

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

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PRESENT: Chairman Robert Lightner, Vice-Chairman, Ron Evans, Supervisor, Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Jean Snyder, Pete & Barbara Fitting, Daniel Vodzak, Kimberly DeWitt, William and Barbara Holley, Dan Heacock, Tim Kuhn, Sean Fedder, John W. Smith, Scott Weaver, 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 at this time.

APPROVAL OF THE MINUTES: Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of the October 22, 2009 budget meeting as submitted. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Evans seconded to approve the October 26, 2008 supervisors' meeting minutes as submitted; Motion carried unanimously.

PERSONS TO BE HEARD: With the deregulation of electricity on January 1, 2010, the Board asked Jamie Rubb, Vice President of Sales for Benchmark Energy Solutions, Inc. to attend to once again review the bulk electric energy purchase program offered by Benchmark Energy. Jamie Rubb briefly explained the program and fielded questions from the Board and residents relating to the program. Rubb anticipates savings for participants in Benchmark's program of approximately 18% over P P & L costs. Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Evans to execute the agreements and participate with Benchmark Energy Solutions, Inc. for the purchase of electricity beginning January 1, 2010. Motion carried unanimously. Jamie Rubb thanked the Board and left the meeting at this time.

Tim Kuhn of Flowers Lane addressed the Board to inquire about details relating to Rye Township's trash collection and recycling program. Chairman Lightner offered that Rye Township is committed to the recycling program even if the County discontinues their program. He recently attended a meeting at the County and the County Commissioners agreed to continue the recycling program until August 2010. The Board answered Tim Kuhn's questions and explained that bids to outsource the trash collection are anticipated for advertisement the end of March or the beginning of April 2010. If bid results are cost effective, an independent hauler will begin collecting trash in 2011. Tim requested the Secretary/Treasurer include him on the mailing list for receipt of a bid packet.

MONTHLY MUNICIPAL REPORTS: Corporal Shoop submitted his report to the Board. Supervisor Lightner read the October Police Report as follows: 93.3 gallons of fuel used, drove 1,456 miles, worked a total of 170.50 hours, 16 incidents, which included 4 traffic citations. Total fines collected from the District Justice for October were \$628.86. Perry County court fines received were \$10.81. The report was placed on the table for review.

The November Zoning Report will be submitted by Zoning Officer, Ron Cree. Zoning Officer, Cree verbally report as follows: six complaints, one (1) zoning permits, 1 demolition permit, 0 certificates of use, mileage reimbursement for 24 miles; fees collected totaled \$25.00.

A two month Sewage Enforcement Report was submitted by Mike Higgins and read by Chairman Lightner as follows:

The November Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Evans read the report and placed it on the table for review.

No Recreation Report was received. However, Recreation Board member Bill Holley offered that the Board's activities are completed for this year. The Halloween in the Park was rescheduled due to rain and attendance was slightly lower than last year. But all who attended had a great time. There is no meeting in December. Their next regular meeting will be in January 2010.

No Emergency Management Report was received. Assistant Scott Weaver offered that the dry hydrant was not installed at Fleisher Road as anticipated due to wet weather. Weaver anticipated the installation, weather permitting, in April of 2010. An additional installation of a dry hydrant is anticipated near Tower Road on New Valley Road.

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

LEGAL BUSINESS: Solicitor Wagner reviewed an Agreement from Burget Associates on behalf of Dittmar/Corl relating to the responsibility of installation and maintenance of several on-lot improvements located on lots proposed by the Dittmar/Corl Subdivision Land Development plan along Pine Hill Road and recommended the addition of the following provisions: 1). *The Agreement is binding upon the heirs, assignees, grantees and transferees of Mr. Corl and Mr. Dittmar.* 2). *The Agreement will be recorded in the Office of the Recorder of Deeds of Perry County, Miscellaneous Docket..* 3). *Page 1, Revise #2 to reflect "issuance of a certificate of use" instead of a "certificate of Occupancy permit.* The Secretary will relay the comments to Burget Associates.

Supervisor Quigley suggested the recording of the "Agreement" as an Exhibit to the deed for easier access for anyone searching through deeds. Solicitor Wagner offered that the Miscellaneous Docket should also be searched when a deed search is conducted producing the same result.

Solicitor Wagner provided verbal comments on the proposed revision to Rye Township's Subdivision Land Development Ordinance. Discussion ensued on the issue of requiring an overall Master Plan. This section was not revised from the previous 1990 SALDO. The consensus of the Board was to keep the requirement and the section as written. Solicitor Wagner will fax a letter tomorrow listing a couple other comments for consideration.

Solicitor Wagner was aware of a proposed amendment to the UCC code whereby sprinklers would be required in residential homes. He asked the Secretary/Treasurer to contact him this week and indicated he would attempt to find the status of the amendment.

The Board and Zoning Officer Cree asked about authority to gain access to homes to conduct inspections where a violation is alleged. Solicitor Wagner offered that the Zoning Officer may request to enter the residence for verification. If the resident protests and denies access, the Zoning Officer could explain that if he is not granted access to verify if a violation exists, then a cease and desist letter will follow with court action to gain access. The resident has the choice to satisfy the request or incur additional costs for litigation to satisfy the request.

Solicitor Wagner reviewed a listing of three separate occasions when Notices of Violation letters were mailed from the Township's Zoning Officer to the owners of 5 Dicken Drive from January 2008 to August 3, 2009. All attempts to contact the owners through regular and certified mail and onsite visits have failed. Solicitor Wagner indicated he would contact the court to gain permission to advertise the violations.

Solicitor Wagner discussed the annual fee charged by the Humane Society for contracting to receive stray animals. The fee for Rye Township increased from \$1,700 to \$2,700 for the year 2010. The Solicitor recommended reviewing the intake reports for accuracy and perhaps considering a pay per animal fee. Discussion ensued. Chairman Lightner expressed concern with the costs incurred to the Township by one single family that took over fifteen (15) supposedly cats. Solicitor Wagner offered that the Township inquire as to the Society's policy in verifying that the animals are actually "stray". Chairman Lightner indicated he would stop by the shelter to discuss the Humane Society's policies.

RESOLUTIONS: Proof of publication is on file for the **2010 proposed budget**, which was available for public inspection for over twenty (20) days. Supervisor Evans noted that the 2010 proposed budget is balanced without a tax increase. Supervisor Quigley made a motion to adopt **Resolution 09-24**, adopting the **2010 Budget**, Supervisor Evans seconded; Motion carried with all members voting in favor.

Supervisor Evans made a motion to adopt **Resolution 09-25**, which sets the tax levy for 2010 without an increase in millage as follows:

General Township.....	.82 mills
Fire companies22 mills
Ambulance02 mills
Library01 mills
Road Equipment17 mills
TOTAL	1.24 mills

Supervisor Quigley seconded; motion carried unanimously.

Proof of publication is on file for **Resolution 09-26**. Chairman Lightner explained that the proposed rate increase for trash collection is \$4.00 per year per household, which was necessary due to additional costs for maintaining the current recycling program. With no further discussion, Supervisor Quigley made a motion and Supervisor Evans seconded to adopt **Resolution 09-26**, which establishes the following quarterly rate schedule for all residential trash fees in the year beginning in January 2010 and thereafter until amended by resolution:

Residential Trash Collection Fees

Regular residential rate	\$ 51.00
Senior residential rate	\$ 39.25

Motion carried unanimously.

Proof of publication is on file for **Resolution 09-27**. Discussion ensued on the current costs set at 2% for the collection of Earned Income Taxes. Upon due consideration, Supervisor Quigley made a motion and Supervisor Evans seconded to adopt **Resolution 09-27**, which authorizes the Capital Tax Collection Bureau to impose and retain the costs and fees associated with the collection of delinquent earned income taxes according to the Cost of Collection Schedule attached to the resolution; Motion carried unanimously.

OLD BUSINESS: On behalf of the Board, Chairman Lightner commended the Planning Commission for their thoroughness and persistence over a three year period in completing a rather large revision of Rye Township's 1990 Subdivision Land Development Ordinance. Chairman Lightner made a motion and Supervisor Quigley seconded the motion to authorize the advertisement for a public hearing and a meeting for tentative adoption of the revised Subdivision Land Development Ordinance, which hearing shall be held at 7:00 PM on December 14, 2009 and with no substantial revisions will be adopted at the Board of Supervisors' meeting immediately following at 7:30 PM here at the municipal building conditional upon addressing the comments received tomorrow from Solicitor Wagner. Motion carried unanimously.

NEW BUSINESS: An application for a renewal of a salvage yard license was received from Ryan Michael of 160 Cove Hill Road. Upon due consideration and with positive comments from the Zoning Officer, Supervisor Evans made a motion and Supervisor Quigley seconded the motion to renew Ryan Michael's Salvage Yard License for 2010. Motion carried unanimously.

Correspondence was received from Carroll Township indicating that they agreed to renew the agreement between Rye and Carroll Township whereby Rye Township will plow and cinder Carroll Township's portions of Pine Hill Road and Dutch Cemetery Road for last year's price of \$60.00. With the cost per ton of salt basically the same as last year, Supervisor Evans made a motion and Supervisor Quigley seconded to renew the plowing agreement between Rye and Carroll Township for 2010 whereby Rye Township plows and cinders Carroll Township's portions of Pine Hill Road and Dutch Cemetery Road at the cost of \$60.00 per round trip. Motion carried unanimously.

Chairman Lightner made the following announcements:

- ◆ Santa will be visiting Rye Township on December 9th and December 10th.
- ◆ The office will be closed for the Thanksgiving Holiday on Thursday, November 26th and Friday, November 27th. And on Monday, November 30th for deer season.
- ◆ Trash collection is rescheduled for Tuesday, December 1st.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a November check register and submitted the following checks for approval and payment: General Fund Checks # 12260-12301 in the amount of \$40,218.32 No expense checks void.

Payroll checks #s 5580-5589 in the amount of \$5,301.63. No payroll checks void.

Payroll checks #s 5590-5599 in the amount of \$5,265.70. No payroll checks void.

An electronic transfer, (ELF) was made from the General Checking account by PCI, Insurance on November 20, 2009 in the amount of \$5,051.89 for December's health insurance .

With no further discussion on the bills presented, Chairman Lightner made a motion & Supervisor Quigley seconded to approve the checks & pay the bills, except for check # 12268 issued to Daisy Lightner in the amount of \$52.25 for mileage expense. Motion carried unanimously.

Supervisor Evans made a motion to approve check # 12268 issued to Daisy Lightner for reimbursement for mileage expense. Supervisor Quigley seconded. Motion carried. Supervisor Lightner abstained due to a conflict of interest, because Daisy is his spouse.

CITIZEN PARTICIPATION: Supervisor Lightner asked the Solicitor about clarifying the definition of dog kennel within the SALDO for better enforcement purposes. Supervisor Quigley offered that this concern could be addressed during the revision of the Zoning Ordinance.

Solicitor Wagner offered that the definition for dog kennel as it stands in the proposed SALDO is fine. The Solicitor stressed that all definitions within all Township Ordinances need to be consistent. Addressing this concern might be best handled under the revisions made to the Zoning Ordinance so the regulations are specific to each Zoning District.

Dan Vodzak, chairman of the Planning Commission offered that the definitions in the proposed SALDO are consistent with the definitions in the proposed revisions to the Zoning Ordinance.

Referring to the Humane Society discussion above, Jean Snyder of New Valley Road offered that the main concern is that a resident neuters their pets to prevent additional stray animals from being abandoned.

Supervisor Evans expressed appreciation to Officer Shoop of the Rye Township Police Department for his assistance and persistence that resulted in the recovery of Evan's loss due to a paving scam artist. Evans cautioned all residents to be careful when approached by strange contractors offering to pave their driveways for a great price. He advised residents to contact the police department if any suspicious contractors come soliciting. Evans offered that his ordeal happened regretfully before he even realized what was going on.

Scott Weaver of New Valley Road asked about the purchase of a lap top computer for the police car. Chairman Lightner offered that the purchase of the lap top for the police department is under consideration for next year.

Kim DeWitt of Austel Drive asked how negotiations for the police department are handled and if concerns received from residents are considered. Chairman Lightner explained that negotiations are personnel issues and are not open to the public. Chairman Lightner however, acknowledged that the Board received, read and reviewed the concerns expressed by Ms. DeWitt relating to how Corporal Shoop handled an incident involving her neighbor.

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 8:45 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer