

**RYE TOWNSHIP
SUPERVISORS' MEETING
October 27, 2008**

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PRESENT: Chairman Ronald Evans, Vice-Chair, Robert Lightner, Supervisor, Sharon Cole Engdahl, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Raymond, "Pete" Fitting, Sean and Peggy Fedder, William and Barbara Holley, Beverly Miller, Jean and Larry Kuhn, Robert Moore, Jean Snyder, Don Wood, Joe Daupenspeck, Eugene Rebert, Gary Roth, and P. Richard Wagner, Esquire.

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 Engdahl notified the Board that she would be tape recording the meeting and placed her recorder on the front table. Donald Wood entered the meeting and placed his recorder on the front table.

CITIZEN PARTICIPATION: Chairman Evans welcomed everyone to the meeting and asked if there was any citizen participation at this time. No citizen participation was offered at this time. However, Solid Waste Superintendent Robert Lightner expressed appreciation to residents, Pete Fitting and Bill Holley for their assistance at the recent Fall Clean up and with the recycling program.

APPROVAL OF THE MINUTES: Lightner made a motion and Cole Engdahl seconded to approve the minutes of the September 22, 2008 supervisors' meeting minutes as submitted. Motion carried unanimously.

Lightner made a motion and Evans seconded to approve the minutes of the October 2, 2008 budget meeting as submitted. Motion carried. Cole Engdahl abstained since she was out of town and not present at the meeting.

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and Supervisor Lightner read the September Police Report as follows: 57.6 gallons of fuel used, drove 936 miles, worked a total of 184 hours, various incidents from theft to animal complaints including: 7 traffic citations and 2 non-traffic citations and 1 warning. Total fines collected from the District Justice were \$ 613.67 and County fines of \$ 233.40.

The September Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Zoning Officer, Cree read the report as follows: 4 complaints, four (4) zoning permits, 4 certificates of use, mileage reimbursement for 71 miles, fees collected totaled \$345.00.

The September/October Sewage Enforcement Report was submitted by Mike Higgins. Lightner read the report as follow: 6 activities: Site visit to Ben Smith; probes for Bill Miller; final inspection for Don Jennings, Shawn Cassell, and Marlin Peters and plan review for Barlup for a total due of \$590.00 in wages and \$38.38 in expenses for a combined total due of \$628.38.

The October Road Report was submitted by Road Foreman, Brad Sloop. Chairman Evans read the report and placed it on the table for review. Evans noted the fall bulk clean up was successfully completed on October 3rd and 4th.

Gene Rebert, a member of the Rec Board, provided the Board with a written report and reported a successful Halloween in the Park with approximately 50 people in attendance. The event was held on the rain date of Sunday October 26 at 5:00 PM. Rebert expressed appreciation to Joel Heisley for the use of his tractor and wagon for the hayride and to the Marysville Boy Scout Troop for assisting with the haunted trail.

Rebert also reported that a proposed 2009 budget was presented to the Board of Supervisors for review. The Department of Corrections community service crew is scheduled to work at the New Valley Road Park on October 30, 2008. There will be two vacancies on the Park and Rec Board as of January 2009. The terms of Rec board members Gene Rebert and Dan Heacock are expiring.

No Emergency Management Report was offered.

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

LEGAL BUSINESS: Solicitor Wagner received, reviewed and approved for legality an easement and road maintenance declaration an improvement inspection agreement and a stormwater easement and Maintenance Declaration for the Barlup and Barlup subdivision. Solicitor Wagner also reviewed and approved for legality an agreement to construct storm water facilities and install a pipe for Ronald Watts of Idle Road.

Rye Township is in receipt of two copies of the 2009 municipality domestic animal protective services agreement from the Humane Society of Harrisburg Area, which proposed an increase of over \$1,700 or over 300%. The Secretary/Treasurer contacted Amy Kaunas, the Executive Director, and received no response. The Board directed the Secretary to once again contact the Humane Society and ask 1) why the significant increase 2) what is the experience for Rye Township. Solicitor Wagner recommended that future agreements provide for quarterly accounting of number and types of animals received from Rye Township.

Discussion ensued regarding the renewal of the cable franchise agreement. Dissatisfaction with Blue Ridge Cable was expressed. The language of the renewal contract was discussed. Supervisor Cole Engdahl offered that we check again with Comcast commercial department regarding cable services. The consensus of the Board was to attempt to offer the residents a choice.

Discussion ensued on a request received to waive or reduce the current application fee of \$450.00 for residents on low income who need a hearing before the Zoning Hearing Board. While sympathetic to the need, Solicitor Wagner said legally it can be done, but advised the criteria to gauge the reduction is difficult and a significant effort would need to be undertaken to determine definitions etc. for criteria to be fair across the Board. A resident may only have social security income, but have assets of \$100,000 setting in the bank.

RESOLUTION: Lightner made a motion and Cole Engdahl seconded to adopt **Resolution 08-12**, which authorized the Secretary/Treasurer to transfer \$97,171.00 from the PLGIT Plus-Class account into the General Checking account at the First National Bank of Marysville to pay Five Star International for the new 2009 dump truck. Motion carried unanimously.

Cole Engdahl made a motion and Lightner seconded to adopt **Resolution 08-13**, which authorizes the Secretary/Treasurer to make budgetary transfers to the 2008 budget for the General Fund. Motion carried unanimously.

Proof of publication is on file for **Fee Schedule Resolution No. 2008-14**. Lightner made a motion and Cole Engdahl seconded to adopt **Fee Schedule Resolution No. 08-14**, which establishes a schedule of fees for Rye Township for the fiscal year beginning in 2009 and each year thereafter until amended by resolution. Motion carried unanimously.

Resolution D. on the agenda is the same resolution as Resolution 08-12. Therefore it was deleted from the agenda.

The Board reviewed a draft copy of a resolution to update the Subdivision Land Development Filing Fee Schedule, which has not been updated since 1990. The Solicitor recommended the cost for review of preliminary or the first submission of any plan and the final submission of any plan over two lots be calculated in number of family units. Upon due consideration, Cole Engdahl made a motion and Lightner seconded to authorize the Secretary/Treasurer to advertise the Subdivision Land Development Fee Schedule for adoption at the November 24, 2008 supervisors' meeting. Motion carried unanimously.

OLD BUSINESS: The Board of Supervisors mailed a certified letter to United Water Pennsylvania in August expressing a concern received from Marysville Fire Company with the hydrant flow pressures in Rye Township. After several interim emails, the Township received written response from United Water Pennsylvania on October 24, 2008. The Board reviewed the letter and will discuss the response with Marysville Fire Company. Fire Company member Pete Fitting was provided a copy of the letter to pass along to Fire Chief, Scott Weaver.

Chairman Evans announced that Trick or Treat would be held on Thursday, October 30, 2008 from 6-8:00 PM.

NEW BUSINESS: Lightner made a motion and Cole Engdahl seconded to advertise for sale the 1995 dump truck at a minimum bid of \$12,000.00. Motion carried unanimously.

The Solicitor advised all the regulations are not in place for appointing a hearing examiner under the "Right to Know Law". The Board tabled any action to appoint an appeals officer for Rye Township until the regulations are completed.

An application to renew an annual license to operate a junk yard was received from Ryan Michael of 160 Cove Hill Road. As directed by the Board, Zoning Officer Ron Cree conducted an on-site inspection of the facilities. Zoning Officer Cree provided pictures and a compliance check list. With the facility in compliant with Junkyard Ordinance #9, Zoning Officer Cree recommended the Board issue the annual junk yard license for Ryan Michael on Cove Hill Road.

Upon due consideration, Cole Engdahl made a motion with a second from Robert Lightner to issue the 2009 Junkyard License to Ryan Michael of 160 Cove Hill Road. Motion carried unanimously.

An application for a license to operate a junk yard was received from Donald Wood of 1790 New Valley Road. As directed by the Board, Zoning Officer Ron Cree conducted an on-site inspection of the facilities. Zoning Officer Cree provided pictures and a compliance check list. Based upon the findings and multiple complaints that he has received, Zoning Officer Cree said he could not recommend the issuance of a license to Donald Wood.

Discussion ensued with Donald Wood countering and questioning the findings and complaints received by Zoning Officer Cree.

Adjoining property owner, Robert Moore of 1814 New Valley Road, confirmed that he hears equipment running and trucks coming and going before and after the permitted operating hours of 7:00 AM and 6:00 PM. Moore said he is not complaining to remove the business from this residential neighborhood. He is only asking that Wood comply with the regulations and the Board enforce the regulations. Moore offered that he works in a business with over 300 people. If the State comes in and finds issues of non-compliance, action must be taken within so many days or the plant is shut down.

Supervisor Lightner read the section of Junk yard Ordinance #9, Section 6.e. which states the permitted hours of operation. Owner, Donald Wood wrote down the hours permitted for operation.

Zoning Officer Cree said the conditions listed as outstanding on the last license issued on August 2008 are still outstanding.

1. A gate was not installed to complete the fencing requirement
2. All tires were not removed from the site
3. The above conditions were required to be met and remedied within the timeframe of this license, which was August 2008 to September 30, 2008.

Zoning Officer Cree recommended again that the Board not issue a license for Donald Wood until all the outstanding conditions are met. This is the not the first time that a conditional license was given and the conditions were not met.

Supervisor Lightner said he is concerned that Mr. Wood is not going to abide by the regulations since he signs papers that he will comply and when the deadlines are over, the items are still not resolved. Mr. Wood has been given adequate time.

Solicitor Wagner advised that if a license is given, items are found not in compliance, the license can be revoked.

Donald Wood said that Thomas Metz brought in a land development plan for 1790 New Valley Road for submission to the November Planning Commission meeting on November 5, 2008. The Secretary/Treasurer confirmed the receipt of a land development plan for the salvage yard on New Valley for submission at the November Planning Commission meeting.

Donald Wood said clearly, "I will operate without a license. If you want to fine me, go ahead."

Donald Wood offered Robert Moore to come on to his property and take the camera with him. Solicitor Wagner advised Moore to take the camera and get pictures.

Upon due consideration, Cole Engdahl made a motion and Lightner seconded to grant a temporary junk yard license from October 1st to June 30, 2009 contingent upon the following:

1. Plant and maintain a row of evergreens at least 4 feet high along the designated areas in compliance with Ordinance #9
2. Comply with the permitted hours of operation of 7AM to 6:00 PM
3. Complete a substantial gate to complete the fencing requirement
4. All the trash tires must be removed from site and properly disposed

Donald Wood said he understood the conditions. Motion carried unanimously. Mr. Wood was told to complete the outstanding items before June 30th or a new license would not be issued. Donald Wood said he had to go to work and left the meeting at this time.

Upon due consideration Cole Engdahl made a motion with a second by Lightner to join the Capital Region Council of Governments with Sharon Cole Engdahl as the delegate and Daisy Lightner as the Alternate. Motion carried unanimously.

The Board is in receipt of correspondence from the Department of the Auditor General notifying Rye Township that their 2008 state pension allocation of \$12,862.14 will be direct deposited in the general checking. Act 205 requires these funds be deposited in the pension plan by the treasurer of the municipality within 30 days of receipt. Since Rye Township paid their 2008 pension Minimum Municipal Obligation, (MMO) in the amount of \$22,883 on April 28, 2008 check number 11416, Supervisor Lightner made a motion and Cole Engdahl seconded to deposit into and reimburse the general fund with the total amount of \$12,862.14. Motion carried unanimously.

Chairman Evans announced the following upcoming events:

- November 4th, Election Day
- November 6th, Budget meeting, 7:00 PM
- November 11th – Veterans' Day, Office Closed.

Supervisor Cole Engdahl requested a resolution for adoption in support of our troops & veterans. The Secretary indicated a resolution would be drafted for the November meeting.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a September expense check register and submitted the following checks for approval and payment: General Fund Check #s 11672-11721 in the amount of \$130,977.24. No checks void.

Payroll checks #s 5247-5257 in the amount of \$5,919.31. Payroll checks #s 5258--5268 in the amount of \$5,895.69. Payroll checks #s 5269-5279 in the amount of \$5,807.79. No payroll checks void.

An electronic transfer, ELF was made from the General Checking account by PCI Insurance on September 22, 2008 in the amount of \$6,783.02 for November's health insurance

With no further discussion on the bills presented, Lightner made a motion & Cole Engdahl seconded to approve the checks & pay the bills, except for check # 11677-11678 issued to Daisy Lightner in the amount of \$100.00 to reimburse her for payment of a trash hauling permit from DEP on her personal credit card and \$41.54 for mileage expense. Motion carried unanimously.

Supervisor Cole Engdahl made a motion to approve check # 11677 and 11678 issued to Daisy Lightner for reimbursement for payment of a trash hauling mileage expense. Chairman Evans seconded. Motion carried. Supervisor Lightner abstained due to a conflict of interest, because Daisy is his spouse.

CITIZEN PARTICIPATION: Josef Daubenspeck of 45 Reed Drive asked about the number of residents participating in the fall clean up and if a cost per resident for the bulk clean up was assessed. Daubenspeck also commended the Township Board for beginning the 24/7 recycling program for residents.

Solid Waste Superintendent Robert Lightner said a total of 204 residents brought bulk loads to the fall clean up. Total costs for the clean up have not been received, but Lightner offered that his original estimate of \$25.00 per load appears to have been reasonable. Lightner said costs would also have to be assessed for the resident who only brings one or two smaller items or appliances. Lightner also reported that application for a grant from the Department of Community and Economic Development, (DCED), was applied for to hopefully assist with the bulk clean up program next year. The grant is awarded in mid- December 2008.

Gary Roth of 3118 Valley Road asked if Lightner checked into his concern voiced at a previous meeting regarding the trash collected at the Animal Hospital of Rye.

Lightner said he sent Dr. Kirmeyer, the owner, a letter and spoke with him by phone. Kirmeyer said extra trash was placed out for collection one week because of cleaning. Kirmeyer explained that the vehicle that is seen at the site unloading trash is actually an employee who loads the trash into a car from the basement exit and hauls it up to the front parking lot to unload. Kirmeyer said he has never seen anyone else placing their trash at his collection site.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Cole Engdahl made a motion and Lightner seconded to adjourn the meeting at 9:06 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer