

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

The Supervisors of Clay Township met on a regularly scheduled meeting date of March 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 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 October 13, 2014 meeting minutes as printed in the March 9, 2015 agenda with addition on page 4 under New Business #1; second paragraph to approve the written request dated 10/13/14 “since the required 100’ isolation distance cannot be met and Mr. Reich’s request is the most suitable alternative. \* The motion was approved unanimously.

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

Keith Martin made a motion, seconded by Gary Landis to approve the February 24, 2015 meeting minutes as printed in the March 9, 2015 agenda. \* The motion was approved unanimously.

**Treasurer’s Report**

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

## **Visitors**

1. Christian Landis, 80 Durlach Hill Road

Mr. Landis voiced his concern regarding considerable amount of ponding water on Durlach Road and Durlach Hill Road. Mr. Landis also stated that water is sheeting across Durlach Hill Road onto his driveway causing erosion.

Tim Lausch will further discuss these issues with the Road Master.

2. Glenn Hursh, 515 Clearview Road

Mr. Hursh asked if the Township has a rotating schedule for cleaning gutters on the roads in the Township.

Tim Lausch stated that no specific schedule is set up, cleaning is done on a random as needed basis.

Keith Martin also stated that road seal coating is on a five (5) year rotation and gutters are typically cleaned before seal coating is done.

3. Pete Sheppard and Paul Moore, School Resource Officers

Pete Sheppard reviewed the events from 2014 and informed the Board of Supervisors that he has taken another position with the Ephrata Borough Police Force. At that time, Mr. Sheppard introduced Officer Paul Moore the new School Resource Officer.

Tim Lausch and Keith Martin thanked Officer Sheppard for his services and stated they had heard many positive things about the program last year. Gary Landis stated that the program definitely needs to continue in our schools.

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

## **Engineer's Report**

1. Countryside Enterprises – Agreement regarding Road Completion

After discussion, Gary Landis made a motion, seconded by Tim Lausch to approve execution of the Agreement regarding Road Completion whereby the escrow amount for paving of the wearing course would be released and the Developer would have the paving deferred until the tract is

completely developed or within five (5) years of the date of the agreement. \* The motion was unanimously approved.

\*\* Keith Martin returned to the meeting at this time. \*\*

## 2. Hopeland Sewer L&I Issues

Bob Lynn informed the Board of Supervisors that Hanover Engineering is still metering flow and they recently installed a few manhole inserts. Additional inserts will be installed when the snow melts.

### **Old Business**

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

Glenn Hursh request the Board of Supervisors table this item until later in the meeting.

Tim Lausch acknowledged his request and this item was tabled at this time.

### **New Business**

#### 1. Multimodal Transportation Grant Discussion

Bruce Leisey informed the Board of Supervisors that after discussion with the Township Engineering and Developers adjacent to the Rt 322 / Woodcorner Road intersection, due to the deadline for submission being fairly soon and the current status of any potential project it is recommended that the Township does not apply for a grant in 2015.

#### 2. Approve Alarm Systems Ordinance

After discussion which focused on types of alarm systems included in the ordinance and the notification requirements, Keith Martin made a motion, seconded by Gary Landis to approve Ordinance #030915 Alarm Systems. \* The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to approve Resolution #030915 Alarm Systems Fee Schedule. \* The motion was approved unanimously.

3. Approve to File Lien on Unpaid Sewer Accounts

Keith Martin made a motion, seconded by Gary Landis to authorize Bruce Leisey to proceed with execution of liens on Hopeland sewer account users that have outstanding balances from 2014 and beyond. \* The motion was unanimously approved.

4. Approve Use of Roads for Lancaster Farmland Trust Bike Ride

Gary Landis made a motion, seconded by Keith Martin to approve the use of Township roads for the Lancaster Farmland Trust Bike Ride fundraiser on Saturday, June 6, 2015. The Board of Supervisors will require Flagger Force at intersection of Rock Road and West Main Street (Rt 322) as requested in the past. \* The motion was unanimously approved.

5. Approve 2104 Municipal Wasteload Management Report

Gary Landis made a motion, seconded by Keith Martin to approve and execute the 2014 Municipal Wasteload Management Report prepared by Clean Water for the Hopeland Sewage Disposal plant. \* The motion was approved unanimously.

**Old Business**

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

Bob Lynn informed the audience that after reviewing comments from the attendees at the February 9, 2015 meeting the Board of Supervisors is inclined to accept additional right-of-way being offered for new roads and roads with right-of-way accepted with a fee simple deed by a Fee Simple Deed. All others will be accepted by a Right-of-Way Easement Agreement.

At this time Tim Lausch invited comments from the audience:

Anne Weaver, 275 N Clay Road

Mrs. Weaver commented that this applies to subdivisions

Ralph Kurtz – 245 Durlach Road

Mr. Kurtz stated not just subdivisions but also applies to land development over 30,000 sf for farms.

Bob Lynn said yes applies to both.

Christian Landis – 82 Durlach Hill Road

Mr. Landis asked if land development would be right-of-way for existing roads and new roads only fee simple.

Bob Lynn said yes that is correct.

Glenn Hursh - 515 Clearview Road

Mr. Hursh asked if there are State rules requiring additional right-of-way.

Bob Lynn said that the Pennsylvania Municipal Planning Code allows for acquiring of additional right-of-way.

Keith Martin said that the Ordinance accepting additional right-of-way is not new, we have been doing this since the early 1990's.

Glenn Hursh

Mr. Hursh asked why additional right-of-way was accepted for his project.

Keith Martin stated all survey work had been completed to accept additional right-of-way. Mr. Martin stated that he favors accepting additional right-of-way from existing property owners so there are no surprises for future property owners.

Glenn Hursh

Mr. Hursh asked why a Resolution and not Ordinance to determine the policy to accept offered right-of-way.

The Board of Supervisors stated that a Resolution is related to administrative procedures, which this is.

Christian Landis

Mr. Landis stated that he is not in favor of passing the Agreement Policy with a Resolution. Mr. Landis would like it passed with an Ordinance so if changes occur in the future there would be notification. He also has concerns with Township having control over property owners land without notification.

Ralph Kurtz

Mr. Kurtz stated that "control" is not the best way to explain the Township intentions. He stated that the Township wants flexibility for placement of utilities and other improvements that would be placed in the right-of-way.

Gary Landis stated that Ordinance change should be done through planning process and new comprehensive plan.

Lou Katz – 30 Meadow Drive

Mr. Katz stated that tomorrow will be five years that he has been a resident of the Township and he feels that the Board of Supervisors has taken care of the residents during his time living here.

Glenn Hursh

Mr. Hursh agreed with Mr. Katz.

Glenn Martin – 300 Weidmansville Road

Mr. Martin asked if a Resolution can be changed at a public or private township meeting.

Jennifer Mejia stated that a Resolution is required to be revised and adopted at a public meeting.

Amos Zook, 301 Durlach Road

Mr. Zook stated that the Township wants additional right-of-way but the Township does not clean gutters in the current right-of-way. Mr. Zook stated that he has called the Township several times in the last 10 years and the Township has said no to cleaning the gutters.

Tim Lausch and Earl Stauffer said that when the weather breaks, the gutters will be cleaned.

Ann Weaver

Mrs. Weaver expressed her appreciation of the Township to work with residents.

Jennifer Mejia noted that there has been discussion and a move by some advocates to amend the required form of paper notice and allow electronic notice. Nothing has been approved, but it was mentioned to point out that the state of the law is changing as technology changes.

Christian Landis

Mr. Landis stated that there is a large demographic that doesn't have access to the internet.

Craig Merkey – 1330 Forest Hill Road

Mr. Merkey asked if draft minutes could be posted on the website.

Bruce Leisey stated that it is current Township Policy not to post minutes until approved at a meeting.

Keith Martin made a motion, seconded by Gary Landis to adopt Resolution #030915A with the inserting of March 1<sup>st</sup> of each year as date to notify residents if the offered right-of-way along their property will be affected. \* This motion was approved unanimously.

### **Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into executive session at 9:15 pm to discussion potential litigation and personnel issues. \* This motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit executive session at 10:00 pm. \* This motion was approved unanimously.

**Bills to be Paid**

General Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$49,914.00 for the month of February. \* The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$379.99 for the month of February. \* The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$4,720.95 for the month of February. \* 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 10:15 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