

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
September 12, 2011

The Supervisors of Clay Township met on a regularly scheduled meeting date of September 12, 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 August 8, 2011 meeting minutes as printed in the September 12, 2011 agenda. * The motion was approved unanimously. Keith Martin abstained from the vote.

Treasurer's Report

Keith Martin made a motion, seconded by Justin Harnish, to approve the Treasurer's Report for the month of August, 2011. *The motion was approved unanimously.

Visitors

None

Engineer's Report

1. Bollinger DEP Sewer Exemption & Discuss Waiver Requests

Mike Kotay, Diehm & Sons, reviewed the plan with the Board of Supervisors.

Justin Harnish made a motion, seconded by Keith Martin to approve the exemption of additional DEP planning for proposed new dwelling on Bollinger farm. * The motion was unanimously approved.

Mike Kotay, Diehm & Sons, reviewed the waiver requests with the Board of Supervisors.

The Board of Supervisors is generally in favor of the waiver requests. Official action will be taken when the plan is approved. When the Nutrient Management Plan is approved, Mike Kotay will get one hard copy and an electronic copy to the Township.

2. Hearing – Alternative Energy Ordinance

Tim Lausch opened hearing at 7:20 pm.

Jennifer Mejia informed the audience that the proposed Alternative Energy Ordinance has been discussed at numerous meetings, approved by the Clay Township Planning Commission, approved by the Lancaster County Planning Commission and advertised as required by law.

Craig Merkey, Forest Hill Road, asked what restrictions are being placed on solar and geothermal systems.

The Board of Supervisors stated that the main restriction on geothermal systems will be no open loop and the main restrictions on solar apply to ground mounted systems.

Lou Katz, Meadow Dr, asked if inspectors will be educated.

The Board of Supervisors stated that our building inspectors have been certified.

Tim Lausch closed hearing at 7:24 pm.

Justin Harnish made a motion, seconded by Keith Martin to approved Ordinance #091211 Clay Township Alternative Energy Ordinance. * The motion was unanimously approved.

3. Gingrich – Escrow Release Request

Bob Lynn reviewed the request with the Board of Supervisors and recommends full release at this time as noted in the Hanover Engineering letter dated 8/30/11.

Keith Martin made a motion, seconded by Justin Harnish to accept the “As-Built” plans and release the total escrow in the amount of \$21,408.69. * The motion was unanimously approved.

4. Two Cousins Plaza – Sinkhole Update

Bob Lynn informed the Board of Supervisors that a headwall was moved back and a small berm was installed in an effort to resolve the problem of recurring sinkholes within the detention basin.

Rick Bernaducci, resident of Wildflower Pond, stated it appears that a sinkhole has opened up this past weekend. The Township Engineer will inspect this week.

No decisions were made at this time.

5. Wildflower Pond Sidewalk - Update

Bob Lynn reviewed with the Board of Supervisors the progress with the sidewalk repairs.

The Township Manager informed the Board of Supervisors of a meeting with Ruby Stoltzfus regarding sinkholes in her back yard under her shed.

Hanover Engineer will do an investigation to better estimate the dimensions of the existing sinkhole. The Township Manager will set up a meeting with all property owners to coordinate repairs. It was discussed that property owners are responsible for the repair and cost of said repair.

No decisions were made at this time.

6. Reinhart, Seglock Road Sewer Isolation Reduction Request

After review, Justin Harnish made a motion, seconded by Keith Martin to approve reduction of well and sewer isolation distance from 100’ to 75’ as per PA DEP Title 25, Chapter 73a.7.4IV. * The motion was unanimously approved.

7. Hometowne Basin Update

Bob Lynn discussed his review of the condition of the basin. Bob noted a sinkhole at top of basin, endwall shifted, pipe separated and sinkhole on access drive.

Landmark Builders is aware of the sinkholes and will coordinate repairs with the Township Engineer. Discussion occurred regarding Landmark's failure to successfully resolve the problem of water run off onto neighboring properties.

Justin Harnish made a motion, seconded by Keith Martin to send a Notice of Violation to Landmark Builders regarding stormwater issues on the Eberly and Peaceable Animal Kingdom's property. * The motion was unanimously approved.

Old Business

1. Eberly, 65 Icehouse Hill Road Update

Mr. Eberly has executed the Cross-Easement and Maintenance Agreement on the wall he constructed and will be applying for building permit tomorrow.

New Business

1. Approve Advertising of Local Tax Collection Ordinance

After review, Justin Harnish made a motion, seconded by Keith Martin to approve advertising of the Local Tax Collection Ordinance. * The motion was unanimously approved.

2. Humane League Contract

The Township Manager informed the Board of Supervisors that the Township has received an extension to make a decision on the contract until October 31, 2011. The Township is looking into other options for 2012.

No decisions were made at this time.

3. Approve Advertising of Temporary Sewage Tank Ordinance

Bob Lynn, Township Engineer, prepared draft ordinance for review.

This item was tabled till next meeting so the Township Solicitor could review and give comments.

4. Approve 2012 MMO Pension Budget

Justin Harnish made a motion, seconded by Keith Martin to approve the 2012 MMO for Police and Non-Uniform pensions as included in the agenda packet. * The motion was unanimously approved.

5. Adoption of Ordinance to Enter into Northern Lancaster County Police Department (NLCPD) Chapter Agreement

Tim Lausch opened the hearing at 8:15 pm.

The Board of Supervisors stated that the Ordinance was advertised as required by law and discussed at a specially scheduled meeting.

Dick Weaver, Forest Hill Rd, asked how cost is allocated.

The Board of Supervisors stated that cost is based on call volume and number of officers needed to handle those calls.

Tim Lausch closed the hearing at 8:27 pm.

Keith Martin made a motion, seconded by Justin Harnish to adopt Ordinance #091211A to Enter into Municipal Agreement for formation of NLCRPD. * The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin to appoint Keith Martin to a 4 year term and Tim Lausch to a 3 year term to the Board of the NLCRPD. * The motion was unanimously approved.

Comments

Lou Katz, on behalf of the residents of Clearview Gardens, a very special thank you to the Durlach Mt Airy Fire Company for pumping out basements during the storm last week.

Tim Lausch also thanked all the volunteers for the time they gave last week to help storm victims.

Earl Stauffer, Road Master, updated the Board of Supervisors on road conditions. Portions of Middle Creek Rd, Rock Rd and West Lime Rock Rd roadways were washed out and will be stoned in by Thursday. The Rock Rd bridge has a damaged concrete support beam which will need to be replaced. There is a potential scour on the bridge at Middle Creek Rd. Most abndments will need armoring. Rock Rd and Middle Creek Rd are currently closed. Shannon Hurst was hired to fix the sinkhole on Countryside Drive.

Bills to be Paid

General Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the General Fund bills totaling \$60,069.24 for the month of August. *The motion was approved unanimously.

Rec Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Recreation Fund bills totaling \$763.29 for the month of August. *The motion was approved unanimously.

Sewer Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Sewer Fund bills totaling \$2,590.71 for the month of August. *The motion was approved unanimously.

Liquid Fuel Fund

Justin Harnish made a motion, seconded by Keith Martin, to approve the Liquid Fuel Fund bills totaling \$156,190.86 for the month of August. * The motion was approved unanimously.

Executive Session

Justin Harnish made a motion, seconded by Keith Martin to enter into executive session at 9:05 PM to discuss real estate and potential litigation issues. * The motion was unanimously approved.

Justin Harnish made a motion, seconded by Keith Martin to exit executive session at 11:00 PM. * The motion was unanimously approved.

Keith Martin made a motion, seconded by Justin Harnish to authorize the Township Solicitor to forward a letter received from Attorney Richard Young on behalf of Wildflower Pond residents to Dr. Busko, Joe Conigliaro and Rathmans, and to request a response to this letter. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Justin Harnish to authorize the Township Engineer to research alternatives to the fire dam. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Justin Harnish to authorize signature of Declaration of Disaster Emergency for Tropical Storm Lee. * 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 Keith Martin, to adjourn the meeting at 11:05 P.M. *The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Justin Harnish, Vice-Chairman

Keith Martin, Secretary