

**RYE TOWNSHIP
SUPERVISORS' MEETING
September 24, 2007**

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PRESENT: Chairman Ronald Evans, Vice-Chair, Charles Kunkle, Supervisor, Sharon Cole, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Pete and Barbara Fitting, Dean Bressler, Sean and Peggy Fedder, John W. Smith, Dan Heacock, Warren L. Lewis, Marlin Peters of Lou Harford Surveyors, Bob and Amy Trump, Florence Pinci, Robert Moore, Jake Auxt, Emerson Reyner, Jean Snyder, and Gary Roth and P. Richard Wagner, Esquire.

Former Supervisors present: Richard Pierce, Bob Lightner, and Phyllis Page.

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. Supervisor Cole was not present at the start of the meeting. A quorum of the Board was established. The meeting was tape recorded to aid with the preparation of minutes.

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

Phyllis Page of 165 Mountain Road offered to provide a copy of the American University report on the prothonotary's office. Page said the report is also available without charge at the County Commissioner's office.

Resident Amy Trump asked if it is necessary that addresses are listed in the minutes when an individual addressed the Board at the meeting.

Solicitor Wagner said the address does not have to be given.

APPROVAL OF THE MINUTES: Kunkle made a motion and Evans seconded to approve the minutes of the August 27, 2007 supervisors' meeting minutes as submitted. Motion carried unanimously.

Kunkle made a motion and Evans seconded to approve the minutes of the September 11, 2007 special supervisors' meeting minutes as submitted. Motion carried unanimously.

OPEN/AWARD BIDS: Two sealed bids were received for the sale of the 1994 Chevrolet Caprice car with cage:

<u>BIDDER</u>	<u>BID</u>
PCS Auto Sales	\$ 509.00
Brian Webster	\$ 571.00

Upon due consideration, Kunkle made a motion and Evans seconded to accept the bid of \$571.00 from Brian Webster of Marysville. Motion carried unanimously.

LEGAL BUSINESS: Emerson Reyner of Willow Street in Bellview Acres was seeking counsel to determine the owner of a triangular shaped piece of property directly behind his property. His concern arose because a neighboring property owner placed a dog kennel, which houses a mean, barking dog, approximately 5-6 feet from his property on the triangular piece of property. Reyner was unsure who actually owns the property. The final recorded plans for both phases of the Bellview Acres Development, which includes the area in question, were provided. Reyner said he is not claiming to own the property, but he does not believe the individual who placed the dog kennel on the property owns the property either.

Solicitor Wagner said the Township solicitor is not the appropriate authority to decide land ownership disputes. The matter must be handled between the two property owners, their respective attorneys, and the Court.

Supervisor Cole entered the meeting at approximately 7:40 PM. She notified the Board she would be tape recording the meeting.

The SDLD plans and pictures of the lot were reviewed. Deed restrictions are listed on the one Subdivision Plan, which prohibits dog kennels. Solicitor Wagner further commented that the deed restrictions are enforced among the neighbors.

Discussion ensued. Solicitor Wagner reiterated that there is an issue here, but the Township is not the forum to discuss and determine the ownership of the land.

Robert Lightner of 1879 Valley Road suggested the owners file a complaint with Corporal Shoop to see if the issue might be addressed that way. Corporal Shoop agreed.

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and read the August Police Report as follows: 83.8 gallons of fuel used, drove 1,346 miles, worked a total of 175.25 hours, 1 theft from building, 1 sexual offense, 0 animal complaints, 1 disorderly conduct, 1 harassment, 1 fraud case, 1 assist from other department, serve 4 arrest warrants, 9 traffic citations and 0 non-traffic citations. Total fines collected from the District Justice were \$1,001.97.

The August Zoning Report was submitted by Zoning Officer, Ron Cree. and available for review. Zoning Officer, Cree read the report as follows: 11 complaints, two (2) zoning permits, 1 certificates of use, mileage reimbursement for 255 miles, fees collected totaled \$190.00.

Since there was not much activity during the last month, no September Sewage Enforcement Report was submitted by Mike Higgins. SEO Higgins will present a two month activity report for the October meeting.

The September 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 crack sealing on the two bridges on New Valley Road was completed per the annual inspection report from Pennon engineers.

Sergeant Ringer of the Newport State Police entered the meeting.

Dan Heacock, a member of the Recreation Board, announced the following upcoming event:

- ◆ Halloween in the Park at 6:00 PM on Saturday, October 27, 2007, rain date of Sunday October 28 at 5:00 PM. The time for the rain date on Sunday is earlier because of daylight savings time. A bon fire, hay rides, haunted trail, & refreshments are planned.

Heacock reported low attendance at the Community Covered Dish supper on September 15th. Heacock attributed the low attendance to the cold temperatures that day.

Heacock reported that the RTCA and the Rec Board proposed a new gravel trail from the Township's side gravel parking lot to the Park. The Board

No Emergency Management Report was offered.

The August Treasurer's Report & General & Solid Waste Fund Balance Reports were submitted for review by the Secretary/Treasurer & with no discussion were accepted as read.

SUBDIVISION PLAN: Marlin Peters of Lou Harford Surveyors approached the Board to gain final approval of the 2007 Dr. Robert Matsko, Sr. Subdivision Land Development Plan along with Linus Fenicle, Esquire, who was seeking approval of a Deed of Easement, which would be recorded along with the Matsko, Sr. plan.

Peters explained the purpose of the plan is to create a non-building lot, Lot #6 of 9.37 acres along Lambs Gap Road and to create an agricultural easement of 0.743 acres, where the fish hatchery is located to allow for access and maintenance of the trout nursery contained thereon. A fifty, (\$50) dollar recording deposit was received. The plan was conditionally approved at the September 4, 2007 Planning Commission meeting. The outstanding conditions were reviewed. Perry County Planning Commission comments were received and reviewed. A request for alteration was received. Discussion ensued.

Upon due consideration and review, Cole made a motion and Kunkle seconded to grant the Dr. Robert Matsko, Sr. Subdivision/Land Development Plan the following alteration of requirements from the Rye Township Subdivision Land Development Ordinance 90-5 because the parcel is “non-building” lot:

- Section 707 – Soils Analysis/Sewage Permit
 - Section 709 – Storm Water Management Plan
 - Section 710 – Erosion and Sedimentation Control Plan
- Motion carried unanimously.

Upon due consideration and review, Cole made a motion and Kunkle seconded to approve the Dr. Robert Matsko, Sr. Subdivision/Land Development plan conditional upon the following:

- 1) Review by the Township engineer of the proposed deed of easement to ensure that the 8 ½” X 11” SDLD plan attached to the deed complies with the meets and bounds are consistent with the approved plan
 - 2) Assure compliance with the recommendation of the Perry County Planning Commission comments by providing a written letter addressing each comment
 - 3) Final notarized signatures
- Motion carried unanimously.

RESOLUTION: Kunkle made a motion and Cole seconded to adopt **Resolution 07-09**, which authorized the Secretary/Treasurer to transfer \$38,100 from the Highway Aid Savings account into a short term investment of 11 months at 4.29% and to transfer \$18,100 from the Highway Aid Savings Account into the Highway Aid Checking account to cover Check # 711 issued to Penny Paving for summer paving projects. Motion carried unanimously.

OLD BUSINESS: Cole made a motion and Kunkle seconded to accept the 2006 Rye Township Planning Commission Annual Report, which was approved by the Planning Commission and signed by Chairman, Gordon Warren and Secretary, Vickie Minnier. Motion carried.

NEW BUSINESS: Three proposals were received for the costs of delivery/hauling of containers and tipping fees for the October 12 and October 13 Fall clean-up as follows:

	<u>Cocolamus Creek</u>	<u>Tiger Trash</u>	<u>Sylvester’s Services</u>
Haul/	\$262.00	\$225.00	\$260.00
Delv Fee		\$ 27.00 (fuel surcharge)	
Tip Fee	\$ 63.50	\$ 61.00	\$ 60.00

Discussion ensued.

Upon due consideration, Kunkle made a motion and Cole seconded to award the Fall Clean up contract to Sylvester's Services Disposal Service to provide roll-off containers including the containers needed for scrap metal at no extra charge. The entire motion is contingent upon the receipt of a certificate of Worker's Compensation and Liability insurance and a certificate of compliance with Federal CDL requirements for drug and alcohol testing for their truck drivers. Motion carried. All members voting in favor.

Cole made a motion and Kunkle seconded to approve and sign three year contract with Smith, Elliott, Kearns and Company, CPA Greg Hall to conduct the annual independent fiscal audit for the years ending December 31st as follows:

Fiscal year ending December 31, 2007	\$ 7,850.00
Fiscal year ending December 31, 2008	\$ 8,200.00
Fiscal year ending December 31, 2009	\$ 8,600.00

Motion carried unanimously.

Cole made a motion to designate Tuesday, October 31, 2007 from 6:00 PM to 8:00 PM as Trick or Treat Night for Rye Township. Kunkle seconded; motion carried. Cole reminded the adults to use caution when taking the children around their various neighborhoods.

Evans announced the following:

- Budget Meetings Thursday, October 4, 2007 at 7:00 PM
 Thursday, October 18, 2007 at 7:00 PM
- Special Meeting Monday, October 15, 2007 at 7:30 PM
- Office Closed Monday, October 8, 2007, Columbus Day
- Trash collected Tuesday, October 9, 2007

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 11064-11087 in the amount of \$ 9,232.86. No checks void.

Payroll checks #s 4944--4952 in the amount of \$5,085.26. Payroll checks #s 4953--4964 in the amount of \$5,126.01. No payroll checks void.

An electronic transfer, ELF was made from the General Checking account by PCI, Insurance on September 20, 2007 in the amount of \$6,346.98 for October's health insurance

Supervisor Cole asked about check number 11086 issued to United Water Pennsylvania in the amount of \$144.81. The Secretary/Treasurer said it is a quarterly payment for rental of two fire hydrants in the Township.

With no further discussion on the bills presented, Kunkle made a motion & Cole seconded to approve the 1 checks & pay the bills. Motion carried unanimously.

CITIZEN PARTICIPATION: Dean Bressler of 80 Fleisher Road expressed concern when he drives over a storm drain located at the intersection of SR 850 and Fleisher Road. He thought possibly the road or drain has sunk.

Warren Lewis of Willow Street said stones have washed down to the intersection of SR 850 and Spruce Road creating a potential hazard.

Supervisor Cole noted again her concern with a damaged storm grate located at the intersection of SR 850 and Sunforest Drive (a private drive).

Corporal Shoop noted that the first mile or so of SR 850 from the Borough line west is sinking creating an uneven surface for driving.

The Secretary/Treasurer contacted New Bloomfield, Penn Dot, but did not receive a return call. She will try to contact the road foreman, Randy Tressler, tomorrow. Solicitor Wagner advised the Board could get their attention by sending a certified letter listing the various concerns and stating the Board believes the concerns on SR 850 create a potential hazard.

Recreation Board President, Nancy Sunday of 2785 Valley Road announced that the next Recreation Board meeting will be held on Monday, October 8, 2007 at 7:00 PM at the Township building even though it is the Columbus Day Holiday.

John Smith of Cove Road notified the Board that he brings two loads to the bulk clean up because he brings down his renter's items.

Robert Lightner of 1879 Valley Road said this is not what he meant by his concern expressed earlier. His concern is to enforce the limit of one pick-up truck size and (4) tires per residence.

Supervisor Cole asked why Sergeant Ringer, who left during the meeting, was in attendance. Corporal Shoop said he just stopped to say "hello" and keep in touch with the communities that he serves.

Supervisor Cole asked if the police back wage check was issued. Chairman Evans said the check was issued and will be distributed this Wednesday with the payroll checks.

Supervisor Cole asked for an update of the Compliance Hearing for Martin Clouse. Kunkle said it is scheduled for Wednesday, September 26th.

The Secretary/Treasurer said the hearing has been continued by the union attorney. In the interim labor counsel Blissman will seek to resolve the concerns with the union attorney before another hearing is scheduled.

Zoning Officer Ron Cree asked if the Board considered increasing the mileage paid to employees who use their personal vehicles for Township business.

Cole made a motion and Kunkle seconded effective October 1, 2007 to increase for reimbursement of mileage paid to employees who use their personal vehicles for Township business from \$.405 to \$.485 consistent with the rate set by the IRS and to reevaluate the amount paid quarterly. Motion carried unanimously.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Cole made a motion and Evans seconded to adjourn the meeting at 8:47 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer