

RE-REVIEW

3 September Sessions, 1942

**ORDER**

RE-REVIEW

~~order and lay out a~~  
~~road for public use in the~~  
~~township of Sandy~~  
~~Garfield County~~

Sept 1942 Sessions, 1942,

~~and confirmed Ni. Si. Road to be  
widened 32 feet wide, except where there  
is side hill cutting or embankment and  
judging, there to be 16 feet wide.~~

~~after absolute confirmation  
the County is directed  
to pay fees for  
Costs as to all 3 crews~~

By the County  
J. C. T. Bell  
J. C. T. Bell

May 4, 1949 Confirmed  
absolutely

Filed

Fees \$1.25 paid by

Pentz &

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 9th day of December in the year of our Lord one thousand nine hundred Forty-three.

Judge of the same Court: Upon the ~~petition of Sandy~~<sup>Opinion of W. Wallace</sup> Smith, P. J., dated Dec. 9, 1943, Re-review for road in the ~~petition of Sandy~~<sup>xhdmrsofthe</sup> Township of Sandy is granted in said County, setting forth that the inhabitants of the Township of Sandy labor under great inconvenience for want of a public road in the Township of Sandy to begin at a point on the intersection of Hand Street and Northwood Avenue, in the Wilson Terrace Addition of the said Township, and thence westerly to Main Street Extension, at a point 200 feet north of the residence of Pete Heberling, along said South Main Street Extension.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins, Esq., Thomas C. McGarvey and H. E. Reese

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court. W. Wallace Smith, P. J.

J. Harold McFadden, Clerk.

# RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Sandy and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 27th day of December A. D. 1943, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 30th day of December, 1943, at 1.30 o'clock P.M. That the three Reviewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view A.M. Palm of the State Highway Dept., Peter Heberling, Oliver Wayne, Joshua Hoover and Jerry Brown, Supervisors of Sandy Township,

## Grand Jury

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 30th day of December A. D. 1943, when the following appearances were noted: A.R. Chase and John J. Pentz, Atty's. for Sandy Twp. Dan Bailey, Dist. Twp. Engr., of the Department of Highways; Peter Heberling and David Heberling, Jerry Brown, Joshua Hoover and Oliver Wayne, Supervisors of Sandy Township. All of whom were sworn, examined and cross-examined by Counsel and your Board; the testimony being transcribed, attached hereto and made a part hereof. The proponents of said proposed road were neither present at the view or hearing.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road: After viewing the proposed road, the Board of Reviewers do not find it necessary to have a road in such manner as to do damage to private property, and for this reason the Board of Reviewers do not recommend the following described road, to be known as the Reberling Your Board as Re-reviewers in pursuance of the Order of Court dated December 9, 1943 appointing them, and the Opinion of the Court filed with said Order, after (a) an examination of the Report of the original Board of Viewers filed at December Sess., 1942, as well as the Return of the Board of Reviewers filed at May Sess., 1943; (b) viewing the premises, with respect to the shortest distance between the termini of said road, and the best ground for such road and laying the same out in a manner doing the least injury to private property; (c) had the testimony of the witnesses appearing at the Hearing taken down stenographically, transcribed and attach the same hereto, making the same a part hereof.

After the view and hearing aforesaid, your Board unanimously agree and make the following Findings of Fact, to wit:

1. That the proposed road leading from the intersection of Hand Street and Northwood Avenue, in the Wilson Terrace Addition of Sandy Township, westwardly to the improved Main Street Extension (Sykesville-Du Bois Highway) near the residence of Peter Heberling (a plan of which is hereto attached and made a part hereof) passes through low swampy land of Joseph Reitz and Peter Heberling, rising and ascending steep grades at its intersection with the termini, creating dangerous conditions to the traveling public at either end.
2. That the proposed road will require construction of a bridge over the stream in the bottom land that would be excessive in cost to impose upon the Township of Sandy under present conditions.
3. That the proposed road would provide no easier or safer approach to the Sandy Township High School, as the School is erected upon the highest point of the hilly terrain of the vicinity, and the grade of all streets and roads leading to it are, and would continue to be, steep but uniform; it would shorten the distance for the children now hauled by bus from this sparsely settled section of the Township, but would not reduce the transportation costs to the School District to any appreciable amount.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

IN RE: Order to Re-review and lay :  
out a road for public use in the :  
Township of Sandy. : NO. 3, September Term, 1942.

Hearing before Board of View: John Scollins, Esq., H. A. Reese and T. C. McGarvey, at the Grand Jury Room in the Court House in Clearfield on Thursday, the 30th day of December, 1943 at 1:30 P. M. Appearances: A. R. Chase, Esq., of Chase & Swoope, and John J. Pentz, Esq., representing the Board of Supervisors of Sandy Township, and the Remonstrants; Dan Bailey, District Township Engineer of the Department of Highways; Joshua Hoover, Jerry Brown and Oliver Wayne, Supervisors of Sandy Township; W. A. McGaughey; H. J. Wingert; Peter Heberling; David Heberling and J. G. Dinger.

Jerry Brown, being produced and sworn, testifies as follows:

By Mr. Pentz:

Q.- Mr. Brown, you are one of the Supervisors of Sandy Twp?

A.- Yes sir.

Q.- How long have you been a Supervisor?

A.- 22 years. At the present time and for several years I have been Secretary of the Board.

Q.- Were you present at the review of this road?

A.- No sir, I was not at any of the views.

Q.- Do you know the location of this proposed road?

A.- Yes, I have looked it over.

Q.- As Secretary of the Board of Supervisors, you have been keeping the financial accounts or records of the Township?

A.- Yes sir.

Q.- Have you any idea of the cost of this road with a bridge?

A.- I could not give any estimate that would be of any account.

Q.- Can you give us the present financial standing of the Township?

A.- Approximately; I cant give it to you exactly.

Q.- Will you give us the figures of the outstanding indebtedness at the present time?

A.- The outstanding indebtedness was \$16,500.00, but there was \$8500.00 due the first of November; I dont know whether it came in or not; if it came in, our present indebtedness would be about \$8000.00.

Q.- What is the millage in the Township for road purposes?

A.- Last year we levied 9 mills, four and two.

Q.- Did you have to levy additional millage for the payment of this bonded indebtedness; also for the general fund?

A.- Yes sir.

Q.- What is the assessed valuation of Sandy Township.

A.- I believe the real estate amounts to \$499,000.00.

Q.- Out of the 9 mills, the limitation placed upon the Township by the Legislature, you have to depend upon these funds for your existing road maintenance, do you not?

A.- The maintenance depends upon the amount allotted by the State.

Q.- Have you had enough to realize from your millage and assessed valuation?

A.- It just kept us going.

Q.- You had to levy additional millage to take care of the bonded indebtedness, did you not?

A.- Yes sir.

Q.- Does that condition still exist?

A.- Yes sir, and we expect to cut the millage in the future; we expect to eliminate the indebtedness.

Q.- Have you made any examination as to the necessity for this road?

A.- I have looked it over and cannot see where it is needed at the present time.

Q.- There was some reference made in previous views for the necessity of a road past the school buildings, was there not?

A.- I was not present at any of the views.

Q.- How far is the distance of the present road from the school?

A.- About one-half mile.

Q.- How far would the distance be with the proposed new road?

A.- One-half mile.

Q.- The present access to the school building on improved roads is better than the proposed one on unimproved road would be, is it not?

A.- It certainly is.

Q.- Have you made any inquiry of the townspeople of Sandy Township as to this road?

A.- Some, but there are not many in this vicinity.

Q.- Did you know of this petition signed by several hundred residents of Sandy Township?

A.- Yes sir.

Q.- Did you take that around yourself?

A.- No, Mr. Wingart did.

Q.- As a Supervisor and Secretary of the Board, do you feel that the cost of this road as asked for is unnecessary and will add additional expense to the taxpayers of Sandy Township?

A.- It will.

Q.- Are the Supervisors as a Board opposed to the opening of this road?

A.- They are.

By A. R. Chase, Esq.-

Q.- You have about five miles of stone-base road out there in Sandy Township, have you not?

A.- It is approximately around there.

Q.- Have you been able to make a hard-surface road out of that?

A.- No sir.

Q.- If financially able you would make a hard-surface road out of that five miles, would you not?

A.- Yes, if financially able, but we are not.

By John Scollins, Member Board of View:

Q.- Mr. Brown, in view of the grades involved and the construction of a bridge or a culvert, do you think the building of this proposed road would be excessive to impose upon the Township under the present conditions?

A.- Yes, I do.

Q.- Is the road necessary in view of the fact that buses are unable to come within several blocks of the Sandy Township High School during the winter months?

A.- It is not necessary. It is only used by one bus and that is a hired bus.

Q.- State whether or not the building of this road will require a small bridge or culvert, and what the expense would be in connection and directing the water at the point involved?

A.- I am unable to answer that.

Q.- By adopting that straight line from Hemingway's to the intersection of Hand Street, do you know what the expense and engineering cost would be in doing that?

A.- I would be unable to say.

By Mr. Pentz:

Q.- You have had Mr. Bailey of the State Highway Department give you estimates on figures and costs, have you not?  
A.- Yes, he is here now and will give you that.

Joshua Hoover, being produced and sworn, testifies as follows:

Q.- Are you one of the Supervisors of Sandy Township?  
A.- Yes sir.  
Q.- How long have you been on the Board?  
A.- Fourteen years.  
Q.- You as a member of the Board of Supervisors of Sandy Township have gone on record as officially opposed to this road?  
A.- I do.  
Q.- Are you very familiar with that territory?  
A.- Yes sir.  
Q.- Do you live there in that vicinity?  
A.- Yes sir.  
Q.- Were you with Mr. Brown when he measured the distance from the improved street around to the High School Building?  
A.- Yes sir, that is one-half mile.  
Q.- The bridge is by improved road?  
A.- It is.  
Q.- And the grades are reasonable, are they not?  
A.- Yes sir.  
Q.- Do you know whether or not the school bus was unable to get up the hill on any occasion?  
A.- At times when it is icy the school bus cannot get up, on account of the road being icy.  
Q.- Could it get up with chains on?  
A.- I have no trouble getting up with chains on.  
Q.- The bus could get up with chains on?  
A.- The people who live there get up and down without difficulty.  
Q.- After you get up there, the grade on top of the hill is not difficult, is it?  
A.- No.  
Q.- Do you know how many streets approach the top of the hill and the school building?  
A.- About three: Wilson, Denton and Wassen, and they have a pretty fair grade.  
Q.- There are three ways for the bus to get up there?  
A.- Yes.  
Q.- Are they all improved surface roads?  
A.- The improved surface has been recommended by the State, but has not been put on on account of lack of funds.  
Q.- If this road as prayed for is granted, would you be able to give it a hard base and surface?  
A.- No sir, on account of lack of finances.  
Q.- Does the millage received for road purposes and what you receive from the State permit you to keep your present roads hard-surfaced?  
A.- No sir, we always have to ask the Court for additional funds.  
Q.- Have you an idea what the cost of this road would be?  
A.- I would not know anything about the cost of the bridge, but I know it would run into thousands of dollars; I know that.  
Q.- Would you have to float a bond issue?  
A.- Yes, as we could not pay for it out of current revenue.  
Q.- You would have to go to the people to get the money to finance this?  
A.- Yes we would.  
Q.- Do you know of a petition signed by taxpayers of Sandy Township opposing this road?  
A.- I do.  
Q.- Are the names of the signers familiar to you as residents and taxpayers of Sandy Township?  
A.- Yes, I recognized many of the names.  
Q.- How many miles of dirt road does the Township maintain?  
A.- Improved and other combined, about 59 miles.

Q.- How many miles are improved?

A.- Eight or ten, and the balance dirt.

By A. R. Chase, Esq.

Q.- This school up there that they speak of, what grades go there?

A.- Just high school.

Q.- The children would all be at least 12 years of age?

A.- Yes they would.

Q.- You stated to the Viewers that several streets going up to the school cannot be used on certain days due to icy conditions; could you give us an idea how many days a year a bus could not get up there without chains?

A.- I could not say; just when it is icy they cannot ride up without chains.

Q.- There are three roads leading up to this high school; could any road be used to get up if they use chains?

A.- Yes sir.

Q.- How many squares would the children have to walk if the bus does not go all the way up?

A.- Two squares is all.

Q.- This proposed road, would it run through an improved section of Sandy Township?

A.- No, not a family lives on it; it is all vacant ground.

Q.- The only thing this road would be is a more convenient approach to the high school, by a half a mile, than the present roads, but it is only a convenience, not a necessity, is that so?

A.- Yes sir.

Q.- Do you and many of these signers have children going to the high school?

A.- Yes sir.

By T. C. McGarvey, Viewer:

Q.- If the new road was built, would it be better to go up to the school?

A.- Yes, up Hand Street.

Q.- The owners of the real estate who own this waste land over the proposed road, who are interested in it?

A.- Mr. Reitz is the only man who approached me on this road before the first View, and he is not a resident of the Township nor has he any children going to the school.

Q.- Is there just as much grade to the proposed new road as to Hand Street?

A.- Yes.

Q.- Which street is used most by the buses transporting the school children?

A.- Most of the high school children are transported in by Brady Street; up to Hand, off of Brady. The two big buses use this route. Brady Street is the main route in and out of town.

Q.- How far is Brady Street from the school house?

A.- Two squares.

Q.- What is the attitude of the School Board towards this road?

A.- The President of the School Board told me they had never taken action about this road at all.

Q.- Did any members of the School Board sign this petition?

A.- I don't know.

Q.- Are there any members of the School Board here?

A.- No.

By H. A. Reese, Viewer:

Q.- Is there a grade school up there that the smaller children go to?

A.- There is one at Liberty.

Q.- Does the bus pick up other children down there?

A.- Yes.

Q.- If he came down with the school children from there, could he travel this new road and make it all in one trip?

A.- No, not very handy.

Q.- How far do the children live from the school?  
A.- They would not live much over a half mile from the school.  
Q.- Any road they use, they have to be hauled a half mile, and  
they are, is that it?  
A.- Yes, and they are most all getting paid for it.

Oliver Wayne, one of the Supervisors of Sandy Township,  
being produced and sworn, testifies as follows:

Q.- How long have you held office?  
A.- Since three years ago last June.  
Q.- Is your home in the vicinity of this proposed road?  
A.- Yes, just about one mile from it.  
Q.- The one to Sandy High School?  
A.- Yes.  
Q.- As a Supervisor, are you opposed to the opening of this  
road?  
A.- Yes.  
Q.- Why?  
A.- For the reason that the heavy financial burden on the Township  
without giving a commensurate return.  
Q.- Is there any necessity for this road?  
A.- No necessity.  
Q.- Are you familiar with the transportation of the school  
children?  
A.- Yes, I am fairly familiar with it.  
Q.- Are these children a small proportion of the High School  
children?  
A.- Yes, just a very small proportion of the High School.  
Q.- Is the approach from Main Street Extension or Dixon Avenue  
to the High School adequate at the present time?  
A.- Yes.  
Q.- Are there times when the bus could not get up there without  
chains?  
A.- You cannot get up without chains on icy days, on any of the  
three routes mentioned.  
Q.- Is the Township financially able to construct this proposed  
road?  
A.- No, they are not.  
Q.- Have you any idea what the cost of this road would be?  
A.- No.  
Q.- Do you have any figures on it?  
A.- No, but I know it would cost several thousand dollars to  
put a road and bridge in there, and the Township now has to  
use all its funds to maintain existing roads, and has to ask  
for an additional tax levy to pay its debts.  
Q.- Does the Township have any excess funds to build new roads  
without additional taxation for it?  
A.- No, no excess funds.  
Q.- You have five miles of road now needing surface of asbestos,  
do you not?  
A.- Yes, but the Township has been unable to supply that; the  
first available funds should be used for that. Certainly  
should come ahead of this new road. That is the intent of  
the Supervisors.

By A. R. Chase, Esq.,  
Q.- How long has the High School been there?  
A.- Since 1920 I believe.  
Q.- And the High School kids have been going up there ever since?  
A.- Yes.  
Q.- They went up there a good many years before a bus?  
A.- Yes.  
Q.- Are you familiar with the signers on this petition, opposing  
the building of this road?  
A.- Yes, they all live in that vicinity.  
Q.- Are there any signatures on that petition of parents whose  
children go to this High School?  
A.- Yes, quite a number.

Q.- If this proposed new road were put in, would you still have a grade as much on that new road as going up Wilson & Denton Avenues and almost as much as Hand Street, or a trifle less?  
A.- I would say it would not add to the inconvenience of the bus driver.

Dan Bailey, District Township Engineer of the Pennsylvania Department of Highways, being produced and sworn, testifies as follows:

Q.- Mr. Bailey, you made an examination of this proposed road, and estimated the cost for the Supervisors?

A.- Mr. A. M. Palm, Construction Engineer and Bridge Engineer for our Department, made the preliminary survey and estimate at my request.

Q.- The figures he made are a part of your Department's records?  
A.- Yes sir.

Q.- Will you give to the Board of Viewers the estimate of the cost of construction of this road, with the kind of bridge required on this proposed road?

A.- Our estimate is based on approximately 1200 feet of construction. The estimated costs are: Requiring approximately 1-1/10 acres of property for a right-of-way purposes, estimated cost of \$350.00. For clearing and grading, which is work preliminary to construction, \$50.00. Grading, which will require the moving of approximately 3400 cu. yds. of earth at an estimated cost of \$1.00 per sq. yd., or a total cost of \$3400.00. Necessary drainage, ditches: excavation of 250 cu. yds. at a cost of \$1.50 per cu. yd., or a total of \$375.00. The installation of 50 feet of 30-inch pipe for necessary drainage at a unit price of \$6.00 per foot, or a total cost of \$300.00. To meet the requirements of the Water & Power Resources Board, which is a branch of the Pennsylvania Department of Forests & Waters, who have jurisdiction over the type of bridge opening, it will require a minimum size bridge of 10-foot span and 6-foot vertical clearance. To construct this with a width between rails of 22 feet would cost \$2900.00. To prepare sub-grade of 2490 sq. yds. at a cost of 20 cents per sq. yd., would cost approximately \$500.00. To install an 8-inch crushed stone base of 2490 sq. yds. at a unit cost of \$1.00 per sq. yd., or a total cost of \$2490.00. To apply a 2-inch x 18-foot in width bituminous surface on 2400 sq. yds. at a unit price of 80 cents per sq. yd., or a total of \$1920.00. To construct 1200 feet of , which estimate includes both sides of the proposed road, at a unit cost of 15¢ per lineal foot, or a total of \$180.00. The erection of 1200 lineal feet of guard fence, at a unit price of \$1.00 per foot, or a total of \$1200.00, making a total cost of \$13,665.00.

The type of bridge constructed by Townships must conform to highway plan, and be approved by the Department of Highways. This is the type of bridge that the Department would require the Township to construct. They could not build what is known as a dirt; this estimate is based on the assumption that this road would eventually be hard-surface.

Q.- In your opinion as an engineer, the Township would have to eventually hard-surface it under modern motor vehicular travel conditions?

A.- In view of the fact that the surrounding territory is provided by hard stone-base roads, in order to make this section of road to compare with the adjacent roads it should be hard-surfaced.

Q.- Would you say that if it were not hard-surfaced as a practical matter there would not be any use of building it?

A.- It would not be of as great a service as the other roads.

Q.- The public would say it preferred to use the hard-surface road?

A.- Yes sir, that is quite natural.

Q.- Would it be true that if this road were built it would be only for the convenience of the bus-driver, because it is impossible for him to drive up there without chains a few mornings a year?

A.- If the reason why this additional road should be built, because of the grade on those three other roads or streets that lead up to the school, which prevent school buses from traveling up them under certain conditions, that condition would exist in this road as to icyness because the grade is still there.

Q.- Do you know what the grade of the new road would be?

A.- I am sure I do not know the extent of the grade on it.

Q.- If the grade is practically the same as testified to, you would probably have the same grade to go up on the new road.

A.- Probably about the same.

Additional cost data: This is the probable cost to the Township yearly for the maintenance:

(a) Probable cost to Township yearly:

6% interest on \$13,665.00 .....	\$819.90
Maintenance cost, including surface treatment: The Viewers understand that periodically you must renew bituminous surface, at a cost of .....	\$205.00
Snow removal & cinderizing .....	\$ 75.00
<b>TOTAL .....</b>	<b>\$1099.90</b>

(b) Depreciation of Road, yearly.....\$ 114.75

Depreciation of Guard-fence .....\$ 40.00

Depreciation of Bridge, based on an average  
life of 60 years .....

Yearly maintenance cost of .....

Snow removal & cinderizing .....

Making a total pf .....

The computation of (a) is based on interest on a loan to pay the cost of construction; computation (b) assumes that funds for construction are now available, and therefore represent minimum average yearly cost to the Township. Average yearly cost, using computation (a) would be 6% interest for ten years, based on a 20-year loan, or a total of \$8199.00, added to the retirement of \$13,665.00. Reconstruction of the base four times in sixty years, \$6885.00; reconstruction of guard-fence, twice in sixty years, \$2400.00; yearly maintenance cost, 60 years times \$205.00, or a total of \$12,300. Yearly snow removal cost: 60 years x \$75.00, or \$4500.00, making a total cost for sixty years of \$47,949.00, or an average yearly cost of \$799.15.

By Mr. Pentz:-

Q.- Do you know anything about the financial situation of Sandy Township?

A.- I know that from several interviews with the Township Supervisors, they have indicated that they are not in a position financially to apply a bituminous surface on approximately five and seven-tenths (5.7) miles of stone base, which bituminous surface is needed to preserve these bases and prevent excessive maintenance costs.

Q.- How soon should this work be done after the base is put in, to prevent the excessive cost of maintenance?

A.- Immediately, to prevent unraveling and the possibility of excessive maintenance costs.

Q.- If not done, would it almost destroy the base?

A.- Yes.

Q.- How long has this base been laid? How long has it existed?

A.- I would say on an average of four years.

Q.- And that gets down to the point that if they want to preserve the base and prevent excessive cost of maintenance, that in your opinion the economical thing to do and most necessary thing to do would be to preserve these bases they already have?

A.- Yes.

Q.- As I understand it, you don't put in these stone bases unless they are to be covered by the slate covering?

A.- Yes, that is the purpose.

Q.- Have you any other figures, Mr. Bailey?

A.- None other than that the required opening in this proposed bridge meets the requirements of the Water Power Resources Board and a smaller one would not.

Q.- Without meeting the requirements, the bridge would not be permitted to be built?

A.- No.

Q.- If it went through, would there be any regrading of the bridge?

A.- Because of the necessity of retaining the location of existing drainage channels, the location of the bridge would necessarily have to be at the site of an old ~~new~~ dam, which may require additional future depths within the standard bottoms, as proposed in this estimate; this additional depth would be necessary to obtain sufficient foundation. The estimated cost of \$2900.00 includes \$500.00 allowance for the possible extra depth. That is all the figures that I have.

Q.- Do you know whether extra support would be required?

A.- There would either have to be test holes, or the depth of the foundation determined after the excavation had reached the standard planned depth.

Q.- We understand that your estimate considers just the standard?

A.- They include \$500.00 to take care of a possible additional depth.

Q.- Your estimate is based on present labor, costs and material costs or on past labor costs?

A.- They are based on a number of years' average costs.

Q.- We understand of course that this is purely your estimate based on a survey of the situation, and of course subject to being revised upward more than likely when it comes to putting the road in?

A.- Yes sir, it could fluctuate.

Q.- If this is based on the average over the years, it may be away over that figure with the present manpower situation as it is?

A.- Yes, that is true.

Q.- Would it be possible to build it at this time, under the present conditions in the Country?

A.- The War Production Board has issued a direction requiring their approval for any construction or reconstruction costing one thousand dollars or more unless actual construction had started prior to March 15th, 1943. The directions issued by the WPB clearly state that no approval will be granted for this type of work unless it can be definitely shown that the construction or reconstruction aids the present War situation, and no consideration will be given for work of this type if the existing facilities take care of the travelling public.

Q.- In other words they must establish, or be satisfied, that it is an aid to the War prosecution?

A.- Either one or the other: either it is an aid to the War Production or necessary for civilian traffic.

The Department of Highways has taken a stand of not giving approval for construction until after authority has been granted by the War Production Board.

Q.- Mr. Bailey, would it be necessary to have a bridge on this road, or could a culvert take care of the situation there?

A.- No sir, a culvert, if it were a culvert, would have to be of a size comparable with the proposed bridge; that is beyond the dimensions of our standards for culverts. Unless it were a proposed arch bridge, in which case it would require approximately 3200 cu. yds. of concrete compared to 2378 cu. yds. required for this proposed estimated bridge.

Q.- I show you, Mr. Bailey, the report of the Board of Re-Viewers, dated November 16, 1942, wherein the proposed an angular road rather than a straight line between the termini that is Main Street and Hand Street: what expense and engineering difficulties would be minimized by adopting a straight line from Main Street to Hand Street?

A.- These estimates should be altered to avoid the cost of a shorter route or a lesser type of construction.

Q.- If you would make it shorter, could you not get away from the bridge?

A.- No sir, there could be no change in the type of bridge. There would be no engineering advantage or approval granted.

Q.- Would you state whether or not such a road would be necessary as a means of access to the Sandy Township High School, particularly in view of the fact that buses are unable to get within several blocks of that school during the winter months?

A.- I would say that the road is not necessary, for the reason that the conditions would be the same on this road as the others.

Q.- In your opinion, would the cost of building the road, in view of the grades involved and the construction of the bridge, be excessive to impose upon the Township under present conditions?

Yes sir, that is my opinion.

Peter S. Heberling, being produced and sworn, testifies as follows:

Q.- This proposed road goes through part of your land?

A.- Yes sir.

Q.- What damages should you receive should this proposed road go through?

A.- It cuts off a corner lot, that is, diagonally across this field, damaging my property to the amount of \$250.00 at least. It cuts off about a lot that would be no good at all, and the whole damages would amount to about two lots or a little over.

Q.- Do you live right in this vicinity where this school is located in Sandy Township?

A.- This road comes right out in front of my house.

Q.- Are you familiar with the present roads that go up to this school?

A.- Yes I am.

Q.- Would you deem this road necessary either to the public or to the school there?

A.- No, considering the cost of the road, and the length of that road, only a little over 800 feet; it would have to start to follow it right at the highway.

H. J. Wingert, being produced and sworn, testifies as follows:

Q.- Mr. Wingert, did you see most of the people sign that petition?

A.- Yes sir.

Q.- Do you live in the vicinity of the Sandy Twp. High School and the proposed road?

A.- I live on South Brady Street.

Q.- Do you consider this road necessary either to the public or to the high school there?

A.- I do not think it is necessary.

Q.- Having heard the cost of the proposed road, as given by Mr. Bailey, do you think it greatly in excess to any advantage that might be obtained in building this road?

A.- I would think so.

Q.- Approximately how many children would be benefitted by this new road?

A.- Very few of them would use the proposed new road. The bulk of the school children travel up Brady Street.

Q.- As a matter of fact, isn't it common knowledge in that vicinity that this road is objected to by all residents but a certain real estate owner?

A.- I would say there might be one or two others outside of this real estate owner who want this road. I am not positive, I am just informed so.

Q.- All these people on the petition were opposed to it, were they not?

A.- Yes, and I have heard others in addition to them who are opposed to the road.

Q.- Do you know anyone who is in favor of the road?

A.- Yes, Chas. Hand is one I remember well, and I do not know why; Forest Radicker is another in favor of it: he says we are cutting our noses off to spite our face, because we want population. I jokingly said we dont want them there because they would not have principle.

Q.- Did you circulate the petition?

A.- Yes, and I saw all the people sign it.

Fred Sheaffer, being produced and sworn, testifies as follows:

Q.\* Is there any necessity for that road?

A.- I dont think it is necessary at all; it wont improve the conditions any. They will have a hill to get to the school house just the same as the other streets. It is just two blocks off South Brady Street, and even the street up to the school house is improved.

Q.- Would it justify the expenditure testified to by the estimator of the Highway Department?

A.- I would say no.

Q.- The section through which this new road would run, is that a built-up section?

A.- No, it is not built-up. Mr. Heberling owns the land there, and Mr. Reitz owns improvements there. Reitz owns the Wilson Terrace and some lots.

Q.- Do you know of any sentiment in favor of the road among the residents of that vicinity?

A.- Only one man, who said they would sell a lot of property and get a lot of taxes to take care of the cost of the road.

Q.- This section of Sandy Township where the high school is, is that well built up?

A.- Yes.

Q.- About how many people live there in West Sandy Precinct?

A.- I think there are about 3000 people in the whole precinct; it is actually a built-up section of DuBois.

J. G. Dinger, being produced and sworn, testifies as follows:

Q.- Do you live in that section of Sandy Township where the proposed road is to be built?

A.- I live about three blocks from the High School, next to Mr. Henry Wingert.

Q.- Is there any necessity for this proposed road, for the travelling public or for the citizens in that section of Sandy Township or elsewhere?

A.- Mr. Reitz is the only person who can possibly benefit by the proposed road. He has already spent some money, about one hundred dollars, and has told Mr. Soliday if he gets this road through he will give him a job.

Q.- Have many people there expressed their opinion on this road?

A.- I am not in a position to talk to many people, outside of Mr. Wingert, who circulated the petition, but the ones I talked to were very much incensed about it. They feel that when a real estate Company wants to improve their property they should build their own streets, but here Mr. Reitz wants the Township to improve his lots at a cost of from thirteen to twenty dollars apiece to improve his lots. I would say that there are at least 500 vacant lots located on this five miles of road, and for information as to the value of these lots, I know of three of them that were sold to William Sm \_\_\_\_\_ on Simpson Avenue.

W. A. McGaughey, being produced and sworn, testifies as follows:

Q.- You are the Tax Collector of Sandy Township, are you not?  
A.- Yes sir.  
Q.- Give the assessed valuation of Sandy Township?  
A.- Same as Mr. Brown stated: \$499,000.00.  
Q.- What is the millage?  
A.- 15 mills, that is the limit for road purposes.  
Q.- The limit is 9 mills, and it is necessary to get a Court Order for the additional.  
A.- Yes. I think that Sandy Township is taxed higher than most of the surrounding Townships; Brady has no millage at all.  
Q.- How much goes for indebtedness?  
A.- It is divided up into three ways: indebtedness, maintenance and for fire protection.  
Q.- How are collections in Sandy Township?  
A.- About 75% on property, the balance I have to return to the County Treasurer.  
Q.- When they levy this millage, they dont have more than 75% actually in the treasury.  
A.- That is about all. The Wilson Realty Company is assessed at \$558.00; that whole bunch of land pays only \$49.10 taxes.  
Q.- Who is the Wilson Realty Company?  
A.- That is Mr. Reitz, who also has in the neighborhood of 75 pieces of land, and he refuses to pay any taxes unless he sells it. I have to return all of theirs.  
Q.- As a tax-payer of Sandy Township you have spent a lot of money putting in a stone-base road, therefore if there is any additional money it should be used to finish this stone-base road, is that your opinion?  
A.- Yes sir; it would be a shame to figure on putting in more improved roads before finishing these stone-base roads.  
Q.- Do you know of any sentiment for the road?  
A.- I talked to the Secretary of the School Board, Chas. Lyons, who is absolutely not in favor of this road.  
Q.- As a member of the School Board, he is not in favor of this road?  
A.- No sir.

David Heberling, being produced and sworn, testifies as follows:

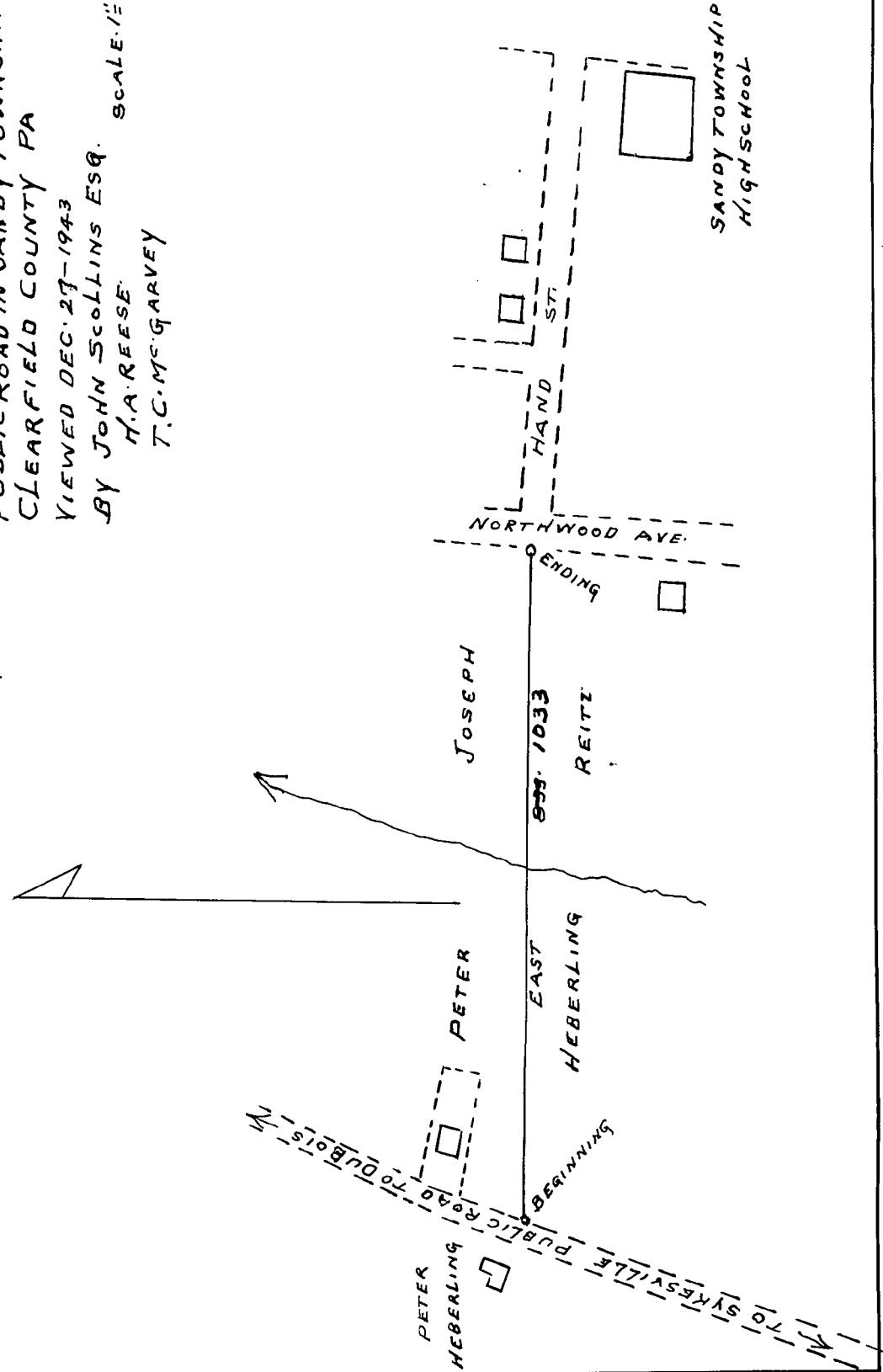
Q.- How long have you lived in Sandy Township?  
A.- For over 50 years.  
Q.- Are you acquainted with the situation around the high school, the elevations and this proposed new road?  
A.- Yes, the road there now is not as steep as the one that is to be made now. It is the same hill, but you would have to climb a little farther around.  
Q.- Is there any necessity for this road?  
A.- I dont think so.  
Q.- Would it be of any convenience to any of the people there?  
A.- No. My children went to High School there, and they went up the side of the hill, and they did not drown or get wet. Where the road is to be made, you can hardly go through there in the Spring of the year.

\*\*\*\*\*  
COUNTY OF CLEARFIELD, SS:

I HEREBY CERTIFY that the foregoing is a transcription of the notes of testimony taken in the above styled proceeding.  
IN WITNESS WHEREOF I have hereunto set my hand and seal this second day of February, 1944.

*K. L. Seallins* (Seal)

PUBLIC ROAD IN SANDY TOWNSHIP  
CLEARFIELD COUNTY PA  
VIEWED DEC. 27-1943  
BY JOHN SCOLLINS ESQ. SCALE 1:200  
H.A. REESE.  
T.C. MCGARVEY



TO: The County Commissioners of Clearfield County:-

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

IN RE: Order to Re-view and lay :  
out a road for public use in the :  
Township of Sandy. : NO. 3, September Term, 1942.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to re-view and lay out a road for public use in Sandy Township, to begin at a point on the intersection of Hand Street and Northwood Avenue, in the Wilson Terrace Addition of said Township, and thence westerly to Main Street Extension, at a point 200 feet North of the residence of Pete Heberling, along said South Main Street Extension, in Sandy Township, in the County aforesaid, will meet at the above-mentioned intersection in said Township, on Monday, the 27th day of December, A. D. 1943 at 1:30 o'clock P. M., to attend to the duty assigned them: of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by Acts of Assembly and the Rules of Court to be held by the Viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield, on Thursday, December 30th, 1943 at 1:30 P. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion  
Thomas C. McGarvey  
H. E. Reese

Viewers

Dated: December 13th, 1943.

CLEARFIELD COUNTY, SS:

Now, this 14 day of December, 1943, service of the above notice is accepted for the Commissioners of Clearfield County.

Fred A. Reed  
Clerk.

TO: Oliver Wayne, Jerry Brown and Joshua F. Hoover,  
Supervisors of Sandy Township, Clearfield County:-

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attend to the duty assigned them: of which time and place afore-  
said all parties interested will take notice.

And that the public hearing required by Acts of Assembly  
and the Rules of Court to be held by the Viewers before the  
filing of their report in Court, in order to give all parties  
interested in the said road an opportunity to be heard, will be  
held in the Grand Jury Room in the Court House in Clearfield, on  
Thursday, December 30th, 1943 at 1:30 P. M., or as soon thereafter  
as counsel can be heard, at which time and place all parties  
interested may attend and be heard.

John Sallie  
Thomas C. McGarvey  
H. E. Reese  
Viewers

Dated: December 13th, 1943.

CLEARFIELD COUNTY, SS:

Now, this 15<sup>th</sup> day of December, 1943, service of the  
above notice is accepted for the Supervisors of Sandy Township.

Oliver Wayne  
Jerry Brown  
Joshua Hoover  
Supervisors.

4. The cost of construction of the proposed road, and the erection of a bridge over the stream of sufficient span and capacity to carry the flow of water from the water-shed, and as required by the Pa. Department of Highways, would be approximately \$13,665.00, and an excessive burden upon the tax-payers of the Township.

5. The traffic conditions upon, curves, and steep approach to the terminus at the Main Street Extension (Sykesville Du Bois Highway), are such that an intersecting highway at this point in the proposed road would be dangerous and menacing to public travel.

6. That it would be impossible to eliminate the swamp and put the proposed road upon dry and solid ground within the termini named in the petition.

In view of the foregoing Findings of Fact your Board of Re-Reviewers concludes that the proposed road is not necessary for a public road, and that there is no occasion for such a road.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, ~~said road being at an elevation not exceeding five degrees excepting~~

~~when it was first proposed as a public road~~

~~THE undersigned further certifies that they have examined the plan of the proposed road and the said road passes clear of all buildings & other property to whom it may belong, and that the proposed road will release from~~

~~the following persons, having defined to release the damages for which they respectively may be liable, to whom all the location and alignment of the said road was the original and true, after having considered the advantages to be derived to them to assess them damages and expenses as follows:~~

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this fifth day of February  
A. D. 1924.

*John Scallion* Seal  
*W. A. Reece* Seal  
*Thomas C. McGarvey* Seal  
Seal

No. 3 September Sessions, 1942

## ORDER

TO RE-REVIEW  
~~Review~~ and lay out a  
 road for public use in the  
 township of Sandy  
 Clearfield County \_\_\_\_\_

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAY	MILES	AMT.
H. A. Reese	3	170	\$38.50
T. C. McGarvey	2	148	27.40
John Scollins	3	168	38.40
K. L. Scollins, Stenographer			10.23

*Job Sessions, 1942.*  
 road and confirmed No. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.  
 After absolute confirmation the county is directed to pay viewers fees and costs to all 3 owners.

*By the Com  
City of  
May 4, 1942  
John Pentz*  
 Filed *John Pentz*  
 Fees \$1.25 paid by *John Pentz*

Pentz &amp; -

## RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by \_\_\_\_\_

at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said \_\_\_\_\_

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_

A. D. 192 \_\_\_\_\_

*Seal**Seal**Seal**Seal*