

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
April 9, 2012

The Supervisors of Clay Township met on a regularly scheduled meeting date of April 9, 2012, 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, Justin Harnish, Vice-Chairman and Keith Martin, Secretary.

Clay Township employee present was Bruce Leisey. Also present were 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 Justin Harnish, to approve the March 12, 2012 meeting minutes as printed in the April 9, 2012 agenda. \* The motion was approved unanimously.

**Treasurer's Report**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Treasurer's Report for the month of March, 2012. \*The motion was approved unanimously.

**Visitors**

1. Judy & John Echternacht, 307 Sweet William Way

Mrs. Echternacht voiced her concerns with the repairs needed to the stormwater pipe that runs between her property at 307 Sweet William Way and the property of 309 Sweet William Way. She asked if the pipe was installed incorrectly and who determines if the pipe was installed correctly. She stated she does not have the financial means to share in the cost of the sink hole repairs and pipe replacement.

The Board of Supervisors authorized Bob Lynn, Township Engineer, to review the plans and inspection reports regarding the pipe so that the Township can respond to the issue raised by the Echternachts.

No other decisions were made at this time.

2. Rick Bernaducci, 108 Queen Annes Way and Dennis Scott, 102 Queen Annes Way

Mr. Bernaducci & Mr. Scott had questions on correspondence between Developer's counsel and Mr. Richard Young, Attorney for Mr. Bernaducci & Mr. Scott. Further discussions are anticipated.

The Township is not actively participating in the discussions between counsel.

There was also discussion on the type of "no parking" signs placed in the Wildflower Development. Bob Lynn stated that the signs are in compliance with PennDot specifications.

No decisions were made at this time.

3. Lou Katz

Mr. Katz stated that after attending the most recent Zoning Hearing Board hearing, he thinks the Township needs to clarify "what is a sign". What part of a sign is used to calculate the actual size of the sign (ie: sign writing box, decorative outside boarder, footer).

No decisions were made at this time.

4. John Martin, Durlach MtAiry Fire Company

Mr. Martin inquired about the possibility of instituting a burn ban. The Township cannot currently enact a ban without the County having one in place.

Keith Martin made a motion, seconded by Justin Harnish to authorize the Township to enforce County Burn Ban if enacted. \* The motion was unanimously approved.

The Board of Supervisors also authorized Bruce Leisey to look into changing the Township Ordinance to allow the Township to institute its own Municipal Burn Ban.

Mr. Martin also informed the Board of Supervisors that the new engine has arrived and will be in service within the next few weeks.

## **Engineer's Report**

### 1. Wildflower Pond Update

Item was discussed under Visitors. No further discussion.

### 2. Hometowne Square Stormwater Issues

The Township Engineer informed the Board of Supervisors that Len Bradley of RGS, Engineer for Peaceable Animal Kingdom is reviewing the modified plan provided by Landmark Builders the Developer of Hometowne Square.

No decisions were made at this time.

### 3. Rock Road and Seglock Road Bridge Projects.

Bruce Leisey informed the Board of Supervisors that FEMA has officially approved reimbursement of repairs to the Rock Road and Seglock Road bridges damaged by tropical storm Lee.

Justin Harnish made a motion, seconded by Keith Martin to authorize the Township Engineer to proceed with permitting and preparing bid package for repairs to bridges. \* The motion was unanimously approved.

### 4. J. Lynn Good Stormwater Management Plan

After review, Keith Martin made a motion, seconded by Justin Harnish to approve the J. Lynn Good Stormwater Management Plan contingent on the inclusion of comments from the Solicitor and Township Engineer. \* The motion was unanimously approved.

### 5. Church of the Nazarene – holding tank request

The Board of Supervisors reviewed the Church of Nazarene's request to utilize a holding tank for sewage from proposed pavilion.

Justin Harnish made a motion, seconded by Keith Martin to deny use of a holding tank since the Township Ordinance does not allow it. The proposed pavilion is in an area serviced by public sewer. The Board of Supervisors would encourage the Church of the Nazarene to contact Ephrata Borough to determine the most cost efficient way to hook up. \* The motion was unanimously approved.

6. Anthony Kampen - Stormwater Management Agreement

After review, Keith Martin made a motion, seconded by Justin Harnish to approve and execute the Kampen Stormwater Management Agreement. \* The motion was unanimously approved.

7. J. Paul Hursh – Stormwater Management Agreement and Cost Opinion

After review, Justin Harnish made a motion, seconded by Keith Martin to approved and execute the Hursh Stormwater Management Plan based on compliance with the Hanover Engineering letter dated 4/5/12. The Cost Opinion was also approved in the amount of \$83,735.79. The Stormwater Management Agreement was approved based on compliance with comments from the Solicitor. \* The motion was unanimously approved.

**New Business**

1. Lancaster Farmland Trust Bicycle Ride Fundraiser

After review, Keith Martin made a motion, seconded by Justin Harnish to grant permission to use the Township roads for the 6/2/12 Pedal to Preserve bicycle ride fundraiser. \* The motion was unanimously approved.

The Township Manager will send approval letter along with request for Certificate of Insurance.

2. Approve Installation of additional Outside Lighting

After discussion, Justin Harnish made a motion, seconded by Keith Martin to approve installation of one (1) light standard with 250 PSMH fixture located in grass area between building parking lots and 42 watt fluorescent wall pack at police basement door controlled by motion sensor as per quote from Brickerville Electric dated 4/15/12 at a cost of \$3,575.00. \* The motion was unanimously approved.

3. Establish Investment Account for Sewer Capital Improvement Fund

After review, Justin Harnish made a motion, seconded by Keith Martin to approve establishing a Business Money Management account at Susquehanna for deposit of sewer capital improvement funds which is currently deposited in an account with PLGIT. Susquehanna's interest rate is currently .6% which is higher than PLGIT. \* The motion was unanimously approved.

4. Execute MOU with Lancaster County Conservation District

After review, Keith Martin made a motion, seconded by Justin Harnish to approve and execute the MOU with Lancaster County Conservation District which indicates both parties' responsibilities between the agencies. \* The motion was unanimously approved.

5. Award Road Bids

Advertised bid included 900 Sq feet milling, excavating, and patching as per advertised bid.

Martin Paving was lowest bidder at \$28,791.

Keith Martin made a motion, seconded by Justin Harnish to reject bid since amount of bid was over \$25,000 it must include prevailing wage.

Keith Martin made a motion, seconded by Justin Harnish to re-advertise bid, including prevailing wage documentation, for milling portions of the following roads: Hackman Road, Durlach Road, Clay School Road and Wood Corner Road this will be additional footage from the original bid. Tim Lausch and Earl Stauffer will determine which parts of roads will be milled and repaired. \* The motion was unanimously approved.

6. Adopt Resolution for Co-op Line Painting

Justin Harnish made a motion, seconded by Keith Martin to adopt Resolution #040912 to participate in a cooperative bidding process for line painting. \* The motion was unanimously approved.

7. Approve Uniform and Non-Uniform Pension Plan Financial Statements

After review, Justin Harnish made a motion, seconded by Keith Martin to approve the 2011 Annual Reports for the Clay Township Uniform and Non-Uniform Pensions Plans. \* The motion was unanimously approved.

8. Approve Advertising for Audit Meeting

Keith Martin made a motion, seconded by Justin Harnish to approved advertising for the annual Audit Meeting. \* The motion was unanimously approved.

The Township Manager is working on establishing a date for the meeting.

9. Approve PSATS 2012 Proposed Resolutions

After discussion, Justin Harnish made a motion, seconded by Keith Martin to authorize the Township Manager to vote in harmony with the PSATS's recommendations on the 2012 Resolution at the 2012 Annual Conference. \* The motion was unanimously approved.

10. Joint MS-4 Application

There was discussion on completing a joint MS-4 permit with Elizabeth Township. After discussion it was decided that Clay Township would file its own permit, but would be willing to work with Elizabeth Township and other Municipalities to complete the requirements of the permit.

11. Approve Advertisement for Sealed Bids

Justin Harnish made a motion, seconded by Tim Laush to approve advertising sealed bids for the sale of two (2) old police cars and the 1995 Caprice. \* The motion was unanimously approved.

**Executive Session**

Justin Harnish made a motion, seconded by Tim Lausch to enter into Executive Session at 10:15 PM to discuss personnel and possible litigation issues. \* The motion was unanimously approved unanimously.

The Board of Supervisors authorized the Township Manager to contact the applicants for the PT Mowing position to be interviewed by Earl Stauffer, Justin Harnish and Bruce Leisey.

Justin Harnish made a motion, seconded by Tim Lausch to exit Executive Session at 10:55 PM. \* the motion was unanimously approved.

**Bills to be Paid**

General Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the General Fund bills totaling \$37,827.32 for the month of March. \*The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the Recreation Fund bills totaling \$2,640.38 for the month of March. \*The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Justin Harnish, to approve the Sewer Fund bills totaling \$4,264.11 for the month of March. \*The motion was approved unanimously.

**Reports for the Month**

- 1. Chief of Police / Police Department
- 2. Fire Companies / Ambulance
- 3. DMR
- 5. Solicitor’s Report
- 6. Engineer’s Report

**Adjournment**

Justin Harnish made a motion, seconded by Tim Lausch, to adjourn the meeting at 11:00 P.M. \*The motion was approved unanimously.

Clay Township Board of Supervisors

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Timothy Lausch, Chairman

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Justin Harnish, Vice-Chairman

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Keith Martin, Secretary