

CLAY TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
June 10, 2024

The Supervisors of Clay Township met on a regularly scheduled meeting date of June 10, 2024, 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.

Bruce Leisey informed the audience that an Executive Session was held at 5:30 to interview a candidate for potential employment.

**Meeting Minutes**

Keith Martin made a motion, seconded by Gary Landis to approve the May 13, 2024, meeting minutes with the correction of Tim Lausch, Chairman was in attendance of the meeting. \* The motion was unanimously approved.

**Treasurer's Report**

Gary Landis made a motion, seconded by Keith Martin to approve the May 2024 Treasurer's Report. \* The motion was unanimously approved.

## **Visitors**

None

## **Engineer's Report**

### 1. Lori and Arthur Kemler – Stormwater Construction and Maintenance Agreement

Jennifer Mejia informed the Board of Supervisors that a draft agreement has been prepared and will be reviewed by Township Staff and then sent to the Kemler's for their review and signature if approved.

Township Staff will also notify neighbors on the intent of the project.

### 2. Clayland Commons – Time Extension Request

Bob Lynn reviewed the time extension request with the Board of Supervisors. Bob informed the Board of Supervisors that the developer will be attending the June 24, 2024 Planning Commission meeting to present the proposed Snyder Lane traffic modifications.

Keith Martin made a motion, seconded by Gary Landis to approve the time extension request until September 9, 2024. \* The motion was unanimously approved.

### 3. Austin Startoni – Escrow Release and Waiver of “As Builts” Plans

Bob Lynn reviewed the escrow release request with the Board of Supervisors. A reduction in the amount of \$19,699.50 is recommended, leaving a balance of \$4,531.00 to be held until the punch list items are completed.

Gary Landis made a motion, seconded by Keith Martin to approve escrow release in the amount of \$19,699.50 leaving a balance of \$4,531.00. \* The motion was unanimously approved.

Based on the recommendation of Township Staff, the waiver of As-Built plans was tabled until the punch list items are completed, and the final escrow is released.

4. Woodcorner Properties/Superior Truss – SWM Plan

Ted Cromleigh, Diehm & Sons and Mark Martin, Woodcorner Properties reviewed the Stormwater plan with the Board of Supervisors.

The project proposes a driveway between 220 Enterprise Road (formerly owned by Weiler Walls and recently acquired by Woodcorner Properties) and 230 Enterprise Road. The tracts were lots #4 and #5 of the Countryside Enterprise subdivision plan. The proposed driveway will drain to the existing stormwater basin on 230 Enterprise Road.

Gary Landis made a motion, seconded by Keith Martin, to approve the following modifications on the plan. \* The motion was unanimously approved.

Section 11-301.J.4 – Geologist Certification of Karst Geology

The applicant is requesting a modification of the Stormwater Management Ordinance requirement to provide a professional geologist certification for areas of infiltration underlain by carbonate geology. The applicant states that the plan proposes a minor amount of additional impervious coverage. The applicant has verified that the existing detention basin, with a slight modification, can handle the additional flows, and no new detention or infiltration facilities are proposed.

Section 11-307-D.2.b.3 – Required Cover Over Conveyance Pipes Outside Public Right-of-Way with Vehicular Loading

The applicant is requesting a modification of the Stormwater Management Ordinance requirement to provide a minimum of 1 foot of cover over conveyance pipes located outside the public right-of-way with vehicular loading, measured from the crown of the conveyance pipe to the stone subgrade. The applicant states a culvert is proposed under the new driveway to convey the existing swale to the existing detention basin. The applicant states it is not feasible to lower the swale to get the required cover, nor can the driveway be raised due to its proximity to the existing pavement on the Superior Trusses site (Lot #4). The applicant is proposing to use a Class IV RCP culvert to provide sufficient structural support for the new driveway.

Keith Martin made a motion, seconded by Gary Landis to approve the stormwater management plan contingent on compliance with the Hanover Engineering letter dated June 7, 2024. \* The motion was unanimously approved.

5. Rock Road Bridge – Approve Payment App #2 and Rectify Change Order

Bob Lynn informed the Board of Supervisors that the Change Order is to rectify bid quantities with actual quantities and the contractor has completed the project and submitted Payment Application #2 in the amount of \$26,562.00.

Keith Martin made a motion, seconded by Gary Landis to approve Payment Application #2 in the amount of \$26,562.00 and approve the change order to rectify quantities. \* The motion was unanimously approved.

## **Old Business**

### 1. Home Towne Square Walking Trail

Bruce Leisey informed the Board of Supervisors that he did speak with the adjacent property owner and the owner indicated that the trees on are on the Home Towne Square property and he has no concerns with the removal of the trees.

Russ Begly stated that the HOA would prefer not to mess with the removal of the trees. Russ also stated that they were informed by their Lawyer and Insurance Company that something needs to be done to the trail to correct the situation.

There was discussion on the current condition of the trail, the non-support from Landmark to remedy the condition and the quotes received by the HOA for “repair” work.

Russ Begly said that the HOA would like to go with the quote received to overlay the trail where it is being pushed up from the tree roots at a quoted price of \$4,552.00.

Gary Landis made a motion, seconded by Keith Martin to share in half the cost of the overlay quoted price of \$4,552.00. \* The motion was denied with Gary Landis voting yes and Keith Martin and Tim Lausch voting no.

Keith Martin made a motion seconded by Tim Lausch to approve using \$4,500 from ARPA funds to assist the HOA in the cost of the repair. \* The motion was passed with Gary Landis voting no and Keith Martin and Tim Lausch voting yes.

Jennifer Mejia will draft an Agreement between the Township and HOA stating the funds contributed by the Township and agreement from the HOA that they will not hold the Township responsible for other maintenance issues to the trail in the future. The agreement will also state that payment will not be made until a paid invoice by the HOA has been submitted to the Township.

### 2. Hopeland Sewer System – Review and Award Cleaning and Televising Mainline Quotes

Bob Lynn informed the Board of Supervisors that quotes were received from USG, Mr. Rehab and Ditchcreek Utility Services. Bob said that Ditchcreek came in with the lowest bid in the amount of \$13,223.10. Bob also noted that some of the work included may not be necessary and the cost is based on unit prices applied to the actual quantities of items completed and the cost may actually be less than the quoted amount.

Keith Martin made a motion, seconded by Gary Landis to award the bid to televise and clean the sewer system to Ditchcreek Utility Services not to exceed the amount of \$13,223.10. \* The motion was unanimously approved.

## **Engineering – Cont**

### 6. 345 E. Mt. Airy Road – Discussion on NOV

Jesse Zook, owner of 345 Mt. Airy Road appeared to address an existing storm water violation. Members of his family including Amos Zook, 301 Durlach Road, Benuel Zook, 330 Clay School Road and Stephen Zook, 320 Clay School Road attended in support of Mr. Zook. Zook's property is located in the Agricultural Transition (AT) Zoning District of Clay Township and the property is scheduled to be sold at Public Auction on Tuesday, June 25, 2024. The property is the subject to a continuing NOTICE OF VIOLATION of Clay Township Storm Water Management Code dated June 22, 2022 resulting from construction activity on the Property including the addition of a green house and stone driveway and parking area which increased impervious coverage on Property by an estimated area in excess of 2,500 square feet. Township representatives met with Zook on the Property on June 6, 2024 at which time the greenhouse was being used as a commercial greenhouse open to the public in violation of the Township Zoning Ordinance. Zook did not get zoning approval for such a use.

Zook was also represented by attorney Patrick Deibler who participated via phone. Zook asked that the Auction be allowed to proceed as scheduled and that the buyer of the property be able to decide if the buyer wants to remove the green house and stone impervious or apply for necessary permits.

Mr. Zook was informed that clear title cannot be passed with existing violations, that the preliminary drawing submitted by Team Ag for storm water is insufficient and that the Township would consider working with Zook if he were staying on the Property but reminded Mr. Zook that he chose to schedule the public auction without informing the Township. If he had inquired, he would have been told all items need to be resolved prior to sale.

A zoning violation arising from the commercial nature of the greenhouse was discussed and will be reviewed by Tom Zorbaugh, Zoning Officer and Zook will receive the Zoning Officer's position on the use, this week.

It is the Board's hope that an Agreement can be reached with Zook which will allow the Auction to proceed while providing sufficient safeguards that the buyer is aware of the exiting violations and is not mislead into believing the property is permitted for use as a commercial greenhouse or that all of parking and driveway area may remain. The Board's preference is that the greenhouse and stone area in violation are removed prior to auction. Mr. Zook said he could not comply with such a timeline.

Keith Martin made a motion, seconded by Gary Landis to authorize the Township Solicitor to prepare an agreement and share it with Zook's counsel which will extend the deadline for removal until August 9, 2024. If the Agreement is not executed by Zook by Monday June 17, 2024, the Board authorized Township Solicitor to file a petition for a preliminary injunction with the Court of Common Pleas to stop the Auction until the Violations are resolved. The agreement shall include the following provisions. \* The motion was unanimously approved.

1. Zook acknowledges that the description of facts in the Notice of Violation are true and correct. Zook acknowledges that Zook has violated Township Ordinances in the manner described in the 2022 Enforcement Notice and as described by the Township representative.
2. Zook acknowledges that Title to the Property cannot be transferred until all violations are removed.
3. Satisfaction of the Violations shall include:
  - a. Removal of the Greenhouse currently on Property
  - b. Removal of Stone in the area shown on the attached Exhibit A
  - c. Restoration of the area shown on Exhibit A (to be prepared) to its prior condition by grading and seeding said area in a manner approved by the Clay Township Engineer.
4. Zook agrees to provide notice of the Violations to all prospective buyers and to disclose both in writing and verbally said violations at the Auction. This shall include the following statement, “The greenhouse and large portion of the stone driveway and parking area shown on Property in the public notice are not permitted under Township Ordinance and will be removed by the seller by August 9, 2024, which shall be prior to settlement. Commercial uses are not permitted on the Property without approval of the Clay Township Zoning Hearing Board and application for such approval has not been submitted nor is it guaranteed.”
5. **If Violations are not resolved by August 9, 2024, Zook consents to the entry of a Preliminary Injunction prohibiting the sale or transfer of the Property until such time as Violations are resolved or further Order of Court.** [emphasis added].
6. Zook agrees to pay Township costs including all fees for Township Engineer and Solicitor within 30 days of the date of an invoice. Any fees not paid at Settlement shall be listed on the Settlement Statement and paid to Township directly from the proceeds of said sale.

### **New Business**

1. Adopt Resolution #061024 to accept East Petersburg into the NLCRPD as a Charter Member

Bruce Leisey reviewed the Resolution with the Board of Supervisors.

Gary Landis made a motion, seconded by Keith Martin, to adopt Resolution #061024 approving the joinder of East Petersburg Borough as a charter member of the Northern Lancaster County Regional Police Commission. \* 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 \$170,188.46 for the month of May. \* The motion was approved unanimously.

### **Rec Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Recreation Fund bills totaling \$1,586.48 for the month of May. \* The motion was approved unanimously.

### **Sewer Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Sewer Fund bills totaling \$7,874.71 for the month of May. \* The motion was approved unanimously.

### **Capital Reserve Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Capital Reserve Fund bills totaling \$8,451.75 for the month of May. \* The motion was approved unanimously.

### **Liquid Fuel Fund**

Keith Martin made a motion, seconded by Gary Landis, to approve the Liquid Fuel Fund bills totaling \$26,562.60 for the month of May. \* The motion was approved unanimously.

## **Executive Session**

Keith Martin made a motion, seconded by Gary Landis to enter into Executive Session at 8:42 PM. to discuss personnel issues and potential litigation. \* The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to exit Executive Session at 9:17 PM. \* The motion was approved unanimously.

Keith Martin made a motion, seconded by Gary Landis to approve a Boot Allowance for Full Time Public Works employees in the amount of \$150 annually. \* The motion was approved unanimously.

Gary Landis made a motion, seconded by Keith Martin to authorize Bruce Leisey to send an employment offer letter to the candidate that was interviewed. \* 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 9:40 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