

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
November 12, 2018

The Supervisors of Clay Township met on a regularly scheduled meeting date of November 12, 2018, 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, Robert 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 6:35 p.m.

**Meeting Minutes**

Keith Martin made a motion, seconded by Gary Landis to approve the October 8, 2018 meeting minutes as printed in the November 12, 2018 Agenda. \* The motion was unanimously approved with Tim Lausch abstaining from the vote since he was absent from meeting.

**Treasurer's Report**

Gary Landis made a motion, seconded by Keith Martin to approve the Treasurer's Report for the month of October 2018. \* The motion was unanimously approved.

**Visitors**

1. Nelson Horst, 320 Clay School Road

Mr. Horst voiced his concerns with the Township's policy of having a single third party building inspection agency.

Glenn Hursh, 515 Clearview Rd, said he understands we have zoning and that relief is necessary in this case. He asked the Board of Supervisors to give any possible relief to Mr. Horst.

Gary Landis stated that the building code is not the Township's rules. The Township enforces the rules but, cannot give relief from them. The Building Code is State wide and there are limitations on the Township's powers to grant relief.

George Hurst, 80 E Woodcorner Rd, stated he feels there should be different rules for home occupations and businesses.

Walter Horst, 690 Clearview Rd, asked what constitutes a small business under the building code?

Tom Zorbaugh, said it is determined by use for example residential, ag and commercial. The determination is not made by revenue generated or number of employees.

Gary Landis stated that he serves on the Ag Preserve Board and that organization deals with the same issues on accessory and home businesses as does the Zoning Hearing Board and building code.

No decisions were made at this time.

## 2. Penny Talbert – Ephrata Public Library

Ms. Talbert gave an overview of Library activity for 2018. She reviewed the MS4 programs that were conducted in 2018 and plans for MS4 education in 2019. She thanked the Board of Supervisors for their past and continued support.

## 3. Lou Katz, 30 Meadow Drive

Mr. Katz stated that the basin behind his house fills up completely with water after most storms.

Keith Martin will check basin to verify it is working correctly. Keith and Bob Lynn also suggested that due to the rainy season, the soil is saturated and therefore most rain runs off into the basin instead of some infiltration during the initial rainfall.

## **Engineer's Report**

### 1. Sharp Shopper – Time Extension Request

After review, Keith Martin made a motion, seconded by Gary Landis to approve request for Sharp Shopper time extension to February 16, 2019 to allow time to resolve issues. \* The motion was unanimously approved.

## 2. G&N Holdings – Escrow Release Request

Bob Lynn reviewed the As Built Plans and escrow release request with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin to release the entire escrow balance in the amount of \$398,253.38 and approve the As Built Plans. \* The motion was unanimously approved.

## 3. Marlin and Wanda Martin – SW Management Agreement & Easement

Bob Lynn informed the Board of Supervisors that the Martin's have obtained an approved Small Project Stormwater permit to install a driveway on the easement at the property located at 397 W Girl Scout Road to connect to the land locked property they recently purchased.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the Stormwater Management Agreement and Declaration of Easement. \* The motion was unanimously approved.

## 4. HomeTowne Square - Stormwater NOV

Jennifer Mejia informed the Board of Supervisors that the stormwater plan has been approved and is being distributed for signatures.

Keith Martin made a motion, seconded by Gary Landis to approve the Cost Opinion in the amount of \$47,355. \* The motion was unanimously approved.

It was also agreed to set goal to approve and execute Stormwater Management Agreement at the November 27, 2018 morning meeting and rescind the Notice of Violation at the same time.

## 5. Paul Eberly – Escrow Release for Connection to Public Sewer

Bruce Leisey informed the Board of Supervisors that the Township was holding an escrow in the amount of \$300 cash in a Fulton Bank savings account to ensure the holding tank would be pumped if Mr. Eberly did not pump the tank in a timely manner. Since Mr. Eberly has completed his requirement to connect to public sewer, the escrow amount can be released.

Gary Landis made a motion, seconded by Keith Martin to release the entire balance of the escrow in the amount of \$364.86. \* The motion was unanimously approved.

## 6. Blue Lake Builders – Escrow Release Request

Bob Lynn reviewed the escrow release request with the Board of Supervisors. Bob stated that not all items are adequately addressed and does not recommend a reduction or release of escrow.

Keith Martin made a motion, seconded by Gary Landis to deny the escrow release request. \* The motion was unanimously approved.

## **Old Business**

### 1. Dirt and Gravel and Low Volume Road Grant Application Update

After discussion, Gary Landis made a motion, seconded by Keith Martin to authorize Hanover Engineering Associates to draft a grant application for the application period starting January 2019. \* The motion was unanimously approved.

### 2. Sewer Lateral Inspections

Bob Lynn informed the Board of Supervisors that the initial request to six property owners to inspect homes for sump pump connections has been completed.

## **New Business**

### 1. Approve Filing of Liens for Past Due Sewer and Street Light Accounts

Bruce Leisey reviewed with the Board of Supervisors past due accounts for sewer and street lights which have not been paid within the required time period outlined in the Township Ordinance.

Keith Martin made a motion, seconded by Gary Landis to authorize Bruce Leisey to inform property owners of the Township's intent to file a lien and file a lien on the property if balance is not paid within 30 days of the property owner being notified.

### 2. 417 Ashton Circle – Tax Exoneration Request

After review, Gary Landis made a motion, seconded by Keith Martin to approve a real estate tax exoneration refund in the amount of \$7.09 due to a reduction in property assessment amount from an appeal filed with the Lancaster County Tax Assessment office. \* The motion was unanimously approved.

### 3. 2019 Budget Review

Bruce Leisey reviewed the draft 2019 Budget with the Board of Supervisors and audience.

There was discussion on proposed donations, building permit revenue and expenses and liquid fuel expenses and capital projects.

It was agreed the budget will be approved for advertising at the November 27, 2018 morning meeting, with adoption of the budget at a special meeting after the Christmas holiday.

### 4. Gordon Paules – Declaration of Merger of Separate Tracts/Parcels

Mr. Paules is the owner of 3 small lots located at 290 W Girl Scout Road. He would like to combine the 3 lots into 1 to be able to locate a premanufactured home and garage on the property.

Mr. Paules is asking the Township to consider the 3 small lots as 1 parcel qualifying the property for a 3,000 sf stormwater planning exemption and 1,500 sf stormwater small project. Mr. Paules intends to convey additional right-of-way to the Township expanding the existing right-of-way to approximately 25' from the centerline of West Girl Scout Road.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the Declaration of Merger of Separate Tracts/Parcels for the property owned by Mr. Paules. \* The motion was unanimously approved.

### 5. Charity Gardens HOA – Request for Additional Street Lights along Township's Park Property

The Township Manager informed the Board of Supervisors of a request from Charity Gardens HOA for permission to install 6 additional street lights along the right-of-way in front of the Township's park in Charity Gardens. The electric for the lights will be paid by the HOA. The HOA has requested the lights to deter people from being in the park after dark.

The Board of Supervisors authorized the Township Manager to meet with the HOA to discuss other options. No other decisions were made at this time.

### **Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 10:15 PM to discuss potential litigation. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 10:35 PM. \*  
The motion was unanimously approved.

There was discussion on correspondence received from the PA Office of Attorney General. 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 \$44,219.54 for the month of October. \* The motion was  
approved unanimously.

#### Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation  
Fund bills totaling \$527.61 for the month of October. \* The motion was  
approved unanimously.

#### Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund  
bills totaling \$5,452.18 for the month of October. \* The motion was approved  
unanimously.

### **Reports for the Month**

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

**Adjournment**

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 10:40 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