

**RYE TOWNSHIP
SUPERVISORS' MEETING
September 28, 2009**

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PRESENT: Chairman Robert Lightner, Vice-Chairman, Ron Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Pete and Barbara Fitting, Larry and Jean Kuhn, Beverly Miller, Paul Davis, Bony Dawood, Jean Snyder, Nancy Sunday, Brent Kauffman, Sean Fedder, Trooper David Hammer, Tom Wenger, 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.

The Board acknowledged Trooper David Hammer of Newport Barracks. Trooper Hammer offered to field any questions or concerns the Board and or residents may have. No participation was offered.

APPROVAL OF THE MINUTES: Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of August 24, 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 September 15, 2009 special meeting on future trash collection as submitted. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Evans to approve the minutes of the September 17, 2009 special meeting on the Trout Lane project as submitted. Motion carried unanimously.

Chairman Lightner offered that Tom Graupensperger provided him with a material list and suggested the other Board members review the list for possible purchase of the majority of the materials within this budget year.

SUBDIVISION/LAND DEVELOPMENT PLANS: Brent Kauffman was in attendance seeking approval of the Brent Kauffman Land Development Plan. This plan prepared by Charles Cook of Act One Consultants proposes the development of a parcel addressed as 407 Mountain Road. Mr. Kauffman did not provide a final revised copy. Chairman Lightner had a copy of the Brent Kauffman plan dated August 21, 2009. Mr. Kauffman and Planning Commission member Sean Fedder approached the Board and examined the plan provided by Chairman Lightner on the table. Both Kauffman and Fedder agreed this plan appears to be the final revised plan reviewed & approved by the Planning Commission and ready for the Board's action tonight. The Brent Kauffman Land Development Plan was reviewed by the Perry County Planning Commission; comments were received and addressed by the Rye Township Planning Commission at their September 1, 2009 meeting.

Chairman Lightner noted that the use of the building addition is listed on the plan as "boat" storage. The Chairman informed Mr. Kauffman that even though he has a permit for the existing building to repair boats as an in-home business, the new addition proposed by this land development plan cannot be used for repairing, manufacturing or carrying out any commercial business involved with Rock Proof Boats. The Secretary read from the June 2, 2009 Planning

Commission meeting minutes as follows: “*Commissioner Dan Vodzak requested that Mr. Cook inform the property owner, Brent Kauffman, that this area at 407 Mountain Road is not zoned for an in-home business or any commercial type business, and the said land development plan submitted for review by the Planning Commission indicates that the new garage is for personal storage only and any further business activity is strictly prohibited.*” The Board agreed that the new addition must be used for general, personal storage. Solicitor Wagner advised the use of this building is a zoning issue. Once the said plan is recorded, Mr. Kauffman was instructed to acquire a zoning permit for the addition, which would deal with the use.

Upon due consideration and discussion, Supervisor Quigley made a motion with a second from Supervisor Evans to approve the Brent Kauffman Land Development Plan contingent upon the following:

- ◆ the receipt of a \$50.00 security deposit held until a final recorded plan is received by the Township, and
- ◆ the owner(s) signs and notarizes the final plan.

Motion carried unanimously.

Supervisor Quigley advised Kauffman that the original Mylar must be presented with all signatures notarized for the plan before the Board signs the plan and prior to recording. After the local signatures are acquired, Perry County Planning Commission must also sign the plan. The plan must be recorded at the County within ninety (90) days of final approval.

Note: Brent Kauffman provided the Secretary/Treasurer a check for \$50.00 as a security deposit until a final recorded plan is received by the Township office.

MONTHLY MUNICIPAL REPORTS: The August Police Report was submitted by Corporal Shoop and read by Chairman Lightner. 98.2 gallons of fuel used, drove 1,560 miles, worked a total of 151.50 hours, 18 incidents including 7 traffic citations, 0 warnings, and 2 assists with warrants from an outside agency. Total fines collected from the District Justice were \$1,394.94 and Perry County Court fines totaled \$94.90.

No Zoning Report was submitted by Zoning Officer, Ron Cree, who is off due to health reasons. In light of the situation with Mr. Cree, Supervisor Quigley made a motion with a second from Supervisor Evans to appoint Frank Chlebnikow of Rettew Associates as Assistant Zoning/Code Enforcement Officer to handle zoning issues beginning October 1 or December 31, 2009 or until Mr. Cree is able to resume his position. It was noted that this is the slow time of the year.

The Sewage Enforcement Report was submitted by Mike Higgins, SEO. Chairman Lightner read the report as follows: 3 activities: site investigation and testing for Jim Sabo for Lot in LeeWood Village for a total due in wages of \$320.00.

The September 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, Nancy Sunday reported an unsuccessful “Pot Luck Dinner” with a very low attendance since the event was postponed due to inclement weather. Nancy announced the last event for the year as

Oct. 31- Halloween in the Park – 6:00 PM- hayride, haunted trail, bon fire

Nov. 1 Rain date, Sunday – 5:00 PM

Nancy announced a new event planned for next year in the Spring with bringing in a Master Gardener with a plant exchange.

No Emergency Management Report was offered.

The August 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.

LEGAL BUSINESS: The Board asked if a road bid proposal can limit the bidders to within fifty (50) miles of the Township. Solicitor Wagner answered no.

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 indication thus far has been positive. The Secretary/Treasurer will add this item to the October 26, 2009 supervisors' meeting agenda.

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. The Solicitor Wagner asked if the Township would undertake the clean up or would the Township bid the project to award the clean up to an outside contractor. If the clean up expense is greater than \$10,000, a bid packet with specifications would have to be compiled and advertised.

Chairman Lightner asked if Township employees and officials could enter the property to assess the clean up. Solicitor Wagner said at this point if the approach is reasonable and the intent is only to evaluate the property for clean up, it is permissible.

The Board directed the Secretary/Treasurer to send the property owner a courtesy letter of notice that Township officials or employees will be on site sometime within the next month to assess the clean up.

Discussion ensued on the abandoned 5 Dicken Drive property. Addresses used by the Perry County Sheriff's department were acquired to no avail. Certified mail receipts came back undeliverable.

Solicitor Wagner advised sending the letters "regular" mail to be presumed to be mailed under the Pennsylvania Mail Box Rule unless they come back.

RESOLUTION: Supervisor Evans made a motion and Supervisor Quigley seconded the motion to approve **Resolution 09-20**, which authorizes the Secretary/Treasurer to transfer via dial-a-bank at the First National Bank of Marysville \$5,000.00 budgeted for Capital Reserve Fund increase from the General Checking to the General Savings in preparation for the increase of a matured certificate of deposit anticipated for the future purchase of a police car. Motion carried unanimously.

OLD BUSINESS: Supervisor Quigley began the discussion by explaining the motion made at the August 24, 2009 supervisors' meeting relating to a development proposed by Keith Hite along with Dawood Associates. The proposed development is located on the northern side of SR 850 within the 2700 block of Valley Road. Supervisor Quigley indicated he received feedback from citizens before and after the meeting, who indicated that the Township should not pursue accepting additional deeds for dedication of Township roads.

Because Supervisor Quigley believes acceptance of roadways is an issue that should be dealt with by the Planning Commission, Supervisor Quigley made a motion to rescind the motion made at the August 24, 2009 supervisors meeting, (*contained on page 2 of 5), relating to Keith Hite's request for direction for the proposed development and roadway. Supervisor Evans seconded.

The floor was opened for discussion on the above motion. Discussion ensued. Chairman Lightner offered that he too received negative feedback on the previous motion.

Bony Dawood of Dawood Associates asked for clarification of the motion made tonight.

Solicitor Wagner explained the previous motion made at the August supervisors' meeting and provided Mr. Dawood a copy of the August 24th supervisors' meeting minutes. Solicitor Wagner said this in no way is any indication that the plan is denied. The subject plan is only a sketch plan at this stage. The issue is limited to the acceptance of a roadway as public.

Chairman Lightner called for a vote on the above motion. Motion carried unanimously.

Discussion continued. Supervisor Quigley offered that the determination for acceptance of future roads as public was an issue discussed at a previous meeting before Mr. Hite even came before the Board for direction.

Supervisor Quigley made a motion to request the Planning Commission to study and research the pros and cons for acceptance of future roadways as public and to provide the Board a written recommendation. Solicitor Wagner advised the Planning Commission within their recommendation provide criteria to follow to determine if a roadway should be accepted as public or should not be accepted as public in a way that is not discriminatory. Supervisor Evans seconded. Motion carried unanimously.

Tom Wenger, attorney representing PSATS and Keith Hite, asked what policy the Board would adhere to if a plan comes before them before the Planning Commission prepares their recommendations. Chairman Lightner offered that if a plan involving a public roadway gains approval from the Planning Commission and come before the Board of Supervisors for approval, the Board will review the plan and together the three supervisors' will make the determination either to accept or not to accept a roadway as public.

Attorney Tom Wenger, Paul Davis, and Bony Dawood left the meeting at this time.

NEW BUSINESS: Supervisor Evans made a motion and Supervisor Quigley seconded to establish Trick or Treat Night in Rye Township on Thursday, October 29, 2009 from 6-8 PM. Motion carried unanimously.

Chairman Lightner explained that Saturday, October 24, 2009 will be the last Saturday that someone will be here to assist with recycling. The recycling containers in the gravel parking lot will remain open 24/7. If someone needs assistance they can contact the office and someone will assist them.

Chairman Lightner noted that the "800" number for Hazardous and Chemical clean up is no longer available at this time. This number was inadvertently advertised in the Fall Newsletter.

Supervisor Evans made a motion for the Secretary/Treasurer to deposit the Municipal Pension System State Aid in the amount of \$13,421.88 into the Non-Uniform Pension Plan at the Pennsylvania Municipal Retirement System, (PMRS). Supervisor Quigley seconded. Motion carried unanimously.

Chairman Lightner announced the following:

- Budget Meetings Thursday, October 1, 2009 at 7:00 PM
- Fall Clean Up, Friday, October 2 & Saturday, October 3
- Office Closed Monday, October 12, 2008, Columbus Day
- Trash collected Tuesday, October 13, 2008

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 #s 12169-12215 in the amount of \$36,294.19. No expense checks void.

Payroll checks #s 5527-5540 in the amount of \$5,512.98. No payroll checks void.

Payroll checks #s 5541-5552 in the amount of \$5,764.29. No payroll 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 Lightner made a motion to approve the checks and pay the bills, except for check number 12175 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 #12175 issued to Daisy Lightner for mileage expense. Motion carried. Chairman Lightner abstained since Daisy is his wife.

CITIZEN PARTICIPATION: On behalf of the Board, Chairman Lightner expressed appreciation to Trooper Hammer for his attendance and the service the Pennsylvania State Police provide to the residents in Rye Township and throughout the State.

Supervisor Evans expressed his condolences at the loss of Perry County Commissioner and former Newport Barrack's Commander, Warren Van Buskirk. Mr. Van Buskirk would always take time to help anyone in any way he could and he will be sadly missed.

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 8:34 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer