

**RYE TOWNSHIP
SUPERVISORS' MEETING
January 28, 2008**

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PRESENT: Chairman Ron Evans, Vice-Chairman Robert Lightner, Supervisor, Sharon Cole Engdahl, Daisy Lightner, Secretary/Treasurer, Ron Cree, Zoning Officer, Dan Heacock, Peggy and Sean Fedder, John Smith, Jean Snyder, Joe Daubenspeck, Jim Sabo, Don Wood, Flo Pinci, Gary Roth, Joe Elias of the Duncannon Record and P. Richard Wagner, Solicitor.
Former Supervisors present: Phyllis Page

The meeting was held at the municipal building and called to order at 7:30 PM. Chairman Ron Evans convened the meeting with the pledge of allegiance to the flag. The meeting was tape recorded to aid with the preparation of minutes. Supervisor Cole Engdahl notified the Board that she would be tape recording the meeting also.

CITIZEN PARTICIPATION: Chairman Evans welcomed everyone and asked if there was any citizen participation. No citizen participation was offered.

APPROVAL OF THE MINUTES: Evans made a motion and Cole Engdahl seconded to approve the minutes of the December 17, 2007 supervisors' meeting as submitted. Motion carried. Lightner abstained since he was not involved as a supervisor in December.

Lightner made a motion and Evans seconded to approve the minutes of the January 7, 2008 supervisors' meeting as submitted. Motion carried. Cole Engdahl opposed.

Lightner made a motion and Evans seconded to approve the minutes of the January 7, 2008 special meeting as submitted. Cole Engdahl opposed. Cole Engdahl commented on a section of the minutes regarding the amount of time allotted for carry over of vacation, the dates listed on the upper section of each page, and further disagreed with the procedure for Supervisor Lightner in handling the conflict of interest with his wife as the Secretary/Treasurer. Chairman Evans called for a vote on the motion. Lightner voted, "aye." Evans, "aye". Cole, "no".

MONTHLY MUNICIPAL REPORTS: Corporal Clint Shoop submitted copies to the Board and Public Safety Superintendent Lightner read the December Police Report as follows: 49.7 gallons of fuel used, drove 880 miles, worked a total of 157 hours, 15 incidents. Total fines collected from the District Justice were \$ 138.94.

The purchase of a new computer for the police was discussed. Cole Engdahl made a motion and Lightner seconded to purchase a new computer tower for the police department at an approximate cost of \$400.00 plus charges for installation by Bob Bishard. Motion carried unanimously.

Public Safety Superintendent Lightner updated the Board regarding the Police Standard Operations Manual. Lightner said he has reviewed some of the manual. However, there are numerous mistakes and corrections needed. Lightner made a motion and Evans seconded to allow for a more thorough review; motion carried unanimously.

The January Zoning Report was submitted by Zoning Officer, Ron Cree. and available for review. Zoning Officer, Cree read the report as follows: twenty six (26) complaints, four (4) zoning permits, 4 certificates of use, mileage reimbursement for 172 miles, \$150.00 in fees were collected.

No Sewage Report was offered. Due to this being the slow season with little activity to report, SEO Higgins will provide a two month report for the February meeting.

The January Road Report was submitted by Brad Sloop, road foreman. Chairman Evans read a portion of the report and placed it on the table for review. The road crew has been busy with winter maintenance, equipment repair and maintenance and some minor building repairs.

Cole Engdahl asked about the "Crime Watch" signs. The Secretary/Treasurer said she would check with Chemung Supply about the order.

The Recreation Board report was presented by Dan Heacock. Heacock announced the following upcoming events:

March 15- Breakfast with the Easter Bunny

March 15-11:00 AM, Easter Egg Hunt at the New Valley Road Park

May 10 - 9-11:00 AM, Fishing Derby; children up to age 12 years

July 25 - Pool Party at Marysville Pool

October 6 – Ice Cream Social

More details will follow later on the summer and fall events.

With the weather being colder in the fall, Phyllis Page of 165 Mountain Road asked why the Ice Cream Social was changed to October from August. Heacock said he would bring this concern to the Board.

No Emergency Management Report was presented.

The December 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 auditors' approval. The Secretary/Treasurer said Smith, Elliott, and Kearns, LLC were here on January 21 and 22 to conduct the 2007 Financial audit. A representative from the firm will be attending the April meeting to present their report.

Cole Engdahl asked about the PEMA/FEMA flood reimbursement. The Secretary/Treasurer was in contact with them and the reimbursement is expected to be electronically transferred the beginning of February.

ORDINANCE: Proof of publication is on file for Ordinance 08-01. Lightner made a motion and Cole Engdahl seconded to adopt Ordinance 08-01 amending Ordinance 90-1, relating to garbage and refuse collection, by repealing certain penalty provisions and adding a civil penalty provision. Motion carried unanimously.

LEGAL BUSINESS: Donald Woods, owner of 1790 New Valley Road property, known as the former Fry's Savage Yard, was present and approached the Board to request they not take action on the junkyard/repair shop license application until the February 25, 2008 meeting, because a personal hardship with his son's house fire hindered him from resolving the tire, fence, and other non-compliance issues at the said property.

Cole Engdahl made a motion and Lightner seconded to table any action on the 1790 New Valley Road junkyard/repair shop license application until the February 25, 2008 meeting to allow Mr. Woods additional time to resolve the outstanding issues and bring the property into compliance. Motion carried unanimously.

Mr. Woods thanked the Board.

Solicitor Wagner discussed the definition of paving relative to the updates for the Zoning Ordinance regarding driveways. Lightner requested the Planning Commission members look at and insert a definition for paving as part of the Zoning Ordinance updates. Solicitor Wagner advised the definition for paving be consistent and uniform in the SDDL Ordinance and the Zoning Ordinance and any other ordinances.

Referring to a home approximately three years old, Cole Engdahl asked if local ordinances require a time period that grass must be planted around a new dwelling.

Discussion ensued. Lightner said soil erosion control must be implemented. Solicitor Wagner suggested the Planning Commission address this concern also.

Additional discussion continued on the requirements for paving of new or improved driveways as regulated in the current Zoning Ordinance. The word "improved" needs clarification. The solicitor suggested the Board request the Planning Commission review all ordinances for consistency and uniformity regarding pavement of driveways.

Lightner clarified that the Zoning Ordinance does not require the paving of driveways in all zoning districts.

Solicitor Wagner advised the Board that they are obligated to reveal the following in regards to an executive session:

1. Announce that the Board is recessing to executive session and the general issue
2. Discussion in executive session:
 - a. Personnel issues
 - b. Legal issues
3. Vote publicly with a motion- no discussion on the issue voted upon is required
4. If no vote is required, then the Board is not obligated to reveal the nature of the discussion to the public. It would defeat the purpose of the executive session.

The Board discussed a recent situation where a tree was leaning on Embarq telephone lines. Embarq was notified, came out to look at the situation, and refused to cut down the tree even though it was a safety concern. The Board is concerned that if the Township decides for safety reasons to remove a downed tree or limb and fiber optic lines are torn down with the tree removal, the Township wants to know how to handle the situation so they are not held financially responsible for the damage to the wires. Discussion ensued.

Solicitor Wagner said each situation must be evaluated on a case by case analysis of where the tree was before it became uprooted. Wagner said if the tree is not on Township property, it is not necessarily the Township's responsibility to remove it even though it may be a dangerous situation.

Solicitor Wagner explained the following:

1. If the Board undertakes a duty where there is no duty on the Township that makes the Township responsible for any harm caused or damage by the duty undertaken.
2. The Township cannot say to Embarq that we will do your job, but if there is damage, the Township will not be held responsible. The Township cannot avoid the responsibility simply by declaring it.
3. If the tree goes across the Township's roadway and obstructs the roadway, the Township is obligated to take it down.

For the future, Solicitor Wagner advised that you may want to send a certified letter to Embarq indicating what happened with this incident and that you want a policy indication from them for the future.

Solicitor Wagner reviewed and approved of a December 11, 2007 certified letter sent to Roger Barrick notifying him of a Zoning violation. Zoning Officer Cree said there has been no response from Mr. Barrick and asked how to proceed.

Solicitor Wagner advised the following:

1. Specifically give certified notice of the violation to the owner or owner(s)

2. Determine the owner or owner(s) from the Perry County tax office
3. Provide a copy of the Ordinance in violation with the notice letter
4. Provide a time period for compliance

OLD BUSINESS: The Board is in receipt of two letters of interest to fill the vacancy on the Planning Commission-one from Jim Sabo and one from Camille Otto. Discussion ensued. The Board agrees that both individuals would be assets to the Commission. Upon due consideration, Lightner made a motion and Cole Engdahl seconded to appoint Camille Otto to fill the remainder of Charley Kunkle's term on the Planning Commission and Jim Sabo to be retained as an alternate member with the idea that the alternate would be appointed when the next vacancy occurs. Motion carried unanimously.

The Secretary/Treasurer was asked to send a letter of notification to Camille and Jim.

Evans made a motion and Cole Engdahl seconded to hire Kurt Matter to mow the New Valley Road park for 2008 at a rate of \$90.00 per mowing. Motion carried unanimously.

Cole Engdahl made a motion and Evans seconded to retain Ken Snyder to mow Oak Grove Cemetery for 2008 at a rate of \$100.00 per mowing. Motion carried unanimously.

Chairman Evans noted that the elected auditors met on January 9, 2008 to organize and they set the wages for supervisors working as employees at \$12.60 for skilled and \$11.65 for unskilled.

NEW BUSINESS: Upon due consideration and review by the Solicitor, Cole Engdahl made a motion and Lightner seconded to approve and sign the Shermans Dale Fire Company contract for the year 2008. Motion carried unanimously.

Lightner as the Solid Waste Superintendent discussed the lack of compliance with the Refuse regulations in particular, the weight of bags placed out for collection and the number of the bags placed out for collection. Lightner proposed sending a separate bulk mailing to notify the residents of the collection concerns.

Additionally, Lightner expressed concern with the future of Rye Township continuing to operate and provide residents with their own trash service. Discussion ensued.

Lightner made a motion and Cole Engdahl seconded to hold a special trash advisory meeting on Monday, March 31st at 7:30 PM. Motion carried unanimously.

Supervisor Lightner discussed a parcel of property for sale at 1860 Valley Road of approximately 4.6 acres, owned by Ruth Shover Gingrich. Lightner thought perhaps the Township could consider the purchase of this property for use in the future as either a sewage disposal site or for future recreational purposes.

Zoning Officer Ron Cree, Dan Heacock and Supervisor Cole Engdahl offered that they were interested in serving on a committee to discuss future land purchases.

Discussion ensued.

Solicitor Wagner further suggested when considering a future land purchase that the Board check with the tax assessment office for the value of the parcel since property is currently taxed on 100% Fair Market Value (FMV). He further suggested the engineer determine if the land under consideration is a suitable site for a future sewage disposal system.

Supervisor Lightner requested the Secretary contact Rettew to set up a meeting for possibly Friday to discuss this.

Recreation Board member Dan Heacock offered that he will be attending a DCNR seminar on February 5, 2008 on how to acquire grant monies for land acquisition.

Jim Sabo of 100 Willow Street expressed concern that the purchase of additional land would create additional expense for taxpayers and asked the Board to keep this in mind.

Phyllis Page of 165 Mountain Road said she would like to see the Board beginning to designate monies for future land purchases. Supervisor Lightner agreed and said the Township has two certificates of deposit designated for future land purchases.

A request for hearing impaired child signs was received from the Henry Lehman, Jr. family of Sites Circle. Cole Engdahl made a motion and Lightner seconded to purchase two (2) hearing impaired child signs for installation at both entrances on to Site Circle. Motion carried unanimously. Supervisor Cole Engdahl asked the Secretary/Treasurer to check on the status of the order of Crime Watch signs.

Chairman Evans announced that the office would be closed for Presidents' Day on Monday, February 18, 2008 and trash would be collected on Tuesday, February 19, 2008.

The Zoning Hearing Board will meet to organize on Thursday, January 31, 2008 at 7:00 PM at the Township building. The public is invited to attend.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a January 8 to January 28, 2008 expense check register and submitted the following checks for approval and payment: General Fund Checks # 11244-11269 in the amount of \$7,446.35. Void check #s 11070 issued to the Marysville Ambulance Association in the amount of \$52.51. The check was lost in the mail. Total expenses for the entire month of January were \$17,437.91.

Payroll checks #s 5034-5054 in the amount of \$5,598.86. No payroll checks void.

Payroll checks #s 5055-5067 in the amount of \$5,501.47. No payroll checks void.

Cole Engdahl asked about check number 11256 issued to the Pennsylvania DUI Association. The Secretary/Treasurer said this is for payment of a seminar for the police officer. Cole Engdahl asked why there are two checks for fuel: one issued to Leffler Energy and one issued to Shipley Energy. The Secretary/Treasurer said one is for purchase of diesel fuel the other one is for purchase of heating oil.

With no further discussion, Evans made a motion & Cole Engdahl seconded to approve the checks & pay the bills. Motion carried. Lightner abstained, because some of the payroll checks were issued before he was officially a supervisor.

CITIZEN PARTICIPATION: Dan Heacock of 1870 New Valley Road asked the Board for approval to consider planting trees or placing boulders to block vehicles from driving through the area located between the gravel parking lot beside the Township building and the New Valley Road Park and causing further damage. Heacock referred to a recent incident where a truck drove into this area from the parking lot causing ruts and damage. Supervisor Lightner said as long as the Community Association as the owner of the property is made aware of this and it meets with their approval. This was the consensus of the Board.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Cole Engdahl made a motion and Lightner seconded to adjourn the meeting at 8:51 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer