

**RYE TOWNSHIP  
SUPERVISORS' MEETING  
December 22, 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, Pete & Barbara Fitting, Sean Fedder, William and Barbara Holley, Thom Casey of the Duncannon Record, 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.

**CITIZEN PARTICIPATION:** Chairman Evans welcomed everyone and asked if there was any citizen participation. Resident Gary Roth stated that he will be living at his son's residence over the winter and requested that trash service for his address be suspended until April 1, 2009, the beginning of the 2<sup>nd</sup> quarter trash billing cycle. The Secretary/Treasurer indicated she would take care of that request.

**APPROVAL OF THE MINUTES:** Cole Engdahl made a motion and Lightner seconded to approve the minutes of the November 24, 2008 supervisors' meeting minutes as submitted. Motion carried unanimously.

**MONTHLY MUNICIPAL REPORTS:** Corporal Clint Shoop submitted copies to the Board and read the November Police Report as follows: 38.9 gallons of fuel used, drove 743 miles, worked a total of 111.25 hours, 13 incidents: 1 traffic warning, 8 traffic citations. Total fines collected from the District Justice were \$120.05. Total fines received from the Perry County Court were \$81.32.

The December Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Zoning Officer Cree read the report as follows: zero (0) complaints, four (4) zoning permits, mileage reimbursement for 36 miles, fees collected totaled \$215.00.

The November/December Sewage Enforcement Report was submitted by Mike Higgins. Vice Chairman Lightner read the report: four (4) activities, which included percs and probes for Cassell final processing for Edward Zampelli; and probes for Bill Miller for a total due of \$885.00 in wages and \$14.10 in phone, postage for a combined total due of \$899.10.

No Road Report was submitted for December.

No Recreation Board report was submitted, because they do not meet in December.

No Emergency Management report was presented.

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

**SUBDIVISION PLANS:** The Secretary/Treasurer alerted the Board to the fact that Woody's Auto Salvage Land Development ninety (90) day time clock expires on February 3, 2009. Therefore, if no time extension is requested, the Board must take action on the plan by January 26, 2009 board meeting. Metz Engineering and Donald Woods were notified.

**LEGAL BUSINESS:** Solicitor Wagner noted a letter was received from Dan Fitzpatrick of DCED notifying the Board that FEMA completed a re-evaluation of the flood hazard areas in Rye Township, Perry County. Accordingly, all Townships must amend and update existing regulations to incorporate any additional requirements and adopt the newly revised FIS report and FIRM. Evidence of the changes to local storm water regulations must be completed by June 19, 2009. The Secretary/Treasurer indicated that she notified Gordon Warren, chairman of the Planning Commission of this concern. The Planning Commission is currently updating the Zoning and SDDL Ordinances and will encompass the necessary changes to the floodplain management regulations within that larger revision.

A sheriff sale was conducted at Rye Township property in an effort to collect delinquent trash payments. The owner did not have the money to pay, so the Township purchased the 1993 van. Upon inspection of the van by a certified agency, it was discovered that the van is not worth anything. The Township incurred additional towing and garage expenses in addition to the uncollected delinquent trash bill. Solicitor Wagner advised to contact the Sheriff's department for details on how to levy again on this same property for the total amount due with the levy against the property.

Gary Roth of 3118 Valley Road complained that same property has additional abandoned, junked vehicles on this parcel and requested enforcement. Zoning Officer Cree said he was made aware of this possible violation and will check into this concern after the Holidays.

The Board discussed zoning violations at a property addressed as 14 Bellview Road. Zoning Officer Cree sent letters with no response. Corporal Shoop and Zoning Officer Cree will work together to enforce the Ordinance. Corporal Shoop indicated he would be handling the citation at the local District Justice.

Solicitor Wagner advised the Corporal would enforce Ordinances with criminal penalties and the Zoning Officer would enforce Ordinances with civil penalties.

**EXECUTIVE SESSION:** Chairman Evans recessed the meeting to executive session to discuss personnel issues at 7:50 PM.

Chairman Evans reconvened the Board meeting at 8:07 PM. The Board met with the Corporal in regards to several personnel issues and the concern of closing roads for emergency reasons during the winter season.

Discussion ensued on icy mountainous roadways- Lambs Gap Road and Millers Gap Road. Solicitor Wagner advised there is a provision in the Second Class Township Code that permits the Board to temporarily close a road if the weather conditions make it unsafe or impassable. Wagner advised that it would be prudent for the Board to make a motion to appoint an individual to temporarily close the roads.

Cole Engdahl made a motion and Robert Lightner seconded to temporarily close a Township roadway as permitted in the Second Class Township Code if the weather conditions make it unsafe or impassable for travel. Motion carried unanimously.

Cole Engdahl made a motion to designate Supervisor Robert Lightner, in consultation with the road crew and/or the police department to make the decision to temporarily close a roadway per the provisions of the Second Class Township Code. Chairman Evans Seconded. Motion carried unanimously.

**RESOLUTIONS:** Proof of publication is on file for the **2009 proposed budget**, which was available for public inspection for twenty (20) days. Chairman Evans noted that the 2009 proposed budget is balanced without a tax increase. Supervisor Lightner made a motion to adopt **Resolution 08-19**, adopting the **2009 Budget**, Cole Engdahl seconded; Motion carried with all members voting in favor.

Cole Engdahl made a motion to adopt **Resolution 08-20** which sets the tax levy for 2009 without an increase or change as follows:

General Township.....	.82 mills
Fire companies .....	.22 mills
Ambulance .....	.02 mills
Library .....	.01 mills
Road Equipment .....	.17 mills
TOTAL	1.24 mills

Lightner seconded; motion carried. All members voting in favor.

Lightner made a motion to adopt **Resolution 08-21**, which authorizes the Secretary/Treasurer to transfer at the First National Bank of Marysville, \$22,816.74 the total amount of tax revenue levied for road equipment in 2008 from the General Checking account into the General Savings account specifically account line item 01.106.01. Cole Engdahl seconded. Motion carried unanimously.

**OLD BUSINESS:** The Secretary/Treasurer said she reviewed the 2007-2008 intake reports from the Humane Society and found nine (9) discrepancies. The Humane Society sent a revised contract lowering the cost per year from \$2,194.23 to \$1,763.27.

Supervisor Cole Engdahl suggested the Secretary/Treasurer request intake reports for review in 2009 at least quarterly.

Discussion ensued on charging residents who repeatedly take animals to the shelter. Solicitor Wagner said he would review the State Dog Law, which under certain circumstances might possibly allow the Township to collect a fee.

Supervisor Cole Engdahl made a motion to approve the 2009 Humane Society Animal Protective Service Agreement at the revised cost of \$1,763.27 per year; Lightner seconded. Motion carried unanimously.

The Board reviewed a November 26, 2008 proposal no. PO8173 from GTS Technologies to provide site investigation and design services for the Trout Lane Drainage and road repair evaluation. Upon due consideration, Cole Engdahl made a motion and Lightner seconded to accept the proposal for Phase I and Phase II in the total amount of \$9,793.00 to perform the investigation and design of treatments for Fishing Creek Estates, Trout Lane Drainage per price proposal no. PO8173. Motion carried unanimously.

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.

Pete Fitting reported that Marysville Fire Chief, Scott Weaver did receive a copy of the letter and was unable to be reached today. Supervisor Cole Engdahl spoke with her son-in-law who works with a company that measures the flow, but not the pressure of water in a pipe. It was the consensus of the Board to address this item at the January Board meeting.

Supervisor Lightner said he contacted Carroll Township in regards to the proposed \$10.00 increase in the costs for plowing and cindering Pine Hill Road. The Carroll Township Secretary/Treasurer returned the call and said there is not a problem with the increase.

Chairman Evans made a motion and Cole Engdahl seconded to renew the May 24, 1980 winter maintenance agreement between Rye and Carroll Townships for 2009, whereby Rye Township agrees to plow and cinder Carroll Township's portion of Pine Hill Road for the year beginning January 1, 2009 and ending December 31, 2009 for a fee of \$60.00 per round trip. The increase was deemed necessary due to a 45% increase in the costs for salt in addition to labor. Motion carried unanimously.

Discussion ensued on the proposed increase in the sewage fee schedule. It was noted that the fees have not been changed since 2005. The Board reviewed a chart listing costs from nearby municipalities. Upon due consideration, Cole Engdahl made a motion and Lightner seconded to authorize advertisement of the proposed sewage fee schedule for tentative adoption at the January 26, 2009 board meeting. Motion carried unanimously.

The Secretary/Treasurer said labor counsel, Joel Barras, Esquire of Reed Smith sent the road department contract to Robert Snyder of the Teamsters Union for approval and signatures, but has not received any response. Solicitor Wagner said the Board cannot grant wage increases to the road department until a contract is signed. Cole Engdahl suggested notifying Brad Sloop of the road department that the contract was not received and wage increases will not be given January 1, 2009 unless a contract is executed.

**NEW BUSINESS:** Cole Engdahl made a motion to appoint Smith, Elliott, & Kearns at a cost of \$8,200.00 to conduct the 2008 financial audit for the Township. Evans seconded. Motion carried unanimously.

Cole Engdahl made a motion and Lightner seconded to approve and sign the 2009 contract for fire services with Shermans Dale Fire Company. Motion carried unanimously.

Correspondence was received from the Office of Open Records requesting the name and contact information for the designated Open Records Officer for Rye Township. Discussion ensued on the new Right to Know Law taking effect on January 1, 2009. Solicitor Wagner said the Township has an Open Records Policy. Some provisions will remain the same. However it needs to be updated to be consistent with the new legislation.

Cole Engdahl made a motion to appoint Daisy Lightner as the Open Records Officer for Rye Township. Chairman Evans seconded; Motion carried unanimously.

The Board directed the Secretary/Treasurer to obtain a sample policy and provide the Board with a draft prior to the January 5<sup>th</sup> Organization meeting.

Public Safety Superintendent Robert Lightner expressed appreciation to "Santa" who took his time to visit in Rye Township. Chairman Evans made a motion and Supervisor Cole Engdahl seconded to send a letter of appreciation to Santa. Motion carried unanimously.

Chairman Evans announced that the office would be closed for Christmas on December 25, 2008 and the New Year's holiday on January 01, 2009. There is no change in the trash collection schedule this year.

The Board of Supervisors Organization Meeting is scheduled for Monday, January 5, 2009 at 7:30 PM. The Planning Commission's organization and business meeting is rescheduled for Tuesday, January 6, 2009 at 7:30 PM. The Elected Auditors will meet at 7:30 PM on Thursday, January 8, 2009.

**APPROVAL AND PAYMENT OF THE BILLS:** The Secretary/treasurer provided a December 1-December 22, 2008 expense check register and submitted the following checks for approval and payment: General Fund Check's #s 11761-11803 in the amount of \$34,808.53. No checks void.

Payroll checks #s 5305-5316 in the amount of \$6,186.41. No payroll checks void.

Payroll checks #s 5317-5327 in the amount of \$5,934.21. No payroll checks void.

An electronic transfer, ELF was made from the General Checking account by PCI, Insurance on December 22, 2008 in the amount of \$5,192.27 for January'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 # 11762 issued to Daisy Lightner in the amount of \$45.34 for mileage expense. Motion carried unanimously.

Supervisor Cole Engdahl made a motion to approve check # 11762 issued to Daisy Lightner for reimbursement for mileage expense. Chairman Evans seconded. Motion carried. Supervisor Lightner abstained due to a conflict of interest, because Daisy is his spouse.

Solicitor Wagner offered to remit his check #11790 in the amount of \$125.00 back to the Township so the Board can issue a check in the same amount to a needy family for Christmas. The Board agreed and expressed appreciation to Solicitor Wagner for his generosity. The Secretary/Treasurer will void check number 11790 and reissue a check to the Glenvale Church of God, which will assure that a needy family receives the funds.

**CITIZEN PARTICIPATION:** On behalf of the Board, Supervisor Cole Engdahl expressed condolences to the Miller family as resident, Kathleen Miller passed away earlier today. Cole Engdahl recognized and expressed appreciation for Miller's service to the community as a member of the Planning Commission and a volunteer with the local Crime Watch and the County Crime Stopper's.

Supervisor Cole Engdahl noted that the IRS decreased the amount of mileage paid for use of personal vehicles on Township business from \$.585 cents to \$.55 cents per mile. The Board indicated they would re-establish the mileage at the Organization meeting on Monday, January 5, 2009.

**ADJOURNMENT OF THE MEETING:** The Board wished everyone a Merry Christmas and a Happy New Year. There being no further business before the Board, Vice-Chairman Lightner made a motion and Supervisor Cole Engdahl seconded to adjourn the meeting at 8:55 pm. Motion carried unanimously.

Respectfully submitted,

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Daisy Lightner  
Secretary/Treasurer