

**RYE TOWNSHIP
SUPERVISORS' MEETING
February 23, 2009**

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PRESENT: Chairman Robert Lightner, Vice-Chair, Ronald Evans, Supervisor, Sharon Cole Engdahl, Daisy Lightner, Secretary/ Treasurer, Ronald L. Cree, Zoning Officer, Pete and Barbara Fitting, Nancy Sunday, George Askins, Peggy Fedder, Sean Fedder, Larry and Jean Kuhn, Beverly Miller, Bill and Barbara Holley, Amy Cooper, Thom Casey of the Duncannon Record, Gene Rebert, Joe Burget of Burget Associates and P. Richard Wagner, Esquire. Former Supervisor present: Charlie Kunkle

The meeting was held at the municipal building and called to order at 7:30 PM. Chairman Robert Lightner 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 Lightner welcomed everyone and asked if there was any citizen participation. None was offered at this time.

APPROVAL OF THE MINUTES: Cole Engdahl made a motion to approve the minutes of the January 26, 2009 supervisors' meeting. Evans seconded; Motion carried unanimously. Evans made a motion to approve the February 2, 2009 special meeting minutes as submitted; Cole Engdahl seconded; motion carried unanimously.

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and Chairman Lightner read the January Police Report as follows: 15.5 gallons of fuel used for the Impala, 84.6 gallons used for the Crown Victoria, drove 1,403 miles, worked a total of 169.50 hours for full time, 1 traffic warning, 12 traffic citations and 2 non-traffic citations. Total fines collected from the District Justice were \$778.25 and \$8.37 from Perry County Court fines.

The January Zoning Report was submitted by Zoning Officer, Ron Cree & made available for review. Zoning Officer, Cree read the report as follows: seven (7) calls/complaints, one (1) zoning permits, mileage reimbursement for 52 miles, \$20.00 in fees collected.

No February Sewage Enforcement Report was submitted by SEO, Mike Higgins.

The February Road Report was submitted by Brad Sloop, road foreman. Chairman Evans read the report and placed it on the table for public review noting that most of the work completed again involved winter snow and ice removal. Equipment & chains were repaired, maintained, and washed trucks.

Gene Rebert of the Recreation Board provided a report which he read. The Recreation Board met on February 16, 2009. The Board is looking for an individual to replace a member of the Recreation Board who due to time constraints is unable to participate. The Township Secretary/Treasurer contacted the Capital Region COG and the Perry County COG to obtain a bid for purchasing Wood Carpet mulch for the playground. The bids are due to be awarded in mid to late March. So the Rec Board is hoping to gain a better price through one of these COGs. Beginning in 2009 one of the portable toilets will be handicap accessible. Joseph Baker agreed to provide the handicap toilet without further charge. No damage was noted at the park from the recent wind storms. The following dates for upcoming events:

- ◆ April 4th at 11:00 AM - free for all children 10 years and younger.
- ◆ Fishing Derby on May 9, 2009 at 9:00 AM- this event is also "free."

Chairman Lightner requested that George Askins check his schedule for next December and select two dates to schedule Santa visitation in Rye Township. George acknowledged.

No Emergency Management report was provided.

The January Treasurer's Report was submitted for review and read by the Secretary/Treasurer & with no discussion or questions was accepted as read pending the final approval of the auditors.

The Secretary/Treasurer noted that the independent auditing firm of Smith, Elliott, and Kearns conducted the 2008 annual financial audit on Tuesday February 17 and Wednesday, February 18. SEK will be here at the April meeting to present a report to the Board and the public.

In addition, the Secretary/Treasurer encouraged the Board to watch their pennies with the economy and the tight budget. For example, the Township received notice today from DEP that the State will not be reimbursing Townships for funds annually expended for certain sewage enforcement costs.

The Board agreed they must be conservative and watch expenses.

Supervisor Cole Engdahl notified the Board that she was recording the meeting.

SUBDIVISION PLANS: Joe Burget of Burget Associates approached the Board to present the Preliminary Barlup and Barlup Subdivision Plan for approval. Burget explained the property proposed for subdivision is located in the 2700 Block of SR 850. The former owner, Michael Vishnesky, previously subdivided the road frontage lots of this property in 1997 under the subdivision name of "Sherwood Acres." The Barlup and Barlup Plan proposes the subdivision and land development of the residual lot of approximately forty (40) acres into three single family residential building lots. The Preliminary Plan was submitted to the Rye Township Planning Commission and was conditionally approved at the January 6, 2009 meeting. Perry County Planning comments were addressed. The Township engineer reviewed the Barlup Preliminary Subdivision Land Development. The previous concern with engineering review fees was resolved. All review fees are paid in full. Burget provided the Board & the Solicitor with copies of draft easement agreements for review & approval.

Discussion ensued. Burget explained the twenty (20') feet unpaved access road proposed. Concerns were discussed in regards to the storm water run off and the existing homes established down hill on the road frontage lots along SR 850. Burget explained that the entire private R-O-W is to be slanted to the right with a drainage swale constructed toward the eastern side allowing for the water to run and be contained in Berm C. Burget said the October 21, 2008 review comments from Township engineer Rettew Associates noted, "*the applicant needs to confirm that the detention berms can accommodate the peak flow in a 25 year storm event without overtopping.*" Burget said this comment from Rettew was addressed by increasing the berm size. Burget explained that the maximum head of the revised berm is 2 feet wide with a percolation rate of 58 minutes per inch. Burget indicated it would take 23 hours for a 25 year storm event to drain into the ground. A more common storm event of 1 inch of rainfall will produce approximately 900 cubic feet of run off. The amount of run off will pond at 1.5 feet. The berm itself is three feet high and therefore more than adequate.

Chairman Lightner expressed concerns with the amount of storm water run off already ponding in the road frontage lots without development of the property. Amy Cooper of 2763 Valley Road confirmed that the water ponds in her front yard deep enough for ducks to swim within it.

Nancy Sunday of 2759 Valley Road, another road frontage property owner offered that last week when the temperatures warmed, the snow melt from the fields behind them produced a stream running between their properties, which in turn produced a pond in Amy Cooper's front yard. George Askins of 2759 Valley Road confirmed the run off concerns.

Cooper said they blocked the drain pipe from the swale in their front yard because when it is not blocked, the water drains directly & floods the neighboring Smith property.

Solicitor Wagner advised that since Joe Burget is not an engineer and nearby residents appear to have legitimate concerns with storm water run off, the Board table any action on the Barlup and Barlup Plan, invite the two respective engineers to the next Board meeting to review, discuss and approve of the storm water measures proposed for this development.

Burget discussed a concern with the Solicitor in regards to a private driveway encroaching into the 50 feet R-O-W. Solicitor Wagner said he would review this concern. The Board and Solicitor offered that this problem be addressed and resolved at this time so the problem does not resurface again in 10 years.

Evans made a motion to table any action on the Barlup and Barlup Preliminary Subdivision Land Development Plan for the following reasons:

1. To allow time for the Township engineer to review the storm water measures proposed on the plan and confirm that the methods proposed to address the run off meet with their approval;
2. To allow time for the Solicitor to review and address the private driveway encroaching into the 50 feet R-O-W;
3. To allow time for the Barlups or their representative to talk with the owners of the effected driveway;
4. To request that the Township and the applicant's engineer attend the March 23, 2009 supervisors' meeting to provide comments for the same; and
5. To request either Tom Graupensperger and/or Gordon Warren of the Planning Commission attend the March 23, 2009 supervisors' meeting to review and provide comments to the Board. (*Sean Fedder offered to relay this request to them at the upcoming March 3, 2009 Planning Commission meeting.*)

Cole Engdahl seconded. Motion carried unanimously.

On behalf of the Barlups, Joe Burget requested a thirty (30) day time extension for approval of the Barlup and Barlup preliminary plan. Cole Engdahl made a motion to grant a thirty (30) day time extension request from Joe Burget on behalf of Donald and Randy Barlup to April 26, 2009 to allow for additional time to request the attendance of the respective engineers to assure that the proposed storm water measures adequately address the issues. Motion carried unanimously. Joe Burget acknowledged, thanked the Board, and left the meeting at this time.

Solicitor Wagner advised the residents in attendance that they have a right to have their own independent engineer come to the meeting and review the plans and provide input.

Amy Cooper, Nancy Sunday and George Askins left the meeting at this time.

LEGAL BUSINESS: Solicitor Wagner sent a letter to Gerald Miller of United Water requesting a meeting within thirty (30) days of the date of the letter in regards to low pressures and flows. No response was received to date.

Solicitor Wagner said he did not contact Luanne Miller of Capital Tax Bureau regarding the filing of a judgment against Mark Long of 3122 Valley Road for delinquent trash bills. However, he indicated he would take care of this Wednesday afternoon. Solicitor Wagner offered that the Board contact Joshua Vecchio, the newly appointed executive director, in regards to this same concern.

Solicitor Wagner informed the Board that the Supreme Court recently ruled that Townships, who opted in to enforce the UCC Code, have the power to select who they want to enforce the UCC Code. Rye Township opted out of enforcement and therefore are not affected by this ruling.

RESOLUTIONS: Evans made a motion and Cole Engdahl seconded to approve **Resolution 09-06**, to authorize the Secretary/Treasurer to transfer via dial-a-bank \$10,000 from the General Savings Account into the General Checking account to cover expenses since revenues are lowest the first two months of the year. Motion carried unanimously.

OLD BUSINESS: Chairman and Solid Waste Superintendent Lightner announced that methods for future trash collection for Rye Township will be a topic of discussion at the March 23, 2009 supervisors' meeting.

NEW BUSINESS: Evans made a motion and Cole Engdahl seconded to approve of the appointment of Debbie Mirezni, Sandra Lantz, and Barbara Shunk to the Marysville/Rye Library Board. Motion carried unanimously. The Secretary/Treasurer will notify the Library of the approval for the appointments.

Discussion ensued on the Costars Bulk salt contract. The Secretary/Treasurer explained that acceptance of the bulk salt contract obligates the Township to purchase a minimum of 60% of the amount bid. Upon due consideration, Lightner made a motion to participate in the Co Stars bulk salt contract for 100 tons. Cole Engdahl seconded. Motion carried unanimously. The Secretary/Treasurer will submit the proposal electronically.

Chairman Lightner expressed disappointment that Allan Talley of Talley Petroleum would not lower the cost of low sulfur diesel since the cost of oil has greatly decreased. Talley claims he purchased the oil when the fuel was expensive.

Discussion ensued. Solicitor Wagner indicated he would contact Paul Ziegler of the Utility Energy Consortium for information regarding the details of the contract and bidding specifications which resulted in the Township paying \$4.12 per gallon for LS diesel fuel.

Cole Engdahl made a motion to appoint Kurt Matter to mow the New Valley Road Park at a cost of \$100.00 per mowing. Evans seconded. Motion carried unanimously.

The Board requested the Secretary/Treasurer contact Ken Snyder to inquire if he is still interested in mowing the Oak Grove Cemetery and add this item to March's agenda.

Evans made a motion with a second from Cole Engdahl to authorize the Secretary/Treasurer to send out RFP's for Spring Clean up to be held on May 1st and May 2nd, 2009 for review and acceptance at the March meeting. Motion carried unanimously.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a February expense check register and submitted the following checks for approval and payment: General Fund Checks #s 11858-11894 in the amount of \$16,244.59. No checks void.

Payroll checks #s 5352-5359 in the amount of \$6,469.15. No payroll checks void.

Payroll checks #s 5360-5371 in the amount of \$6,284.96. No payroll checks void.

An electronic transfer, ELF was made from the General Checking account by PCI, Insurance on February 20, 2009 in the amount of \$5,192.27 for March's health insurance.

With no further discussion on the bills presented, Evans made a motion & Cole Engdahl seconded to approve the checks & pay the bills except for check number 11862 issued to Daisy Lightner in the amount of \$33.83 for mileage. Motion carried unanimously.

Cole Engdahl made a motion and Evans seconded to approve check number 11862 issued to Daisy Lightner for mileage. Motion carried. Supervisor Lightner abstained since Daisy is his wife.

CITIZEN PARTICIPATION: Peggy Fedder of 2985 Valley Road asked about the success of the 24/7 recycling bins. Chairman Lightner said the program is very successful. He is pleased that people are using them properly and no concerns with unwanted trash were noted. The Secretary/Treasurer offered that the tipping fees have decreased about $\frac{3}{4}$ of a ton a month since the beginning of this year.

Supervisor Cole Engdahl announced that the Mental Health Association of the Capital Region will be hosting a "Festival of Hope" on March 28, 2009 beginning with the official opening of the Glenn Jones Mental Health Wellness Center on the square of Marysville at 11:00 AM. Free food, entertainment, wellness expo and kids' activities will be offered. Ribbon cutting by Joey Pantoliano, who played a tough guy named Ralphie on the hit show *The Sopranos*.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Cole Engdahl made a motion and Evans seconded to adjourn the meeting at 8:42 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer