

**RYE TOWNSHIP
SUPERVISORS' MEETING
October 26, 2009**

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PRESENT: Chairman Robert Lightner, Vice-Chairman, Ron Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Pete Fitting, Jake Auxt, Jean Snyder, Sean Fedder, Emily Sherk of the Patriot News, H. Eugene Rebert, Ronald Cree, John M. Fitzsimmons, Charles Cook of Act One Consultants, Joe Burget, Jr. of Burget Associates and P. Richard Wagner, Esquire.
FORMER SUPERVISORS PRESENT: Charles L. Kunkle and Phyllis Page.

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 Quigley made a motion and Supervisor Evans seconded to approve the minutes of September 28, 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 October 1, 2009 budget meeting as submitted. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Evans to approve the minutes of the October 9, 2009 special meeting as submitted. Motion carried unanimously.

Since the Person to be Heard was not yet in attendance, the Board moved ahead to the next item on the agenda.

MONTHLY MUNICIPAL REPORTS: The September Police Report was submitted by Corporal Shoop and read by Chairman Lightner. 85.1 gallons of fuel used, drove 1,248 miles, worked a total of 152.50 hours, 20 incidents including 2 traffic citations, 1 warning, 2 traffic accidents, and 1 assist with warrants from an outside agency. Total fines collected from the District Justice were \$627.77 and Perry County Court fines totaled \$41.71.

No Zoning Report was submitted by Zoning Officer, Ron Cree, who is inactive at this time due to medical issues. Chairman Lightner welcomed Ron Cree to the meeting and was glad to see he is on his way to a full recovery. Mr. Cree offered that he should be able to return to his position as Zoning Officer on November 1, 2009.

No Sewage Enforcement Report was submitted by Mike Higgins, SEO. There is not much activity and Mr. Higgins will send a two month report next month.

The October 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, Gene Rebert submitted a written report. Rebert verbally reported that the Recreation Board prepared and submitted a proposed 2010 recreation budget to the Board. The following event was announced:

Oct. 31- Halloween in the Park – 6:00 PM- hayride, haunted trail, bon fire, costume judging for children and a new category for teenagers to adults and refreshments.

Nov. 1 Rain date, Sunday – 5:00 PM

No Emergency Management Report was offered.

The September Treasurer's Report and 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.

PERSONS TO BE HEARD: Charlie Cook of Act One Consultants approached the Board representing Roger Barrick. Mr. Barrick owns property in Rye Township near the eastern boundary along SR 850, with access off of a private drive known as "Ritz Drive". The property is zoned Residential-2, (R-2), which allows for higher density development. Charlie Cook presented a sketch plan showing eleven townhouses, which Mr. Barrick is proposing to construct on this piece of property. The sketch plan was previously reviewed at the Rye Township Planning Commission. Mr. Cook explained that the main concern is providing sewage for the townhouses. Mr. Cook provided a copy of a letter from Brian Harris, Marysville Borough manager indicating that the Marysville Borough sewer plant has adequate capacity for future connection for the said development. Mr. Cook asked if the Board would entertain an intermunicipal agreement permitting Marysville's public sewer to extend into Rye Township for these proposed townhouses.

Discussion ensued. The consensus of the Board was that the Township does not want involved in an intermunicipal agreement with Marysville Borough relative to providing public sewer for this proposed development. Solicitor Wagner advised that the Township can acquiesce on the issue of sewage. The agreement would provide a strictly private sewage system between the developer, Roger Barrick, and the Marysville Borough. However, the proposed plan would still proceed through the usual review process and comply with all the other requirements of the local Zoning and Subdivision Land Development Ordinances.

Mr. Cook thanked the Board and left the meeting at this time.

SUBDIVISION/LAND DEVELOPMENT PLANS: Joe Burget of Burget Associates approached the Board to gain final approval for two Dittmar/Corl Pine Hill Road Subdivision Land Development plans: 1. Dittmar/Corl –top of the Hill, and 2.Dittmar/Corl- bottom of the hill.

The first plan reviewed and discussed was the Dittmar/Corl – top of the hill-Subdivision Land Development plan, which proposes to subdivide three (3) small tracts, (Lot 3B, 3C, & Lot 3D) to create single family residential building lots. Rye Township agreed at their June 22, 2009 meeting to waive the review of the plan, with the exception of the stormwater review, because the majority of the development occurs within Carroll Township, Perry County. Rettew Associates reviewed the plan and provided comments. Burget reviewed and addressed the comments from Rettew listed in the August 27, 2009 letter with the Board.

Solicitor Wagner advised the addition of a note on the plan stating that Lot 3A was created through a prior subdivision land development plan. The Secretary/Treasurer noted that the \$50 security deposit to assure a final recorded copy for the files was received.

With no further discussion Supervisor Quigley made a motion and Supervisor Evans seconded to approve the Dittmar/Corl Subdivision –top of the Hill –Land Development Plan and sign a waiver form that the Board of Supervisors offers no comments on the said plan conditional upon:

1. Payment of all review fees, and
2. Addition of a note on the plan stating that Lot 3A was created through a prior subdivision land development plan.

Motion carried unanimously.

SUBDIVISION/LAND DEVELOPMENT PLANS (CONT'D) The second plan presented by Joe Burget was the Dittmar/Corl – bottom of the hill-Subdivision Land Development plan, which is located adjacent to Pine Hill Road and proposes three (3) residential lots from an existing 70+ acre parcel as well as creating two (2) lot additions to adjoining lands for a total of five (5) lots. Supervisor Quigley notified Mr. Burget that with the two Dittmar/Corl Plans submitted this year, the Township's Subdivision Land Development Ordinance stipulates that when the total of all lots subdivided or space occupied or tract of land exceeds five (5) lots or occupants within the last five (5) years, the developer must submit an Overall Master Plan of the parcel of tract of land before any further subdividing or land development.

Burget explained that Lot 4 and Lot 5 are the two lot additions. Page 3 shows a “blow up” of the site improvements for Lot 1, 2, 3. Page 4 shows the erosion control for each lot. Page 6 shows the site probe locations. The Dittmar/Corl –bottom of the hill plan was conditionally approved by the Rye Township Planning Commission at their October 6, 2009 meeting.

Burget provided the Board with a copy of the Wetland Delineation Report completed by Wilson Environmental for the files.

Discussion ensued on the comment in an October 26, 2009 letter from Rettew relating to stormwater management indicating that the Solicitor will need to determine whether the notes provided on the plan are sufficient to clearly set for the ownership and maintenance responsibility for all temporary and permanent stormwater management facilities and erosion control facilities.

Upon due consideration, Supervisor Quigley made a motion and Supervisor Evans seconded to:

1. Approve a waiver of the Rye Township Subdivision Land Development Ordinance 90-04, Article 5, Section 501, Preliminary Plan Requirements for the Dittmar/Corl-bottom of the Hill Subdivision Land Development Plan; and to
2. Approve the Dittmar/Corl Final Minor Subdivision Land Development Plan-bottom of the Hill-Pine Hill Road contingent upon the following:
 1. Submission & acceptance by the Solicitor of storm water and soil and erosion maintenance agreements detailing the owner's responsibility, and the owner's responsibility to the perspective purchasers and his responsibility in the event the perspective purchasers of Lot 1, Lot 2, and Lot 3 do not fulfill their responsibility so that the Township is not responsible in any way. These facilities are and will remain private.
 2. Payment of all review fees

Motion carried unanimously. Joe Burget thanked the Board and left the meeting at this time.

LEGAL BUSINESS: An assessment for the clean up of the Pine Hill Road property was completed as discussed at the September board meeting and photographs were taken. It was the consensus of the Board to take action to clean up the property. The Solicitor reviewed the pictures and advised that formal bids would have to be advertised if the clean up exceeds \$10,000. The Solicitor said the Court would grant approval to clean up the property and then a lien would be filed on the property to recover the expenses. The Solicitor advised that he would have to check at the County to see if there are any other liens currently on the property. The Solicitor advised contacting someone to get a ballpark estimate on the total clean up of the property. The consensus was that the cost for clean up would exceed \$10,000. Supervisor Quigley made a motion and Supervisor Evans seconded to advertise for formal bid to clean up the property at 295 Pine Hill Road. Motion carried unanimously.

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 although the information gathered to date is positive. The deadline for joining Benchmark Energy is December 31, 2009. The Solicitor advised inviting the representative from Benchmark Energy to the November meeting. The Secretary/Treasurer will add this item to the November agenda.

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. The Solicitor advised the Secretary/Treasurer to contact him to petition with the court to advertise by publication to reach the owners.

RESOLUTION: Supervisor Evans made a motion and Supervisor Quigley seconded the motion to approve **Resolution 09-21**, which authorizes the Secretary/Treasurer to make budgetary transfers to the General Fund and the Solid Waste Fund of the 2009 Budget. Motion carried unanimously.

As recommended by PSATS, Supervisor Quigley made a motion and Supervisor Evans seconded to approve **Resolution 09-22, Revenue Sharing** to send to congress to support the federal Local Fiscal Assistance Act of 2009, HR 3007, which would provide \$90 billion to local governments through the fiscal year 2011. Motion carried unanimously.

OLD BUSINESS: Chairman Lightner announced that Trick or Treat Night in Rye Township is scheduled for this Thursday, October 29, 2009 from 6-8 PM.

The Board advertised for Statements of Interest, (SOI) for design services for a bridge replacement on Pine Hill Road. Seventeen SOI's were received, reviewed and rated.

Chairman Lightner made a motion and Supervisor Evans seconded to approve the WC Group, Mark Wilson, PE of Mechanicsburg as the design consultant for the Pine Hill Road bridge. Motion carried. Supervisor Quigley abstained stating he has worked as a consultant for several of the firms involved, including the WC Group.

NEW BUSINESS: Chairman Lightner made a motion to renew the annual Salvage Yard License for 1790 New Valley Road, Woody's Auto Salvage from October 1, 2009 to September 30, 2010. Supervisor Quigley seconded. Motion carried unanimously. The Board clarified that this is strictly a junkyard license and does not include truck repairs.

The revised Subdivision Land Development was reviewed by the Perry County Planning Commission, PCPC and comments were provided. As recommended by the PCPC, Supervisor Evans made a motion and Supervisor Quigley seconded to have the Rye Township Planning Commission review the PCPC comments and make the recommended changes to the SALDO amendment prior to proceeding with the adoption process. Motion carried unanimously.

Chairman Lightner explained that the unfortunate news came this morning that the County will no longer provide and fund a recycling program. Regretfully, the Board must increase each residence trash bill one dollar, (\$1) per quarter to assist with the costs of recycling.

Upon due consideration, Supervisor Evans made a motion to authorize the advertisement of a resolution to increase all trash fees by one dollar,(\$1) and tentatively approve the **2010 proposed budget** and authorize the advertisement of the proposed 2010 budget for public review for the next twenty (20) days with tentative adoption at the November 23, 2009 supervisors' meeting; Supervisor Quigley seconded; motion carried unanimously. The record notes the budget is balanced and proposes no tax increase for the year 2010.

The 2010 proposed budget was placed on the front table and made available for public review.

Supervisor Robert Lightner announced that the proposed Resolution 09-23, the 2010 Salary Schedule, includes his spouse, Daisy Lightner. In particular, Resolution 09-23 lists the Administrative Department positions of the Secretary/Treasurer, the Code Enforcement/ Zoning Officer and the part-time Clerk. However, the wage increase proposed is an across the board, blanket salary increase of 4.00%, the same wage increase granted to the road and police department employees. With no further discussion, Supervisor Quigley made a motion to approve **Resolution 09-23**, the 2010 Salary Schedule, which establishes the salaries at a 4.00% increase for all employees, union and non-union; Supervisor Evans seconded; motion carried unanimously.

Chairman Lightner announced the following:

- November 3, 2009 Election Day, 7:00 AM to 8:00 PM.
- November 11, 2009 – Veterans’ Day, Office Closed

Chairman Lightner requested that all remember and honor all veterans past and present not only on Veterans’ Day, but all year long.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided an October expense check register and submitted the following checks for approval and payment: General Fund Check’s #s 12216-12259 in the amount of \$26,779.43. No expense checks void.

Payroll checks #s 5553-5567 in the amount of \$6242.89. No payroll checks void.

Payroll checks #s 5568-5579 in the amount of \$5,316.98. 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 12218 issued to Daisy Lightner for mileage reimbursement. Supervisor Quigley seconded. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Evans seconded to approve Check #12218 issued to Daisy Lightner for mileage expense. Motion carried. Chairman Lightner abstained since Daisy is his wife.

CITIZEN PARTICIPATION: Zoning Officer Ron Cree discussed the expenses incurred when a permit is denied and asked about the collection of fees for the denial. Solicitor Wagner advised collecting the fee for a permit up front when the application is received. Costs are incurred and fees are required even if the permit is denied.

John Smith of Cove Road asked about a “No Winter Maintenance” sign. The Board advised Mr. Smith to contact the Township if he plans to be away for an extended period of time.

Former Supervisor Charlie Kunkle asked about the status of the Teats property on Pine Hill Road. Solicitor Wagner said the court filed a default judgment and an injunction to clean up the property. The Board offered to show him the photographs of the concerns.

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 9:05 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer