

CLAY TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
December 11, 2023

The Supervisors of Clay Township met on a regularly scheduled meeting date of December 11, 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 6:31 p.m.

Meeting Minutes

Keith Martin made a motion, seconded by Gary Landis to approve the November 13, 2023 meeting minutes with the addition under New Business #4, that Rob Walker, President of Warwick Ambulance Association attended the meeting. * The motion was unanimously approved.

Treasurer's Report

The November 2023 Treasurer's Report was tabled until the next meeting.

Visitors

1. Roger Martin, 410 W Burkholder Dr

Mr. Martin expressed concerns with the Board of Supervisor's meeting minutes regarding the YWAM – Hearing for Zoning Ordinance Amendment. Mr. Martin feels that the minutes were written in a manner that made it appear that all concerns that were voiced by attendees at that meeting were addressed, when in fact there were still concerns from residents regarding the amendment.

Mr. Martin expressed concern with the fact that the Applicant and Mr. Yoder stated that the back portion of the property was undevelopable. Mr. Martin felt that was a false statement and the Township should pursue disciplinary action against the Applicant and their Counsel regarding that statement.

Jennifer Mejia stated that Mr. Yoder was speaking on behalf of his client and their opinion of the property.

Keith Martin stated that there is no clear definition of “undevelopable”.

Mr. Martin felt that at the second meeting, the concerns voiced at the first meeting should have been reviewed with the Board of Supervisors again. Mr. Martin feels the Board of Supervisors had already made a decision and should have been reminded of the concerns voiced at the first meeting.

Jennifer Mejia stated that the main concerns were also discussed at the second meeting.

Jennifer Mejia asked Mr. Martin what other concerns he had.

Mr. Martin stated that he felt there should have been other conditions put in place other than noise.

Jennifer Mejia stated that the noise concerns were addressed at this time because of concerns voiced from summer events that were held. Jennifer also stated that YWAM could hold events without coming to the Township and there would be no way to control the noise levels.

Mr. Martin felt that fencing requirements should have been included in the Ordinance.

Keith Martin stated that fencing requirements would be better addressed at the Conditional Use Hearing when a site plan is submitted.

Jennifer Mejia stated that a concern was previously expressed regarding campus attendees walking around property that was not owned by YWAM. Jennifer encouraged any property owner having this issue to contact the Township.

Kevin Martin asked if the Campus Overlay can be used by a new owner if the property is sold and why didn't YWAM just have a Zoning Hearing regarding a campus on the property.

Jennifer Mejia stated that the Overlay can be used by any other institutional organization or the property can be used as Limited Industrial.

Jennifer Mejia stated that the Board of Supervisors have the ability to require conditions with an Overlay that would not happen with a Zoning Hearing. The applicant will have to come before the Board of Supervisors for planning approval before developing the site.

Keith Martin stated that there is more control by the Board of Supervisors with an Overlay.

Gary Landis encouraged Mr. Martin to report any violations to the Township so they can be reviewed.

Jim Bollinger asked what the process is to remove the Overlay from the property.

Bob Lynn stated that the same hearing procedure would have to occur to remove the Overlay.

2. Lori Kemler, Ackley Circle

Lori Kemler asked for an update on the stormwater concerns on Ackley Circle.

Bob Lynn stated that the elevations have been worked out and a drawing is being completed.

Bruce Leisey stated that he and Bob will meet with the Kemler's to review the corrective action plan.

Engineer's Report

1. 227 Woodcorner Road Land Development Plan – Time Extension

Bob Lynn reviewed the time extension request with the Board of Supervisors. Bob informed the Board of Supervisors that revised plans have been received and are currently under review. Plans have concurrently been submitted to Lancaster County Conservation District for NPDES review. There has also been discussions with Len Spencer regarding the sewage disposal requirements regulations.

Gary Landis made a motion, seconded by Keith Martin to approve the time extension request for until January 9, 2024 as requested in the letter dated 12/18/2023. * The motion was approved unanimously.

2. Update on Campus Overlay District Ordinance

Jennifer Mejia informed the Board of Supervisors that the Ordinance was sent to Lancaster County Planning Commission noting no major changes and a reduction in size of the property included in the Overlay.

Jennifer Mejia stated that the Ordinance was advertised as a courtesy because of all the concerns that were expressed at the meetings.

Roger Martin asked for clarification on the times for the noise. The current Ordinance seems to have the times reversed.

Jennifer Mejia confirmed that was a typo in the Ordinance and will correct the times.

Roger Marin stated that EKM Enterprises opposes the Campus Overlay on this property.

Tim Lausch acknowledged their statement on the Overlay.

Gary Landis asked if they had one major concern with the Overlay.

Roger Martin stated that they feel it will limit the ability of development on the neighboring Limited Industrial properties.

3. Zimmco – Cross Access Proposal

Bob Lynn reviewed the request with the Board of Supervisors. The applicant is proposing alternative methods for cross access proposal/requirements for access to the rear of the proposed warehouse. Cloister Flooring has agreed to allow access by Zimmco but would like to ability to review and reapprove access should the property be sold. Access from Durlach Road would be made via a License Agreement and access to the West Main Street property would be a standard easement.

The Board of Supervisors is in generally in favor of the License Agreement for access to Durlach Road provided there is adequate access from each potential lot. No decision was made and a final decision will be made after the Board has the opportunity to review the revised plan and proposed agreements.

4. Blue Bell MHP – Escrow Reduction Request

Bob Lynn reviewed the request with the Board of Supervisors.

Keith Martin made a motion, seconded by Gary Landis to approve escrow release in the amount of \$645,410.88 retaining a balance of \$90,419.30 as outlined in the Hanover Engineering letter dated 12/8/23. * The motion was unanimously approved.

5. Dutch Country Transport – Discussion on Request for Installation of Commercial Holding Tank

Bruce Leisey reviewed the request with the Board of Supervisors.

Dutch Country Transport is in the process of submitting a Waiver of Land Development request for a renovation to a building currently being utilized for business purposes. The property was issued a U&O and is a Pre-Existing Non-Conforming use. There will be no changes in staffing. The proposed project consists of updating the current offices and space of the building.

The Board of Supervisors is in favor of allowing a commercial holding tank to be installed on the property and will review documents when the Waiver of Land Development is presented.

Old Business

1. Execute Warwick Ambulance Agreement

Bruce Leisey reviewed the Agreement with the Board of Supervisors.

There was discussion on concerns expressed from residents regarding the response time of Warwick Ambulance and coverage area.

Bruce stated that no changes in coverage area will be made at this time.

Keith Martin made a motion, seconded by Gary Landis to execute the Agreement with Warwick Ambulance with the included coverage area map. * The motion was unanimously approved.

New Business

1. Approve 2024 Meeting Schedule

After review, Gary Landis made a motion, seconded by Keith Martin to approve the 2024 Meeting Schedule. * The motion was unanimously approved.

2. Approve 2024 Holiday Schedule

After reviewed, Keith Martin made a motion, seconded by Gary Landis to approve the 2024 Holiday Schedule. * The motion was unanimously approved.

3. Approve Advertising of December Morning Meeting

After discussion, Keith Martin made a motion, seconded by Gary Landis to approve advertising of a 11:00 AM meeting on December 20, 2023. * The motion was unanimously approved.

4. Approve use of Meeting Room for April 23, 2024 General Primary Election

Bruce Leisey reviewed the change of date for the 2024 General Primary Election.

Gary Landis made a motion, seconded by Keith Martin to approve use of the Township Building to hold the General Primary Election on April 23, 2024. * The motion was unanimously approved.

5. Zimmerman Stream Bank Restoration Project – Approve Advertising for Bids and Time Extension Request

Bob Lynn reviewed with the Board of Supervisors. Bob stated that the joint permit for the work has not been received, however, the last comments were minor in nature and doesn't want to delay the project any further as there are permit restrictions for the work in the stream.

Gary Landis made a motion, seconded by Keith Martin to approve advertising of the project for bids with awarding the bids at the January 23, 2024 meeting and submitting a time extension request to complete the project. * The motion was unanimously approved.

6. Rock Road Bridge Scour and Crack Repairs – Approve Advertising for Bids

Bob Lynn reviewed with the Board of Supervisors. Bob stated that a quote was received from Lobar in the amount of \$144,000.00 (maximum amount). Bob also contacted PennDOT regarding using liquid fuel funds for the emergency repair. PennDOT has indicated the repair is not an emergency for purposes of using liquid fuel funds and requires the project to be bid.

Keith Martin made a motion, seconded by Gary Landis to approve advertising of the project for bids with awarding the bids at the January 8, 2024 meeting. * The motion was unanimously approved.

7. CBPRP – Discussion on Utilizing Ag Credits to Meet Required Sediment Reduction Requirements

Bob Lynn reviewed with the Board of Supervisors details he received at a recent work session regarding the availability of farm credits to meet the required sediment reduction. Bob stated that a quote to calculate the acreage necessary to meet the Township's reduction goals and the farms available to include in that acreage was received from Team Ag.

Gary Landis made a motion, seconded by Keith Martin to authorize Team Ag to conduct a study to determine what farms and acreage are available to use for the required sediment reduction. The quote received from Team Ag was in the amount of \$11,000.00. * The motion was unanimously approved.

Manager's Report

Bruce Leisey updated the Board of Supervisors on the status of three active Notice of Violations within the Township.

There was discussion on ponding water on Durlach Road. Tim Laush will discuss potential fixes with the Road Master.

Old Business – Cont

2. 2024 Budget Discussion

Bruce Leisey reviewed the 2024 budget with the Board of Supervisors. Adoption of the 2024 Budget will happen at the December 20, 2023 meeting.

Executive Session

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 9:16 PM. to discuss personnel matters. * The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 9:30 PM. * The motion was approved unanimously.

No decisions were made at this time.

Bills to be Paid

General Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the General Fund bills totaling \$25,962.31 for the month of November. * The motion was approved unanimously.

Rec Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$524.48 for the month of November. * The motion was approved unanimously.

Sewer Fund

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$7,792.27 for the month of November. * 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

Keith Martin made a motion, seconded by Gary Landis, to adjourn the meeting at 9:35 P.M. * The motion was approved unanimously.

Clay Township Board of Supervisors

Timothy Lausch, Chairman

Keith Martin, Vice Chairman

Gary Landis, Secretary