

**RYE TOWNSHIP
SUPERVISORS' MEETING
December 14, 2009**

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PRESENT: Chairman Robert Lightner, Vice-Chair, Ronald Evans, Supervisor, Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Pete & Barbara Fitting, Sean Fedder, Tom Graupensperger, Camille Otto, Brian Mader, Carl Bitting, III, 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 welcomed everyone and asked if there was any citizen participation. 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 November 23, 2009 supervisors' meeting as submitted. Motion carried unanimously.

Supervisor Quigley a motion and Supervisor Evans seconded to approve the minutes of the December 11, 2009 special supervisors' meeting as submitted. Motion carried unanimously.

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and Chairman Lightner read the November Police Report as follows: 71.3 gallons of fuel used, drove 1,107 miles, worked a total of 113.58 hours, 12 incidents: 0 traffic warning, 4 traffic citations & 3 animal complaints. Total fines collected from the District Justice were \$746.21. Total fines received from the Perry County Court were \$44.62.

No December Zoning Report was submitted by the Zoning Officer, due to the lack of permit activity. Zoning Officer Cree was not present at this time.

No Sewage Enforcement Report was submitted by Mike Higgins due to the lack of activity at this time of year.

No Road Report was presented by Road Foreman Brad Sloop.

No Recreation Board Report was submitted for December since the Recreation Board does not meet in December and no activities are scheduled.

No Emergency Management report was presented.

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

SUBDIVISION PLANS: William Miller and/or Lou Hartford Surveyors were not present to discuss the access to a proposed three lot subdivision off of Stiles Drive. No contact was received by the office. The Miller Plan has not completed their review and acquired the recommendation for approval from the Planning Commission level yet and is scheduled for review at the January 5, 2010 Planning Commission meeting.

LEGAL BUSINESS: Solicitor Wagner said at the last meeting the Board authorized the filing of an action against and the advertisement of the action against the homeowners of 5 Dicken Drive since no one can seem to find where they are located. In the meantime, Solicitor Wagner learned that the 5 Dicken Drive property is up for sheriff's sale on January 22, 2010. Solicitor Wagner recommended the deferring of any action until the January 25, 2010 to see if the property changes ownership. It was the consensus of the Board to wait until after the sheriff's sale before taking action against the owners of 5 Dicken Drive.

Solicitor Wagner said he spoke with the Secretary/Treasurer earlier today regarding the concern that home owners are not contacting Building Inspection Underwriters for the final completion inspection to receive a certificate of compliance and certificate of use in compliance with the Zoning Ordinance 03-01. The Solicitor reviewed a letter proposed by the Secretary/Treasurer to address these concerns and respectfully proposed the following two revisions:

1. Paragraph 1 revise to "*It has been brought to my attention that you have not contacted Building Inspection Underwriters for the final completion inspection and you have not received a certificate of compliance for the construction proposed in the above mentioned permit.*"

2. Paragraph 5 revise the second sentence to read: "*Failure to comply within the requested time limits will result in the matter being taken before the Board of Supervisors to commence enforcement proceedings.* Strike the words "for permission"

The Solicitor also suggested that the zoning permit package include a separate attachment so the homeowner understands. The attachment could say something like "This is a gentle reminder. After construction is completed, the owner is obligated to contact BIU to have the final inspection before the certificate of compliance is issued, which in turn allows for the issuance from Rye Township of the certificate to occupy and use the new construction."

Supervisor Quigley suggested adding this to the check list for zoning permits and to the Township's next newsletter.

Brian Mader of Tower Road discussed the lack of road treatment with the ice incident yesterday and the resulting icy roadways and asked why no winter maintenance was attempted.

Chairman Lightner offered that the temperatures were predicted to climb to 40 degrees and therefore the situation would right itself with increased temps without treatment. Chairman Lightner said if his decision as Road Superintendent was a mistake, then he would take full responsibility for it. Rye Township has always provided excellent winter snow maintenance and they will continue to provide the same.

Brian Mader also discussed the lack of winter maintenance beyond the last house on Lambs Gap Road. Chairman Lightner and Supervisor Quigley offered that Hampden Township does not take care of their side of the mountain so the Township posted signs at the top and bottom that there is no winter maintenance beyond the last house so the traveling public does not travel to the top and find out the other side remains untreated and icy.

Discussion ensued. Solicitor Wagner offered that it is not feasible to spend money to keep a road open up to the top of the mountain. A road can be posted so the public knows that they can use the road at their own digression. The Solicitor offered that the courts have basically been saying that the condition of the roads and not the condition on the roads is what creates the problem for the municipalities. He further advised there is a provision in the Second Class Township Code that permits the Board to temporarily close a road if the weather conditions make it unsafe or impassable.

Solicitor Wagner wished everyone, "Merry Christmas!" and left the meeting at this time.

ORDINANCE: Chairman Lightner offered that a Public Hearing was held tonight at 7:00 PM and no negative comments or opposition were heard relating to the proposed revision to Rye Township's Subdivision Land Development Ordinance 90-4.

Proof of publication is on file for proposed Ordinance 09-03, which revises the Subdivision Land Development Ordinance 90-4. With no further discussion and upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Evans to adopt Ordinance 09-03 revising Rye Township's Subdivision Land Development Ordinance. Motion carried unanimously.

RESOLUTIONS: Supervisor Evans made a motion to adopt Resolution 09-28, which authorizes the Secretary/ Treasurer to transfer from the First National Bank of Marysville a matured Police Car CD combined with the budgetary appropriation amount of \$5,000.00 from the FNBM to the Bank of Landisburg, Shermans Dale Branch for better interest investment. Supervisor Quigley seconded. Motion carried unanimously.

OLD BUSINESS: No old business was discussed.

NEW BUSINESS: Supervisor Evans made a motion to sign the lease presented by Perry County Board of Elections to use the municipal building at a rate of \$100 per election. Supervisor Quigley seconded the motion. Motion carried unanimously. The agreement was signed at the end of the meeting.

The Secretary/Treasurer explained that Rye Township is in the third year of a three year contract with Smith, Elliot and Kearns & Co. to complete the financial audit for Rye Township. With the contract already in place, Chairman Lightner made a motion with a second from Supervisor Quigley to execute and sign the engagement letter for SEK. Motion carried unanimously.

Mike Miller, road crew acquired two quotes for the purchase of a new heating oil tank & accessories as follows:

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| 1. | R. F. Fager Co. | \$ 415.64 |
| 2. | Carter Plumbing and Heating | \$ 491.60 |

Supervisor Evans made a motion with a second from Supervisor Quigley to purchase the tank and accessories at R.F. Fager Co for \$415.64. Motion carried unanimously.

Pete Fitting of Dicken Drive offered that oil be drawn from both tanks at the same time because algae can form in the tanks if they are not used. Chairman Lightner said the tanks are going to be hooked together and oil drawn from both tanks at the same time.

A letter of resignation was received from Suzanne Kalis Supervisor Quigley made a motion with a second from Supervisor Evans to regretfully accept the resignation of Suzanne Kalis as the Planning Commission Secretary effective immediately. Motion carried unanimously. The Board directed the Secretary/Treasurer to send Suzi a letter of appreciation.

Chairman Lightner announced that the office would be closed for Christmas on December 25, 2009 and the New Year's holiday on January 01, 2010. There is no change in the trash collection schedule this year.

The Board of Supervisors Organization Meeting is scheduled for Monday, January 4, 2010 at 7:30 PM. The Planning Commission's organization and business meeting is rescheduled for Tuesday, January 5, 2010 at 7:30 PM. The Elected Auditors will meet at 7:30 PM on Thursday, January 7, 2010.

EXECUTIVE SESSION: The executive session was handled under legal business and deemed not necessary.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a December 1-December 14, 2009 expense check register and submitted the following checks for approval and payment: General Fund Check's #s 12302-12336 in the amount of \$32,110.11. No checks void.

Payroll checks #s 5600-5612 in the amount of \$6,193.30. No payroll checks void.

Payroll checks #s 5613-5624 in the amount of \$5,248.34. No payroll checks void.

An electronic transfer, ELF was made from the General Checking account by PCI, Insurance on December 21, 2009 in the amount of \$5,074.73 for January's health insurance.

With no further discussion on the bills presented, Supervisor Evans made a motion & Supervisor Quigley seconded to approve the checks & pay the bills, except for check # 12306 issued to Daisy Lightner in the amount of \$36.30 for mileage expense. Motion carried unanimously.

Supervisor Evans made a motion to approve check # 12306 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.

It was noted that check number # 12321 issued to Daisy Lightner was for reimbursement for candy for the Santa visitation program held on December 9 and December 10, 2009.

CITIZEN PARTICIPATION: Supervisor Quigley offered that he did not have any calls relating to the temporary icy conditions on Sunday, December 13, 2009. Supervisor Evans and Chairman Lightner both indicated they had one call each.

Carl Biting, III of New Valley Road offered that at least five (5) vehicles slid on the bridge below his home. Biting asked who he should contact if there is a concern with road conditions.

Chairman Lightner and Supervisor Quigley offered to take any calls regarding road conditions. If a Township supervisor cannot be reached, a resident may contact the Perry County Dispatch at 1-888-372-8947.

ADJOURNMENT OF THE MEETING: The Board wished everyone a Merry Christmas and a Happy New Year 2010! There being no further business before the Board, Supervisor Quigley made a motion and Supervisor Evans seconded to adjourn the meeting at 8:55 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer