

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
October 10, 2016

The Supervisors of Clay Township met on a regularly scheduled meeting date of October 10, 2016, 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 was absent because of a work conflict.

Clay Township employee present was Bruce Leisey, Township Manager and Earl Stauffer, Road Master. Also present was 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.

Keith Martin called the Meeting to order at 7:03 p.m.

Meeting Minutes

Gary Landis made a motion, seconded by Keith Martin to approve the September 12, 2016 meeting minutes as printed in the October 10, 2016 agenda with noted changes to Gary Landis' comment on page 2. * 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 September, 2016. * The motion was approved unanimously.

Executive Session

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 7:15 PM to discuss matters related to the Wildflower Pond Development. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to exit Executive Session at 7:30 PM. * The motion was unanimously approved.

Visitors

1. Wildflower Pond Development Residents

Jennifer Mejia reviewed the Township's position on the issue of the usability of the sidewalks in the Wildflower Pond Development and the potential liability for the individual homeowners.

Jennifer Mejia indicated that she spoke to a Penn Dot Compliance Representative who reviewed the driveway aprons via Google Earth and it was their opinion that it is likely technically infeasible to reduce the cross slope to reach compliance with current ADA standards.

Jennifer Mejia also stated that there is a question regarding the applicability of the ADA standards to cross slope grades at the private driveway aprons.

David Martin, 502 Foggy Bottom Road asked why were the cross slopes never reviewed during construction.

The Current Board of Supervisors and Township Staff cannot speak for what was done in 1999. It was noted that this was the first development in the Township with sidewalks and curbs.

Jeanne Jones, 411 Flaxen Lane stated that she thinks at the Township building the curbs in the parking lot are too high and does not meet ADA standards.

Keith Martin said that Township Staff will review her concerns with the Township parking lot.

Bob Lynn stated that the Township building was built in compliance with ADA regulations at time of construction.

David Martin asked how can the Developer call a meeting for the HOA. He also asked the Board of Supervisors to take a roll call vote if a member will attend the next HOA meeting.

Keith Martin stated that the Township would like to get the issues resolved as much as the home owner's.

Keith Martin stated that he will not attend the HOA meeting. Attendance to the meeting is out of the scope of authority of the Township.

Jennifer Mejia stated that the Township will not get involved in discussions between the Home Owners and Developer. She suggested contacting an attorney to represent the Home Owners in any potential negotiations with Developer's attorney.

There are HOA documents recorded in Lancaster County.

David Martin said that he will be visiting the District Attorney to see if the Board of Supervisors is required to attend the HOA meeting.

Jeanne Jones stated that EPA requires all stormwater basins in the Township need to be inspected.

Bruce Leisey stated that the Township does inspect the stormwater basins on a yearly basis.

Justine Groth, 402 Flaxen Lane discussed information received by residents from the Attorney of the Developer.

Jeanne Jones said she feels the residents of Wildflower Pond receive no support from the Board of Supervisors.

Keith Martin disagreed with Jeanne Jones; the Board of Supervisors is supporting the residents in every way legally possible.

Dave Gollias, 404 Flaxen Lane said that the letter received from the Developer said that the Developer has an agreement with the Township and the sidewalks are currently satisfactory. He said he asked for the 1999 specifications on sidewalks, driveways and streets. His understanding is that the driveway slopes do not meet the Township Ordinance. Where was the oversight when the driveways and grading was done? Why did the Township not look at the sidewalks in relation to ADA requirements when the roads and sidewalks were constructed? A Compliance Representative, Mrs. Horton, from ADA Mid-Atlantic informed him that when the roads are dedicated to the Township, ADA requirements will apply.

All residents in attendance stated that residents walk in the streets and would not care if the sidewalks were removed.

Gary Landis said with Sunshine Law requirements, the Board of Supervisors cannot share information between Board members other than at a public meeting. This makes it difficult to make decisions in a timely manner.

Jeanne Jones stated that Charity Gardens and HomeTowne Square residents do not have a HOA.

Bob Lynn stated that both developments have HOA's in place.

Justine Groth asked if in 2011 all driveways were checked before sidewalk fix was completed.

Bob Lynn stated yes all driveways were checked and a fix was individualized to each driveway.

Gary Landis stated that he and Keith were not involved in the initial planning and construction of the development.

The Township did meet its obligation to enforce regulations at that time.

Current Township Staff is not sure why the approved development plan included the sidewalks in the development.

Justine Groth said the Township should admit they did wrong.

No decisions were made at this time.

2. Jim Summers – Ephrata Area Recreation Center

Jim Summers reviewed the 2016 stats with the Board of Supervisors. In the 2016, the cost was \$32 per registrant (same fee last three years) for a total of \$6,144.00. 130 individuals participated in the program in 2016. Mr. Summers requested \$6,144.00 for the 2017 contribution and would appreciate any extra contribution towards the Capital Fund.

No decisions were made at this time.

3. James Martin, 615 Sunnyside Road

Mr. Martin expressed his concerns with cars speeding on Sunnyside Road.

The Township will place counters on road to record speeds to review before making a decision on posting.

New Business

7. Discussion on Purchase of Dump Truck with Spreader and Plow

The 2016 Peter Bilt that was brought to the Township for review is 37,600 Gvw. The cost with dump \$132,676 and an additional \$13,000 for plow, spreader and hitch for a total of \$145,676 for the 2016 from Lancaster Peter Bilt. For an identical 2017 model total would be \$150,045.

No decisions were made at this time.

Engineer's Report

1. Dwayne Weaver – Escrow Release

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

Gary Landis made a motion, seconded by Keith Martin to approve a reduction of the escrow in the amount of \$21,026.06 leaving a remaining balance of \$3,000.81. The waiver of as-built plans was not recommended at this time. * The motion was unanimously approved.

** Keith Martin participated in discussion of the next item due to necessity. Keith Martin is related to applicant. **

2. Charles Martin – Storm Water Modification Request

Mr. Martin is requesting a modification of the Small Project Design (Section 11.402) requiring less than 5,000 sq ft of earth disturbance. The area of disturbance outside the proposed building area will be less than 5,000 sq ft.

Gary Landis made a motion, seconded by Keith Martin, by necessity, to approve the modification request. * The motion was unanimously approved.

New Business

1. Ephrata Area School District Resource Officer Program Renewal

Bruce Leisey reviewed the proposed agreement and fee schedule with the Board of Supervisors.

This item was tabled at this time for further discussion.

2. Public Event 1780 Clay Road

Bruce Leisey reviewed the proposed fly fishing public event with the Board of Supervisors.

The Board of Supervisors is acceptable with allowing event parking at Snyder Park if Township Staff can work out logistics.

No other decisions were made at this time.

3. Approve Attendance at LCATS meeting November 7, 2016 and 2017 Dues

After discussion, Gary Landis made a motion, seconded by Keith Martin to approve attendance to the meeting for Gary Landis and approve the 2017 dues in the amount of \$30.00. * The motion was approved unanimously.

4. Approve Advertising of Bid for Park Improvements

Gary Landis made a motion, seconded by Keith Martin to approve advertising the project with awarding at the November meeting. * The motion was approved unanimously.

5. Approve Advertising for Road Inspection Meeting

Gary Landis made a motion, seconded by Keith Martin to authorize advertising of road inspection meeting once date is determined. * The motion was approved unanimously.

6. MS4 Regulation Update

It was discussed to possibly proceed with a waiver request. Under the 2018 permit cycle, Clay Township will be required to process an individual permit for the MS4/NPDES permit. Part of the MS4 designated area drains to Segloch Run, which is a special protection watershed (EV or HQ classification). The Township should be aware that a waiver is still possible, even though the individual permit statues applies. The Township meets the criteria with exception to the special protection requirements. There is also a \$500 fee for the waiver request.

Gary Landis made a motion, seconded by Keith Martin to authorize Bob Lynn and Township Staff to apply for the waiver request. * The 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 \$178,023.82 for the month of September. * The motion was approved unanimously.

Rec Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$2,219.72 for the month of September. * The motion was approved unanimously.

Sewer Fund

Gary Landis made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$3,315.48 for the month of September. * 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

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 9:50 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

_____ ABSENT _____
Timothy Lausch, Chairman

_____ _____
Keith Martin, Vice Chairman

_____ _____
Gary Landis, Secretary