

**RYE TOWNSHIP
SUPERVISORS' MEETING
August 27, 2007**

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PRESENT: Chairman Ronald Evans, Vice-Chairman, Charles Kunkle, Supervisor, Sharon Cole, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Jean and Larry Kuhn, Jill and Stanley Kuhn, Beverly Miller, Barbara and William Holley, Willa Fry, Sean Fedder, John Smith, Don Wood, C. W. Smith, Debra Muncry & P. Richard Wagner, Esquire.

Former Supervisor present: 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 announced that she is also recording the meeting.

CITIZEN PARTICIPATION: Chairman Evans welcomed everyone to the meeting and asked if there was any citizen participation at this time.

C. W. Smith introduced himself and said he attended this meeting at the request of Kathleen Miller, the vice-chair for the Perry County Crime Stoppers. He provided a brief history and stated the main purpose of the organization is to provide additional eyes and ears for the police. Smith stressed that anyone providing information through the "800" number will remain anonymous.

Smith expressed appreciation to Supervisor Cole for her personal financial donation, which paid for the Crime Stoppers phone number decals placed on the rear of the Township's new police car. Smith also expressed appreciation to Kathleen Miller, the vice-chairman of the Perry Co. Crime Stoppers for the time she volunteers. Smith was hopeful that other municipalities in the area would also add the phone number to their vehicles.

Smith said one thing Crime Stoppers always needs is more volunteers. He invited anyone interested to attend the monthly meeting scheduled for the fourth Tuesday of every month at 9:00 AM in the basement of the New Bloomfield Post Office.

On behalf of the Board, Supervisor Sharon Cole expressed appreciation and commended C. W. Smith for his efforts with Crime Stoppers.

C. W. Smith and Debra Muncry thanked the Board for their time and left the meeting.

Robert Lightner of 1879 Valley Road addressed the Board to counter comments made at the July 23, 2007 supervisors' meeting by Supervisor Cole in regards to an unfair labor practice involving former employee, Martin Clouse, which Cole alleged was "covered up," because of the primary election. Lightner said Chairman Evans has three separate documents dated before the primary election that demonstrate that Cole did in fact know about the unfair labor practice with Martin Clouse.

Cole said she was aware of the unfair labor practice regarding Clouse, but not until after the decision was made.

The record reflects in the July 23, 2007 supervisors' meeting minutes that when questioned Supervisor Cole stated that she did not bring the information (regarding the unfair labor practice) forward, because she did not know anything about it.

Discussion ensued.

Lightner said he would not debate the issue, but provided his comments to be part of the record.

Chairman Evans offered that the facts are here and chose to move on with the business of the meeting.

APPROVAL OF THE MINUTES: Cole reviewed the July 23, 2007 supervisors' minutes and provided the following revisions:

◆ **Page 1:** Cole requested the addition of the following words: "*and for anyone else who would like to hear it.*" to the end of the sentence: Supervisor Cole said she is also recording the meeting for her own purposes.

◆ **Page 5:** Add "*Properties*" after Sopensky in the sixth paragraph.

Cole made a motion to adopt the July 23, 2007 supervisors' meeting minutes with the above revisions; Kunkle seconded. Motion carried unanimously.

Cole made a motion and Kunkle seconded to approve the August 6, 2007 supervisors' special meeting minutes as submitted; motion carried unanimously.

PERSON TO BE HEARD: Don Woods, the party interested in purchasing the property located at 1790 New Valley Road, which is also known as the former Fry's Salvage Yard, addressed the Board to seek their approval of a junkyard license with the condition that Woods continue to clean up the property. Woods said he and Mrs. Fry had a disagreement previously, which halted his clean up of the property. Woods would now like to continue his work as long as the Board agrees to issue a salvage yard license and permit the commercial use of the property, not as a Salvage Yard, but as a repair service garage.

Discussion ensued.

Solicitor Wagner said the use of the property as a junkyard is a non-conforming use. The question becomes whether you have the right to continue to use that non-conforming use for what you now intend. Wagner said the Zoning Ordinance has regulations for the expansion and continuation of a non-conforming use. He directed Woods to discuss his concerns and intent with the Zoning Officer.

Solicitor Wagner said the Supervisory Board is placed in the potential position in that the Supervisory Board may be the Board before whom you come for approval or it may be the Zoning Hearing Board and then the Supervisory Board is a party to the proceeding. Therefore, the Board cannot answer your questions because of perhaps prejudicing your case if it ever comes back before them.

Since a junk yard license was not issued this year by the Board of Supervisors, Woods asked if he might be able to acquire the same use as a junkyard license for 2007 to maintain the commercial use status of the property,

Zoning Officer Ron Cree noted that the Junkyard License is issued by the Board of Supervisors and not by the Zoning Officer.

Woods said he has not scraped any vehicles there, (1790 New Valley Road). He stated that he has taken vehicles there and stored them.

Cree asked how many vehicles are currently stored there.

Woods said, "One or Two."

Cree asked again, "How many?"

Woods said, "Well, is there? ..."

Willa Fry of 1790 New Valley Road said there are "Eight of yours and five of mine."

Woods said, "Okay, there are some up there now. We are not dismantling them. It is just being used as a storage lot."

Solicitor Wagner asked, "What is the status of the license right now?"

Willa Fry said, "They just didn't want to give it to me so...."

Solicitor Wagner said, "Okay, so there has to be an application." "It was not renewed." "So somebody has to file."

Willa Fry said, "We did apply for it each year. And each year it was given and then of course, Jack died, and .. I guess they decided they did not have to give it."

Vice-Chairman Kunkle offered the reason the license was not issued is that there were some outstanding issues with the property.

Discussion continued.

Chairman Evans read a March 26, 2007 recommendation letter to the Board from Zoning Officer Cree listing outstanding concerns.

Solicitor Wagner said an application for a junkyard license must be completed and signed by the current owner. If a previous application was applied for and then denied with no appeal filed, the point is moot.

Fry said she did not know how to file an appeal and did not have an attorney.

Solicitor Wagner advised that currently there is no valid license on file and an application must be filed as soon as possible by the owner.

Discussion continued.

Solicitor Wagner read portions of a notarized January 5, 2006 agreement between Donald Wood and Rye Township which states that the (7) conditions listed must be met and any outstanding violations remedied within the time frame of this license, which is one (1) year, 1/1/06-12/31/06. *I, Donald Wood, agree to begin work immediately and keep the Township Board and/or Zoning Officer informed of my progress throughout the coming year.* Wood confirmed with his signature that he on behalf of Willa Fry, paid the \$175.00 license fee and received a copy of this page along with the 2006 junkyard license.

Solicitor Wagner repeated his counsel that an application must be completed and assurance given that the property is in compliance with all of the Ordinances, any court orders, and the 2006 signed agreement.

Wood said he is not doing salvage work, but is storing vehicles on the lot.

Zoning Officer, Cree said the Zoning Ordinance provides for only (1) unlicensed vehicle on a property.

Solicitor Wagner offered that the storage of vehicles is salvage work.

The Secretary/Treasurer provided an application to Willa Fry for completion. Fry completed the application and paid for the \$175.00 application fee during the meeting and gave it to the Secretary/Treasurer.

The Secretary/Treasurer was directed to provide copies of all Junkyard Ordinances and Court Orders to Donald Woods.

After the application is filed, the Zoning Officer was directed by the Board to conduct a compliance inspection at 1790 New Valley Road to see if all Ordinances and Court decisions are satisfied.

SUBDIVISION PLANS: Discussion ensued on the Sopensky Properties Preliminary Land Development Plan. The time extension granted expires on August 29, 2007. Vice-Chairman Kunkle said that the Planning Commission made a motion at their August 7, 2007 meeting to recommend that the Board of Supervisors deny the Sopensky Properties' Preliminary Land Development Plan.

Upon due consideration, Cole made a motion and Kunkle seconded to deny approval of the Sopensky Properties' Preliminary Land Development Plan for the following deficiencies:

1. Failure of the plan to comply with requirements of Preliminary Plan, specifically: Article 7, Design Standards, paragraph C, Plan Content, Sub paragraph 5, Runoff Calculations for Control Facilities wherein computations for existing condition runoff failed to consider influence of SWM detention facility currently existing on the site.
2. Failure to prepare and submit a soils investigation report meeting the requirements of Article 5 Preliminary Plan Submission, Section 502, Supporting Documentation, Paragraph H, Soils Engineering Reports; Article 7, Design Standards, Section 714, Soils Reports, and IV.B.a, IV.B13.b, and IV,B13.c_needs to be prepared for each storm water management basin. (*Subdivision Land Development Ordinance 90-5, Appendix A.IV.B10*)
3. The applicant failed to provide proof that there is no negative impact to the surrounding properties in order to expand a non-conforming use. (*Zoning Ordinance 03-01, §1605.*)
4. A suitable lighting plan needs to be provided for the facility. (*Zoning Ordinance 03-01, §1708*).
5. Engineering fees for review charges for the plan have not been reimbursed. (*Subdivision Land Development Ordinance 90-5, §306.Fees.*)

Motion carried unanimously to deny the Sopensky Properties Preliminary Land Development Plan.

LEGAL BUSINESS: The Board discussed the process to make the intersection of Richwine Lane and SR 850 a one-way street. Officer Shoop agreed it would be best with only one entrance on to the Road, because of the lack of sight distance. Solicitor Wagner advised a traffic and engineering study must be completed.

The Board discussed a September 26, 2007 compliance hearing notice received from the Labor Relations Board in regards to an unfair labor practice and a back wage award involving Martin Clouse. Solicitor Wagner advised that labor counsel reach out to the union's attorney to inquire as to what exactly is in dispute. The Secretary/ Treasurer will contact labor attorney, Scott Blissman of Reed Smith. The Board will schedule a special meeting to discuss how to proceed with this concern.

Sean Fedder of 2985 Valley Road offered that this has been ongoing since 2004 and it is time to end this and stop wasting time and money on an individual who no longer is employed here. Clouse is not an employee, resident or taxpayer of Rye Township.

With no further legal business for discussion, Solicitor Wagner left the meeting at this time.

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and read the July Police Report as follows: 90.3 gallons of fuel used, drove 1,263 miles, worked a total of 161.25 hours, 33 activities: 1 criminal mischief, 1 DUI; 1 harassment, 3 assists to other departments, 1 animal complaint, 7 traffic citations and 6 non-traffic citations and 3 warnings. Total fines collected from the District Justice were \$520.61.

The July Zoning Report was submitted by Zoning Officer, Ron Cree. and available for review. Zoning Officer Cree read the report as follows: twenty-seven (27) complaints, five (5) zoning permits, 10 certificates of use, 193 miles driven for a total of \$250.00 in fees collected.

Mike Higgins submitted the July Sewage Enforcement Report. Vice-Chairman Kunkle reported four (4) activities: final processing Opportunity Builders; final inspection for Mike Mutzabaugh, probes for B. Hollister; and evaluate the existing system for B. Hollister for a total due in wages of \$410.00 and \$32.40 for a combined total due of \$442.40.

The August Road Report was submitted by Road Foreman, Brad Sloop. Chairman Evans read the report and placed it on the table for review. Evans noted that the annual paving projects were completed by Pennsy Paving this month.

No Recreation Board report was presented.

No Emergency Management Report was presented.

The July 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 Secretary/Treasurer noted that the expenses in the General Fund have been more than the receipts for four out of seven months. Expenses relating to the bridge culvert on Idle Road are over budget.

Upon due discussion and consideration, Cole made a motion and Kunkle seconded to authorize the Secretary/Treasurer to transfer \$20,000.00 from the General Savings account to the General Checking account. Motion carried unanimously.

Robert Lightner of 1879 Valley Road asked how much is anticipated to be received from the FEMA flood reimbursement for the large project on Millers Gap Road. The Secretary/Treasurer said the project, which was completed last week, has the potential for approximately \$100,000 to be received. Documentation must be compiled for labor, equipment & material costs expended from August of 2006 to August of 2007 & forms completed. It is anticipated that monies will be received within the year 2007. Additional smaller projects must be completed by December 31, 2007. The small project reimbursements will most likely be received in 2008.

ORDINANCES: Proof of publication is on file for Ordinance 07-04. Cole made a motion to adopt Ordinance 07-04, which provides for the erection of double stop signs at the intersection of SR 850 and Idle Road and prescribes penalties for the violation thereof. Kunkle seconded. Motion carried unanimously.

Proof of publication is on file for Ordinance 07-05. Cole made a motion to adopt Ordinance 07-05, which amends Township's Ordinance relating to garbage and refuse by eliminating criminal penalties and making penalties civil in nature. Kunkle seconded. Motion carried unanimously.

RESOLUTIONS: Kunkle made a motion and Cole seconded to adopt Resolution 07-06 authorizing the Pennsylvania Chamber Insurance, (PCI), to withdraw monthly health/dental/vision insurance expense electronically from the General Fund checking account at the First National Bank of Marysville. Motion carried unanimously.

Supervisor Cole read an article which was published recently in the Patriot News. The article explained that Newberry Township in York County was involved with an intergovernmental health insurance program, named Benecon, which proved cost effective for its members. The Secretary/Treasurer will contact Newberry Township for further information. The record notes that the Township's current insurance contract with PCI renews on June 1, 2008.

Kunkle made a motion to approve of Resolution 07-07, which authorizes a transfer of two matured Highway Aid CDs to the Highway Aid savings account and then to the checking account to cover the expenses for the 2007 paving projects. Cole seconded. Motion carried unanimously.

OLD BUSINESS: Since the local fire companies are not interested in acquiring the out of service police car, discussion ensued on whether to sell the 1994 Chevrolet Caprice. Kunkle made a motion to advertise for sealed bids for the sale of the 1994 Chevrolet Caprice police cruiser including the cage, noting in the ad that the car has a new transmission and tires with a minimum bid of \$500.00. The car will be sold "As Is" with no warranty. Bids opened at the September 24th supervisors' meeting. Cole seconded. Motion carried unanimously

NEW BUSINESS: The approval of the Planning Commission's 2007 annual report was tabled until the next meeting to allow for the supervisors' time to review the report.

In compliance with Act 205 of 1984, Daisy Lightner, the Chief Administrator of the Pension Plans, presented the Board with the 2007 Minimum Municipal Obligation, MMO, for the Pension plans. The 2007 MMO for the non-uniform pension plan is \$22,883.00. The 2007 MMO for the Uniform (Police) Pension Plan is \$0.00.

Cole made a motion and Evans seconded to accept the 2007 Non-uniform MMO at \$22,883.00. Motion carried unanimously.

Cole made a motion and Evans seconded to accept the 2007 Uniform, (Police), MMO at \$0.00 (zero). Motion carried unanimously.

The Board discussed updates to the County's monthly recycling program. The County Commissioners agreed to fund the program at least until the end of 2007. However, effective October 1, 2007 brown and green glass will no longer be accepted at monthly recycling.

In addition, effective October 1st the County now requires weigh slips for the newspapers. Chairman Evans agreed to check with the farmer to see if he is able to get his load weighed.

The updates to the recycling program will be announced in the fall newsletter.

Supervisor Cole suggested an article in the fall newsletter recruiting anyone interested in forming a committee to look into the purchase of land for future recreational purchases.

Chairman Evans announced that the Township would be closed on Monday for the Labor Day holiday and trash would be collected Tuesday, September 4, 2007.

The Board discussed a concern received from the refuse crew with collection of over ripe trash accumulating at stops when trash bills are delinquent and the refuse crew is instructed to stop collection until payment is received. Cole said if the delinquent party pays their bill, the trash should be collected because accumulated trash creates a public hazard. Evans expressed concern with the refuse crew handling over ripe trash.

Corporal Shoop suggested that the parties be notified that if bills are not paid, and trash collection service is stopped, then trash left sitting along the roadway will be considered litter and the party will be cited.

Discussion ensued.

The Board discussed sending a simple letter notifying the delinquent party that trash service will be stopped until the bill is paid; and any trash left sitting along the roadway will be considered litter. Evans asked the Secretary/Treasurer to add this concern to the fall newsletter regarding trash left along the roadway when trash service is stopped due to failure to pay the bill.

Jean Snyder of 827 New Valley Road offered that she preferred the bag system for payment of trash collection service instead of a flat rate.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided an August expense check register and submitted the following checks for approval and payment: General Fund Check #s 11004-11050 in the amount of \$44,586.20. No checks void.

Payroll checks #s 4920-4931 in the amount of \$5,182.08. Payroll checks #s 4932-4943 in the amount of \$5,093.33. No payroll checks void.

Highway Aid Check number 711 issued to Pennsy Paving in the amount of \$103,788.60. No Highway Aid Checks void.

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

CITIZEN PARTICIPATION: Stanley Kuhn of 1045 Flowers Lane asked if the proposed Sopensky Preliminary Land Development plan, which was denied approval at tonight's meeting, was a public document. Vice-Chairman Kunkle provided a copy of the plan for review. Kuhn came forward to the front table, reviewed & discussed the Sopensky Properties Land Development Plan with the Board.

Several in attendance expressed concern and frustration with the trash and debris accumulating at Sopensky's storage buildings at 1005 Flowers Lane and the lack of resolution. Zoning Officer Cree said he is in the process of gathering facts and witnesses and documenting the violations. Corporal Shoop said he has also been monitoring the property and working along with Zoning Officer Cree.

Don Woods, of Enola, the party interested in the property known as Fry's Salvage Yard, asked the Board when they might make a determination regarding the junk yard license application filed by Willa Fry.

The Secretary/Treasurer was directed to advertise a special meeting for Tuesday, September 11, 2007 at 7:30 PM to discuss the Clouse compliance hearing and make a determination on Willa Fry's junk yard license application. Board members will contact the Secretary/Treasurer within the next day or two if there other items that need to be added to the 9/11/07 agenda.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Cole made a motion and Kunkle seconded to adjourn the meeting at 9:17 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer