

Lewis Township Supervisors
Regular Monthly Meeting
September 6, 2017

The Lewis Township Regular Monthly Meeting was called to order by Chairman Willard Murray at 7:00 P.M. at the Lewis Township building. Those also present were Supervisors Duane M. Blakeney, Solicitor Benjamin Landon, Secretary/Treasurer Lucinda R. Bomberger and 20 guests.

A motion was made by Duane M. Blakeney, seconded by Willard Murray and passed to approve meeting minutes from the August 2, 2017 Supervisors Regular Monthly Meeting as written.

A motion was made by Willard Murray, seconded by Duane M. Blakeney and passed to approve the July 2017 Sewer Financial Report.

A motion was made by Duane M. Blakeney, seconded by Willard Murray and passed to approve the August 2017 General and State Funds Financial Report.

Public Comment on Agenda Items

No Comment

Township Reports

Supervisors

Supervisor Duane M. Blakeney made comment on various work done over the past month throughout the township that include mowing, storm clean up and basic maintenance.

Roadmaster Willard Murray reported that road maintenance has been done on Hill Road and North Bend Road. The road crew will be working on preparing roads for winter the next few months.

*** The meeting was temporarily adjourned at 7:05 P.M. for an executive session to discuss a legal matter. The meeting was reconvened at 7:30 P.M. ***

Willard Murray announced that the meeting at this time would be recorded for accuracy of taking minutes.

Engineer

Township Engineer Randy Webster attended the meeting to discuss with Hullcrest Estates residents what the township would expect in order to take over Hullcrest Blvd.

Randy opened the discussion by mentioning that there is a long history regarding Hullcrest Blvd. and wanted to make it clear to the residents of Hullcrest Estates and the Township that all business will be conducted at a public meeting in open forum until we get clear direction. At this time nothing official is on the table. The Supervisors are entertaining the idea of accepting Hullcrest Blvd. as a township road. The Township recently had questions from a few residents and also had contact with Randy Hull

separately. All of you were invited to attend so that everyone is hearing the same information at the same time to be on the same page and know and understand where the Township stands. The Township's response to take over the road is that the road needs to meet the requirements of the current ordinance which specifies widths, depths and materials that a road should be constructed of. The road is already there so it makes sense not to totally take it out entirely but as it was constructed it does not meet Ordinance requirements. The Supervisors would consider some waivers of the Ordinance requirements such as width, however would like shoulders added for snow plowing purposes to not cause damage to a residents lawn with a snow plow. Also widening seems to cause people to drive faster. The road functions at the current width so this would be a logical waiver. Samples or cores need to be taken depending on what type of "pavement treatment" is proposed. Anything that would be proposed needs to be presented in a plan by an engineer so that we are all talking the same language in what is being proposed so that what is being accepted can be inspected and to the satisfaction of the Township and agreeable to take over the road.

Will Murray commented that Randy Hull had come to him and he suggested that to start core samples should be taken and would give a picture of what is there. Six samples were taken. A report did come back and thinks that is where we are at right now.

Lee Beiber asked how wide the road is. Will answered 16-17 feet.

Randy Webster also mentioned the culverts/pipes that have been put in, one of which was put in a couple of times, need to be addressed as well. There are things that were not installed correctly in his opinion and need to be in like new condition for the Township to take it over. Randy also mentioned that he responded to the Township in regards to the CMT Labs report. CMT Labs made some recommendations and to summarize, the report said that the road could be overlaid with a layer of asphalt pavement and the road would be fine. Randy's response was it would be fine as a road to drive on but would not want to own the road forever and have to maintain compared to what the Ordinance says the road should be constructed like. Putting a one inch overlay on the road would not bring it in line with Ordinance requirements. The standards are there as a tried and true minimum so that a road has a predictable life cycle to plan maintenance and budget costs for that maintenance. If the Township doesn't know what something is or will be and take it over, the Township is on the hook to maintain it and those costs could affect the township as a whole. Randy mentioned this is a summary of his response to the report by CMT Labs. Putting together a plan would not take a whole lot of effort on an engineer's part. There is a lot of information out there about Hullcrest Blvd. Engineer Dan Vassallo is familiar with Hullcrest Blvd. as well as others.

Gene Brannigan:

Has the owner of the road proposed any plans to the township? Willard Murray answered no.

Did the core samples that were taken pass or not pass? Randy Webster responded that the core samples basically just inform what material is there and what is there does not meet Ordinance specifications.

Will the pipe requirements be recorded in the minutes?

Carl Jenkins:

When did the Ordinance in question become effective? The Ordinance was adopted in January 2015. This road was built way before under the ordinance at that time with the intention to dedicate the road to the Township. Now we are asked to meet a new standard where it should be held to the standards at that time.

Solicitor Ben Landon responded if a plan would have been submitted at that time, the Supervisors would have taken over the road if they so chosen under the old Ordinance. For whatever reason, that did not happen. If a proposal is submitted in 2017, the requirements will be by today's ordinance.

Randy Webster touched on the question asked by Mr. Brannigan about the bridge/pipe issues. Randy commented that the plastic pipe is deformed due to being backfilled improperly and there is deformation caused by large stones, chunks of pavement or concrete pushing into it. There are also head wall issues from the way it was built.

The metal pipe is literally coming apart at the seams. It needs to be addressed.

Randy was not prepared to go into detail about the pipes not having his notes or photos taken with him.

Donald Farrar

Would this issue be grandfathered under the old ordinance since it was twenty plus years ago and how many years has the Township collected taxes from these residents? Ben Landon responded that grandfathering does not apply here.

Michael Marr

What about all the other roads in the Township? Ben Landon responded that those roads are already the Township's problem.

Where has the tax money gone to repair roads? Ben Landon responded to repair roads among other things.

So for twenty seven years I have paid taxes and seen no benefit from it? Ben Landon responded that that was not an accurate statement and that when you leave your development to go somewhere and road maintenance is to your benefit.

Gene Brannigan

If there is a safety issue regarding a private road, for instance if some of the issues that the engineer has brought forth, do the residents come to the Township or the owner of the private road? Ben Landon responded that it would be a civil matter between the residents and the owner of the road.

Would the owner of the road be liable? Ben suggested that they consult with an attorney due to it being privately owned and private property.

Gene expressed his appreciation of the Supervisors organizing this open forum and speaking to them about this issue.

Lee Beiber commented on his past experience working for the borough and if a road was not to specifications in a development you didn't take it over. The burden cannot be out on the other tax payers to fix someone else's mess. It was his opinion that it should meet specifications.

Dennis Shulick

Mr. Shulick expressed his disappointment that the Hullcrest residents have been here in the past and nothing has been done and now they are expected to adhere. Solicitor Ben Landon responded that there have been numerous discussions regarding this issue, some, not all, he has participated in and the Township had always made clear that if the road meets the Township's specifications, the Supervisors would consider taking it over. The Township has not yet received a proposal to meet those specifications.

Randy Webster talked about the age of the road and what has happened to the road over time. Due to the thin layer of pavement and lack of proper maintenance over the years and the longer it goes without proper maintenance the road will deteriorate. There are many cracks in the road that mud is coming up through. This is a sign of failure. Randy stated that he would not recommend that the Township overtake the road in its current condition.

Randy discussed a recommendation of using the Full Depth Reclamation as a viable option that the Supervisors would consider as a waiver that he spoke to Elliot Peeling and Gene Brannigan about. Randy went on to say that only putting a layer of pavement on top will just cover up the many problems and and fairly quickly those problems will only occur again and may be worse. The Township can't take on a problem road and be able to throw maintenance costs into the budget that way. The better the shape the road is in, the better the Township can budget the long term maintenance.

Carl Jenkins

Carl asked where do we go from here assuming the Full Depth Reclamation is the way to go, how does it get done and who pays? Randy Webster responded that again it is a private road and private property that serves the residents in Hullcrest Estates. It would be the responsibility of the owner and also residents. Carl also asked that at this point there is liability to that owner, if the road is not passable in an emergency, that liability is with the owner, is it not? Randy Webster responded "appears it may be". Carl stated that he would not want that hanging over his head.

Lee Beiber stated that the person who developed Hullcrest Estates put the road in the way he did and the residents who bought property there new what they were getting and until it meets the required specifications he does not want his tax dollars paying for it.

Dave Gehrum responded to Lee Beiber's statement that we are not on a pay as you go basis system and asked Lee if he pays taxes and if he has a child in school. Dave thanked him that he pays his taxes so that his child can go to school but felt that his statement to not pay for others was unfounded. Lee responded to take something over, for the owner to make a road that the Township has made clear their willingness to work with the owner and residents, to act in a way that is reasonable for the Township as a whole and its residents, there is room to bend but the Township can't act responsibly and take something over that is going to be a problem.

Dave Gehrum thanked the Township for meeting with the residents of Hullcrest Estates.

Ed Bohart thanked the Supervisors for having this discussion with them and their willingness to work with them and out their necks out there.

Gene Brannigan touched briefly about the deposition that Randy Webster would have testified in their court case and stated that they have been trying to get the cooperation of the neighbors to be on board with resolving this issue and would like to be active in pursuing the issues.

Lee Beiber asked if patching those holes and cracks could be done before an overlay is out on. Randy Webster responded that is the unknown of taking over a road and painting it black and not knowing what is there. Lee stated that you often see base put down, compact it and then overlaying it. Will Murray stated that using the Full Depth Reclamation with chemical stabilization such as concrete, the road would get very hard. Lee responded yes if you do the entire road. Will states yes and that the Township has used this method on other roads in the township and Full Depth Reclamation is where they stand.

Randy Hull stated that Full Depth Reclamation was a viable option but not required. He asked if the Township was not satisfied with the base. Randy mentioned a few points made in the CMT Lab report that it said the base was good and a top coat would be all that would be needed. (see file for full report) That is what he said he understood. As far as the pipe he would get it worked out. He has inherited this mess and he is going to try and figure out how to fix it.

Randy Webster responded to his question about satisfaction of the base. Randy Webster said that mud is being pumped up through the cracks and holes. That means the road is sinking and that the base has failed. Randy Hull stated that he has never seen mud come up. Randy Webster stated that he had been there to inspect the road purposely while raining to be able to see these issues and see when water would be in the pipes and believes there was snow on the ground so there would have been freezing and thawing going on. Randy said when you see dirty water, that means fines are coming up through from underneath.

Treatment Plant Operator

Eric Moore from West Branch Regional Authority updated the Supervisors regarding operations of the plants. New small refrigerators are needed at both plants to preserve samples. The operator will be looking into prices.

Secretary/Treasurer

Secretary/ Treasurer Lucinda R. Bomberger reported on the following:

- A grant application was submitted to Community Aid for a grant request of \$4,519.00 for repairs and improvements to the entrances of township building.
- Nine residents did not respond to the third notice sent for failure of pumping their on-lot system that originally was due December 31, 2016. With the okay of the Supervisors, a letter will be

sent notifying that their information will be sent to the SEO within one week of the date of the letter. The Supervisors gave their okay.

Old Business

A motion was made by Willard Murray, seconded by Duane M. Blakeney and passed to table the adoption of the Lewis Township Act 537 Sewage Facilities Minor Plan Update due the Warrior Run School District Board not voting on the MOU at their August meeting.

A motion was made by Willard Murray, seconded by Duane M. Blakeney and passed to table the Daniel Martin/Cameron Hill Lot Consolidation. A stormwater agreement between John Sensenig, Delaware Township and Lewis Township needs to be completed.

The Road and Weight and Bond Ordinance will be advertised on Friday, September 8, 2017 and will be in the October agenda for adoption.

New Business

A motion was made by Willard Murray, seconded by Duane Blakeney and passed to table authorization of payment of Invoice # 1005264 for Hammaker East. The amount invoiced for Fog Seal is in question.

A motion was made by Duane M. Blakeney, seconded by Willard Murray and passed to authorize payment of bills for the month of September 2017.

Public Comment

Lee Beiber commented on the condition of Wolfe Blvd.

Mike Marr thanked the Supervisors and was appreciative of them taking the time to meet with and listen to the residents of Hullcrest Estates.

Eric Moore inquired about the law regarding recording at a public meeting in light of the announcement made by Willard Murray that tonight's meeting would be recorded. A member of the audience may also have been recording the meeting without the knowledge of everyone present.

A motion was made by Willard Murray, seconded by Duane M. Blakeney and passed to adjourn the meeting at 8:20 P.M.

Respectfully submitted,

Lucinda R. Bomberger
Lewis Township Secretary