

HIGHWAY COMMISSIONER'S MEETING

July 18, 2012
O'Fallon Township
801 E. State St.
O'Fallon, IL 62269

CALL TO ORDER at 7:00 P.M.

ROLL CALL

Supervisor Gary Ahle, Highway Commissioner William Peach, Town Clerk David M. Witter, Trustees: Glenn Loyet, Jeff Bevirt, Kenneth Joseph and Gary Hursey; Deputy Town Clerk/Recorder Debbie Allsup and General Assistance Administrator/Recorder Sheri Heil.

Others present: Dennis Sullivan, Douglas Scott, Gary Fohne, Gerard Helldoerfer, Ted Shekell and Lee Cannon.

O'Fallon Mayor Gary Graham arrived at 7:14 P.M.

APPROVAL OF PREVIOUS MEETING MINUTES

Trustee Jeff Bevirt wanted to make a date correction on the subject of the resident's meeting on Borchers Lane. The meeting when the residents chose which design they preferred was held on September 13th. Bevirt said the only resident meeting he was aware of was on July 19th on Borchers Lane. Commissioner Peach said there was another meeting held at the Township Hall in September.

A motion was made by Trustee Jeff Bevirt to approve the minutes of the previous Highway Commissioner's Meeting as presented and seconded by Trustee Kenneth Joseph. Motion carried.

HIGHWAY COMMISSIONER'S REPORT

Highway Commissioner Peach stated the Road District had done the following during the period of June 21st, 2012 to July 18th, 2012:

- ☆ Mowed weeds and did weed eating
- ☆ Picked up trash
- ☆ Chipped tree limbs that Ameren Illinois cut down
- ☆ Cleaned storm drains of debris
- ☆ Changed oil and serviced mowing tractor
- ☆ Cut corn back on Witte subdivision because of view obstruction
- ☆ Prepared 3 trucks for oiling at Lebanon
- ☆ Hauled millings and dirt to Borchers Lane July 16th thru 19th

Trustee Gary Hursey commented to Peach that we're (road district) now hauling dirt to Borchers Lane.

UNFINISHED BUSINESS

Mayor Graham arrived at meeting. Highway Commissioner Peach introduced traffic engineer Lee Cannon, P.E. of CBB Traffic and Transportation Engineers to speak about the Rieder Road underpass. Mr. Cannon began by telling

the board about himself and most recently, working with the city of O'Fallon on the northeast quadrant of city's future annexation limits (master plan). Cannon stated that he was asked to look at the letter from the Kaskaskia Engineering Group (KEG) regarding Rieder Road and its impact, or lack thereof for the interchange on the township roadway.

When the city did the master plan, one of the projects considered to be high priority was an extension of Rieder Road to the north to tie in Hagemann Road at Scott Troy Road. He anticipates over time (20-30 yrs. in the future), that road could carry 9,000-11,000 cars a day, depending on what kind of development occurs, especially with the interchange. Cannon said that he recommended that the one-lane railroad underpass was the largest credit constraint and should get addressed sometime in the future, and that provisions should be made for multi-lane facility. Two-lane is probably fine for the existing roadway but as development occurs, and left turns are starting to be made, you might want to start thinking about a three-lane roadway, especially if you take the time to reconstruct the road. Alternatively, you could let developers add those turn lanes as they come in and develop the property. However, one-lane railroad underpass is of some concern. It is a risk hazard, not so much now because Rieder Road is primarily a farm to market road with no interchange access, and mainly the folks on the road are the folks that need access those properties. It's not a thoroughfare, with maybe a couple hundred cars a day at most. Once it's open to the interchange, it will offer a by-pass opportunity for folks that want to get to US Highway 50 and don't want to be on Scott Troy Road. There is potential for traffic increase right off the bat with the interchange in place.

Cannon stated the other issue that KEG did not address is the physical condition of the road. If the traffic were to increase (1,000 on up to higher thousands) with the interchange, Rieder Road needs to be considered for structural or reconstruction to whether full depth asphalt or a concrete roadway. Trustee Glenn Loyet asked Cannon if this is his opinion, which Cannon said yes.

Cannon said the question is not if, these things need to occur but, when they need to occur, and who needs to pay for it. The "when" it needs to occur is to address the traffic as it becomes generated. Cannon said he cannot answer "who" needs to pay for it, which is not his to say. The issue of long-term planning issues; if anyone is going to acquire right-of-way today to do anything to that road, you might as well consider what right-of-way you might need longer term in the future, it's always easier and cheaper to buy it now then it will be to buy it later.

To recap, Cannon suggests the township consider the physical condition of the road and make your first priority addressing the one-lane bridge because it is a definite safety concern, probably, immediately upon opening the interchange. Supervisor Gary Ahle asked Cannon if he was speaking about the railroad bridge. Cannon said yes. Ahle said the railroad is not worried in helping with this. Cannon said he did not know about that, but usually the railroad's attitude is, they were there first, so somebody else has do deal with those issues.

Trustee Gary Hursey asked Cannon if engineering the entire Rieder Road be necessary to replace the railroad bridge. Cannon's response was no. Hursey said so the engineers could just engineer the bridge. Cannon responded that they could. Hursey asked Highway Commissioner Peach how much of Rieder Road is being engineered for the bridge. Peach's said they are doing a half mile on each side the bridge. Peach this is for sight distance which is a state law. Hursey stated that approximately \$400,000 to \$450,000 has been spent so far on engineering he supposes, for the half mile stretch on either side of the bridge, and it is projected to spend another \$700,000 on top of that. Peach said no. Ahle stated that's what is in the contracts Peach has signed. The problem we're running into, Hursey continued; the board wants the bridge, but they are just trying to figure out how much that should cost. Supervisor Ahle told Cannon that the road district is paying over a million dollars just on engineering. Cannon stated that bridge and railroads are not his expertise, he is looking at the interface between two cars, head on today with local, familiar traffic. Everyone that drives on Rieder Road knows there is a one-lane bridge underpass, and they stop and let one vehicle go through first. With the new interchange this is a safety hazard because anybody can jump off the interstate and wind up on Rieder Road going north. Hursey stated his concern is that Rieder Road will end up like Green Mount Road after the interchange is in place. A brief discussion followed. Hursey said the bottom line is the Township (Road District) does not have the unlimited funds to do this project and the board does not have a clear picture of what the money is being spent on. The board doesn't know what funding this project qualifies for, if any. KEG said we probably won't get funding from ICC because the road is the issue, not the railroad bridge. Our engineers say we will likely qualify for 60% of funding. Voters are asking (board) what we're doing. Hursey said he doesn't know about the rest of the board but, he wants the road widened and the bridge improved but there are too many conflicting stories. Cannon went on to explain that traffic engineers and transportation people call it the transportation land use cycle which means; new

access begets new development and new development begets new traffic that requires roadway improvements and goes on and on. As to where the money is going to come from, once again Cannon said that his not his expertise and he cannot answer that. Cannon's concern is the safety of the one-lane underpass and asked the board to keep in mind that it's a lot easier to build a bridge to its ultimate length as one project, so whatever road has to go under it in the future can go. Hursey asked City planning director Ted Shekell if it is possible for the road to go over the railroad tracks instead of the other way around. Shekell referred the question to city engineer, Dennis Sullivan who said it's possible but a lot of real estate would need to be purchased and have a fairly sharp incline off Highway 50 to get up over the existing rail grade. Cannon added that the clearances are about 14½ - 20 feet from the bottom of the bridge to the rail tops. Sullivan said it is 21 ½ feet. Hursey asked how much it cost to build the overpass on Seven Hills Road. It is said to have cost approximately \$4.4 million dollars. Trustee Kenneth Joseph asked the city representatives if O'Fallon Township is a big enough operation to do the bridge or, should we get involved with the county or state who has more funding available to them. Cannon said whoever owns it is responsible for it so, if there's a collision and fatality, somebody will get sued. Cannon stated that as far as getting help, there are a variety of different groups that provide funding mechanisms. Several different local agencies might pool their money together and throw that at some federal grant matches because safety is a big issue. Trustee Jeff Bevirt stated that KEG said that cities and counties have much more funding available to them than what townships do. Peach handed Cannon a letter from ICC dated April 2, 2012 regarding the Grade Crossing Protection Fund (GCPF) anticipating that nearly \$203 million in assistance will be made available to local highway agencies and railroads for projects qualifying for the FY 2013-2017 Crossing Safety Improvement Project 5-Year Plan. Commissioner Peach said that's where they're at with the engineering; he has to get the engineering done first in order to apply. Trustee Glenn Loyet added that the letter stated "projects at highway-rail grade crossings and bridges". Town Clerk Witter said that is what we've been told in the past, that there is grant money for at grade crossings. Cannon stated that it is generally a higher safety issue with trains hitting the cars, however, for cars hitting cars at the one-lane underpass is an issue and it does involve the railroad and that is one of the things ICC is trying to get around. Cannon went on to address Commissioner Peach's point that any local taxing body can apply for these funds generally, so in order to apply for the funds, some of the funds allow you to apply for design, so of those funds allow to only apply for construction. You can apply for funds without the plans sometimes, but if you do, you run the risk of not knowing how much it's going to cost, and therefore you don't ask for enough money. When you do plans and a cost estimate, you need to make sure you have a proper escalation to know what it's going to cost in 3 years when you get the money when steel prices and things go up in cost. Getting a plan set to get a good solid estimate to understand that you have enough money to make a local match, in order to get the correct state or federal money, that is generally how it is done to run large and expensive projects. A brief discussion followed. Cannon said you need to be careful when applying for funds before you have plans or an estimate, because what you ask for is what you're going to get if approved.

Trustee Gary Hursey brought up the topic of budget. Supervisor Gary Ahle said that he and all of the board want nothing more than to see Rieder Road redone but, the problem is budgeting. The road district is spending over a million dollars with Gonzalez Companies on engineering alone. Supervisor Ahle stated he does not know where Commissioner Peach is going to come up with the money in his budget to fund this project except to stop everything else. Peach contends that after Borchers Lane is done he has nothing else that needs to be done. Ahle pointed out that Borchers Lane cost over \$700,000, what is Rieder going to wind up costing. Peach's response is that's why they're engineering so he can find out the cost. Ahle told Cannon he is worried that Peach is not going to have enough money no matter what he does and is not going to have money to do anything else. Trustee Loyet asked Peach if he has contacted the railroad. Peach responded that he received a written acknowledgement of receipt of the funds request and now is on a list waiting for review. Peach again said that the plans have to be completed first to even be considered for funding. Trustee Loyet asked Peach if he has had any contact with the railroad. Peach he personally has not because that's what the engineers are for. Peach restated as before that the railroad has received the funds request and is being reviewed to see if they qualify for funds as they become available.

Trustee Hursey stated that he too wants to see Rieder Road redone, but after spending \$750,000 on a dead-end road, as a board member, he does not feel comfortable with the Highway Road Commissioner because he is not open with the board. Hursey said the board has heard from the engineers with as much information as they can provide. Then along comes KEG which Hursey said he knows is the county's people, and Hursey believes there's something to which the county develops their stuff before the township's. On the other side, Hursey said the township wants to do this project right and they cannot go into this thing blindly because he (Peach) doesn't have \$24-50 million or whatever the cost is going to be, the board does not know where this money is going to come from. Cannon said if the engineers have done some sort of level of planning, Peach should have some idea of what the cost is going to be. Trustee Jeff Bevirt said the funds request submitted to the railroad has been rejected once already. Cannon asked Peach what the figure is for the construction. Peach did not have that number readily

available and would have to look it up. Hursey and Ahle both agreed the number thrown around the table was in \$20's. Cannon is not surprised with this number since the railroad will have to be moved while the road is being built, and then move the railroad back. A brief discussion followed about money and the county's lack of interest in helping. Cannon said another way to get the county involved is since they are putting the 5-lane interchange in, it is going to cause an increase in the amount of traffic on Rieder Road, which increases the safety hazard where the one-lane underpass is. Cannon said the letter from KEG is factually correct except the numbers are for a two-lane road, not a one-lane road. Again, Hursey asked Cannon what is the township to do to get help with Rieder Road. Cannon said if you don't have the resources to do it, then the process through the existing Federal Record of Decision (ROD). Cannon asked if anybody had either the ROD or, Finding of No Significant Impact (FONSI). Either one of these could possibly be used as leverage for the county to get involved since; it's their interchange project that is causing the need to improve the township's stretch of that road. Ahle agreed and told Peach we need help. The township cannot do this on our own. Peach said we're a third of the way there on the engineering. Peach stated that State funding for road distressed bridges is a ratio of 80% state and 20% local. Trustee Loyet asked if that applies to this since it's a railroad bridge and not a road district bridge. Peach contends that it is a road district bridge. Loyet said it's owned by a railroad. Peach said it's still a road district bridge. Cannon stated that because the railroads were created as an infrastructure item a long time ago, they came through and they owned the property. The railroad granted local agencies, cities and townships easements across their railroads. The deal that was struck up is the railroad gets to maintain the bridge but, the city or township technically owns it. It was agreed by the board to find out who actually owns the bridge. Trustee Bevirt asked if the railroad owns the bridge, aren't they partially liable since our road underneath it is one-lane because of the bridge. Ahle said if there's a crash at that underpass, the railroad is going to be liable, the township is going to be liable; so are the car manufacturers and the tire manufacturers. It's happened before and is a moot point. A brief discussion followed.

Supervisor Ahle opened the floor to public input and called on Doug Scott who thought the bridge had been rebuilt 20-25 years ago. His question was who built it back then. Peach said maybe 50-75 years back it was probably a wooden bridge, and Peach recalled back to 1950 when he was doing work near there and it was the same bridge. Gerard Helldoerfer said a couple of years back the top was redone. Doug Scott stated that when KEG was at the Supervisor's meeting, they said the township should not take on a project of this magnitude and at the time, they did not even know if the interchange was going to go through because they did not have the funding. Scott wonders if the road district might be rushing things by doing all of this engineering. He understands that you have to submit plans to qualify for funding, but the interchange is not going to go in overnight. That could take 3-5 years, so from a township taxpayer's point of view, why is the road district rushing this? Cannon agreed that the interchange is making the need for road improvements critical on Rieder. Even without the interchange, the road improvements still need to be done, it's just not critical. Trustee Loyet said the KEG letter states that Rieder Road is sufficient until the year 2035. Cannon answered that factually what was stated is a two-lane road could accommodate the traffic number sufficiently until 2035. The one-lane underpass section is not figured in. Hursey said before more money is spent, he would like to find out who is going to fund this project. Nobody wants to stop on this project after spending almost \$500,000 on engineering, but Hursey feels that it needs to be looked more closely just where and how much funding the project will qualify for. The county said they are not engineering the interchange yet, they are just going out looking for funding. Commissioner Peach wants to do the entire engineering first, and then go look for funding. Cannon answered that depending on what kind of things you're doing, you might ask for different monies for different activities even from the same people or possibly, from different people. All the different funding programs have different rules. Like for the interchange, if it comes out of the Illinois DOT Surface Transportation Improvement Program (STIP), they will fund 70 % of construction only. But, you do not have to have approved plans to make that application. Commissioner Peach indicated in order to get ICC rail bridge funds that you do have to have plans. Cannon stated he does not know that personally because he doesn't generally deal with rail bridges and their costs. All the programs are different. Cannon's point on the acronyms, if the township is not asking for relief in the National Environmental Policy Act (NEPA) which is the environmental process the interchange has to go through, then you won't be addressed in the NEPA process. Hursey asked if that's what they should be addressing. Cannon said if the township cannot afford to do the project and you believe the interchange going in is going to create problems at the one-lane underpass section, you can approach and get involved in the process and ask for some relief or, at least that it be considered. Because the NEPA process states the county engineers findings that: the traffic volumes are good on a two-lane road, we address the one-lane bridge underpass, the engineering reports do not mention this in the NEPA papers; what about the fact that it's a farm to market chip and seal road. Again, the engineering reports do not mention this in the NEPA papers. Cannon said these issues may not have fully vetted and we need to make them fully vetted for the benefit of not getting sued over a vehicular crash on Rieder Road. Hursey asked who we go to for this. Ahle said we go through our engineers, Gonzalez Companies and have them address these issues on our behalf. Peach said right now we are protecting ourselves that if a crash occurs, we still get sued, but we are not as liable since we are taking the necessary steps and measures to correct the

situation. Cannon indicated that earlier a comment made by Trustee Glenn Loyet either in jest or serious, to close the road at the bridge. Cannon said if the road district gets to a point where they cannot fix the road; it might be in their best interest to cul-de-sac it on both ends until something can be done. A brief discussion followed. Commissioner Peach stated there would have to be a hearing to close the road and if people protest this motion, it will not go through. Loyet said that's what should be done. If you don't want a lawsuit, close that road. Ted Shekell, City of O'Fallon Planning Director indicated that NEPA is a bigger deal than anyone might think. If there are findings of significant impact on Rieder Road, there may be at some point, funds to help mitigate that impact. These programs (NEPA / FONSI) were set up to look out for the little guy. Shekell continued to stress that the road district needs to have their engineers submit paper work indicating how this interchange will affect the township portion of Rieder Road. Cannon said if these findings submitted by KEG get to the point for ROD (Record of Decision) with no negative input, they'll get that approval. Shekell added the advent of an interchange opening is going to create a safety issue for whoever owns that road which is a significant impact, so that's why it's important to get that into that process because, the federal agencies may have to help mitigate that with some money. Mayor Gary Graham indicated that they have read the report submitted by KEG and the reason the City Hall officials are at this meeting is, Graham told the board and elected officials to do whatever they want, but the report from KEG does not cover the one-lane bridge underpass. The report is not a lie; it just did not address the issues. Graham continued to say if only the bridge gets engineered and done now, then everything is in place for the future, if it's just that. Graham is not saying we should or shouldn't. Graham said they know how to apply for the crossing and it may not need to be built. Graham's point is if we want, bring Kaskaskia Engineering Group back and he'll have Lee Cannon back and talk. Graham said if we are basing our decision on KEG's study report, it does not factor in the one-lane bridge underpass. More discussion followed.

Supervisor Gary Ahle recognized Doug Scott who asked can the township turn Rieder Road over to the city, who has the expertise and more funds available? Scott said if that can be done, pretty much problem solved. Mayor Graham jokingly replied if they want, the city will take all the roads and tax money. A discussion followed.

Supervisor Ahle stated again, he and the board are not against the improvements for Rieder Road, the township just does not have the money to fund such a large project. There's over a million dollars in engineering alone, the engineers suggested that Peach save up money over the next 5 – 6 years, Ahle told Peach he will not have money to spend on anything else to get this thing without help. Ahle asked the Mayor Graham and Ted Shekell if they can lead the township or Peach on where or who to go to for help with this project would be greatly appreciated. Ahle told Peach that he's already locked in with engineering contracts for a million dollars. Peach spoke said that the railroad will help with the rebuilding of the bridge but not the road underneath that's besides..... Ahle told Peach again that is why we need help and the board agreed. Peach said that's what he's working on. Trustee Bevirt stated that he realizes that in the future Rieder Road will be a City road, Mayor Graham agreed. Discussion followed.

Supervisor Ahle recognized Trustee Hursey to speak. Hursey said his picture on the ownership of the road is it's a road in the state of Illinois; it belongs to the people of O'Fallon Township, City of O'Fallon and St. Clair County. We should quit playing the game of this is Bill's road, it's not Bill's road, and it belongs to the township, city and county. Hursey continued that he wants Pat Judge of Gonzalez Companies look into all the programs (NEPA, FONSI & ROD) that Cannon mentioned earlier and show the board something pertaining to programs he's looking into. Everybody was in agreement with this. Ahle told the City members this is the first anyone on the board has heard of these proceedings. Cannon again stressed the point that we really need to have an advocate for the township that is looking into all that the County and KEG is doing so we are better able to take care of what we are responsible for. More discussion followed.

Trustee Hursey asked Commissioner Peach directly if he can get Gonzalez to get a NEPA, FONSI and ROD reports that apparently had to be submitted by KEG. Peach said he's sure that Pat Judge can do it. Ahle told Peach what he needs to do is approach Judge and ask him for us. Peach stated this is the first he has heard of any of this too, but that is why we have engineers for guidance.

Supervisor Ahle and the board thanked Mayor Graham, Lee Cannon, Ted Shekell and Dennis Sullivan for taking the time to come and speak with them. Trustee Kenny Joseph wanted to personally thank the city for finally putting a sidewalk from Seven Hills Road at East State Street all the way down to Behrens Street. Peach said it has been in the city since 1991 and Joseph said he is bringing it up because he has seen kids walking along the road.

Dennis Sullivan, Ted Shekell, Lee Cannon and Mayor Gary Graham excused themselves from the meeting at 7:54 P.M

NEW BUSINESS

READING AND APPROVAL OF HIGHWAY COMMISSIONER'S BILLS

Permanent Road Fund	\$	106,154.59
Road & Bridge Fund	\$	19,560.23

Highway Commissioner Peach asked if anybody had any question about the Road District bills. Trustee Loyet asked about check no. 3544 in the amount of \$1,741.75 payable to Christ Brothers for road millings. Loyet and Hursey asked what road these millings were for. Peach asked to see the ticket. Peach confirmed that the road millings were hauled to Borchers Lane. Loyet asked if that's in the contract. Peach specified that it's in the bid specs that the road district will furnish the millings. Hursey asked Peach what account this payment was coming out of since the Borchers Lane project line item is running out of money. Peach said the payment is coming out of Road Improvements line item. Hursey questioned this being a road improvement. The board and Ahle were questioning how a new road can come out of road improvements. Deputy Clerk/Recorder Debbie Allsup stated that since it is part of the project, it should come out of the appropriate line item which would be Borchers Lane line item. Peach then says if it had been in the bid specs, then yes, it would come out of the Borchers line item but it wasn't in the bid specs. Allsup asked Peach if he didn't just say that it was in the bid specs, which he did. Peach really did not answer the question. Allsup asked Peach if materials are going to a project with a specific line item, shouldn't everything pertaining to the project come out of the specific line item. Now Peach is saying it's not in the bid specs. Allsup said that does not matter, all payments pertaining to the project should come out that line item. Some discussion followed.

Ahle said his only concern is if there will be trouble with the bookkeeper if Peach pays a Borchers Lane invoice out of a different line item. Peach keeps insisting that it's a road improvement. Ahle and other board members stipulated that it's construction of a new road. The board went over the money left over in the Borchers Lane project line item. Hursey said after they pay an invoice to Rite-Way Excavating in the amount of \$99,927.34 there is less than a \$1,000 left. Hursey stated to the board with the \$1,741.75 invoice to Christ Brothers, Peach is out of money and wants to pay out of another line item, instead of making a request to transfer money from another line item. Peach states that if it would've been in the bid specs they couldn't have done it. But it wasn't in the bid specs Peach contends. He said it was only when they advertised for bids. Trustee Loyet told Peach to get the bid specs and show the board. Peach stepped out of the conference room.

Mayor Gary Graham apologized for interrupting, but wanted to make sure the board was aware of time limit to submit any dispute to KEG report findings with regard to the NEPA or FONSI. Graham said there is a hearing period for the interchange project, whether the periods have passed or not, Graham does not know. The City members feel that the letter from KEG is misleading and could reopen the files. Graham said the road district needs to speak with Pat Judge and have him reopen this file with an appeal letter.

While waiting for Peach to return with the bid specs, discussions continued in the conference room. Allsup stated that it doesn't matter whether or not it is in the bid specs. Hursey commented on Peach's spending practices. Ahle said the auditors will be the one who will catch this. Hursey said we cannot put our money into a new road from another part of the budget. Allsup stated that it is unacceptable accounting practices not to put the invoice against that specific project line item. Trustee Kenny Joseph questioned about all the dirt that was hauled by the township employees on the township dollar, not put against the Borchers Lane line item. Joseph that the road district crew is out on Borchers Lane and working as if they are a part of Rite-Way Excavating crew. Hursey commented on what still needs to be done and by whom such as seeding and straw. Road district employee Gary Fohne stated that had not yet been done. Trustee Joseph then spoke up about going down Borchers Lane and all the township equipment that was down the road. Joseph said there was a motor grader, backhoe, street sweeper all township equipment and all run by township employees. Joseph said this should all be done by Rite-Way, and not the township. Trustee Glenn Loyet now understanding that Peach wants to pay Christ Brothers for millings out of another line item other than the Borchers Lane line item. Loyet said if the board feels that Peach is paying a bill out of the wrong line item,

the board can refuse to pay the bill. Ahle corrected Loyet and said they can postpone paying the bill for right now, but they do have to pay it. Allsup said the payment is postponed until it is on the agenda for the board to approve a transfer of money from another line item to the Borchers Lane project line item in order to cover all invoices. Ahle said that is what they need to do, because he would not put it past Peach to sue him as a treasurer of the township.

Trustee Loyet asked about the payment of \$5,000 to Gonzalez Companies for storm water work. The discussion continued about why there is so much being spent on the storm water projects now with Gonzalez handling it. Prior to Peach using Gonzalez, the only expense were for the permits required to purchase from RJN Group. Trustee Jeff Bevirt reminded the board that when the storm sewer pipe came out of the ground on the Behrens Street project, Gonzalez agreed, for relationship purposes, take over the management of the Township's CY2012 MS-4 storm water documentation. Value of these services is \$15,000 as noted in proposed 2011 budget. Actual approved budget equals \$5,000. According to Gonzalez, they are saving us \$10,000. Township is still required to pay the annual MS-4 fee of \$1,500 to RJN Group. Ahle asked what the date on the invoice was, which was for services thru March 11, 2011. Ahle said they never even made a deal with Gonzalez until winter of 2011 (date of meeting was 12/27/2011). Ahle stated that he used to help Peach with storm water and then Herb Gooch helped Peach while he was employed with the road district. In the past, they only paid for the permits through RJN Group, now Gonzalez wants \$15,000 to handle this. More discussion followed.

After 10 minutes, Ahle asked Peach to come back so the meeting can continue. Peach did not produce the bid specs. Hursey and Loyet stated they would like to see the bid specs at the next meeting to see exactly what Peach is talking about. Joseph requested that it be on the agenda for the next Highway Commissioner's meeting. Loyet asked Peach which line item he wants to pay Christ Brothers out of for the road millings used on Borchers Lane. Allsup confirmed that Peach wants to pay for that invoice out of Road Supplies (acct. #6560). Loyet stated he thinks this is pretty shaky.

Ahle asked there were any other questions on paying the Highway Commissioner's bills. Hursey stated he did not believe they can pay the bill for Christ Brothers out of the Road Supplies account. Loyet agreed and said he wants to see what Peach is talking about the road millings not being in the bid specs. Hursey commented they're not even done out there yet. Peach said it is done. Trustee Kenny Joseph spoke up then and said they are not done out there. Joseph asked if the board wants to finish with the bills first but then he had something to say. Ahle told Joseph to go ahead. Joseph said he has been out on Borchers Lane. He is sure the bid from Rite-Way Excavating includes; the grading on the side, the road, the groundwork, the strawing and the seeding. Peach was agreeing with Joseph on these points. Joseph said he was out on Borchers Lane approximately 3 days ago and could not even get down there because of all the township equipment working out there doing what Rite-Way should be doing. Peach does not answer Joseph's comments he instead, admits to taking the motor grader out earlier today (7/18/12) and working with it. Joseph said that is not his job, it should be Rite-Way doing that work, it was in their bid. Hursey stated to the board that he is going to vote "no" for paying the bills. Hursey says this looks bad because Peach wants to pay \$99,000 to somebody who Peach says is done, Joseph and the board do not believe the contractor is finished. And also the fact that Peach is moving bills around to pay them out of different accounts because he is out of money. Peach agreed when he said there is no more funding. Joseph said Rite-Way underbid it then. Hursey said he cannot approve those 2 bills pertaining to the Borchers Lane project. Joseph stated that he doesn't think its right for a bid to be accepted and now the contractor still gets paid and remainder of the project falls on the township equipment and man hours. Trustee Bevirt asked Peach if that was not part of Rite-Way's contract to grade, straw and seed. Peach said he is not seeding now. Joseph said Peach is grading because he saw all the equipment out there. Peach said a private resident is digging a pool and dirt was hauled today(not by the road district) to put on the banks on Borchers. Joseph said again that Peach is using the township equipment and township man hours to finish up work out there when it should be Rite-Way's responsibilities.

The last bill up for question is the \$5,000 to Gonzalez Companies for the storm water work. Peach said this payment is for the agreement to set up the plans for the drainage at the township and do the meetings. Ahle asked if this is part of the offset from the storm pipe coming out of the ground on Behrens. Peach said it was. Ahle pointed out to Peach that the date on the invoice was for services thru March 11, 2011 and the agreement was not proposed to the board until December 2011. So this invoice for \$5,000 cannot possibly have anything to do with agreements made later in the year with Gonzalez. The question being, what is this invoice for? Ahle asked Peach if the township is going to pay Gonzalez \$15,000 a year for the storm water projects now. Peach said no, it will be \$5,000 which Ahle asked if this a one-time deal to compensate for the storm drain incident on Behrens Street. Peach said this was the agreement made with Gonzalez because of the pipe coming out of the ground in summer 2011. Ahle thought the restitution for the pipe wasn't going to cost us anything. Ahle also wanted to know if they presented this proposal to us in winter (December) 2011 for restitution, how can they bill us for so-called work done in March

2011. Ahle said the invoice covers work being done before the pipe came up out of the ground. Loyet commented how it works out that Gonzalez bills us for \$5,000 and it just so happens that's the exact amount left in the storm water permit account (#6294). A discussion followed about what work was done out that cost us \$5,000. Loyet suggested holding up this bill until it can be investigated further. Peach commented he thinks they better pay it while the money is in the line item. Ahle stated they can postpone paying it. Ahle said it has to be paid but he does not agree with that invoice at all.

Highway Commissioner Peach dispensed with the reading of the Road District Bills.

A motion was made by Trustee Gary Hursey to authorize the payment of the Road District bills as presented with the exception of postponing the payment of \$1,741.75 to Christ Brothers because of the line item, \$5,000 to Gonzalez Companies because of questionable dates of service and \$99,927.34 to Rite-Way Excavating because the board believes the job is not complete. Ahle restated for the record that the board is not refusing to pay these bills, but only postponing payment until they can get more answers by the next Highway Road Commissioner's meeting. The motion was seconded by Trustee Kenneth Joseph. Roll Call: G. Loyet - abstain; J. Bevirt - aye; G. Ahle - aye; K. Joseph - aye; G. Hursey - aye. Motion carried.

PUBLIC INPUT

None.

ADJOURNMENT

A motion was made by Trustee Glenn Loyet to adjourn the Highway Commissioner's meeting and seconded by Trustee Kenneth Gary Hursey. Motion Carried.

Meeting adjourned at 8:24 P.M.

Respectfully submitted by:

David M. Witter
Town Clerk