

Lewis Township Supervisors
Regular Monthly Meeting
September 4, 2019

The Lewis Township Regular Monthly Meeting was called to order by Chairman Willard Murray at 4:00 P.M. at the Lewis Township building. Those also present were Supervisors Duane M. Blakeney and Ricky Dyer, Solicitor Jonathan Dewald, Secretary/Treasurer Lucinda R. Bomberger and sixteen guests.

The meeting was temporarily adjourned at 4:03 for a conditional use hearing to consider an application submitted by John Sensenig regarding Mineral Recovery Operations, Quarries and Other Extractive – Related Issues.

Solicitor Jonathon Dewald opened the hearing and gave a brief overview of the purpose of the hearing.

Zoning Enforcement Officer Victor Marquardt stated that he had received a permit application from John Sensenig on May 23, 2019 for a small non-coal mine and the permit was denied due to Sections 301.C.4 (Conditional Use) and Section 442.F.1 (Property Line Setback) of the Township's Ordinance. Victor also stated that a variance was granted for Section 442.F.1 regarding property line setbacks by the Township's Zoning Hearing Board on July 18, 2019.

Solicitor Jonathon Dewald turned the hearing over to Charles Axtman to present his client's case regarding his proposed mining operation of extracting silt and shale from a particular area on his property to act as a secondary site to Watsontown Brick Company. Charles Axtman shared the details of the proposed small non-coal mine and answered questions from the Supervisors and Public.

Questions from the Supervisors and Public:

Lee Bieber asked what the variance was for? 300ft property line set back.

Willard Murray asked where the entrance and exit would be to the site? Rovenolt Drive

Mrs. Patton asked what type of stream crossing is there? John Sensenig was uncertain of the type.

Willard Murray asked if it would be single machine extraction? Yes

Lee Bieber asked about the road that the driveway accesses. He had a concern regarding safety of trucks coming in and out.

Willard Murray asked about the duration of the excavation? John and Charlie answered that the excavation would be over a duration of five years and would be a slow process as the area would serve as a secondary site. There could be months in between excavations and maybe four-five trucks/day during that time.

Lee Bieber asked about potential run off into the stream? Charlie answered that filter socks would be in place and best management practices would be used to prevent run off.

Brian Stackhouse asked about the slope? Sixty (60) foot slope and on a gradual two to one cut.

Lee Bieber asked if the slope was toward the stream? Charlie said that filter socks would be used and that only an acre at a time would be disturbed therefore controlled.

Opposition:

Mrs. Patton asked for clarification if the material in the five acres is the same material that Watsontown Brick already uses ? John Sensing said that it meets their specifications.

Mrs. Patton asked if permission was received and more material was found, what then? John said that had not been discussed.

Mrs. Patton asked the Supervisors what the next steps would be after permission is granted? A permit from PADEP would need to be acquired and then a zoning permit.

The hearing was adjourned. After deliberation, Solicitor Jonathon Dewald asked John Sensenig if he understood Section 442.F.1 of the Township's Zoning Ordinance and if he would abide by the items within that Section regarding Mineral Recovery Operations, Quarries and Other Extractive –Related Issues. John answered yes.

Solicitor Dewald asked John Sensenig if it would be his intention to install a six foot chain link fence and pave the driveway 200 feet to the access to the road as required by the ordinance. John answered Yes that he would meet the requirements of the Ordinance.

A motion was made by Willard Murray, seconded by Ricky Dyer and passed to permit a small non-coal mine operation with the following conditions:

1. Meet all requirements of Section 442.F.1, Mineral Recovery Operations, Quarries and Other Extractive –Related Issues, of the Lewis Township Zoning Ordinance.
2. Time of Operation to be between the hours of 9:00 AM – 2:00 PM.
3. Trucks entering and leaving highway signs to be placed on State Route 44 during hours of operation.

The regular meeting was reconvened at 4:50 P.M.

A motion was made by Ricky Dyer, seconded by Willard Murray and passed to approve the minutes from the August 7, 2019 Supervisors Regular Monthly Meeting as written.

A motion was made by Duane M. Blakeney, seconded by Willard Murray and passed to approve the August 2019 Financial Report.

Public Comment on Agenda Items Only

Alan Hack and Brian Stackhouse stated that their question was related to #7 on the agenda regarding the amendment of the Zoning Ordinance.

Township Reports

Supervisors

Supervisor Duane M. Blakeney stated that the Tar and Chip project has been completed, filled pot holes throughout the Township, mowing continues and Keefertown Road Project will start next week.

Road Master Willard Murray added that work will be completed on Wolfe Blvd. and that extensive work has been done to Water Company Road due to heavy rains and washouts.

Supervisor Duane M. Blakeney also gave report of a meeting held with the Northumberland County Commissioners regarding the bridge closure on Hill Road and safety and emergency response concerns related to the closure. Duane felt that the concern fell on deaf ears. Duane, Will, Township Engineer Randall Webster and a resident of Hill Road attended the meeting held on August 20, 2019.

Solicitor

Solicitor Jonathan Dewald announced that an executive session had been held August 14, 2019 at 8:00 A.M. to discuss a legal matter.

Treatment Plant Operator

Eric Moore, West Branch Regional Authority reported that the plants are operating fairly well. A blower motor had blown out and has been replaced and the needed UV bulbs came in under budget.

Planning Commission

Recording Secretary Lucinda R. Bomberger gave report of the Planning Commission meeting held August 22, 2019. The Planning Commission reviewed a request from the Warrior Run School District to increase the maximum permitted height for an accessory structure to 60' and also inquiries regarding permitting residential use in a Commercial Zoning District. The Planning Commission recommended adding school structures, principal or accessory, as an item to Section 305.H of the Ordinance and a maximum permitted height of 60' with a requirement to submit plans to the local fire chief for review and recommendation on safety aspects of a project and also recommended that the Commercial Zoning District remain as it is and not allowing for residential use.

Brian Stackhouse asked if the Supervisors would be able to override the recommendation of the Planning Commission and if Willard Murray would be in support of the Planning Commission's recommendation to keep the Commercial Zoning District intact as initially envisioned and not permitting residential use. Willard Murray responded yes and that permitting residential use can create problems. Victor Marquardt stated that in the nineteen municipalities that he works for he does not see residential use unless it would be a 2nd story above the business apartment.

Brian asked if there were steps he could take to get a zoning variance. ZEO Victor Marquardt answered that he would need to be able to show that there a unique physical characteristics compared to other lots in the area and would need to prove a hardship as to why the property would not be able to meet commercial requirements.

Alan Hack, Superintendent of the Warrior Run School District, spoke about the District's request for amendment of the Township's Zoning Ordinance to allow for a maximum height requirement for school

structures to be 60' (recommended by the ZEO Victor Marquardt and Solicitor Davis) as a result of the Zoning Hearing Board denying a variance. Alan asked if the Supervisors would consider this amendment to the ordinance. The Supervisors agreed that there would be no reason that this amendment request would not be included in the adoption and amendment of this Ordinance.

Alan also thanked the Supervisors for their role in the District's Land Development for the parking lot project and encouraged them to stop by and see it the finished work.

Fire Board Representative

Fire Board Representative Duane M. Blakeney reported that Warrior Run ambulances would be staffed by Evangelical Hospital but will be stationed at Warrior Run Fire Department. Fire Chief Douglas Funk, present at the meeting, confirmed this information. Supervisor Willard Murray asked if there would be 27/7 coverage for Lewis Township residents. Duane and Chief Funk confirmed that there would be.

Old Business

Solicitor Jonathan Dewald spoke about the process to amend the Zoning Ordinance. The Planning Commission would submit the full text of amendments to the Supervisors. The Supervisors would take action to proceed with the amendment. Advertising, posting and a public hearing would all be part if the adoption process. Lucinda Bomberger will provide the Supervisors with copies of the full text of amendment recommendations.

New Business

A motion was made by Duane M. Blakeney, seconded by Ricky Dyer and passed to approve moving forward with amendment of Lewis Township Weight Excess Ordinance (Ordinance 2017-4) to add Schuyler and North Bend Roads: Proposal submitted by RK Engineering in an estimated amount of \$3,300.00 to conduct necessary traffic studies and surveys needed for the addition of these roads.

A motion was made by Ricky Dyer, seconded by Duane M. Blakeney and passed to approve payment of the following invoices from the Lewis Township State Fund:

Invoice # 1006423: \$95,551.27: Russel Standard Corp. (Tar & Chip Project)

Invoice # 0609916: \$1,653.08: American Rock Salt Company, LLC

Invoice # 0606883: \$3,609.49: American Rock Salt Company, LLC **Total: \$100,813.84**

A motion was made by Willard Murray, seconded by Ricky Dyer and passed to approve a 2 year PennPower Service Agreement for the Wastewater Treatment Plant, Trent Road Pump Station and Five Points Small Flow Plant for Period 10/1/2019 – 9/30/2021 in the amount of \$1,270.00/Year.

A motion was made by Ricky Dyer, seconded by Duane M. Blakney and passed to vote Michael Keller as Trustee of the PSATS Unemployment Compensation Group Trust and Pennsylvania Townships Health Insurance Cooperative Trust. Brian Stackhouse asked for an explanation of the nature of this ballot. Secretary Lucinda R. Bomberger explained that the Township is a member of both Trusts and have a vote in trustee positions.

A motion was made Willard Murray, seconded by Ricky Dyer and passed to approve payment of bills for September 2019.

Public Comment

Brian Stackhouse wanted clarification on the process of the amending the zoning ordinance. The Planning Commission will provide the full text of amendments to the Supervisors, the Supervisors will be able to take immediate action to begin the amendment process which involves advertising and public hearing and adoption.

Lee Bieber inquired if a resident on Schuyler Road had obtained permits for the building, solar panels and saw mill operation the resident is conducting. Zoning Enforcement Officer Victor Marquardt was present at the meeting and stated the resident is going beyond what was presented to him and will need to acquire zoning and building permits and provide engineered drawings and may have to take out what has already been constructed due to necessary inspections.

Supervisor Duane M. Blakeney would like a letter sent to the PUC regarding Windstream's lack of and delayed response to downed wires.

A motion was made by Willard Murray, seconded by Ricky Dyer and passed to adjourn the meeting at 5:35 P.M.

Respectfully Submitted,

Lucinda R. Bomberger
Lewis Township Secretary