

**RYE TOWNSHIP
SUPERVISORS' MEETING
August 24, 2009**

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PRESENT: Chairman Robert Lightner, Vice-Chair, Ronald Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Paul Davis, Bony Dawood, Jacob Auxt, Jean Snyder, Sean and Peggy Fedder, Pete & Barbara Fitting, Dave Hall, Sr., Larry & Jean Kuhn, Beverly Miller, Ralph Fulginiti, Sr., Tom Graupensperger, Keith Hite, Rod Krebi, Gary Roth, and P. Richard Wagner, Esquire.

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

APPROVAL OF THE MINUTES: Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of July 27, 2009 supervisors' meeting as submitted. Motion carried unanimously.

Supervisor Evans made a motion with a second from Supervisor Quigley to approve the minutes of the August 14, 2009 special meeting as submitted. Motion carried unanimously.

SUBDIVISION/LAND DEVELOPMENT PLANS: Supervisor Quigley made a motion and Supervisor Evans seconded to grant a forty-five (45) day time extension request to **October 8, 2009** for the Brent Kauffman Land Development Plan to allow time to address Perry County Planning comments. Motion carried unanimously.

Supervisor Evans made a motion with a second from Supervisor Quigley to grant a time extension request until **November 23, 2009** from Burget Associates on behalf of the Dittmar/Corl Subdivision Land Development Plan to allow the applicant time to gain approvals from Perry County Conservation District relating to their Soil and Erosion Sedimentation Plan. Motion carried unanimously. It was noted that this Dittmar/Corl SDDL plan granted the extension is the parcel that is totally located within Rye Township along Pine Hill Road.

PERSONS TO BE HEARD: Keith Hite approached the Board of Supervisors with a sketch plan prepared by Dawood Associates proposing a fourteen (14) lot development on a 40+ acre tract of property located in the 2700 Block of Valley Road and currently owned by Donald Barlup. This property was the former Sherwood Myers' Farm. Hite explained that he presented a sketch plan to the Planning Commission at their August 4, 2009 meeting and, at their recommendation, is coming before the Board for a sense of direction as to whether the Board would be receptive to accepting another public road if it is constructed according to Township specifications. Hite said the reason for the proposed development is to make it financially possible for him and his wife to relocate from Duncannon and build his retirement home on one of the lots of this property.

Discussion ensued. Chairman Lightner offered that his opinion is that the Township does not need another public roadway or the expense involved in accepting ownership and the maintenance thereof. The Chairman expressed concern with present storm water run off issues and the slopes directly behind the existing residences. Discussion ensued regarding an unresolved conflict with a current driveway constructed within the proposed roadway.

The consensus of the entire Board was that Hite proceed with his plan like any other citizen, which is through the Planning Commission for their expertise to address all of these issues.

Supervisor Evans offered that if the road is not accepted as public then regulations permit only three (3) homes off of a private road. Supervisor Evans asked about sewage testing for the lots. Hite indicated that approximately twelve (12) tests were completed previously by the current owner, Mr. Donald Barlup. However, Hite indicated some of the tests were marginal and additional testing would need to be completed for development of the additional lots proposed.

Solicitor Wagner reiterated his advice from the July 27th meeting so all were aware of the provision that according to the Second Class Township Code a Township is not forced or obligated to take over a public road offered for dedication. However, the landowner does have a remedy whereby he can seek court intervention seeking the Township to take over the roadway. So the issue has the potential for litigation.

Discussion continued. Hite indicated he would not go to court if the Board provided him with an unfavorable ruling relating to his proposed roadway. He also noted that many financial institutions will not grant mortgages for homes along private drives.

Supervisor Quigley offered that Holly Road, which was not built to Township specifications, was once a private road and then the owners petitioned the Township to take over the roadway. Supervisor Quigley also offered that he is not in favor of a granting a waiver to exceed the maximum for the length of the cul-de-sac in this or any other development because of issues with similar areas within the Township.

Discussion continued with Rod Krebi coming forward to explain the stormwater management planned for the proposed development.

Solicitor Wagner advised a motion would be appropriate to provide guidance at this stage of planning.

Supervisor Quigley made a motion to view Hite's plan as he would any other plan that follows the Township's regulations. The record notes this motion died for lack of a second.

Hite indicated Quigley's motion does not help them with their request for direction for the proposed development and roadway.

At Solicitor Wagner's recommendation and wording, Supervisor Quigley made a motion with a second from Supervisor Evans as follows: Assuming the applicant proceeds through the plan review process and assuming the applicant's subdivision/land development plan meets all of Rye Township's requirements and is otherwise approved, to include compliance with all Zoning Requirements, all Federal requirements, all State requirements, all County requirements, and any other local requirements, including the resolution of any R-O-W issues; and the road way which is offered for dedication is constructed to meet all of Rye Township's specifications, the Township will accept a deed for dedication offered for the roadway. Motion carried on a 2-1 vote with Chairman Lightner casting the opposing vote.

Pete Fitting of 15 Dicken Drive offered concern relating to the width and length of a public roadway as it relates to fire equipment access. Solicitor Wagner advised this concern be expressed to the Planning Commission so they can review and address it in their regulations for all developments. Planning Commissioner Graupensperger offered that current regulations do address this concern. He noted that the regulations are under revision and reduction of the paved cartway width to 26-27 feet is under consideration in order to reduce stormwater runoff issues.

MONTHLY MUNICIPAL REPORTS: The July Police Report was submitted by Corporal Shoop and read by Chairman Lightner. 91.0 gallons of fuel used, drove 1,308 miles, worked a total of 120.75 hours, 36 incidents including 11 traffic citations, 2 warnings, and 3 accidents. Total fines collected from the District Justice were \$1,711.65 and Perry County Court fines totaled \$66.77.

The August Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Cree read the report as follows: ten (10) calls & complaints, six (6) zoning permits, 0 certificate of use, and mileage of 20 miles for a total of \$265.00 in fees collected.

CEO Cree offered that additional addresses were found to send certified notice of violation letters to the owners of 5 Dicken Drive. No receipts of delivery were received to date.

The Sewage Enforcement Report was submitted by Mike Higgins, SEO. Vice-Chairman Lightner read the report as follows: 3 activities: site visit to Sopensky's 1205 Valley Road property, sewage inspection for Snyder at 32 Brubeck Circle, and calls and preparation of documents for an appeal filed by Sopensky with the District Attorney for a total due in wages of \$125.00.

SEO Higgins contacted the office to update the Board in regards to the Sopensky appeal. No date has been set for the hearing. The SEO will notify the Board when a hearing date is set. Solicitor Wagner advised the SEO to notify the District Attorney's office of the appeal.

The July Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Evans read the report and placed the report on the front table for anyone to review.

Recreation Board member, Pete Fitting reported an unsuccessful "Sundaes in the Park" with a very low attendance. Fitting announced the following three upcoming events:

Sept. 12- Pot Luck Supper-6:00 PM-Bring along a covered dish

Oct. 31- Halloween in the Park

No Emergency Management Report was offered.

The July Treasurer's Report & General & Solid Waste Fund Balance Reports were submitted for review and read by the Secretary/Treasurer & with no discussion were accepted as read pending the independent auditor's approval.

Per the independent auditors, the Secretary/Treasurer offered that she reviewed the July Fund balance reports for budget to actual figures and did not see any need for budgetary transfers at this time. She indicated she would continue to monitor the figures every month and advise if future budgetary transfers are deemed appropriate.

LEGAL BUSINESS: Solicitor Wagner updated the Board regarding the injunction to clean up the property and remove abandoned junk and mobile homes at the 295 Pine Hill Road address. The owner had twenty (20) days to file a response. No response was filed, so an additional ten (10) days default notice was given and a default judgment taken. However, Solicitor Wagner received a phone call from a representative who proceeded to explain some of the perils the family has been going through and indicated they were cooperating with the Zoning Officer Cree on these issues.

However, upon discussion with Zoning Officer Cree, Solicitor Wagner was informed that the last contact was on July 6, 2009 with no ongoing contact. Since this situation has been ongoing for over several years, the position of the Board was to continue forward and go to court to require the owners to clean up the property, or to for the Township to clean up the property and lien the property to recover the expense of the clean up.

Solicitor Wagner reported that other municipalities are still waiting to gather additional info before signing up with Benchmark Energy for the purchase of bulk electricity. The deadline

for joining Benchmark Energy is December 31, 2009. The Solicitor indicated he would keep the Board apprised of how other municipalities are handling this.

The Solicitor reviewed a letter from Eastern Industries requesting the payment of an additional amount above the amount of the Penn Dot contract and advised payment rather than litigation and the expenses thereof. Supervisor Evans regretfully made a motion to pay the additional amount to Eastern Industries. Chairman Lightner seconded the motion. Motion carried. Supervisor Quigley abstained stating he was not involved with the Township when the contract was signed and the road project completed. The record notes no other contractor has ever made this request. The entire Board was not at all happy with Eastern Industries request for additional funds since a contract was signed and the asphalt index did not raise the required 10% from April to June.

Solicitor Wagner left the meeting at this time to care for his wife who recently had surgery. The Board sent along their wish for a speedy recovery.

RESOLUTION: Supervisor Evans made a motion and Supervisor Quigley seconded the motion to approve **Resolution 09-18**, which authorized the Secretary/Treasurer to transfer a matured Future Land Purchase CD from the First National Bank of Marysville to the Bank of Landisburg earning 2.73% for a better investment interest rate. Motion carried unanimously.

Supervisor Evans made a motion and Supervisor Quigley seconded the motion to approve **Resolution 09-19**, which authorized the Secretary/Treasurer to transfer Highway Aid Funds to the Highway Aid Checking Account in the amount of \$82,500.00 at the First National Bank of Marysville for a transfer to the Bank of Landisburg, Shermans Dale branch – a 12 month short term CD earning 1.87% for a better investment interest rate. Motion carried unanimously.

OLD BUSINESS: Chairman Lightner announced a special trash collection meeting will be held on Tuesday, September 15, 2009 at 7:30 PM at the Township municipal building to discuss the future of trash collection within Rye Township. Residents are encouraged to attend to provide their input to the Board. The Secretary will add this announcement to the cable television

The Benchmark Energy Group was discussed under Legal Business and no action was taken to allow for further research and information gathering.

Supervisor Evans made a motion with a second from Supervisor Quigley to appoint Daisy Lightner as the delegate to the Tax Collection Committee & Nancy Sunday as the alternate to represent Rye Township regarding collection of EIT tax. Motion carried unanimously.

NEW BUSINESS: In compliance with Act 205 of 1984, Daisy Lightner, the Chief Administrator of the Pension Plans, presented the Board with the 2010 Minimum Municipal Obligation, MMO, for the Pension plans. The 2010 MMO for the non-uniform pension plan is \$14,020.00. The 2010 MMO for the Uniform (Police) Pension Plan remains at \$0.00.

Supervisor Evans made a motion and Supervisor Quigley seconded to accept the 2010 Uniform, (Police), MMO at \$0.00 (zero) and to accept the 2010 Non-uniform MMO at \$14,020.00. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Evans to appoint Dave Hall to the Zoning Hearing Board to fulfill the term left vacant with the resignation of Maggie Kocher. The term ends December 31, 2009. Motion carried unanimously.

Chairman Lightner announced that the Township office will be closed for Labor Day, September 7th and would reopen again on Tuesday, September the 8th. Trash would also be collected on Tuesday, September 8th.

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 Checks #s 12132-12168 in the amount of \$47,469.04. No expense checks void. The Secretary/Treasurer noted that \$19,961.35 of the expenses listed was for a check to Landisburg Bank for a Future Land Purchase Certificate of Deposit.

Payroll checks #s 5492-5502 in the amount of \$7,959.18. No payroll checks void.

Payroll checks #s 5503-5514 in the amount of \$5,844.79. No payroll checks void.

Highway Aid Check # 714 issued to the First National Bank of Landisburg in the amount of \$82,500.00 for a 12 month certificate of deposit. No Highway Aid checks void.

The Secretary/Treasurer noted the electronic transfer to Pennsylvania Chamber Insurance, (PCI) for monthly payment of health insurance in the amount of \$5,051.89.

Chairman Evans made a motion to approve the checks and pay the bills, except for check number 12137 issued to Daisy Lightner for mileage reimbursement. Supervisor Quigley seconded. Motion carried unanimously.

Supervisor Evans made a motion and Supervisor Quigley seconded to approve Check #12137 issued to Daisy Lightner for mileage expense. Motion carried. Chairman Lightner abstained since Daisy is his wife.

Chairman Lightner noted that the Township is currently not paying the rental fees for two fire hydrants located within the Township because of unresolved concerns the Board has with the lack of flow and pressure. Solicitor Wagner suggested contacting United Water to remove the hydrants. However, Chairman Lightner, who is also the Public Safety Superintendent, directed the Secretary/ Treasurer to contact MFC Fire Chief, Scott Weaver, for his input before any decisions are made to remove the hydrants. Fire Company member Pete Fitting noted that a dry hydrant was installed this year at Heisley's pond and another one is in process for installation at the concrete bridge near Fleisher Road.

CITIZEN PARTICIPATION: Peggy Fedder of 2985 Valley Road expressed disappointment with the recommendations offered and the motion made under "Persons to Be Heard" to accept a deed of dedication for a roadway proposed for a development by Keith Hite in the 2700 Block of Valley Road. Fedder said that Keith Hite is retiring from a lucrative position as the executive director for PSATS and she finds it hard to believe his statement is true that he could not afford to move from Duncannon and build his retirement home in Rye Township unless he develops this property. Fedder offered that two members of the Board are friends with Hite, which in her opinion, influenced their decision. Fedder expressed concern for the residents living downhill from the proposed development and felt the decision made would have negative repercussions.

Chairman Lightner commended resident Gary Roth for payment of his delinquent trash bill.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Supervisor Quigley made a motion and Supervisor Evans seconded to adjourn the meeting at 8:17 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer