

**RYE TOWNSHIP
SUPERVISORS' SPECIAL MEETING
September 11, 2007**

PAGE 1 OF 5

PRESENT: Chairman, Ronald Evans, Vice-Chairman, Charles Kunkle, Supervisor, Sharon Cole, Daisy Lightner, Secretary/Treasurer, Ronald Cree, Zoning Officer, Deborah F. Moore, Robert Moore, Jim Snyder, Flo Pinci, Don Wood, Scott Weaver, Tracy Matter, Fred Matter, Tammy Matter, Robert and Amy Trump, Alice Stoss, Robert Karns, Willa Fry, Carol and Doug Chattin, Cathy Queitzsch, Ginger and Frank O'Rourke, Elliott, Jr. and Jennifer Chotas.

Former Supervisor present: Robert Lightner

Proof of publication is on file for this special meeting. The September 11, 2007 meeting was held at the municipal building. Chairman Evans called the meeting to order at 7:30 PM. He convened the meeting with the pledge of allegiance to the flag. The meeting was tape recorded to aid the Secretary/Treasurer with the preparation of minutes. Supervisor Cole notified the Board that she was also tape recording the meeting.

MOMENT OF SILENCE: On this the sixth anniversary of the Twin Towers tragedy, the Board observed a moment of silent prayer to honor the memory of those who lost their lives and for the grieving family and friends left behind.

CITIZEN PARTICIPATION: Chairman Evans welcomed everyone and asked if there was any citizen participation at this time. None was offered.

BUSINESS: Marysville Fire Chief, Scott Weaver explained the CAD system used for dispatching companies for fire calls. The majority of Rye Township is designated the 6-02 box. Currently, there are (4) boxes. After much discussion and in coordination with Shermans Dale Fire Company Chief, Mike Minich, Brian Webster and Supervisor Kunkle, Weaver proposed eliminating call box 6-03, the current dual dispatch area and consolidating this area into the 6-02 area. This would also eliminate a lot of paperwork, and hopefully eliminate additional charges for workers compensation for companies that are unnecessarily called out to a fire in Rye Township. Weaver and Webster stressed that there will be no change in the quality of fire protection coverage to Rye residents.

Discussion ensued.

After due consideration Cole made a motion and Kunkle seconded to establish the definitive line in Rye Township for fire coverage as Rattling Rock Road. Specifically: Marysville Fire Company coverage extends from the Marysville Borough/Township boundary line west to Rattling Rock Road and Shermans Dale Fire Company coverage extends from Carroll Township/Rye Township boundary east to Rattling Rock Road. This action eliminates call box 6-03. And further that local Fire Departments are granted respective control over their fire boxes. Motion carried unanimously.

A letter of notification in regards to the change in fire call boxes will be prepared and sent to Perry County Emergency Management Coordinator, Larry Smeigh.

Scott Weaver left the meeting at this time.

Willa Fry of 1790 New Valley Road approached the Board for a determination of an application for renewal of a 2007 junkyard license for Fry's Salvage Yard. The Township received the 2007 Junkyard license application at the August 27, 2007 board meeting.

Fry began by questioning the issuance of Ryan Michael's Cove Hill Road junk yard license, because it was signed by former zoning officer, Elliott Chotas, Jr.

Zoning Officer Cree said the Township Solicitor, upon review of the Township's Ordinance, advised that the Board of Supervisors issues the annual Junkyard license.

Chairman Evans asked Zoning Officer Cree, who was instructed to conduct an on-site inspection of the junkyard property, to read his recommendations and findings.

Zoning Officer Cree read his September 6, 2007 recommendation letter to the Board. Each supervisor was provided a written copy of the report. The five (5) main concerns listed as unresolved outstanding issues are: (1) Driveway erosion and storm water run off on to the Township R-O-W, known as New Valley Road (2) All stored junk must be maintained on the premises at a minimum distance of 100 feet from the R-O-W lines (3) A fence must be erected and maintained along the boundary lines of the junk yard. (4) Tires stored and buried on the property must be removed and remediated at a State approved and licensed disposal facility. The one concern being that tires left lying around are a potential breeding ground for mosquitoes that may contain the West Nile virus. A public park is located across the road from the property. (5) Since the last inspection in March of 2007 an additional trailer and approximately 13 vehicles have been brought to the property, even though no license of operation was ever issued for the 1790 New Valley Road property.

Cree noted that Don Woods said he is currently in the process of improving the driveway and removing the tires.

Willa Fry of 1790 New Valley Road said the driveway erosion and runoff have been corrected. No mosquitoes were found in the tires on the property.

Cree said the erosion was visible at the September 6, 2007 inspection. Cree said these concerns/violations have been ongoing for years with no resolution.

Supervisor Cole explained that when Jack Fry passed away, the property was to change hands. Willa left to go to Florida, with the intent to transfer the business and land to another party, Mr. Donald Woods. The outstanding ongoing concerns surfaced at this time and are now being addressed by the Township.

Discussion ensued.

Ron Cree presented the Board with copies of a court order against the 1790 New Valley Road property listing some of the same concerns stated above.

Tammy Matter of 1825 Bressler Lane expressed concern with the environmental run off, which flows down into the Creek. Matter finds the sight of the junkyard against the mountains very distasteful when she looks at it from her property.

Supervisor Cole offered that she would like to see the junkyard cleaned up so that it is no longer a junkyard, but a repair business.

Woods said that his intent would be to retrieve wrecked vehicles from along the highway and store them whole on the property. Woods also said he has documentation from the facility where he took the tires from the property for remediation and documentation from DEP to show that the water and creek are not polluted from the junkyard.

Neighboring property owner, Robert Moore of 1814 New Valley Road said he has lived beside the junkyard for thirty (30) years and has witnessed tires, cars, batteries, and trash being buried in the ground on site. Moore said he contacted then DER to no avail. Moore offered that his concern is not with what is proposed for a new business, but with what exists already. Moore

requested the Township have tests done on the ground and the water. Moore said he does not want to see his well or surrounding water supplies polluted.

Tammy Matter of 1825 Bressler Lane asked if *all* of the outstanding concerns must be met prior to the issuance of the junkyard license. Matter offered that in her opinion until the conditions are met, the license should not be approved.

Chairman Evans and Kunkle agreed.

Vice-Chairman Kunkle asked if the cars being held on the property at 1790 New Valley Road are located within a fence. Woods said, "No." Kunkle offered that it is a State requirement. Woods said he does not have an impound lots. Only impound lots are required to have fences.

Discussion continued on the conditions. Woods said his intent is to continue to clean up the tires.

Cole agreed that this is an opportune time to clean up the property.

Discussion ensued.

Robert Lightner of 1879 Valley Road suggested that the Board have legal counsel at all meetings as requested at a previous meeting of the Board.

Tammy Matter of 1825 Bressler Lane offered that the only control the Board has to get this property cleaned up is to not issue the license until the conditions are met.

Chairman Evans banged the gavel for order.

Discussion continued on providing proof of water and ground testings.

Adjoining property owner, Robert Moore of 1814 New Valley Road said he has smelled anti-freeze coming from the yard.

Willa Fry of 1790 New Valley Road commented that it's just the neighbors who do not want the yard there period.

Chairman Evans banged the gavel to regain order.

Evans made a motion to table the decision on the 2007 junkyard license application for the former Fry's Salvage Yard to allow for further water and ground testings and review of documentation with legal counsel present until a special meeting on Monday, October 15, 2007 at 7:30 PM; Kunkle seconded; motion carried unanimously.

The Board discussed an upcoming Compliance Hearing on September 26, 2007 in Harrisburg at the Pennsylvania Labor Relations Board due to a challenge by the Teamsters Union involving how a back wage award was calculated for former employee, Martin Clouse.

Discussion ensued. As understood from correspondence with Scott Blissman, labor counsel, there are three areas in question: (1) the additional \$2 per hour paid when an employee physically collects trash on Mondays (2) amount deducted for sick and vacation pay (3) deduction permitted for Unemployment Compensation paid.

Cole alleged that she was not aware of the monies spent stating it was over \$22,000 for an unfair labor practice. The Secretary/Treasurer tried to explain that she has been in attendance and involved for over three years with the Clouse hearings providing the documentation and stressed that the Township did not spend over \$22,000. Cole claimed the Secretary/Treasurer was not permitting the truth to be told. Voices rose. The meeting was out of order.

Chairman Evans banged the gavel several times to no avail.

Kathy Queitzsch of Valley View Drive stood and expressed embarrassment at the kind of behavior she witnessed tonight. She said this is not the way to solve anything and urged the Board to listen to one another. Queitzsch said she is completely confused about what is going on.

Supervisor Cole said she is embarrassed also.

A voice from the audience asked Ms. Cole to be quiet.

The Chairman banged the gavel and asked Supervisor Cole to be quiet.

Evans made a motion and Kunkle seconded to have Smith, Reed represent us at the Compliance Hearing for Clouse on September 26th with the costs approximately in the range of \$2,000.00. Motion carried. Evans voted yes. Kunkle voted yes. Cole abstained stating "they" always do everything else without me".

The record provides a brief summary of the Clouse issue. For over two years the hearings with Clouse involved a fraudulent workers compensation claim, which legal representation was provided & paid for by the Township's workers compensation carrier. All claims and appeals for Worker's compensation for Clouse were won by the Township. Next Clouse through the Teamster's union filed a discrimination case, which was dismissed. And next the union filed an unfair labor case, which was unfortunately for the Township won by Teamsters. The Township filed an appeal only to lose again and instead of spending further monies to go before Commonwealth Court, decided to pay the back wages. It is those back wages that are in question by the Union. The Teamsters felt the amount received was not correct. So the Township is forced to decide how to handle the compliance hearing. If we do not attend, the examiner will more than likely find in favor of the union.

Road Superintendent Evans explained road department employee, Sam Leonard, Sr. is off on Workers Compensation with a back injury creating a shortage of staff in the Road Department. Concerns were expressed with the winter snow plowing season just around the corner. Discussion ensued.

Cole made a motion and Kunkle seconded to advertise to accept applications for a temporary part-time skilled road employee, with a CDL license available to work 2-3 days per week and available for snow removal this winter season. The applications will be accepted until October 8th. The position will be filled at the October 15, 2007 special meeting. Motion carried unanimously.

Supervisor Cole asked if the check for the back wage award for the police officer was cut. The Secretary/Treasurer said no. The signed arbitrator's decision was received Monday afternoon after the regular payroll was completed for the week. Discussion ensued. Chairman Evans said the order provided for thirty (30) days for the Board to institute any wages or benefits in the order. The next paycheck will be available at 2:00 PM on September 26, 2007.

Supervisor Cole said the officer has waited so long already and has a family and bills and accused fellow board members and the Secretary/Treasurer of being inhumane.

The consensus of the Board was to calculate the back pay and process the check for distribution at the same time as the next payroll.

Supervisor Cole expressed concern with a problem grate located on Sun Forest Drive and SR 850. Cole said she recently had an accident there and noted that the grate is a potential hazard with rungs on the grate missing.

Chairman Evans explained that Sun Forest Drive is a private drive and SR 850 is a State highway and therefore, not the Township's responsibility. Evans will contact District 8 engineer, Scott Lehman in Harrisburg and Perry County Penn DOT, Randy Tressler, the maintenance foreman for this section of SR850, regarding this concern.

With the high cost of gasoline, Zoning Officer Ron Cree asked the Board to consider an increase in the amount paid by the Township for mileage for employees using their personal vehicles for Township business. Currently, the mileage reimbursement set by the Board is \$.405 cents per mile. The amount set by the IRS is currently \$.485 cents per mile. The Board will take this request into consideration.

The Board repeated the previous announcement that a **special meeting** would be held on **Monday, October 15, 2007 at 7:30 PM** here at the Township building to address the Fry junk yard license application and to make a decision regarding the hiring of a part-time temporary road employee. The Secretary/Treasurer will advertise the meeting.

PAYMENT OF THE BILLS: The Secretary/Treasurer presented a September 11, 2007 check register for approval. General Fund Checks #s 11051-11063 in the amount of \$1,528.07. No checks void. Payroll Checks #s 4944-4952 in the amount of \$5,085.26. No payroll checks void.

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

ADJOURNMENT OF THE MEETING: There being no further business before the Board, the meeting was adjourned on a Kunkle/Cole motion at 8:47 PM.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer