

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
March 14, 2011

The Supervisors of Clay Township met on a regularly scheduled meeting date of March 14, 2011, 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**

Justin Harnish made a motion, seconded by Keith Martin, to approve the January 10, 2011 meeting minutes as printed in the March 14, 2011 agenda. \* The motion was approved unanimously.

Justin Harnish made a motion, seconded by Keith Martin, to approve the February 14, 2011 meeting minutes as printed in the March 14, 2011 agenda with the addition of Marvin Stoner's salary of \$200 per perk inspection and \$100 per permit and \$50 per hourly work. \* The motion was approved unanimously.

Keith Martin made a motion, seconded by Justin Harnish, to approve the March 2, 2011 meeting minutes as printed in the March 14, 2011 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 February, 2011. \*The motion was approved unanimously.

## **Visitors**

1. Ann & Ray Weaver, 275 N Clay Road

The Weavers expressed their concerns with the multi-way stop at Clay School Road and Snyder Lane.

Defer to Old Business #1.

## **Engineer's Report**

1. MVE – Waiver Request of Land Development and Storm Water Planning

Ted Cromleigh, Diehm & Sons, reviewed the waiver requests with the Board of Supervisors.

Justin Harnish made a motion, seconded by Keith Martin to approve waiver of Clay Township Subdivision and Land Development ordinance (#061410) and Clay Township Stormwater Management ordinance 2004 (#080904) contingent on compliance of the Hanover Engineering Associates letter date 2/25/11. \* The motion was unanimously approved.

### **Clay Township Subdivision and Land Development Ordinance (#061410)**

The applicant is requesting a waiver of the requirements to process a land development plan for the proposed building addition. The justification for the request is that the building is part of a previous plan (approved and recorded in 1998). The building area on the approved plan for this location was 26,720 SF, while the currently proposed addition and the existing portion of the building will result in a total area of 26,124 SF. The applicant indicates that the proposed use was permitted when the site was developed in 1998 under the Light Industrial Zoning. Since that time, Clay Township has changed the zoning of the site to Agricultural, making the use nonconforming. The applicant also indicates that the project is scheduled for a Zoning Hearing Board review for the special exception of Section 403 (expansion of a non-conforming use). The entrance to the site onto SR 322 was approved by PennDOT during the original plan in 1998.

### **Clay Township Stormwater Management Ordinance (#080904)**

The applicant is requesting a waiver of the requirement to process a stormwater management plan and meet the requirements of the Ordinance. The justification provided is that the proposed building addition is to be located on existing paving and will not increase the amount of impervious area on site and drains to the existing stormwater basin designed as part of the original 1998 project. The approved plan included a 26,720 SF primary building and the current building addition will result in a building area of 26,124 SF which is less than was approved by the 1998 approved plan.

2. Keller Flag Lot Request

Ted Cromleigh, Diehm & Sons, reviewed the Keller flag lot request with the Board of Supervisors.

The Board of Supervisors is generally in favor of the flag lot request. The Board of Supervisors will research the Subdivision Land Development Ordinance, Section 315, #2 and determine how it applies to this request.

This item was tabled until the next Board of Supervisors meeting.

3. Wildflower Pond – Dedication Agreement

The Township Engineer has some revisions to make to the Cost Opinion and the Exhibits of Agreement. After the revisions are made, the Developer will sign the Agreement and return for the Board of Supervisors to sign.

Justin Harnish made a motion, seconded by Keith Martin to authorize execution of the Agreement after the above items have been revised. \* The motion was unanimously approved.

**Old Business**

1. Approve Multiway Stop Ordinance for Advertising

Ann Weaver asked if lowering the speed limit to 25 mph instead of the multi-way stop would work.

The Township Engineer expressed his concern that a 25 mph speed limit would need to be enforced regularly and that the area might not meet the criteria for a 25 mph limit.

After discussion, The Township Engineer will investigate stop bars and the option of 25 mph speed limit and review with the Board of Supervisors at there next meeting.

No decisions were made at this time.

## **New Business**

### 1. Sewer Repair

Bob Lynn reviewed the L&I investigation with the Board of Supervisors. The same area that was leaking before at the stream near the Apartment building on Hopeland Road appears to be leaking again.

Keith Martin made a motion, seconded by Justin Harnish to authorize Shannon Hurst Excavating to repair the leak at an approximate cost of \$1,000. Hanover Engineering Associates will run a camera up the clean out to determine the exact location of the leak. \* The motion was unanimously approved.

### 2. Fire Dam Pond

The Township received a call from a resident adjacent to the pond with concerns on the condition of the pond.

Bob Lynn reviewed findings from his visit to the pond with the Board of Supervisors. It appears the outlet structure is leaking and water is eroding away the soil around the structure.

Bob Lynn will research issues and make specific recommendations for repairs.

### 3. Approve purchase and installation of ball field fencing at Snyder park

After review, Justin Harnish made a motion, seconded by Keith Martin to accept proposal to construct ball field back stop and 2 sideline fences at the new ball field from New Holland Chain Link, LLC in the amount of \$5,867.00 which was the lowest quote. Two other quotes received were Agway \$6,715 and Ace Fence \$8,360. \* The motion was unanimously approved.

### 4. Attendance at County meeting on Land Development Process

The Township Manager informed the Board of Supervisors of a County wide meeting regarding the Land Development Process. The purpose of the discussion is for representatives from municipalities to hear various perspectives about the land development approval process and to begin a dialog and permitting procedures.

The Township Manager will attend the meeting. Justin Harnish will check his availability and inform the Township Manager.

5. Hanover Engineering Request to use meeting room for training on 4/20/11

Keith Martin made a motion, seconded by Justin Harnish to allow Hanover Engineering to use the Township meeting room for a Confined Space and Trench Safety training meeting on Wednesday, April 20, 2011 from 8:00 AM to 3:00 PM. \* The motion was unanimously approved.

6. Attendance at LCATS meeting on March 31, 2011

Justin Harnish made a motion, seconded by Keith Martin to authorize attendance for Bruce Leisey, Keith Martin and Tim Lausch to attend the Spring LCATS meeting on March 31, 2011 at the Four Seasons Complex. \* The motion was unanimously approved.

7. Approve and Execute Amendment to Cross Easement Agreement

Justin Harnish made a motion, seconded by Keith Martin to approve and execute the Cross Easement Agreement between the Durlach Mt. Airy Fire Company and Clay Township to allow for access from the new Maintenance building to the Fire Company parking lot. \* The motion was unanimously approved.

8. School Resource Officer

The Board of Supervisors agreed to schedule a meeting with the Ephrata Area School District School Resource Officer at its next meeting on Monday, April 11, 2011.

9. Refund on Escrow amounts

Justin Harnish made a motion, seconded by Keith Martin to refund unused subdivision escrow amounts to the following developers. \* The motion was unanimously approved.

Landmark Homes (\$1,250.42), Elam Rutt (\$336.76), Stoney Ledge (\$95.49) and Wayne McVetty (\$10.54).

10. Tour De Ephrata Bike Race

Michael Doupe, representative of Tour De Ephrata Bike Race, requested permission for use of the Township roads on Saturday, April 20, 2011 for a bicycle stage race.

Keith Martin made a motion, seconded by Justin Harnish to allow Tour De Ephrata to use the Township Roads contingent on supplying Certification of Insurance, hire private contractors to flag intersections and notify residents of race. \* The motion was unanimously approved.

## **Executive Session**

Justin Harnish made a motion, seconded by Keith Martin to enter into executive session at 9:30 PM to discuss potential litigation. \* The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin to exit executive session at 9:50 PM. \* The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin to accept payment schedule submitted by Two Cousins Plaza developer. \* The motion was unanimously approved.

## **Bills to be Paid**

### **General Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$56,972.48 for the month of February. \*The motion was approved unanimously.

### **Rec Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$1,177.00 for the month of February. \*The motion was approved unanimously.

### **Sewer Fund**

Justin Harnish made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$10,731.62 for the month of February. \*The motion was approved unanimously.

## **Reports for the Month**

1. Chief of Police / Police Department
2. Fire Companies
3. DMR
4. Ambulance
5. Solicitor's Report
6. Engineer's Report
7. Planning Commission Minutes

**Adjournment**

Keith Martin made a motion, seconded by Justin Harnish, to adjourn the meeting at 10:30 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