Road

Mr. Horst stated that with an easement, he still owns the land and the Township has the right to use but he still owns it. Mr. Horst has no current plans to sub-divide but if he would sell the cemetery lot, he would need to give the Township additional right-of-way. Mr. Horst said he has no problem with the Township having an easement but does not like fee simple deed.

Ann Weaver – 275 N Clay Road

Mr. Weaver asked if the Township is given ownership of the additional right-of-way, who pays real estate taxes on the land taken by fee simple deed.

Mr. Shirk, Township Solicitor, said that in reality the owner should not pay, but the Assessment Office does not always change the properties assessed value.

Tom Zartman – 820 Hilltop Road

Mr. Zartman asked why the Board of Supervisors is considering taking ownership when it hasn't done that in the past.

Tim Lausch stated that the Township has taken ownership in a few cases in the past on existing roads. Tim also stated that the Township does take ownership all the time on new roads.

Mr. Zartman is in favor of an easement and not fee simple. He would like clarification on the easement area.

Edwin Wise – 249 Yummerdall Road

Mr. Wise asked if putting a second home on a farm would require land development.

Bob Lynn said if a second home is built without doing a sub-division, no land development or additional right-of-way would be necessary.

Gerald Hursh – 310 Woodcorner Road

Mr. Hursh asked if his property has an existing right-of-way.

Bob Lynn stated that yes it does.

Mr. Hursh asked what about expanding a non-conforming building.

Bob Lynn stated that he would need to check ordinance.

Mr. Hursh said that he is ok with an easement but does not agree with the Township taking ownership.

Carl Nolt – 85 E Woodcorner Road

Mr. Nolt asked who would receive the land if E Woodcorner Road was closed.

Bob Lynn and Ken Shirk explained that the property owner adjacent to the closed road would acquire the land.

Glenn Hursh

Mr. Hursh has concern with condemnation of his land.

Bob Lynn explained that it is a draft deed and the property is not being condemned, that language is used to avoid the 2% transfer tax.

Ralph Kurtz

Mr. Kurtz stated that the Township Staff and Board of Supervisors have not articulated a single reason to take ownership of the additional right-of-way, he sees more expenses in ownership and questions what are the benefits of ownership.

Ken Shirk stated that in developments there would be a benefit of ownership to control utilities, pipes, sewer, storm water, etc.

Christian Landis

Mr. Landis feels he cannot farm his land anymore without giving up additional right-of-way.

Bob Lynn stated that the offer of additional right-of-way would only be required if a land development or sub division plan would be submitted. Bob also stated that building a building over 30,000 is farming.

Ann Weaver

Mrs. Weaver asked if sewer was run along the frontage and the Township has ownership of the additional right-of-way, who would be required to pay for the sewer line fee.

Ken Shirk stated that the property owner is the recipient of the sewer and would be required to pay for the sewer line.

Glenn Hursh

Mr. Hursh stated that he recognizes that the Board of Supervisors is pro-ag, but finds it disturbing that the Board of Supervisors would want to take ownership of the additional right-of-way.

Carl (last name not given) representing his parents who live on Weidmansville Road
Stated he is in favor of an easement vs fee simple deed on ag land.

George Hurst, 80 East Woodcorner Road

Mr. Hurst said he is in favor of easement over ownership. He also said that he approves of road widening and stormwater controls.

Marlin Oberholtzer

Mr. Oberholtzer is against fee simple.

At this time, an audience vote was taken by the Board of Supervisors. All audience present preferred an easement option to accept additional right-of-way.

Walter Horst

Mr. Horst stated that he is worried about control with ownership by the Township.

Arlyn Hurst – 435 W Burkholder Drive

Mr. Hurst stated that he is in favor of easement vs ownership.

Earl Ray Zimmerman – 730 Flintstone Road

Mr. Zimmerman asked what happens to right-of-way's that were offered in the past but not accepted at the time.

Ken Shirk stated that they would fall under the policy in place when accepted.

Gary Landis thanked everyone for coming out and expressing concerns to the Board of Supervisors so they can act accordingly.

Craig Merkey – 1330 Forest Hill Road

Mr. Merkey suggested putting the fee simple or easement language in the SALDO Ordinance.

Walter Horst

Mr. Horst said a better job of informing the public of issues with concerns could be done.

Ralph Kurtz

Mr. Kurtz thanked the Board of Supervisors for their service. He also stated that he appreciated the Board of Supervisors taking the time to hear the public concerns.

Marlin Oberholtzer

Mr. Oberholtzer asked when the decision will be made.

The Board of Supervisors is leaning towards new streets being fee simple for the additional right-of-way. Existing streets will be an easement for the additional right-of-way. Any existing fee simple right-of-ways will remain the same.

Kevin Martin, 220 Rock Road

Mr. Martin stated fee simple carries more permanence than an easement.

Tim Lausch thanked the audience for attending and voicing their concerns.

New Business

7. West Main Street Sewer Extension

The Board of Supervisors had a discussion on the previous communications with the Ephrata Borough regarding the installation of the proposed sewer extension. Another meeting with Ephrata Borough is being scheduled.

8. Approve Advertising for Workshop Meetings

Gary Landis made a motion, seconded by Keith Martin to approve advertising of an additional monthly meeting to be held the 4th Tuesday of each month, starting February 24, 2015 at 7:00 a.m.. * The motion was approved unanimously.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$42,073.41 for the month of January. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$309.21 for the month of January. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$4,617.73 for the month of January. * The motion was approved unanimously.

Reports for the Month

1. Chief of Police / Police Department
2. Fire Companies / Ambulance
3. DMR
4. Planning Commission Minutes
5. Engineer's Report

6. Manager's Report
7. Zoning Officer's Report
8. Road Master's Report

Adjournment

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:50 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary