

**RYE TOWNSHIP
SUPERVISORS' MEETING
May 24, 2010**

PAGE 1 OF 4

PRESENT: Chairman Robert Lightner, Vice-Chair Ronald Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Ron Cree, Zoning Officer, Raymond Witmer, Susan A. Baker, Jean Snyder, Sean Fedder, Jerry Wilson, Gary Roth, Pete and Barbara Fitting, Peggy Fedder, John Smith and Solicitor P. Richard Wagner, Esquire.

FORMER SUPERVISOR PRESENT: 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: No citizen participation was offered at this time.

APPROVAL OF THE MINUTES: Supervisor Quigley made a motion and Supervisor Evans seconded to approve the minutes of April 26, 2010 supervisors' meeting minutes as submitted. Motion carried unanimously.

Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of the Special Meeting of May 3, 2010 as submitted. Motion carried unanimously.

AWARD OF ROAD BIDS: Chairman Lightner explained that a small section of New Valley Road will be resurfaced from the intersection of Cold Springs Road west to the first bridge before Heisley Road.

The bid request was advertised in the Duncannon Record on May 6 and May 13 and proof of publication is on file. Five sealed bids were opened by the Secretary/Treasurer and read by Supervisor Quigley for the following:

<u>BIDDER</u>	<u>TOTAL BID</u>
Pennsy Supply	\$ 34,194.08
Handwerk Site Contractors, Inc.	\$ 29,657.92
Hempt Bros.	\$ 45,294.72
Wilson Paving, Inc.	\$ 34,624.00
Eastern Industries	\$ 30,651.00

With all bid bonds in place and upon due consideration, Supervisor Evans made a motion with a second from Supervisor Quigley to accept the lowest bid and award the road contract to Handwerk Site Contractors, Inc. in the amount of \$29,657.92. Motion carried unanimously. The Secretary/Treasurer will notify the bidders and acquire necessary contract paperwork and signatures.

MONTHLY MUNICIPAL REPORTS: Corporal Clinton Shoop submitted copies and Chairman Lightner read the April Police Report as follows: zero miles –Impala; zero fuel – Impala; 76.6 gallons of fuel used-Crown Vic, drove 1,177 miles-Crown Vic, worked a total of 159.00 hours, 17 incidents, which included: 0 warnings, 10 traffic citations, and 1 disorderly conduct. Total fines collected from the District Justice were \$248.86.

The May Zoning Report was submitted by Zoning Officer, Ron Cree and available for review. Cree read the report as follows: twenty-three (23) calls and complaints, five (5) zoning permits, 0 certificates of use, mileage of 141 miles with a total of \$425.00 in fees collected.

No Sewage Enforcement Report was presented by Mike Higgins, SEO.

The May Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Quigley read the report and placed the report on the table for anyone to review. Supervisor Quigley noted the road department assisted with Spring Clean up, delivered tires to Mahatangos in Liverpool, completed drainage repairs in Lee Wood Village culverts and continued to work on Trout Lane.

Pete Fitting of the Recreation Board was present and reported two “free” upcoming events:

- ◆ Strawberry Festival June 6, 2010 6:30 PM
- ◆ Fishing Derby June 19, 2010 9:00 AM

No Emergency Management Report was offered.

The April 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 the independent auditors’ review.

SUBDIVISION PLANS: Supervisor Quigley made a motion and Supervisor Evans seconded to grant a time extension request to August 23, 2010 for the Ditmar/Corl-Vista Lots Subdivision Land Development Plan to allow additional time to gain approvals from Wheatfield Township and DEP approval for the sewage module. Motion carried unanimously. The record notes the Board of Supervisors will take action on the plan by **August 23, 2010.**

Supervisor Evans made a motion with a second from Supervisor Quigley to accept the May 12, 2010 letter of withdrawal from the plan review process from Darrell C. Dethlefs, Esquire for the William Miller Preliminary Subdivision Land Development Plan. The Secretary/Treasurer indicated she would send written notification of the acceptance of the withdrawal. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Evans to grant an additional ninety (90) day time extension request per the May 14, 2010 letter from Robert Shaffer, Jr. of Act One Consultants for the Roger Barrick Subdivision Land Development Plan. The granting of this request by the Board of Supervisors does not at this point address the issue of whether the Roger Barrick plan is considered a final plan. The motion carried unanimously. The record notes the ninety (90) day time period for action to be taken on the Barrick plan is **August 22, 2010.**

LEGAL BUSINESS: Solicitor Wagner reviewed and discussed the Intermunicipal Cooperation Sewer Agreement proposed by David A. Jones, II, Esquire for Roger Barrick’s Subdivision Land Development to connect to Marysville Borough’s sewer system. Solicitor Wagner offered that according to the Municipal Planning Code, MPC, and the Sewage Facilities Act an intermunicipal agreement is envisioned as the way to address the sewer facilities since the construction is within Rye Township and the public sewer is within Marysville Borough. However, Solicitor Wagner said in his opinion the agreement is deficient in two major areas:

1. There is no indication that Marysville Borough, their successors and heirs are accepting full responsibility for the sewer system and connection after completion.

2. There is no indemnification agreement so that if anything happens Marysville Borough and the Developer, their heirs, successors and assigns indemnify the Township.

The Solicitor advised to keep the above concerns in mind as the Barrick plan proceeds through the review process.

Zoning Officer Cree recommended that the Township consider opting in to enforce the Uniform Construction Code, UCC. Cree explained that since the Township initially opted out of enforcement all churches and any business, including the Township, must go to the Department of Labor and Industry for their building permits resulting in additional costs. The Board directed the Secretary/Treasurer to contact the Perry County Council of Governments and research the process to opt in and provide the information to the Board for their review & consideration.

Chairman Lightner requested a copy of the Teats court order and asked for confirmation from the Solicitor that a judgment will be entered against the property to assure the Township will one day recoup the clean up expenses. Solicitor Wagner assured the Board a default judgment has been entered against the property. He will provide the Board a copy for their files.

ORDINANCE: Ordinance 10-01 was duly advertised and proof of publication is on file. Supervisor Quigley made a motion and Supervisor Evans seconded to adopt Ordinance 10-01, which authorizes the closing of Grier Point Road on Saturday, June 12, 2010 from 8:00 AM to approximately 8:00 PM for Bethel United Methodist Church to hold a strawberry/bluegrass festival. Motion carried unanimously.

OLD BUSINESS: The Board of Supervisors discussed the proposed improvements to the upper section of Trout Lane, specifically the resurfacing of the pavement. Supervisor and Road Superintendent Quigley offered that he has consulted with representatives from Brennamen and Recon to discuss reclamation and with Penn Dot District 8 Representative, Rick Levan. Supervisor Quigley concluded with the amount of traffic daily on this road an overlay with a crown will suffice. The Board will continue their discussion of the Trout Lane repairs at a meeting scheduled for June 11, 2010 at 9:00 AM.

The Board discussed mowing of the Township roads. A part time temporary employee or outside contractor was suggested to mow the sides only as options to get the job completed.

Supervisor Evans suggested that the Board retain Capital Tax Collection Bureau, (CTCB) as the billing agency and make that a part of the bid specifications for outsourcing the trash collection service. The Board was in agreement with the suggestion to retain CTCB for billing if it is found feasible to outsource the trash collection service in 2011.

NEW BUSINESS: Discussion ensued on the lack of use by the Police Department of the 2002 Chevy Impala Police car, the costs associated with keeping the car, and the possible sale of the vehicle. Upon due consideration, Supervisor Evans made a motion with a second from Supervisor Quigley to authorize the advertisement of the sale through sealed bid of the 2002 Police Car with a minimum bid figured at the Kelley Blue Book price for a similar 2002 Chevy Impala in "good" condition. Motion carried unanimously.

Chairman Lightner announced the following events:

- ◆ Memorial Day Holiday, May 31, 2010; Office Closed; Trash will be collected Tuesday, June 1, 2010

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/Treasurer provided a May expense check register and submitted the following checks for approval and payment: General Fund Checks #s 12529-12565 in the amount of \$11,969.75 No checks void.

Payroll checks #s 5721-5732 in the amount of \$5,939.23. No payroll checks void.

Payroll checks #s 5733-5744 in the amount of \$5,760.68. No payroll checks void.

The Secretary/Treasurer noted the electronic transfer, ELF to Pennsylvania Chamber Insurance, (PCI) for monthly payment for health insurance in the amount of \$5,263.91.

Supervisor Evans made a motion and Chairman Lightner seconded to approve the checks and pay the bills, except for check number 12537 issued to Daisy Lightner for mileage. Motion carried unanimously.

Supervisor Evans made a motion with a second from Supervisor Quigley to approve check # 12537 issued to Daisy Lightner, for mileage reimbursement. Motion carried. Chairman Lightner announced his possible conflict and abstained from the approval of check 12537 since Daisy is his spouse.

CITIZEN PARTICIPATION: Chairman Lightner reported a letter was received from DEP requesting information on septic pumping and recommending random well water testing per Rye Township's 537 Plan. The Township has not grown in population as was anticipated when the original 537 Plan was compiled. The Board requested the Secretary/Treasurer place an article in the next newsletter reminding residents of the need to provide the Township proof of pumping of their septic systems.

Former Supervisor Phyllis Page of 165 Mountain Road asked if she could test her water privately. Chairman Lightner said nothing would prohibit her from testing her water. The testing requested by DEP would be specifically to test for certain bacteria and nitrates etc.

Jean Snyder of New Valley Road asked if property owners with larger lots would also be tested. Chairman Lightner said the size of the property does not make a difference in whether that residence is selected for testing. The testing is to better determine the condition of the ground water randomly throughout the Township.

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 8:28 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer