

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
July 8, 2019

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 8, 2019, 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, Bob 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 6:34 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the June 10, 2019 meeting minutes. \* 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 June 2019. \* The motion was unanimously approved.

**Visitors**

None

**Engineer's Report**

1. Carl & Wanda Musser – Subdivision Plan

Ted Cromleigh and Carl Musser reviewed the subdivision plan with the Board of Supervisors. Carl and Wanda Musser are the owners of a 27.29-acre property located at 420 West Girl Scout Road, Stevens. The property is located in the Agricultural Transition Zoning District. The property contains two existing single-family dwellings and four large poultry barns. The dwellings located on the property are served with individual on-lot water and sewer systems. The

subdivision is proposing no new excavation or construction. The subdivision will not result in any new or increased sewage flows. The dwelling situated on Lot 1 was constructed in 2009. Permits issued by Clay Township for the dwelling – DEP Sewage Permit # Z008063. A replacement sewage area was established on the lot at the time. The designated replacement sewage absorption area on Lot 2 has been placed within a protective easement to ensure its future use.

Keith Martin made a motion, seconded by Gary Landis to approve the following modification and deferrals per the Hanover Engineering letter dated 6/21/19. \* The motion was unanimously approved.

Section 403.A – Drafting Standards

The applicant is requesting a modification to provide plan at a scale of 10', 20', 30', 40' or 50'. The existing features are shown at 1" = 100'. The applicant states that sheet 2 is legible at this scale.

Section 602.K.3 – Improvement of Existing Streets

The applicant is requesting a deferral of the requirement to improve the existing streets that abut the project. The applicant states that all improvements are existing. Both lots 1 and 2 are improved with existing single-family dwellings. Both lots contain a minimum of two off-street parking spaces. The applicant states the subdivision proposes creating a 1.32-acre lot around an existing dwelling. The applicant states there will be no increase in traffic flow resultant from the subdivision.

Section 610.3 (b) (c) – Replacement Sewage Testing Lot 1 (remaining 26.60 acres)

The applicant is requesting a deferral for replacement sewage testing for Lot 1. The applicant states that the remaining land of the site is 26.60 acres and contains adequate area to support future OLDS.

Gary Landis made a motion, seconded by Keith Martin to approve the Musser subdivision plan contingent on compliance with the Hanover Engineering letter dated 6/21/19. \* The motion was unanimously approved.

2. Carl & Wanda Musser – Request for Planning Waiver & Non-Building Declaration

After review, Keith Martin made a motion, seconded by Gary Landis to approve and execute request for Planning Waiver and Non-Building Declaration for the Musser Subdivision. \* The motion was unanimously approved.

3. Ephrata Community Church – Escrow Reduction Request, As-Built Plan Approval

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

Gary Landis made a motion, seconded by Keith Martin to approve an escrow reduction in the amount of \$1,283,137.52, retaining an escrow balance of \$86,598.87. \* The motion was unanimously approved.

The Board of Supervisors tabled action on the As-Built Plan approval until the comments noted on the Hanover Engineering letter dated 7/3/19 are completed.

4. First Response Team of America – Escrow Release Request

This item was tabled until the 7/23/19 meeting to allow Township Staff more time to review the request.

Bruce Leisey will inform Developer of this decision.

5. Fox Family Partners – Request for Extension of Deferral of Land Development for Temporary Parking Facility

Township Staff reviewed the request with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve the request to extend the deferral of land development for the temporary parking lot for Fox Family Partners located along North Clay Road until August 10, 2020. \* The motion was unanimously approved.

**Old Business**

1. Review of Dirt and Gravel Road Maintenance Project

Bob Lynn reviewed the scope of work to be completed through the grant.

Fred Hubach, 278 Stony Lane, asked what percentage of water will be diverted from flowing along Stony Lane by the stone water flow separators.

Bob Lynn stated approximately 50%.

Donna Thomas, 280 Stony Lane, stated “the earlier proposed basin will not be located across from her house?”

Bob Lynn said there will be no basin across from her house. But some stormwater will sheet flow into that area.

The Board of Supervisors thanked Marlin Harnish for his efforts to mitigate stormwater flows on his property.

## 2. Update on PA DEP Correspondence regarding HWWTP

Bob Lynn reviewed a draft response to PA DEP's correspondence dated 4/24/19.

Keith Martin made a motion, seconded by Gary Landis to authorize Hanover Engineering to forward response letter to PA DEP as reviewed. \* The motion was unanimously approved.

## 3. Zoning Officer Update

Tom Zorbaugh updated the Board of Supervisors on resident concerns he has received in the past month.

John Padora, 920 Maple St, expressed concern with the conditions of the property and smell located at 960 Maple St.

Tom Zorbaugh informed Mr. Padora he is aware of the issues and is working with the property owners to have them resolved.

## 4. 75 E Church Road – Relief from Sewer Isolation Distance

Bruce Leisey informed the Board of Supervisors that the well permit was issued and well has been drilled.

Gary Landis made a motion, seconded by Keith Martin to approve relief from Chapter 73, Section 73.13c3 of the PA Code to allow the sewer isolation distance requirement from the current well to the proposed septic system be reduced to 90'. \* The motion was unanimously approved.

## **New Business**

### 1. Adopt Ordinance to Update Handicap Parking, Speed and Stop Sign Regulations

Paul Gough, Vice President of Charity Gardens HOA, stated he has experienced the parking issues this Ordinance will eliminate and encourages the Board of Supervisors to adopt the Ordinance.

After review, Keith Martin made a motion, seconded by Gary Landis to adopt Ordinance #070819 which removes a previously designated handicapped parking space and relocates it, modifies existing parking regulations and establishes traffic signals and speed limits in the Bethany Gardens and Wildflower Pond developments. \* The motion was unanimously approved.

2. 35 Clay School Road – Request Relief to install 6’ Privacy Fence

After review, Gary Landis made a motion, seconded by Keith Martin to grant relief from the Code of Ordinances Chapter 10, Section 104a, 104b and 104h to install a solid 6’ fence in the front and side yards of the property. The purpose of the fence is to reduce traffic noise from West Main Street. \* The motion was unanimously approved.

3. Adopt Resolution to Request Multimodal Transportation Grant

After review, Keith Martin made a motion, seconded by Gary Landis to approve and execute Resolution #R070819 to request a Multimodal Transportation Fund Grant from PA DCED to be used for intersection improvements at Durlach Road, Woodcorner Road and Rt 322. \* The motion was unanimously approved.

4. Execute PennDOT Winter Traffic Services 5 Year Agreement

After review, Keith Martin made a motion, seconded by Gary Landis to approve and execute Resolution #R070819A to enter into a 5-year Winter Maintenance Agreement with PennDOT. \* The motion was unanimously approved.

5. Senate House Bill 321

Bruce Leisey informed the Board of Supervisors that Senate House Bill 321 was recently passed and signed into law. The new law gives municipalities the option to opt out of allowing video gaming terminals (VGT) in Clay Township. To opt out, municipalities must deliver a copy of the Opt Out Resolution to the PA Gaming Control Board by 8/30/19.

Keith Martin made a motion, seconded by Gary Landis to authorize the Township Solicitor to draft a resolution for potential action at the 8/12/19 meeting. \* The motion was unanimously approved.

**Executive Session**

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 8:45 pm to discuss potential litigation. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 9:34 pm. \* The motion was unanimously approved.

There was discussion on updates to the Sewer Service Agreement with the Ephrata Borough Authority.

No decisions were made.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$131,934.10 for the month of June. \* The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$821.50 for the month of June. \* The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$3,072.72 for the month of June. \* 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 9:45 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