

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
July 10, 2023

The Supervisors of Clay Township met on a regularly scheduled meeting date of July 10, 2023, 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. The meeting agenda was 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.

Also, present was Bruce Leisey, Township Manager, Wendy Hackman, Administrative Assistant, Bob Lynn of Hanover Engineer, 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 6:33 p.m.

**Meeting Minutes**

Gary Landis made a motion, seconded by Keith Martin to approve the June 12, 2023 meeting minutes. \* The motion was unanimously approved.

**Treasurer's Report**

Keith Martin made a motion, seconded by Gary Landis to approve the Treasurer's Report for June 2023. \* The motion was unanimously approved.

**Visitors**

1. Lori and Arthur Kemler, Ackley Circle

Lori and Arthur Kemler shared their continued concerns with the stormwater that is running off the property located at 101 Ackley Circle.

There was discussion on the intensity of the recent storm, the grass swale and the grading of the driveway.

The Board of Supervisors requested Township Staff to look into the issues and give an update at the next meeting.

2. Lou Katz, Meadow Drive

Lou Katz shared several concerns with the Board of Supervisors. Truck traffic on Clay School Rd, kids riding mini bike on sidewalk in Clearview Gardens, resident on Garden Street set off fireworks and did not clean up trash debris, during recent storm children swimming in basin and rules for solicitation.

**Engineer's Report**

1. Marlin and Wanda Martin SWMP – Time Extension Request

Bruce Leisey informed the Board of Supervisors that the Martin's have sold the property to Mark Weaver. Mr. Weaver is currently requesting a 90-day time extension to review the SWMP and the requirements to transfer the NPDES Permit over into his name.

Keith Martin made a motion, seconded by Gary Landis to approve the 90-day time extension request received from Mr. Weaver. \* The motion was unanimously approved.

2. Zimmco Enterprises – Lot Add-On, SWM and Waiver of Land Development

Tom Matteson, Diehm & Sons reviewed the plan with the Board of Supervisors. The plan consists of 3 properties that are all adjacent to one another. Lot 1 is the former Red Run Exhaust building located at 1929 W Main St. Lot 2 is the current Zimmerman Concrete business at 70 Durlach Rd. Lot 3 is the former Weaver Nut Company site located at 1925 W Main St. Lots 1 and 2 are currently used by Zimmerman Concrete.

The plan proposed to rebuild the warehouse (that was destroyed by fire 2021). The owner intends to occupy the rear of the warehouse and use it as part of the Zimmerman Concrete business. The front of the warehouse will be rented to a tenant along with the office space that is currently rented.

In order to make the rear of the new warehouse work, cross connections are proposed. This involves macadam that will connect the existing gravel service area on Lot 2 with the rear doors of the new warehouse on Lot 3, and a macadam connector driveway from Lot 1 onto Lot 2 so that trucks from Lot 1 can access through Lot 2 to Durlach Road to utilize the traffic signal. It is proposed to grant complete cross access rights for the owners of all three lots which will memorialized in a recorded agreement.

As a part of the project, the front driveway will be relocated. The plan calls for the driveway to be relocated west to align with the YWAM driveway across 322. The driveway will be widened to allow trucks to pull in off the road and back into the docks instead of backing in off 322.

The driveway relocation does require a HOP from PennDOT. PennDOT requires that all parts of a driveway be located on the property serviced by the driveway. This necessitates a portion of Lot 1 being conveyed by lot add-on to Lot 3.

Gary Landis made a motion, seconded by Keith Martin to approve the following waiver and modification of the Stormwater Management Ordinance as outlined in the Hanover Engineering letter dated 7/6/23. \* The motion was unanimously approved.

SW Mgt Ord – Section 11-304.I – Roof Drains Shall Not Connect to Storm Water

The applicant is requesting a waiver of the requirement that states that roof drains shall not connect to the storm sewer. The applicant notes that the building is surrounded by paved surfaces; and if the downspouts are not connected to the storm sewer, they would discharge to the pavement which could create icing problems in the winter and the need to walk cross stream of water during rain events. The applicant states that if the downspouts were discharged to the grade in front of the building, the flows would sheet flow to the West Main Street gutter and flow to the large riprap apron. The applicant feels that piping these downspouts as shown on the plan will prevent these flows from getting to the road gutter and instead send them directly to the riprap and road culvert. In addition, the applicant notes that behind the building, they will need to keep the building flows out of the stormwater facility to keep the size manageable. And notes that these flows do no need to be detained. The applicant feels that if they are permitted to flow overland, they too will eventually go the West Main Street gutter and down to the riprap. Like the front, the preference is to pipe these flows to the riprap and road culvert.

The applicant notes that additional water quality BMPs have been added to the conveyance system including an inlet with a screen at the truck dock trench drain and flex storm inserts for Inlets 1 and 2. In addition, the applicant notes that other inputs to the storm system have water quality BMPs as part of the design. The applicant states that the roof runoff is anticipated to be cleaner water by piping the front roof leaders rather than allowing them to wash over the paved area, and by installing the flex storm inserts, it is their believe that water quality protection has been increased.

SW Mgt Ord – Section 11-307.B.1.b(2) – Maximum Basin Interior Side Slopes of 5:1

The applicant is requesting a modification of the requirement that states that maximum basin interior side slopes shall be 5:1. The applicant notes that the basin has existing side slopes of 4:1 and the grading changes in the basin propose to maintain these existing slopes. The applicant notes that they are nowhere near any residential areas and the basin is located internal to the overall facility.

Keith Martin made a motion, seconded by Gary Landis to approve the waiver of land development contingent on compliance with the Hanover Engineering letter dated 7/6/23. \* The motion was unanimously approved.

Section 303 and 304 – Processing of a Preliminary and Final Land Development Plan

The applicant is requesting a waiver of the requirement to process a formal land development plan. The applicant is proposing to process a lot add-on plan and stormwater management plan to accommodate the new impervious area as well as the drainage changes around the building. The applicant feels that the land development process is intended to mitigate the impacts of development on the community and surrounding neighborhood; however, in this case, the applicant states that the owner is simply rebuilding a warehouse that was located there for many years. The applicant notes that the new building will have no impacts on the surrounding neighborhood and that the impact on the community will be positive since the driveway relocation will along the driveways and eliminate backup maneuvers by trucks off West Main St.

Keith Martin made a motion, seconded by Gary Landis to approve the Stormwater Management plan contingent on compliance with the Hanover Engineering letter dated 7/6/23. \* The motion was unanimously approved.

Gary Landis made a motion, seconded by Keith Martin to approve the Lot Add-On plan contingent on compliance with the Hanover Engineering letter dated 7/6/23. \* The motion was unanimously approved.

3. Hackman Living Trust – Time Extension Request

Bruce Leisey informed the Board of Supervisors that the Hackman Living Trust needs additional time to address outstanding municipal review comments.

Keith Martin made a motion, seconded by Gary Landis to approve the 90-day time extension request. \* The motion was unanimously approved.

4. Austin Startoni – Time Extension Request

Bruce Leisey informed the Board of Supervisors that Township Staff and the Startoni’s need additional time to address technical comments from the Hanover Engineering letter dated 6/29/23.

Gary Landis made a motion, seconded by Keith Martin to approve the 50-day time extension request. \* The motion was unanimously approved.

5. HomeTowne Square Phase 2 – Escrow Release Request

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

Keith Martin made a motion, seconded by Gary Landis to approve the escrow release request in the full amount of \$109,406.35 as outlined in the Hanover Engineering letter dated 7/7/23. \* The motion was unanimously approved.

There was discussion on a concern received from Russ Begly of potential missing street signs in HomeTowne Square. The Board of Supervisors requested Bruce Leisey reach out to Russ and encourage him to identify the missing street signs and work with Landmark to have them put into place.

**Old Business**

None

**New Business**

1. Approve use of Township Roads for 5K Run

Bruce Leisey reviewed the request received from Brandt Zimmerman, Ephrata Strength and Conditioning Owner, to host a 2<sup>nd</sup> Annual “Run for Amanda Race”. The request is to host a 6.5k run event starting at 227 Woodcorner Road, Lititz. The event would be held September 16, 2023 starting at 8:00 AM. The event “Run for Amanda” is for Amanda and Carlos Vargas a local couple who work at the YWAM Lancaster base as full time missionaries. Amanda was recently diagnosed with Lymphoma and needs to raise \$50,000 for treatment.

Gary Landis made a motion, seconded by Keith Martin to approve the request for the Run for Amanda as outlined in the email from Brandt Zimmerman dated 6/25/23 and contingent on the Township receiving a Certificate of Insurance naming Clay Township as an additional insured for the event. \* The motion was unanimously approved.

2. Approve Advertising of Snyder Park Pavilion Roof Repair

Bruce Leisey reviewed the proposal for roof repair at the Snyder #1 pavilion with the Board of Supervisors. Tim Lausch said there are four areas that have rotted and will need repaired.

The Board of Supervisors authorized Bob Lynn and Bruce Leisey to put together a proposal to obtain quotes for the roof repair and replacement and present them to the Board of Supervisors for approval.

3. Review Short Term Rental Ordinance

This item was tabled to allow the Board of Supervisors time to review the Ordinance and discuss at the next meeting.

4. Approve Backstop Fence Replacement Snyder #1 Ballfield

Bruce Leisey informed the Board of Supervisors that he has received a quote from AGWAY to replacement the backstop fence in the amount of \$7,900.00 (original price given in November 2021 quote).

Keith Martin made a motion, seconded by Gary Landis to approve the replacement in an amount not to exceed \$7,900.00, they also authorized the Clay Township Rec Board to select installer of the fence. \* The motion was unanimously approved.

5. Award Pension RFP

Bruce Leisey reviewed the Pension RFP's received from Conrad Siegel and RJ Hall with the Board of Supervisors. It is Township Staff's recommendation to award the pension services to Conrad Siegel based on costs and prior positive working relationship.

Gary Landis made a motion, seconded by Keith Martin based on the recommendation of Township Staff and based on costs and prior positive working relationship to award the pension services to Conrad Siegel. \* The motion was unanimously approved.

**Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 8:59 P.M. to discuss Personnel Issues and Potential Litigation. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 9:57 P.M. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to approve a pay increase for Matthew Musser to \$17.50 an hour effective the 7/13/23 payroll. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to terminate the employment of Donald Moyer effective 7/10/23. \* The motion was unanimously approved.

Keith Martin made a motion, seconded by Gary Landis to authorize Jennifer Mejia to draft a termination letter and schedule an exit meeting with Donald Moyer. \* The motion was unanimously approved.

### **Bills to be Paid**

#### **General Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$184,675.02 for the month of June. \* The motion was approved unanimously.

#### **Rec Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$1,703.81 for the month of June. \* The motion was approved unanimously.

#### **Sewer Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$6,414.59 for the month of June. \* The motion was approved unanimously.

### **Reports for the Month**

1. EMS Providers
2. Engineer's Report
3. Manager's Report
4. Zoning Officer's Report

**Adjournment**

Gary Landis made a motion, seconded by Keith Martin, to adjourn the meeting at 10:05 P.M. \* The motion was approved unanimously.

Clay Township Board of Supervisors

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Timothy Lausch, Chairman

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Keith Martin, Vice Chairman

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Gary Landis, Secretary