

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
September 12, 2016

The Supervisors of Clay Township met on a regularly scheduled meeting date of September 12, 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 Tim Lausch, Chairman, Keith Martin, Vice-Chairman and Gary Landis, Secretary.

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.

Tim 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 August 8, 2016 meeting minutes as printed in the September 12, 2016 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 August, 2016. * The motion was approved unanimously.

Visitors

1. Penny Talbert – Ephrata Public Library

Penny distributed the 2017 Funding Request to the Board of Supervisors. Penny stated that the FSLA Act and an increase in the Federal minimum wage will increase costs for 2017. There was also a 20% cut in County Funding. For 2017, the funding request is \$21,500 to \$26,500.

No decisions were made at this time.

2. Vicki Stoltzfus, 413 Flaxen Lane; Fred Thomas, 521 Foggy Bottom Road; David Martin 502 Foggy Bottom Road; Dorothy and Gary Craven; David Golias, 404 Flaxen Lane; Justine Groth, 402 Flaxen Lane and Nancy Craven, 415 Flaxen Lane

Jennifer Mejia reviewed the Wildflower Pond talking points that was sent in the mail to the attendees of the August 8, 2016 meeting.

Joe Stoltzfus, 413 Flaxen Lane – Mr. Stoltzfus stated that in 2005 when he moved in, he asked the realtor about his concerns with the condition of the sidewalks and the realtor stated that the Township and Developer were aware of the problem and will get it fixed. In 2006, Mr. Stoltzfus became totally disabled. Bruce and Bob met with Joe regarding the issues of handicap accessibility. Mr. Stoltzfus stated that everyone knows the sidewalks are not ADA complaint, but no one wants to fix them. Mr. Stoltzfus has contacted ADA and ACLU which stated there is no issue. Mr. Stoltzfus said that this is discrimination, there is no safe pathway to mail box. Mr. Stoltzfus feels the sidewalks are ridiculous and asked the Township to make the streets one way to solve the problem.

Dorothy, Gary and Nancy Craven – Mr. Craven also stated that he uses a walker and cannot go down his driveway to go to his Daughters home 1 house down. They feel somebody should have known the sidewalks are not ADA compliant. There is a note on their deed regarding the HOA but were told at settlement that association fees would be received in the future.

Gary Craven stated that nobody told him he was responsible for the stormwater basin.

Jennifer Mejia stated that the HOA does deal with stormwater and maintenance of the facilities and that is quite common in Lancaster County. The sidewalks are not included in the scope of HOA responsibilities in the Wildflower documents. Owners are responsible for maintenance and cleaning of sidewalks in front of each residence.

Nancy Craven stated that her Father Gary cannot ride wheelchair or scooter across driveway slopes.

Fred Thomas thanked the Township for the letter provided. He is aware that the issues cannot be fixed totally but we need to come to a resolution.

David Golias asked if the Developer met the existing Township regulations when he installed the sidewalks.

Bob Lynn stated that he does not know but will research the answer.

David Golias stated that the driveway slopes exceed current regulations at 8.3% and asked what were the specifications in 1999. He asked why should homeowners make any suggestions on how to remedy the problem because they are not engineers.

Gary Landis stated that Joe Stoltzfus' idea of one way streets with ROW as walk way and get rid of sidewalks is a creative concept.

Dorothy Craven stated that they lived in the Brick Yard before moving to Wildflower Pond and they had no problems there.

Gary Landis noted that he was upset about notice not being sent out to all residents of Wildflower Pond.

Keith Martin stated that there was discussion about sending notice to all residents at the July 11, 2016 meeting but after more discussion at that meeting it was, in his opinion, agreed to only send to residents at the meeting.

There did appear to be some confusion on who the letter should have been sent to.

No other decisions were made at this time.

Engineer's Report

1. Old Lincoln Property

Elite Coach (Old Lincoln Properties, LLC) is requesting a deferral from Clay Township of the planning requirements as stated in the Clay Township SALDO. The applicant is purchasing a 2.2 acre tract from John F. Martin & Sons (Lincoln Mall) to be added to the property currently owned by Elite Coach. No construction is being proposed in the small area of the property that is located in Clay Township, the majority of the tract is in Ephrata Township.

Keith Martin made a motion, seconded by Gary Landis to approve deferral of plan review to Ephrata Township. * The motion was unanimously approved.

2. Jay Zimmerman – Escrow Release Request

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

Gary Landis made a motion, seconded by Keith Martin to approve the escrow release request in the amount of \$52,898.12, leaving a balance of \$5,386.29. * The motion was unanimously approved.

3. Lincoln Garden School – Storm Water Management Plan

This item was tabled at this time till further information can be obtained.

New Business

1. Fox Meadows Creamery – Amended Sanitary Sewage Holding Tank Maintenance Agreement

Fox Meadows Creamery is requesting permission to add lunch services utilizing disposable plates and utensils. The creamery will utilize a commercial dishwasher to clean food preparation equipment, pots and pans. This amended agreement incorporates the provisions of the previous agreement and includes additional provisions related to the new lunch service being requested.

Keith Martin made a motion, seconded by Gary Landis to approve and execute the Amended Sanitary Sewage Holding Tank Maintenance Agreement for Fox Meadows Creamery. * The motion was approved unanimously.

2. Approve Lawn Maintenance Agreement

Bruce Leisey reviewed with the Board of Supervisors the proposals received for fall lawn maintenance.

Gary Landis made a motion, seconded by Keith Martin to contract with Tomlinson Bomberger or equal lawn care firm with lowest cost not to exceed \$3,607. * The motion was approved unanimously.

3. Award Bid to Sell 1999 F-550 Dump Truck

After discussion, Keith Martin made a motion, seconded by Gary Landis to award bid of \$21,600 to William Haywood of Pittsburg, PA for purchase of the 1999 Ford F-550 dump truck as advertised for sale through Municibid. * The motion was approved unanimously.

4. EAJA

Gary Landis informed the Board of Supervisors that EAJA installed an automatic water line flusher and connected it to the Lincoln Garden Apartments stormwater infiltration bed. The amount of water flushed through the line damaged the infiltration bed. EAJA will have the flushed disconnected within the next 30 days.

5. Execute Chapter 105

Keith Martin made a motion, seconded by Gary Landis to authorize Bruce Leisey to execute the Chapter 105 documents on behalf of the Township related to Lime Rock Road bridge repairs. * The motion was approved unanimously.

Executive Session

Gary Landis made a motion, seconded by Keith Martin to enter into Executive Session at 10:00 PM to discuss a Real Estate Transaction and Litigation Matters. * The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to exit Executive Session at 10:40 PM. * The motion was unanimously approved.

There was discussion on extending sewer to residents along Rt 322 between Clay School Road and Clearview Road. The Board of Supervisors authorized Jennifer Mejia and Bruce Leisey to meet with Representatives from the Ephrata Borough regarding the matter.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$25,487.00 for the month of August. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$3,888.58 for the month of August. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$6,793.18 for the month of August. * 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 10:45 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary