

**RYE TOWNSHIP
SUPERVISORS' MEETING
September 27, 2010**

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PRESENT: Chairman Robert Lightner, Vice-Chairman, Ron Evans, Supervisor Ken Quigley, Daisy Lightner, Secretary/ Treasurer, Pete Fitting, Recreation Board member, Ron Cree, Zoning Officer, Dr. John Kajic of the High Mark Caring Place, Robert Peiffer of the Perry County Chamber of Commerce, and P. Richard Wagner, Esquire.

A list of those residents/tax payers in attendance is on file in the Township office.

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. Linda Ekelman notified the Board that she would be tape recording the meeting. Jim Sabo notified the Board that they would be video and tape recording the board meeting.

CITIZEN PARTICIPATION: Chairman Lightner asked if there was any citizen participation at this time. None was offered at this time.

PERSONS TO BE HEARD: Dr. John Kajic of Highmark Caring Place introduced himself and presented a brief summary of the services provided to grieving children, adolescents, and their families through the Highmark Caring Place. Dr. Kajic explained that the services are provided free of charge for any child from the age of birth to high school graduation and his or her family that have lost a loved one to help them find support and encouragement to cope with their grief. It is a safe place staffed with well trained, screened volunteers. Information packets were given to those in attendance. More information can be found at their website at www.highmarkcaringplace.com. Dr. Kajic thanked the board and left the meeting at this time.

APPROVAL OF THE MINUTES: Supervisor Evans made a motion and Supervisor Quigley seconded to approve the minutes of the August 23, 2010 supervisors' meeting as submitted. Motion carried unanimously.

PERSONS TO BE HEARD: Robert Peiffer a representative for the Perry County Chamber of Commerce introduced himself and addressed the Board inviting them personally to join the Perry County Chamber of Commerce. Peiffer explained that the Chamber is almost two years old and has 200 members. The Chamber provides community services and resources to its members. He mentioned an upcoming seminar dealing with OSHA and safety in the workplace. Chairman Lightner thanked Mr. Peiffer for coming and the invitation offered.

MONTHLY MUNICIPAL REPORTS: The September Zoning Report was submitted by Zoning Officer, Ron Cree, and read as follows: four (4) zoning permits issued, one (1) demolition permit, 26 calls and/or complaints logged; mileage of 119 miles; collected \$400.00 in fees..

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

The September Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Quigley read the report and placed the report on the front table for anyone to review. Supervisor Quigley noted that the road crew did a good job installing gabion baskets along Mountain Road. The bridges on New Valley Road were crack sealed in accordance with the recommendation made through an inspection conducted by Penonni Associates.

Recreation Board member, Pete Fitting reported a successful Community/Kids Day with approximately 90 in attendance. Marysville Fire Company brought their fire engine and

equipment. Residents and guests enjoyed hamburgers and hotdogs with ice cream for dessert, which was left over from the August “Sundaes in the Park” event. Pete announced the last event for the year as:

Oct. 30- Halloween in the Park – 5:00 PM- hayride, haunted trail, bon fire

Oct. 31- Rain date, Sunday – 5:00 PM

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: Solicitor Wagner received two documents from Burget Associates for review in connection with the conditional approval at the August 23, 2010 supervisors’ meeting of the Dittmar Corl-Vista Plan. Solicitor Wagner reviewed and approved for legal form the Easement and Road Maintenance Declaration and the Stormwater Easement and Maintenance Declaration. With this final condition met, Solicitor Wagner advised that the final Vista plan can now be signed by the Board and Planning Commission.

RESOLUTIONS: Chairman Lightner read **Resolution 10-16**, which establishes a policy regarding the retention of digital and/or audio tape recordings of Rye Township Board of Supervisors meetings, thereby declaring its intent to retain recordings of Board meetings for only a limited period of time. Supervisor Quigley made a motion and Supervisor Evans seconded the motion to approve **Resolution 10-16**. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Evans seconded to adopt **Resolution 10-17** to authorize the Secretary/Treasurer to transfer \$38,400 from the First National Bank of Marysville, Highway Aid checking to Members First in Enola and combine it with a No penalty CD of \$56,460.69 plus earned interest for a total of approximately \$94,860.69 and transfer the combined total to a seven (7) month CD earning 1.25%. Motion carried unanimously. The funds would then be available for 2011 Highway Aid road projects. Anticipating road expenses, Supervisor Quigley noted that a large pipe on Pine Hill Road is in need of replacement.

OLD BUSINESS: No old business was discussed.

NEW BUSINESS: Supervisor Evans made a motion and Supervisor Quigley seconded to establish Trick or Treat Night in Rye Township on Thursday, October 28, 2010 from 6-8 PM. Motion carried unanimously.

Three quotes were received for Fall Clean Up to be held this Friday, October 1 and Saturday, October 2, 2010 as follows:

Vendor Name	Delivery Fee	Hauling Fee	TOTAL PER PULL	Tipping Fee per ton	Scrap containers	Fuel Surcharge
Waste Management	\$100.00	\$255.00	Varies based on tonnage	\$62.00	No Cost	No
Tiger Trash	\$00.00	\$225.00	\$225.00	\$67.00	No Cost	No
Sylvester’s Services	\$100.00	\$104.99	\$204.99	\$65.99	No Cost	No

Upon due consideration, Supervisor Evans made a motion and Supervisor Quigley seconded to accept the lowest quote received from Sylvester's Services of Duncannon to provide roll offs for the Fall Clean up conditional upon receipt of a certificate of liability and workers compensation and proof of CDL testing for their drivers. Motion carried unanimously.

An application for renewal of a junk yard license for Ryan Michael of 160 Cove Hill Road was received and an inspection conducted by Zoning Officer Ron Cree on September 10, 2010. With all regulations in compliance, Supervisor Quigley made a motion and Supervisor Evans seconded to renew the Junkyard License for 160 Cove Hill Road for October 1, 2010 to October 1, 2011. Motion carried unanimously. The Secretary/Treasurer will prepare the license and notify Mr. Michael.

Discussion ensued on the lack of a renewal application for the Donald Wood (Woody's) Salvage yard at 1790 New Valley Road. The Solicitor recommended that the Board send written notification to the owner and operator that effective October 1, 2010 their junkyard license expired since it was not renewed. Therefore, a junkyard cannot be operated at 1790 New Valley Road. The Secretary/Treasurer indicated she would send the notification letter.

Chairman Lightner discussed an agreement received from the Perry County Commissioners relating to their donation of 2 recycling roll off containers to Rye Township. Since the County of Perry no longer funds the recycling program, the Commissioners are providing free of charge the two 5 compartment 34 cu yd roll off containers for use in Rye Township's recycling drop-off program. The agreement releases and saves harmless Perry County against any and all claims and liabilities arising out of or appertaining to the use, repair or transportation of the roll off containers. Upon due consideration Supervisor Quigley made a motion and Supervisor Evans seconded to approve the agreement relating to the donation of (2) roll off containers to Rye Township from Perry County. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Evans seconded to authorize the advertisement of a special board meeting as soon as the date can be confirmed to meet with Ed Ward, representative from Penn Waste, to discuss the details for trash collection and recycling for 2011. Motion carried unanimously.

Chairman Lightner announced the following upcoming events:

- Budget Meeting Thursday, October 7, 2010 at 7:00 PM
- Fall Clean Up, Friday, October 1 & Saturday, October 2
- Office Closed Monday, October 11, 2010, Columbus Day
- Trash collected Tuesday, October 12, 2010

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 12704-12745 in the amount of \$36,370.59. No expense checks void.

Payroll checks #s 5811-5820 in the amount of \$4,398.31. No payroll checks void.

Payroll checks #s 5821-5829 in the amount of \$3,958.33. No payroll checks void.

Payroll checks #s 5830-5837 in the amount of \$3,992.92. 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 \$5,267.05.

Chairman Lightner made a motion to approve the checks and pay the bills, except for check number 12720 issued to Daisy Lightner in the amount of \$36.00 for mileage reimbursement. Supervisor Quigley seconded. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Evans seconded to approve Check #12720 issued to Daisy Lightner for mileage expense. Motion carried. Chairman Lightner abstained from the vote because of a potential conflict of interest since Daisy is his wife.

CITIZEN PARTICIPATION: Pat Brubeck of Valley Road and Linda Ekelman of Weaver Drive have been requesting copies of numerous public documents through the Right to Know Law. Pat Brubeck suggested adding the requests and the responses to the internet to avoid duplications. She also volunteered herself and Linda Ekelman to assist in the Township office to help with the additional workload due to the requests. The record notes that there are no duplicate requests. The only RTK receipts recently are from these two (2) residents.

Carol Carroll of Bellview Acres asked if the State Police would be on patrol on Halloween night within Rye Township. Chairman Lightner assured her the State Police are on duty within Rye Township and offered to specifically notify Sergeant Ringer of the date for Halloween. Chairman Lightner also learned of one resident who was recently stopped by a State trooper for speeding on SR 850 within Rye Township just last week.

Carol Carroll also asked for clarification for the hours to bring brush to the Township and the hours of the office. Supervisor Quigley explained that the road crew works 6-2:00 PM and the gates are shut when they leave at 2:00 PM. He recommended that residents stop and talk to the road crew or the office prior to dropping off their load of brush. Chairman Lightner explained that the Township office is open to the public 9:00 AM to 3:00 PM Monday through Friday. However, the Secretary works full time and is here before 9:00AM and works until after 3:00 PM Monday through Friday.

Brian Mader of Tower Road asked if the road crew will be cleaning up along Tower Road before fall clean up like they have done in years past. Supervisor Quigley said he was aware of items off of Idle Road, but would mention the additional concern on Tower Road to the road department.

Brian Mader of Tower Road also asked about the Township's interest in the former Kunkle property for sale along the 2300 Block of Valley Road. Chairman Lightner said the Board had discussed this information at the public meeting on July 26th. They were interested and had an appraisal completed which is required in order to consider the purchase of said property for a future park/recreation area. Funds have been designated over several years for future purchase of land. However, in consideration of concerns expressed by residents recently, Chairman Lightner did not attend the sale to bid on the property on behalf of the Board. The record notes that a municipality can not pay more for a property than what a certified appraiser states the property is worth.

Brian Mader offered that he heard that is why, *(the purchase of the Kunkle property)* the Board abolished the local police department.

Chairman Lightner said that is simply not the truth. The Township does have funds designated for specific purposes. But disbanding the department in order to purchase property for future recreational purposes was not the reason for the disbandment. With the current downturn of the economy, he explained that the disbandment of the department was strictly for economic reasons with the one officer requesting over a 20% wage increase with 6% annually every year thereafter along with requesting five (5) more sick days for a total of fifteen (15) days, an additional personal day bringing that to four (4) days and an additional holiday for police. Chairman Lightner offered for public review the letter documenting the above-mentioned requests to anyone who may be interested.

Scott Weaver, manager of Marysville Borough and a resident of Rye Township, asked why negotiations were not commenced. Chairman Lightner offered that this was discussed at the August meeting. The Board was willing and waiting to hear of a date to set down and negotiate. Chairman Lightner was appointed as the negotiator. However, the Teamsters requested to proceed to binding arbitration without ever setting down at the negotiation table. No dates were offered and calls and letters to schedule dates for negotiations by the Township's labor counsel were not answered.

Cathy Sabo offered information relating to HB 1500 whereby municipalities could pay a surcharge per person for Pennsylvania State Police services. Sabo estimated that Rye Township would have to pay over \$300,000 for services. She requested the Township reinstate the police department if this bill passes. (See the Solicitor's comments on this bill on page 6.)

Vice-Chairman Evans reminded the residents that the one officer only provided coverage for 40 hours per week and was not on call. And, he said, Officer Shoop never worked on Sundays.

Supervisor Quigley offered that this subject is a "dead horse" issue.

Brian Mader of Tower Road offered that, in his opinion, it was a personal vendetta against Officer Shoop. Chairman Lightner said there was no personal vendetta from anyone on the board. The record notes former Officer Shoop was not fired from his position. The Township simply went out of the Police business resulting in the permanent furlough of its sole employee.

Supervisor Quigley stated he is here in office to run this Township like a business.

Brian Mader asked about the costs to outsource the trash for 2011. Supervisor Quigley offered that there will be no trash increase for the next two years. No one can project the costs further than two years. Chairman Lightner offered that there may be a slight decrease depending on the costs received to fund the recycling program. The final cost per quarter will be determined as the Solid Waste budget is completed. But there will be NO increase necessary.

Referring to the disbandment of the local police department, Supervisor Quigley offered that in order to run this Township as a business, it does not make good business sense to expend 20% of the budget for 20% coverage. Quigley explained that allowing for the time spent attending hearings, vacation time, sick time, personal time, holidays and the required office paperwork the time on patrol within the Township amounts to at most 20% coverage.

Discussion continued on the disbandment of the local department.

Vice Chairman Evans offered that Rye Township has not raised taxes for over 18 years.

Chairman Lightner offered that the earned income tax, which the record notes is the largest revenue of the Township, has dropped over \$21,000 this year along with other revenues such as interest revenue and intergovernmental revenues.

Linda Ekelman of Weaver Drive requested to review the letter where binding arbitration was requested by the union. The Board assured her that labor counsel attempted to set dates for negotiations, no response was received, and then the letter requesting binding arbitration was received from the Teamster's attorney.

Referring to those who offered to volunteer their time for the Township, Supervisor Quigley offered that a secretary is needed for the Planning Commission at this time if either of them would like to volunteer for this position. The meetings are the first Tuesday of each month at 7:30 PM. It would be best to come and observe what goes on at the meeting to best explain the duties.

Elwood Brubeck of Valley Road asked about a resolution passed in January 2010 whereby the Board amended the Non-Uniform Employee Handbook to grant an extra 5 days of annual leave to non-union employees who have 20 years or more of service. Brubeck said that Mrs. Lightner is the only one that is close to meeting that threshold of service.

Supervisor Quigley offered that, in his opinion and job experience, an additional five (5) days of annual leave for any employee who provides twenty (20) years of service to the Township was reasonable. The table for annual leave in the Non-Uniform Employee Handbook did not previously address employees who remain in employment for over 15 years because no one employee has ever remained in active employment at the Township for that length of time.

Supervisor Quigley said he would have no trouble granting that same provision to any unionized employee close to the same threshold of service. However, due to labor laws and with a union in place here, any changes to terms of employment, which includes annual leave time, must be visited and revised during contract negotiations or unfair labor practices can be filed.

Scott Weaver of New Valley Road discussed the donation of the defibrillator to the Marysville Lions Club. He offered that he is within the Township 85% of the time and as the Marysville Fire Chief arrives on the scene of most accidents and would have opportunity to use a defibrillator. Scott recommended that whoever uses the device at the Lions Club needs to have the proper training. The Board understands the concern expressed. Execution of a Hold Harmless agreement is pending with the Lions Club and their Solicitor.

Solicitor Wagner prefaced his comments with the fact that for the first 25 years of his law practice he represented police & their unions. He further added that he personally has nothing against Clint Shoop. Solicitor Wagner summarized. Two issues are important for the residents to understand regarding the Board's decision to disband the local police department: Costs and Procedures.

1. **Costs** - Costs for operating a police department run 80-100% more than the amount of the salary. It is not just salary. There are wrap around costs with equipment and training. So when an officer makes a salary of \$55,000 the total costs for the department would easily be estimated at \$95 to \$100,000. When you take the cost for one police officer and then take off his vacation time, personal time, sick time, paperwork time you are looking at approximately 15-20% of coverage during one week. So even if any officer were still on duty within Rye Township, the State Police would be covering 85% of the time. That is the amount of coverage residents have had for the last several years with a one man department.

2. **Procedures** - With the passage of Act 111 of 1968, binding arbitration was given to police departments with no right to strike. The Act also states thirty (30) days after negotiations commence, if you do not have a contract, you can go to binding arbitration. Again the costs for binding arbitration are two-thirds Township and one-third union. The Township pays for 100% of the cost for the arbitrator plus the legal costs for representation for the Township. Solicitor Wagner said binding arbitration alone can easily cost municipalities upwards to \$10,000.

Solicitor Wagner said that the Township's earned income tax, which was noted previously as the largest revenue of the Township, has decreased eight (8%), which is mainly a result of high unemployment. Solicitor Wagner offered that over 20% of the General Fund Budget was expended for the operation of the police department in 2009. Solicitor Wagner encouraged residents and taxpayers to understand the cost factors involved with operating a department. A municipality has to try to balance the services provided to residents and keep them cost effective while keeping up with new mandates and issues pressed upon them by Labor Relations, DEP, the Open Records Law, the Federal Government etc.

Referring to a previous comment about HB 1500, Solicitor Wagner offered that HB 1500 has been on the books for years and he does not anticipate its passage in the near future. There are much larger municipalities that do not have police departments such as Monroe Township in Cumberland County that is over double the size of Rye Township, that would provide opposition to this bill.

With all due respect to the residents and taxpayers, Solicitor Wagner offered that the public does not have to understand the decision made by the Board. But they should attempt to understand that there were costs and other details and issues that entered into the deliberations that were considered by the Board. The decision was thought through and legal counsel was sought. For instance, a cost factor that Solicitor Wagner has evidenced in his experience with negotiations is that when one employee asks for a 6% raise, it can set the stage for other employees in other departments to seek similar increases.

Several voices spoke out of order at the same time.

Chairman Lightner banged the gavel and offered that the Solicitor provided a good explanation and synopsis of the decision made and the details and issues considered and contemplated by the Board as they came to the decision to permanently disband the local police department.

Elwood Brubeck of Valley Road offered “kudos” to the road crew for the mowing along Lambs Gap Road. He commented that driving along this roadway the scenery is as beautiful as in our State Parks.

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 8:55 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer