

**RYE TOWNSHIP
SUPERVISORS' MEETING
January 23, 2012**

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PRESENT: Chairman Robert Lightner, Vice-Chairman Ken Quigley, Supervisor Ron Cree, Daisy Lightner, Secretary/ Treasurer, Nancy Sunday, Jean Snyder, Benjamin Kirk of Burget Associates, Luke Roman of the Duncannon Record, Jessica Spajcar of the Patriot News, 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 at this time. None was offered.

APPROVAL OF THE MINUTES: Supervisor Quigley made a motion and Chairman Lightner seconded to approve the minutes of the December 19, 2011 supervisors' meeting as submitted. Motion carried. Supervisor Cree abstained from the motion since he recently assumed the office of Supervisor on January 3, 2012.

Supervisor Quigley made a motion and Supervisor Cree seconded to approve the minutes of the January 3, 2012 Organization meeting as submitted; motion carried unanimously.

SUBDIVISION PLANS: Benjamin Kirk of Burget Associates was in attendance to present for preliminary approval the revised James Corl and William Dittmar - Residual Lands- Preliminary Minor Subdivision Plan. The tracts are located in the northwestern area of Rye Township along Pine Hill Road in Carroll and Rye Townships. The purpose of this plan is to subdivide and reconfigure multiple tracts of land creating nine (9) single family dwelling building lots, (3 in Carroll, 6 in Rye Township). Two (2) lots (Lot 1 and Lot 3 are within Rye Township) were created by prior plan, Plan Book 60, Page 154. The said plan was conditionally approved by the Rye Township Planning Commission at their September 6, 2011 meeting. All engineering and filing fees were paid in full.

Mr. Kirk approached the Board to review the Corl/Dittmar Residual Lands Plan. He explained that during the final review by Carroll Township additional notes and minor revisions were made to the plan:

1. The pan handle area previously located on Lot 3I, which area included the R-O-W was eliminated. The area is now added to Lot 3H and shown as a R-O-W over Lot 3H.
 2. Several notes were added to the cover sheet relating to driveway improvements
- The Board reviewed the conditions recommended by the Planning Commission as follows:

1. Approval of the Sewage Module from DEP
An October 19, 2011 Exemption from Sewage Facilities planning letter was received. APS ID NO. 761711. DEP CoDNo. A3-50922-130-2E
2. Approval of an NPDES permit from DEP
A January 5, 2012 approval letter from the Perry County Conservation District was received: Application # PAG02 0350 11 008

3. Approval of a recordable ownership and maintenance agreements for all permanent and temporary stormwater management facilities and erosion control facilities, easements and private road maintenance.
The Solicitor reviewed the agreement and offered the following:
 - a. *Identify in writing Michael Worthy and his role in this development because Mr. Worthy is a client with Solicitor Wagner's firm.*Mr. Kirk explained that Carroll Township's Solicitor William Dissinger will be providing additional comments and revisions to the agreements. Mr. Kirk indicated he would send the revised agreements to Solicitor Wagner for final review and approval. Solicitor Wagner acknowledged and agreed to a final review.
4. Approval of a guaranty agreement between the Owner(s) and Rye Township assuring the Developer will be responsible for proper construction of all stormwater management facilities and erosion control facilities.
The Solicitor reviewed the agreement and offered the following:
 - a. *Identify in writing Michael Worthy and his role in this development because Mr. Worthy is a client with Solicitor Wagner's firm.*
5. Addition of the required site distance for all driveways
Plan was reviewed and the required site distances for the driveways could not be located.
6. Additional note on the cover sheet that Lot #5 is an existing lot.
Blocks on the Cover sheet page 1 indicate Lot #5 is an existing lot.
7. Trim the Building Set Back lines,(BSL) out of the non-buildable areas, wetlands, steep slopes etc.
The Board could not find that this condition involving the BSLines was met.

Upon due consideration and review, Vice-Chairman Quigley made a motion with a second from Supervisor Cree to approve the James Corl and William Dittmar - Residual Lands- Preliminary Minor Subdivision Plan conditional upon the following:

1. Identify in writing Michael L. Worthy and his role in this development
2. Review and approval by Solicitor Wagner of additional comments/revisions from Carroll Township's solicitor for the Stormwater Easement and Maintenance Declaration Agreement.
3. Review and approval by Solicitor Wagner of the Easement and Road Maintenance Declaration Agreement.
4. Confirm that sight distances for all driveways were labeled on the plan
5. Confirm that the BSLines were trimmed out of the non-buildable areas

The original plan remained with Rye Township for signatures until all of the above conditions are satisfactorily met.

Mr. Kirk thanked the Board and left the meeting at this time.

MONTHLY MUNICIPAL REPORTS: No Code Enforcement Report was presented because the office is currently vacant at this time.

A Sewage Enforcement Report was submitted by Mike Higgins listing one (1) activity, an on-site inspection relating to an enforcement issue with a total due in fees of \$50.00.

The Road Report was provided by Road Foreman Brad Sloop and read by Road Superintendent Ken Quigley. Most of the work completed involved either winter maintenance or repair of equipment, and chipping of brush. Supervisor Quigley noted that the upper dirt section of Millers Gap Road was shaled by Kitner Bros in mid December and the road crew recently completed additional shaping and grading on this dirt section of the roadway.

Nancy Sunday of the Recreation Board was present to provide a report for January. The following events are tentatively being planned for the year 2012:

- ◆ Easter Egg Hunt March 31st @ 11:00 AM; Rain date of April 1st
- ◆ Gardening Day To be scheduled
- ◆ Fishing Derby May 19th, 9:00 AM at the Sportsmen's Association
- ◆ Strawberry Festival June 3rd
- ◆ Pool Party To be scheduled

The Recreation Board will confirm all dates to the Secretary/Treasurer to advertise the upcoming events in the Spring Newsletter and on the website.

Chairman Lightner requested the Recreation Board consider participation at the Second Annual Pig Roast sponsored by the Marysville Moose and scheduled for September 29th at the Marysville Lions Club. Participation could include a table and/or a game such as a dunk tank or face painting etc. Nancy indicated she would talk with the Board members at the next Recreation Board meeting on February 13th.

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 the auditors' approval. The Secretary/Treasurer noted the independent auditors will be in the week of February 13, 2012 to conduct the financial audit for the year ending December 31, 2011.

LEGAL BUSINESS: The Planning Commission requested Solicitor Wagner's review and advice to determine if a variance is required to build on a 7.5 acre tract of undeveloped woodlands addressed as 475 Mountain Road when the current zoning regulations for Conservation Forest require a minimum lot size of 10 acres. Solicitor Wagner advised that a variance is not required to develop and build on this lot. It would be considered a non-conforming use. However, provisions of the Zoning Ordinance do require the owner to register the lot as a non-conforming lot.

Chairman Lightner asked the Solicitor if the Board would be permitted to donate the unleaded gasoline in the underground storage tank to the PA State Police. Solicitor Wagner said he does not have a problem with the Township donating the gasoline for a public use such as the Pennsylvania State Police.

Upon due consideration Chairman Lightner made a motion to donate the approximately 400+ gallons of unleaded gasoline in the Township's underground storage tank to the Pennsylvania State Police. The Secretary/Treasurer was directed to contact Sergeant Ringer. Vice-Chairman Quigley seconded. Motion carried unanimously.

Chairman Lightner discussed a complaint received from a resident who lives along a private drive known as Kemrer Drive. The resident reported that another resident is throwing their coal ashes out on to the surface of the private drive. Solicitor Wagner advised the Township has no jurisdiction in this matter. This is a civil matter. The Secretary/Treasurer offered that she suggested they contact PA DEP.

Supervisor Cree asked Solicitor Wagner about harassing emails received by the Township office. Solicitor Wagner advised contacting the Pennsylvania State Police.

With no further legal business on the agenda, Solicitor Wagner left the meeting early to go home to care for his wife who recently had surgery.

OLD BUSINESS: Upon due consideration and review, Chairman Lightner made a motion to accept the Pine Hill Bridge Replacement Technical and Price Proposal for Engineering Services; Supervisor Cree seconded. Motion carried. Supervisor Quigley abstained stating there may be a potential conflict of interest because he works part time as a consultant for the engineering firms of McCormick Taylor and Wilson Consulting.

NEW BUSINESS: Vice-Chairman Quigley made a motion and Supervisor Cree seconded to approve and sign the 2012 contract for fire protection services with Shermans Dale Fire Company. Motion carried unanimously. The agreement was signed by the Board.

Chairman Lightner made a motion with a second from Supervisor Cree to participate in the 2012-2013 Capital Region Council of Governments Bid. Motion carried unanimously. The bid saved the Township advertising costs and additional savings on the purchase of stone and antiskid in 2011.

The minutes of the Elected Auditors' January 5, 2012 Organization meeting were approved as submitted and placed on the front table for anyone interested to review. Chairman Lightner noted that in compliance with the Second Class Township Code, the Elected Auditors set the compensation for supervisors who may work as employees of the Township at the rate \$11.85 for unskilled laborers and \$12.60 per hour for skilled, (CDL) laborers. Currently, no supervisor is a regular employee of the Township.

Supervisor Quigley made a motion with a second from Supervisor Cree to authorize the Secretary/Treasurer to advertise the sale of 1987 John Deere backhoe for sale: "As Is." "Where Is." in the Duncannon Record with a minimum bid of \$1,800.00 with bids due at the February 27, 2012 supervisors' meeting. Motion carried unanimously.

Supervisor Cree made a motion with a second from Supervisor Quigley to sign the two year Election rental agreement as proposed from the Perry County Commissioners at the rental cost of \$100.00 per election for use of the municipal building. Motion carried unanimously.

Supervisor Cree made a motion with a second from Chairman Lightner to appoint Rebecca Sneed to the Marysville/Rye Library Board. Motion carried. Supervisor Quigley abstained due to a potential conflict of interest. His wife Denby Quigley is the President of the Marysville/Rye Library Board.

Chairman Lightner announced that the office would be closed for Presidents' Day on February 20, 2012 with no change in trash collection.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a January 4 to January 23, 2012 expense check register and submitted the following checks for approval and payment: General Fund Check's #s 13379-13393 in the amount of \$12,558.94. No checks void.

Payroll checks #s 6150-6156 in the amount of \$3,638.33. No payroll checks void.

With no further discussion on the bills presented, Supervisor Cree made a motion & Supervisor Quigley seconded to approve all the above listed checks & pay the bills. Motion carried unanimously.

CITIZEN PARTICIPATION: Jessica Spajcar of the Patriot News asked if Board members would allow her to take photographs of each of them for the newspaper's files. The Board members graciously agreed and photographs were taken of each Board member.

Luke Roman of the Duncannon Record asked a few questions relating to fire protection services.

EXECUTIVE SESSION: Chairman Lightner recessed the meeting to executive session to discuss personnel issues at 8:25 PM.

RECONVENE THE MEETING: Chairman Lightner reconvened the meeting at 9:02 PM. He offered that the Board discussed personnel issues.

ADJOURNMENT OF THE MEETING: There being no further discussion or business before the Board, Supervisor Quigley made a motion and Supervisor Cree seconded to adjourn the meeting at 9:03 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer