

**RYE TOWNSHIP
SUPERVISORS' MEETING
February 27, 2012**

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PRESENT: Chairman Robert Lightner, Vice-Chairman, Ken Quigley, Supervisor Ron Cree, Daisy Lightner, Secretary/ Treasurer, Jean Snyder, Sean Fedder, Linda Ekelman, Elwood Brubeck, James Hawk, Tamara S. Matter, Gary Roth and 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 Robert 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; and she placed her recorder on the front table visible for all to see.

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

APPROVAL OF THE MINUTES: Supervisor Quigley made a motion to approve the minutes of the January 23, 2012 supervisors' meeting. Supervisor Cree seconded; Motion carried unanimously.

Supervisor Cree made a motion to approve the February 10, 2012 special meeting minutes as submitted; Supervisor Quigley seconded; motion carried unanimously.

OPEN/AWARD BID: Proof of publication is on file for the sale of the 1987 John Deere backhoe. The Secretary/Treasurer opened the nine (9) sealed bids received and Chairman Lightner read them as follows:

BIDDER	BID
1. Goshorn & Sons, Newport, PA	\$3,621.15
2. Charles A. Weibley, Sr., Marysville, PA	\$2,250.03
3. George Feltenberger, Marysville, PA	\$3,005.01
4. Centre RV, Bellefonte, PA	\$2,302.01
5. Devino Trucks & Parts, Newark, NJ	\$2,222.00
6. Ken Gabner, Marysville, PA	\$2,079.87
7. Edward Jones	\$3,255.00
8. Charles Wolfe, Jr.	\$2,666.01
9. Michael Jones, Jones Construction	\$3,000.00

Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to award the bid for the sale of the 1987 John Deere backhoe to the highest bidder, Goshorn and Sons of Newport, PA at \$3,621.15. Motion carried unanimously.

MONTHLY MUNICIPAL REPORTS: No Code Enforcement Report was presented because the office is currently vacant at this time. 2011 was the slowest year recorded for permit activity.

A Sewage Enforcement Report was submitted by SEO Mike Higgins listing three, (3) activities, a permit for the Sites family; perks and probes for C. E. Sunday with a total due in fees of \$605.00.

The Road Report was provided by Road Foreman Brad Sloop and read by Road Superintendent Ken Quigley. The winter has been fortunately mild with only a few incidents of snow removal. Limbs were trimmed on several Township roads, a ditch along Lambs Gap Road was cleaned and repaired and maintenance was completed on the ultra violet water treatment system in the Township building.

Tamara Matter of the Recreation Board was present to provide a report for February. She mentioned a safety concern with the one dug out at the ball park. Chairman Lightner offered that Supervisor Cree recently met with Mike Speck, who looked at the dugout and will provide the Township with an estimate for repair. The following events are scheduled for the year 2012:

- ◆ Easter Egg Hunt March 31st Rain date of April 1st
- ◆ Fishing Derby May 19th , 9:00 AM at the Sportsmen's Association in Marysville

No Emergency Management report was provided.

The January Treasurer's Report was submitted for public review and read by the Secretary/Treasurer & with no discussion was accepted as read pending the final approval of the independent auditors.

The Secretary/Treasurer noted that the independent auditing firm of Smith, Elliott, and Kearns, (SEK) conducted the 2011 annual financial audit on Monday, February 13 and Tuesday, February 14. It is anticipated that the CPA from SEK & Co will be here at the April public meeting to provide a summary of their audit report.

The Elected Auditors submitted their 2011 Annual Tax Collector's Audit Report with no findings. They reported impeccable record keeping by Mr. Humbert. The one page audit report was placed on the front table for public review.

LEGAL BUSINESS: Solicitor Wagner reviewed and approved the standard engineering agreement proposed by Wilson Consulting for the replacement of Pine Hill Road bridge. He offered that this agreement commits the Township to approximately \$30,000 or 20% of the overall maximum engineering costs of \$172,479.88 for the bridge replacement. The record notes that the Technical Price Proposal prepared by PennDot, which is a part of this agreement, was previously approved at the February 10, 2012 special supervisors' meeting.

Upon due consideration, Chairman Lightner made a motion with a second from Supervisor Cree to approve and sign the engineering agreement with Wilson Consulting for the Pine Hill Road bridge replacement. Motion carried. Supervisor Quigley abstained from the vote because of a conflict of interest stating he works part time as a consultant at Wilson Consulting. Chairman Lightner signed the engineering agreement on behalf of the Board.

As requested at the January Supervisors' meeting relating to the final review of the Dittmar/Corl agreements, Solicitor Wagner reported that he received clarification for the role of Michael Worthy as a previous property owner of the tract of ground who is no longer involved. Therefore, Solicitor Wagner approved the agreements presented for the Dittmar/Corl-Residual Lands Preliminary Subdivision Plan.

A question was raised as to the current status of a subdivision plan that received a conditional preliminary plan approval in March of 2009. The conditions were not met, no further action has been taken, and the preliminary plan was never signed by the Board. Solicitor Wagner commented that if the conditions are not met, then the plan is not approved. If the plan is not approved, then the plan is subject to any new conditions in the law, ie zoning, subdivision that have occurred since that time. When conditions are not met, that is tantamount to a rejection.

Solicitor Wagner advised for the future that the Planning Commission consider recommending a time limit to meet conditions when a conditional approval is granted for a plan.

RESOLUTIONS: Supervisor Quigley made a motion and Supervisor Cree seconded to approve **Resolution 12-05**, which authorizes the Secretary/Treasurer to transfer two matured Certificates of Deposit at the Bank of Landisburg from the Capital Reserve Fund to the General Fund as follows: (1) one to the General Savings at the Bank of Landisburg and (1) one to the General Checking at the Marysville Bank. Motion carried unanimously.

SUBDIVISION LAND DEVELOPMENT PLAN: Benjamin Kirk of Burget Associates stopped by the meeting to provide a check in the amount of \$156.25 for the legal fees for the review of the agreements for the Dittmar/Corl Preliminary Minor Subdivision Plan. With the outstanding invoice paid, Chairman Lightner agreed to sign the said Mylar plan. The plan was left with the Township for the Chairman of the Planning Commission to sign.

EXECUTIVE SESSION: Chairman Lightner recessed the meeting to Executive Session at 8:04 PM for personnel reasons.

Several in attendance left the meeting at this time.

RECONVENE MEETING: Chairman Lightner reconvened the meeting at 8:25 PM stating the Board conducted a job interview for the Zoning/Code Enforcement Officer position.

Upon due consideration, Supervisor Cree made a motion with a second from Supervisor Quigley to appoint **James Hawk as the Zoning/Code Enforcement Officer** effective as of March 3, 2012 with the salary established by previously approved Resolution 11-20. Motion carried unanimously. Mileage is paid as established at the Organization meeting currently at \$.555 cents per mile. No mileage is paid to drive to the Township office.

NEW BUSINESS: Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to approve a simple contract for mowing of **Oak Grove Cemetery** with Ken Snyder of Rye Township at the cost of \$120.00 per mowing; \$110 for debris and limb removal with the maximum of 11 mowings. An increase was approved due to the higher costs of gasoline. Motion carried unanimously.

Discussion ensued regarding participation and the amount estimated for purchase with the **Costars Piggyback Bulk salt contract**. Supervisor Quigley made a motion for Rye Township to participate in the **bulk salt contract** from August 2012 to July 2013 for **80 tons**. Supervisor Cree seconded. Motion carried unanimously. The Township would then be obligated to purchase 60% of the contract or 48 tons. The Secretary/Treasurer will submit the proposal electronically prior to the March 15th deadline.

The existing cable franchise agreement with Blue Ridge Communications expires on April 26, 2012. Upon due consideration and discussion, Supervisor Quigley made a motion with a second from Supervisor Cree to **renew the franchise agreement between Blue Ridge Communications and Rye Township for two (2) years with the total fees due annually in the amount of \$1,500.00 with the following revisions:**

- a. Page 2, number 4.4 add: *Provide, replace and/or repair of one (1) BRC modem necessary to provide high speed cable internet service to the Township office at no cost*
- b. Page 3, number 13 revised to read: *Blue Ridge Communications or their approved contractors(s) shall make application to the "Municipality" for proper permits to open or cut or drill under any public street or private drive or install any pole.....*
- c. Page 3, number 15. Extend the time period of the contract from one year to two (2) years. Motion carried unanimously. Two originals of the contract were executed. The Secretary/Treasurer indicated she would notify Blue Ridge Communications.

Supervisor Quigley made a motion with a second from Supervisor Cree to authorize the Secretary/ Treasurer to send out **RFPs for Spring Clean up** to be held on Friday, May 4 and Saturday, May 5th, 2012 for review and acceptance at the March supervisors' meeting. Motion carried unanimously.

The Road Department Union Contract expires the end of this year December 31, 2012. Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to appoint **Robert Lightner as the representative from the Board** to handle road crew union contract negotiations with the Teamsters Local 776. Motion carried unanimously. Solicitor Wagner noted that even though one member of the Board is appointed to handle the negotiations, the final contract must be approved by the majority vote of the Board of Supervisors at a public meeting.

Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to appoint John Madden of **Madden Engineering as Township engineer** effective March 1, 2012. Motion carried unanimously.

Supervisor Cree made a motion with a second from Supervisor Quigley to appoint **Madden Engineering** to provide **sewage enforcement services** in combination with their appointment as the Township engineer effective March 1, 2012. Leonard Sizer will be listed as the sewage enforcement officer and John Madden as the alternate sewage enforcement officer. Motion carried unanimously.

Chairman Lightner made a motion with a second from Supervisor Quigley to no longer utilize Mike Higgin's sewage enforcement services because the Board is combining the engineering services together with the sewage enforcement services for the Township. Motion carried unanimously.

Chairman Lightner made a motion to regretfully accept the **resignation of Holly Bryzki** from the Recreation Board due to time restraints; Supervisor Quigley seconded the motion. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Cree seconded to appoint **Supervisor Robert Lightner** on the Recreation Board to fill the vacancy left with the resignation of Holly Bryzki. Motion carried unanimously.

Solicitor Wagner left the meeting at this time.

Supervisor Quigley made a motion with a second from Supervisor Cree to approve an additional time extension for the Board to take action on the **Richard and Marsha Albright Final Minor Subdivision Land Development Plan** to the May 21, 2012 Supervisors' meeting to allow time to gain approval and receive an NPDES permit from DEP. Motion carried unanimously.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a February expense check register and submitted the following checks for approval, signature and payment: General Fund Check #s 13410-13427 in the amount of \$18,253.94. No checks void.

Payroll checks #s 6165-6172 in the amount of \$4,202.73. No payroll checks void.

Payroll checks #s 6173-6180 in the amount of \$3,994.92. No payroll checks void.

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

CITIZEN PARTICIPATION: Phyllis Page of Mountain Road asked the status of the arbitration for the former police officer. Chairman Lightner offered that labor counsel anticipated hearing from the arbitrator regarding the settlement in the very near future.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Chairman Lightner made a motion and Supervisor Quigley seconded to adjourn the meeting at 8:52 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer