

**RYE TOWNSHIP
SUPERVISORS' MEETING
May 21, 2007**

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PRESENT: Chairman Ronald Evans, Vice-Chair, Charles Kunkle, Supervisor, Sharon Cole, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Elliott, Jr., Jennifer & Vanessa Chotas, Jean Snyder, Shawn Kunkle, Beverly Miller, Jean and Larry Kuhn, Kathleen and Glenn Miller, Bill Thumma, William and Barbara Holley, Larry Meinsler, Paul and Barbara Bitting, Sean and Peggy Fedder, Fred Roberts, Corporal Clinton Shoop, Gary Roth, Bill and Robin Snyder, Pete and Barbara Fitting, Kim Sloop, Carol Bishard, Rich Althouse & P. Richard Wagner, Esquire.

Former Supervisors present: John Davis and Bob Lightner.

The meeting was held at the municipal building and called to order at 7:30 PM. Chairman Ron Evans convened the meeting with the pledge of allegiance to the flag. The meeting was tape recorded to aid with the preparation of minutes. Supervisor Cole notified the Board that she would be tape recording the meeting.

CITIZEN PARTICIPATION: Supervisor Cole requested that Chairman Evans give her respectful, verbal comments throughout the meeting. Chairman Evans asked if there was any citizen participation at this time.

Vice-Chairman Kunkle questioned Chairman Evans about an article in the May 10, 2007 Duncannon Record. When asked who authored the article Evans said he and former supervisor Lee Ganoë. Kunkle said he did not believe him, which began several confrontational questions in regards to issues raised in the article. Evans said he felt what was published was the truth and explained that the police officer filed unfair labor practices and Supervisor Cole testified for Corporal Shoop, which was appealed and cost the Township additional money.

Kunkle continued and asked Evans where the John Deer tractor/mower was stored over the winter, and if the insurance coverage was effective when it is stored off site. Chairman Evans said the tractor was stored at Sloop's farm and the equipment was covered by insurance. Kunkle said he was not made aware of this. Since the equipment was protected, Evans said it was not an issue and he simply forgot to mention it.

APPROVAL OF THE MINUTES: Kunkle made a motion and Evans seconded to approve the minutes of April 23, 2006 supervisors' meeting minutes as submitted. Motion carried. Supervisor Cole called for discussion on the minutes. Cole read the following paragraph from page 2 of the April 23, 2007 minutes which said, "*Page 15, the Statement of Revenues, Expenses and changes in New Assets for the Solid Waste Fund shows an operating loss of \$45,585. Witmer said the 4th quarter trash payment for 2006 was not received as anticipated until January 2007. However, even if the anticipated \$40,000 payment was received in December of 2006, the Solid Waste Fund would still have an operating loss of approximately \$5,500.00. This indicates a need for the Board to consider a rate increase for 2008 trash billings.*"

Cole suggested the last sentence is a personal opinion interjected by the Secretary/ Treasurer and asked if anyone recalls words similar to that being said.

Jean Snyder of 827 New Valley Road said she recalls that statement.

Elliott Chotas, Jr. of 9 Dicken Drive offered his taped recording for review.

Cole requested the last sentence be reviewed.

Chairman Evans said he would check with CPA, Greg Hall for his opinion.

Cole continued her argument in regards to the inclusion of the above-mentioned sentence & publicly berated how the Secretary/ Treasurer prepares the minutes.

Secretary/Treasurer Lightner said in order to stop this nonsense and to continue on with the business of the meeting, she suggested to simply remove the sentence from the minutes. Lightner said the Solid Waste Fund obviously had a loss in 2006 and it does indicate the need for additional revenue to meet ever increasing expenses. Since the only revenue that comes into the Solid Waste Fund is the trash billings and a minimal amount of interest, the obvious conclusion is that an increase in trash collection fees would need to be discussed and considered for the 2008 budget.

Kunkle agreed and made the following motion to approve the April 23, 2007 supervisors' meeting minutes conditional upon the removal of the sentence reading, "*This indicates a need for the Board to consider a rate increase for 2008 trash billings.*" Motion carried. All members voting in favor.

Kunkle made a motion and Cole seconded to approve the minutes of the Special Meeting of May 7, 2007 as submitted. Motion carried unanimously.

SUBDIVISION PLANS: Matt Hearn of Akens Engineering dropped off a time extension letter dated May 21, 2007 requesting an additional ninety (90) days for the Sopensky Properties Land Development Plan. The Secretary/ Treasurer offered an apology on behalf of Matthew Hearn to the Board and the Planning Commission for the delay stating Hearn was unable to proceed to revise the plan until Mr. Sopensky received his letter of determination and decided if he was going to appeal that determination to the Zoning Hearing Board. Hearn said Mr. Sopensky decided not to appeal the determination of the Zoning Officer and submitted a revised Sopensky Land Development Plan which more clearly adhered to the regulations of the Township's Zoning Ordinance. The Secretary/Treasurer said the current time extension expires on June 24, 2007, one day before the regular June Board meeting. Since the date of expiration seems to always miss the Board's meeting by one or two days, she recommended, if an extension is granted, that the Board consider a one hundred (100) day time extension to allow for action by the Board at the August 27, 2007 Board meeting.

Discussion ensued. Concerns were expressed that the May 21, 2007 Sopensky Properties Land Development Plan might be considered a new submission by members of the Township Planning Commission and/or the Perry County Planning Commission. Discussion continued.

Solicitor Wagner advised requesting a letter from Matthew Hearn of Akens Engineering with the addition of the following statement: *The revised Sopensky Properties Land Development Plan is not to be considered a new filing.*

Kunkle made a motion to grant the time extension of one hundred (100) days condition upon the receipt in writing that the Sopensky Properties Land Development Plan is not to be considered a new filing but a revision of the original plan; Cole seconded; motion carried unanimously.

LEGAL BUSINESS: Solicitor Wagner said he has reviewed the Township's Refuse Ordinance and there are provisions for collection of delinquent trash bills for civil prosecution and for summary or criminal prosecution. Wagner said years ago Judge Quigley wrote an opinion and said that Capital Tax Collection Bureau, (CTCB) was not permitted to collect unpaid trash bills criminally. Thus we have been collecting delinquent bills civilly. The civil collection of the delinquent bills has been interpreted by District Justice McGuire inconsistent with Judge Quigley's previous order. Solicitor Wagner's opinion is that Judge Quigley's order stands.

Discussion ensued.

Cole made a motion to have Solicitor Wagner handle a declaratory judgment action filed with the Court of Common Pleas requesting the Court to declare the determination of the application of the Refuse Ordinance as it relates to the procedure for simple collection of fees. Kunkle seconded; motion carried unanimously.

Carole Bishard of 18 Stiles Drive and Kim Sloop of 3300 Valley Road were present to request the temporary closing of Grier's Point Road from the Bethel United Methodist Church west to the intersection of SR 850 on June 9, 2007 to hold a strawberry/bluegrass festival. Discussion ensued. Solicitor Wagner advised the Board may close the road by ordinance. It was the consensus of the Board to authorize the advertisement of an ordinance to close the Grier's Point Road and hold a special meeting on Monday, June 4, 2007 at 7:30 PM to adopt the ordinance. The Secretary/Treasurer would ask the road department to provide a measurement of the closed area and draft and advertise the ordinance to close Grier's Point Road for the event.

Solicitor Wagner explained the status of the Zoning Officer position stating there is an acting Zoning Officer and a Zoning Officer with some issues on qualifications. Wagner said the Zoning Officer position is a position appointed by the Board.

Discussion ensued.

Evans made a motion to keep Ron Cree in the Zoning Officer position;

Cole made a motion to reappoint Elliott Chotas, Jr. as Zoning Officer. The record notes this motion died for lack of a second.

Jennifer Chotas of 9 Dicken Drive, Chotas' wife, insisted that Elliott Chotas, Jr. was not removed from his position.

Cole made a motion to clarify that Elliott Chotas, Jr. is the permanent Code Enforcement Officer as voted upon at the January 2007 Organization meeting; This motion died for lack of a second.

Kunkle asked Ron Cree if he was interested in keeping the Zoning Officer position.

Ron Cree answered in the affirmative.

Kunkle seconded the motion by Evans for Ron Cree to remain in the Zoning Officer position. Motion carried.

Jennifer Chotas protested loudly in disagreement.

Chairman Evans called for a vote.

Cole called for discussion alleging that the truth does not come to the surface in the discussion at meetings and in the minutes. Cole offered that in her opinion the method of conducting discussion at meetings is a "sin". And requested these comments be included in the minutes.

Evans banged the gavel to regain order.

Chairman Evans called for a vote on the motion to keep Ron Cree as Zoning Officer; Evans and Kunkle voted "yes". Cole opposed.

Since the cost of health insurance with Blue Cross through the Independent Business Association was not found to be financially feasible, Kunkle made a motion and Cole seconded to **rescind Resolution 07-04** authorizing the Independent Business Association to deduct by electronic transfer from the General Checking account the monthly payment of health insurance. Motion carried unanimously.

Solicitor Wagner advised not to reuse number 07-04 to number a future resolution. The Secretary/Treasurer will mark and attach a copy of the rescinded resolution to the Resolution Book for record purposes.

MONTHLY MUNICIPAL REPORTS: Corporal Clinton Shoop submitted copies to the Board and read the April Police Report as follows: 95.1 gallons of fuel used, drove 1,624 miles, worked a total of 169.50 hours, 2 thefts, 2 animal complaints, 1 harassment, 1 credit card fraud, 1 disorderly conduct, 1 criminal arrest, 2 assist to Fire Companies, 2 assists to other departments, 12 traffic citations, 4 warnings and 2 non-traffic citations. Total fines collected from the District Justice were \$285.63.

The April Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Cree read the report as follows: three complaints, five (5) zoning permits, 1 certificate of use permit, for a total of \$510.00 in fees collected.

No Sewage Enforcement Report was submitted by Mike Higgins, possibly because the May meeting is one week earlier than usual.

Kathleen Miller of 1970 Old Mill Road complained about a recent visit to her property by SEO Mike Higgins. Miller blamed the Secretary/Treasurer for this visit, accused her of retaliating because of the recent primary election, and demanded to know the names of the complainants. Miller alleged that Higgins told her while conducting his inspection that the Secretary/Treasurer said there was heavy equipment on site. Higgins also told Miller he was upset with the Secretary/Treasurer for sending him there. Miller said there were no septic violations found at her 1970 Old Mill Road location.

The Secretary/Treasurer explained that two different property owners specifically requested to remain anonymous; because they knew Miller would be vocal and would voice similar complaints against them. The Secretary/ Treasurer confirmed that two verbal concerns were given alleging there was an odor and dirt was disturbed with plastic pvc pipe exposed. The SEO was contacted to check out these concerns as is the practice when complaints are received.

Discussion ensued with accusations made to the Secretary/Treasurer by Cole and Miller alleging that she fabricated the complaints and is nothing but a liar.

Solicitor Wagner interjected that some higher level members of the Republican Party have approached him and offered that Rye Township has brought local government to its knees.

Supervisor Cole agreed.

Solicitor Wagner offered that Supervisor Cole would not want to know the individual to whom they attribute that statement.

The May Road Report was submitted by Road Foreman, Brad Sloop. Chairman Evans read the report and placed the report on the table for anyone to review.

Pete Fitting of the Recreation Board was present and reported a successful Fishing Derby on May 12, 2007 with over sixty (60) children in attendance. The area will be posted as a Children's fishing area where children ages 12 and under may fish until June 10, 2007. Also, the Recreation Board will assist with monthly recycling this Saturday, May 26, 2007.

No Emergency Management Report was offered.

The April Treasurer's Report & General & Solid Waste Fund Balance Reports were submitted for review by the Secretary/Treasurer & with no discussion were accepted as read. The 2007 Liquid Fuels allocation was deposited in the Highway Aid Savings account via an electronic transfer from the PA Department of Transportation in the amount of \$83,116.00.

ORDINANCE: Ordinance 2007-01 was duly advertised and proof of publication is on file. Cole made a motion and Kunkle seconded to approve Ordinance 2007-01 to close Idle Road for culvert installation beginning at 8:30 AM on June 12, 2007 through July 13, 2007. Motion carried unanimously.

OLD BUSINESS: Cole made a motion and Kunkle seconded to table any action on the Police Standard Operations Manual (SOP's) until after arbitration; Motion carried. Cole and Kunkle voted, "yes." Evans opposed the motion stating the SOP's should be reviewed by legal counsel and written comments received.

Discussion ensued.

Questions arose involving the costs of 2006 legal expenses for over \$22,000 involving the police department. Cole accused Evans of solely being responsible for spending the money.

Solicitor Wagner said he as the Township solicitor does not handle police labor issues because of his previous involvement defending police unions. As he recalls the majority of the \$22,000 was spent successfully defending an unfair labor practice suit and an appeal filed by Corporal Shoop.

Discussion ensued. Supervisor Cole continued to disrupt the meeting with her comments and accusations that Chairman Evans violates the Sunshine Law. Chairman Evans banged the gavel several times and called for Corporal Shoop to remove Supervisor Cole. Corporal Shoop did not respond.

Cole advised residents to file with Commonwealth Court or file a complaint with the Ethics Commission against Chairman Evan's conduct.

Evans attempted to continue with the order of business.

Cole said, "Print fallacies in the paper about good people and destroy their character. Maybe you should be charged, Mr. Evans?"

Chairman Evans adjourned the meeting at 8:45 PM.

Chairman Evans reconvened the meeting at 8:47 PM.

OLD BUSINESS: Discussion ensued on the police car purchase. Cole made a motion and Kunkle seconded to purchase through the State Piggyback contract a new 2007 Ford Crown Victoria. Motion carried. Evans opposed the purchase.

Corporal Shoop said the purchase of the car will be under the State piggyback contract. Shoop offered to go to New Jersey to pick up the vehicle if he had someone to go along with him. Shoop also made arrangements to order the light bar and radios through K & C Communications.

NEW BUSINESS: Three quotes were received to place shale on the dirt section of Idle Road prior to closing Idle Road for the culvert installation on June 12th. The following quotes were received & reviewed by the Board:

Contractor	Amount of Quote
Mark Weber, Weber's Excavating	\$ 9,723.00
Ward's Hauling	\$11,500.00
Long's Mowing	\$12,850.00

Kunkle made a motion and Cole seconded to accept the lowest quote received from Mark Weber of Weber's Excavation in the amount of \$9,723.00 for placement of shale on the dirt portion of Idle Road; Motion carried unanimously.

Chairman Evans announced that the Township office would be closed for the Memorial Day Holiday on Monday, May 28, 2007 and trash would be rescheduled and picked up on Tuesday, May 29, 2007. Evans said that monthly recycling would be held as usual this weekend, May 26th from 8:00 AM to 12 noon at the Township building.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a May expense check register and submitted the following checks for approval and payment: General Fund Checks #s 10,890-10908 in the amount of \$43,161.47. Void. Check # 10865 in the amount of \$5,225.64. Total expenditures for the month of May totaled \$59,946.36.

Payroll checks #s 4849-4860 in the amount of \$5,828.04. No payroll checks void.

With no discussion on the bills presented, Kunkle made a motion & Cole seconded to approve the checks & pay the bills. Motion carried unanimously.

CITIZEN PARTICIPATION: Kathy Miller of 1970 Old Mill Road requested the filling in of the sides of Old Mill Road with dirt. Evans as the Road Superintendent said he would take care of this concern when the road crew has time to fit it into their schedule.

Cole made a motion and Kunkle seconded to fix the edge of the Old Mill Road this week. Motion carried. No vote was taken.

Discussion ensued.

Kunkle suggested 2A modified stone. The Millers do not want stone along the R-O-W. Kunkle said he made the motion; however, the Township does not keep topsoil in stock.

Elliott Chotas, Jr. of 9 Dicken Drive called for the resignation of Chairman Evans. Chairman Evans said, "No." He does not intend to resign.

Robert Lightner of 1879 Valley Road said he was working on the trash collection route on the Monday before election and noticed papers stuck on mailboxes throughout the Township. Lightner refuted the content of the paper which stated that if Lightner is elected, he would be in violation of the State Ethics Law. Lightner said that is not true. Lightner said the paper alleged that he and his current wife are looking to help themselves to lifetime health care benefits and lots and lots of tax payers' dollars to help them in their retirement. Lightner said that both of those statements are not true.

Lightner said two young kids were witnessed as distributing these flyers and asked who authored these lies. No response was given. Lightner said he was not even considering pursuing this violation until the adults came in here tonight acting like kids.

Carole Bishard of 18 Stiles Drive asked the amount of fines collected as a result of the local police. Kunkle said \$285.63 were collected in April. Bishard asked if she was right in assuming that the more patrol there is, the more speeding tickets issued, the more fines would be collected.

Corporal Shoop explained that some of the fines for violations are paid in payments, but basically that statement is true.

Supervisor Cole read the definition of a conflict of interest from the State Ethics Law.

Former Supervisor Jack Davis of 285 Idle Road said he has worked in various capacities at the Township for over 20 years and he has never in his life seen such a fiasco like what was displayed here tonight by Supervisor Cole.

Supervisor Cole denied the allegation that she had done anything improper, stating "the Township in the past has treated people like "horrible sinners".

Pete Fitting 15 Dicken Drive stood and asked for the floor. Chairman Evans acknowledged. Mr. Fitting referred to a statement given by Supervisor Cole at the beginning of the meeting where she requested Chairman Evans treat people with respect. Fitting said, "There is nobody in this room more disrespectful than you. If you want respect, give it!"

Supervisor Cole responded, "I will not get it from you, because you are a chauvinist."

Fitting said he does not believe he is a chauvinist, because he has invited women to join the Marysville Fire Company where he volunteers.

Cole asked if the women were asked to join so they could cook at the fund raiser dinners.

Fitting reiterated that in his opinion no one here is more disrespectful at this meeting than Supervisor Sharon Cole.

Supervisor Cole said, "That is because you've finally met your match."

Supervisor Cole stood up to leave the meeting.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Chairman Evans banged the gavel and adjourned the meeting at 9:05 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer