

**RYE TOWNSHIP  
SUPERVISORS' MEETING  
June 28, 2021**

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**PRESENT:** Chairman Jim M. Sabo, Vice-Chairman John F. Stahl, Supervisor Brad L. Sloop, Daisy Lightner, Secretary/Treasurer, Brian Gilbert, Zoning Officer, Eric Simmons, Driveway Permit Officer, Emergency Management Coordinator, Jim Cassidy, Elected Auditor, Cathy Sabo, Sean Fedder, Wanda Stahl, Corinna Van Hine, Dana Cotton, Michael DeHart, John Fitzsimmons, PE, Roger Watson of NavTech, Inc., and Solicitor Dan Altland.

**FORMER SUPERVISORS PRESENT:** Charles Kunkle, Robert Lightner, Ken Quigley, John Schulze, and Tom Speck.

The meeting was held at the municipal building and called to order at 7:00 p.m. Chairman Sabo convened the meeting with the pledge of allegiance to the flag. The meeting was recorded to aid with the accurate preparation of minutes.

**MOMENT OF SILENCE:** Vice-Chairman John Stahl announced that a moment of silence would be held at the beginning of each meeting. He explained that those who wish to pray may do so, or if not, just sit quietly. A moment of silence was observed.

On behalf of the Board, Chairman Sabo read the following statement in response to Supervisor John Schulze's statement read immediately prior to his resignation at end of the May 24, 2021 meeting:

*On behalf of the Board of Supervisors I apologize for the derogatory comments about Township employees which were made by Mr. Schulze at the May 24, 2021 public meeting just before he announced his immediate resignation.*

*The views and opinions expressed by Mr. Schulze were those of Mr. Schulze alone and do not reflect the official policy or position of the Board of Supervisors or of Rye Township.*

**CITIZEN PARTICIPATION:** Chairman Sabo opened the floor for any public comment. None was offered at this time.

**APPROVAL OF THE MINUTES:** Vice-Chairman Stahl made a motion and Supervisor Sabo seconded to approve the minutes of the May 24, 2021 supervisors' meeting as submitted. Motion carried. Supervisor Brad Sloop abstained as he was not appointed as a supervisor until the end of the May meeting following the resignation of Supervisor John Schulze.

**PERSONS TO BE HEARD:** Former Supervisor John Schulze of Lee Drive approached the Board to discuss a zoning related concern where the Zoning Officer required him to acquire a Certificate of Use, (COU), to replace an existing concrete patio with a failing foundation with a new concrete patio with a foundation constructed to code adequate to hold a future addition. A building permit was submitted to and approved by Building Inspection Underwriters, (BIU), to assure the new foundation is in compliance structurally with the building codes. Schulze disagreed with the interpretation of the local regulations by the Zoning Officer, who determined that the COU was required. He requested a refund of the \$112.50 fee paid to the Township for the Certificate of Use.

Zoning Officer Brian Gilbert responded to Mr. Schulze's concern and explained his determination and reason to require the Certificate of Use. Upon review of the address file in the Township office, the Zoning Officer did not find any drawings or specifications for the existing structure constructed in 1988. He explained that the option for him to come on-site to better inspect the foundation was offered. If the inspection revealed that the existing concrete slab had a foundation that would adequately hold an addition, then the structure would not be substantially changed and no COU would be required. The Zoning Officer has emails to show that the Schulze's decided to pay the \$112.50 to expedite the permitting process and provide a record in the files of the structure going forward.

Chairman Sabo acknowledged and offered to review the concern and request.

**SUBDIVISION LAND DEVELOPMENT:** Roger Watson of NavTech, Inc. approached the Board to request final approval of the **Final Subdivision Plan over the lands of Zina S. Speck**. The purpose of this plan is to subdivide the existing lands of Zina S. Speck, Parcel # 220,168.06-05.000 containing 106.54 acres into two (2) lots, a residual Lot #1 containing 104.54 acres and a new Lot #2 containing 2.00 acres to be used as an approved building lot for a single family dwelling. All filing fees for submission are paid in full. A \$600 escrow deposit was received along with a \$50 security deposit. The subject plan was submitted to Perry County Planning Commission, (PCPC), and comments were received and addressed. The Plan was conditionally approved by the Rye Township Planning Commission at their June 1, 2021 meeting. The Board and Solicitor reviewed the waivers requested and the outstanding conditions with Roger Watson.

Upon due consideration and discussion, Chairman Sabo made a motion with a second from Vice-Chairman Stahl to approve the alteration of requirements from the Subdivision Land Development Ordinance for the **Final Subdivision Plan for the Lands of Zina S. Speck**:

1. Section 320-21 (Preliminary Plan Submission)  
Due to the fact that the plan is proposing to add a single family dwelling to an existing lot.
2. Section 320-22.H (Property Scale)  
To aid in creating a clear and legible plan for review
3. Section 320-15 (Master Plan)  
Overall acreage is 106 acres. Long term planning is for the lot to remain farmland and woodland and no further subdivisions from the residual lot.

Upon due consideration and discussion, Chairman Sabo and Vice-Chairman Stahl made a motion to approve the **Final Subdivision Plan for the Lands of Zina S. Speck** contingent upon the following conditions:

1. Provide the Stormwater Management Plan and E & S Control Plan and acquire the engineer's review and comments.
2. Provide the proposed maintenance agreement and acquire legal review and approval from the Township solicitor.
3. Trim the front set back lines to the top of the steep slope area conditioned upon Planning Commission review and approval of the revised set back line.
4. Provide a driveway profile and typical cross section for the existing private drive and the private driveway access to the new lot #2 on the plan.
5. Provide an approval letter from PA DEP for the sewage exemption.
6. Certify the accuracy of the survey by signature on the plan prior to approval.
7. Certify the title of the property by signature on the plan prior to approval.

8. Payment of any outstanding review fees

Motion carried unanimously to conditionally approve the Final Subdivision Plan for the Lands of Zina S. Speck.

Roger Watson acknowledged the conditions, thanked the Board and left the meeting along with Tom Speck at this time.

**MONTHLY MUNICIPAL REPORTS:** A verbal **Zoning Report** was presented by Zoning Officer Brian Gilbert of Wilson Consulting Group. He discussed two zoning enforcement issues: 95 Reed Drive and 285 Mountain Road.

A **June Sewage Enforcement Report** was submitted by SEO Lenny Sizer of FSA Engineering and read by Chairman Sabo as follows: Sixteen (16) activities: percs and probes for a Mountain Road lot and 110 Scenic Drive, module review for Speck on New Valley Road, Small Flow Treatment Systems annual inspections, tank replacement for 2771 Valley Road, system repair for 1310 New Valley Road and system repair at 1769 New Valley Road and permit issuance for 601 Pine Hill Road for a single family dwelling for a total due in fees of \$2,910.00.

The **Road Report** for June was provided by Road Foreman Brad Sloop and read by Co-Road Superintendent John Stahl as follows: busy month with 12 activities: installed four drain pipes on New Valley Road, remove rock dam at Idle Road culvert, clean pipe and ditch on Lone Oak Drive, chipped brush, re-install School Bus sign along SR 850, repair & weld boom mower, cut downed trees on Millers Gap, Mountain Dale Drive, and Pine Hill Road, cleaned up extra cinders accumulated on Spruce Road and the bottom of Bellview Road, assist with moving playground mulch at the Park, and work with Hawbaker on 2021 paving projects.

**Recreation Board** member Robert Lightner was present and reported a successful "Strawberries in the Park" event with 53 people in attendance, including all three supervisors. He announced the next event is:

July 18 – Sundaes in the Park, 6:30-7:30 PM, rain or shine.

Chairman Sabo thanked the Recreation Board for their volunteer efforts to provide events for the residents of the Township. He encouraged everyone to attend the next event in the Park.

EMC Cassidy provided an **Emergency Management Report** on the alert notification system that would better notify residents with a text and an email during emergency situations and other events such as community events or road closures etc.

EMC Cassidy offered the following:

- Researched Dial My Calls and worked with the Secretary to conduct a trial offer of the system.
- The system was found to be relatively user friendly and provides for text and email alert notifications.
- A quote from Dial My Calls for an annual subscription of \$593.89 was provided. EMC Cassidy thought this to be a more cost effective system for Rye as a smaller municipality.

Upon due consideration, Chairman Sabo made a motion with a second from Supervisor Brad Sloop to approve an annual subscription with Dial My Calls. Motion carried unanimously. The Secretary noted that over 140 residents have already signed up for email alert notifications, which will assist with setting up the subscription with Dial My Calls.

Former Supervisor Ken Quigley noted that during a recent tornado, cell phone service and electrical service was unavailable for several days. So in certain emergency situations, the notification system may not function well.

Chairman Sabo expressed appreciation to EMC Cassidy for taking his time to research the options available.

The **May Treasurer's Report** was read by the Secretary/Treasurer. The report is on file in the Township office and approved pending the 2021 Financial Audit. She noted that the 2<sup>nd</sup> quarter tax distribution payments to the local fire companies, ambulance, and library are on the agenda tonight for approval.

**RESOLUTIONS:** Upon due discussion and consideration, Chairman Sabo made a motion with a second from Supervisor Sloop to adopt the following resolutions:

1. **Resolution 21-16**, which authorizes a transfer of \$175,933.36 from the General Checking Easy Access Municipal Cd at Pennian Bank to the General Checking at Pennian Bank, New Bloomfield branch for a slightly better rate of investment return; and
2. **Resolution 21-17**, which authorizes the opening of an account at Pennian Bank strictly for deposit and activity involving the American Rescue Plan Funds received by Rye Township, which were allocated from the Federal Government.

Motion carried unanimously to approve both Resolutions.

The Secretary/Treasurer noted that Rye Township applied as required for the funding through PA Department of Community and Economic Development, (PA DCED). Rye is slated to receive a total of \$249,217.40 from the ARP Act. Fifty (50%) is to be distributed by the State by mid-July 2021 and fifty (50%) is anticipated for distribution next summer 2022.

**NEW BUSINESS:** The Board discussed the security of the municipal building and re-keying the locks, which have not been changed for many years. Upon due consideration and discussion, Supervisor Brad Sloop made a motion with a second from Vice-Chairman John Stahl for the Secretary/Treasurer to contact a locksmith to arrange to have the locks rekeyed for the building and gate locks. Motion carried unanimously.

Chairman Sabo announced the following upcoming events:

- ◆ 4<sup>th</sup> of July Holiday Observed, Office Closed, Friday, July 5. No change in trash collection
- ◆ July 18 – Sundaes in the Park, 6:30-7:30 PM, held rain or shine.

**APPROVAL AND PAYMENT OF THE BILLS:** The Secretary/Treasurer provided a June expense check register and submitted the following checks for approval and payment:

General Fund Check #s 17007-17036 in the amount of \$212,575.60. No checks void.  
Payroll checks #s 7909-7914 in the amount of \$4,067.02. No payroll checks void.  
Payroll checks #s 7915-7919 in the amount of \$4,151.18. No payroll checks void.  
Payroll checks #s 7920-7924 in the amount of \$3,945.62. No payroll checks void.

John Schulze asked if check number 17020 issued to Blue Mt. Processors in the amount of \$1,530.00 was for playground mulch at the Park. The Secretary/Treasurer answered in the affirmative and noted the amount charged was actually less than the estimated quote received of \$1,650.00.

With no discussion on the bills presented, Chairman Sabo made a motion and Vice-Chairman Stahl seconded to approve all the expense and payroll checks submitted for payment. Motion carried unanimously.

**CITIZEN PARTICIPATION:** Chairman Sabo asked if there was any other citizen participation.

Dana Cotton of Valley Road discussed a concern with a meeting notice publication and timing of the publication for a special Elected Auditors' meeting. She stated that she read the notice in the Duncannon Record and attended the meeting. However, alleged that the advance notice was inadequate and in violation of the Sunshine Act. She offered that the legal ad was published in the Perry County Times and the News Sun on Tuesday, but she did not consider these newspapers of general circulation.

Discussion ensued. During the conversation Ms. Cotton was told that a second special meeting of the Board of Auditors was held with the notice published in the Patriot News. This made her very angry. She used profanity and accused the Board of trying to trying to hide information from the public.

Chairman Sabo stressed that profanity and that type of language will not be tolerated during the Board's meeting from anyone.

The Solicitor noted that it is a technical violation. However, no official actions were taken at the Auditors' first meeting. No decisions were made as the Board of Auditors continued to gather information to review and clarify wages. They never had to deal with this type of situation before with a supervisor also working as a regular full time employee. The publication in the Patriot News was a matter of timing with newspaper publications. Newspapers are no longer published on a daily basis. The Township was not trying to hide anything.

Ms. Cotton apologized for her outburst of profanity, but continued to discuss her concern.

Chairman Sabo ended the discussion at the advice of the Solicitor. He noted the concern with providing adequate public notice of special meetings and it will be taken under advisement.

The record notes the Elected Auditors met on Thursday, June 24, 2021 at 6 PM at the Township building. No official decisions were made and no action was taken by the Board of Auditors at this meeting in order to gather additional information and to consult with the Township solicitor to make a more informed decision at a future meeting. The Elected Auditors met again at the Township building on Monday, June 28, 2021 at 1:00 PM when the Board of Auditors reviewed and took action to clarify wages for supervisors working as full and part-time employees of the Township.

Notification for the first meeting was published in the News Sun and Perry County Times on May 23 and the Duncannon Record on June 24, 2021. Notification for the second meeting was published in the Patriot News, Sunday edition on June 27, 2021. Proof of publication for both meetings is on file in the Township office.

**ADJOURNMENT:** With no further business before the Board, Chairman Sabo adjourned the meeting at approximately 8:35 PM.

Respectfully submitted,

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Daisy Lightner, Secretary/Treasurer