

**RYE TOWNSHIP
SUPERVISORS' MEETING
January 28, 2013**

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PRESENT: Chairman Robert Lightner, Vice-Chairman Ken Quigley, Supervisor Ron Cree, Daisy Lightner, Secretary/Treasurer, James Hawk, Zoning Officer, Sean Fedder, Joe Burget of Burget Associates, Jim and Cathy Sabo, Linda Ekelman, Elwood H. Brubeck, Jr., John Smith, Gary Roth, Luke Roman of the Duncannon Record, and P. Richard Wagner, Esquire.

The meeting was held at the municipal building and called to order at 7:00 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 Supervisor Cree seconded to approve the minutes of the December 17, 2012 supervisors' meeting as submitted. Motion carried unanimously.

Supervisor Cree made a motion and Supervisor Quigley seconded to approve the minutes of the January 7, 2013 Organization meeting as submitted; motion carried unanimously.

Supervisor Quigley made a motion with a second from Chairman Lightner to approve the January 11, 2013 interim workshop meeting minutes as submitted. Motion carried unanimously.

PERSON TO BE HEARD: Joe Burget of Burget Associates was in attendance to discuss the Preliminary Plan for Barlup and Barlup, which previously received conditional approval by the Board of Supervisors on March 23, 2009. However, the conditions were not met and the plan was never signed by the Board of Supervisors. The proposed subdivision is located in the 2700 Block of SR 850. The Barlup and Barlup Plan proposes the subdivision and land development of the residual lot from the former Sherwood Acres Farm of approximately forty (40) acres into three single family residential building lots. The Preliminary Plan was submitted to the Rye Township Planning Commission and was conditionally approved at the January 6, 2009 meeting. Perry County Planning Comments were received and addressed. Rettew, the Township engineer at the time, reviewed the plan. All engineering and filing fees were paid to date.

Solicitor Wagner offered upfront as a matter of public record that Randy and Rita Barlup are in the process of a divorce. He is representing Rita Barlup. That being said Solicitor Wagner stated generically that the State Municipal Planning Code allows for five (5) years from the date of the conditional approval of a plan for the applicant to commence and to complete the conditions. If they are not commenced and completed, then the plan will fall under any amendments to the Ordinances. The deadline for the Barlup and Barlup plan to meet all conditions and gain signatures denoting approval of the plan is March 23, 2014.

Discussion ensued on a request made to Madden Engineering by Burget for a consistency letter relating to stormwater for the same Barlup and Barlup Subdivision. Burget explained that the NPDES permit to DEP requires a consistency letter. Chairman Lightner noted that Madden previously represented the Barlups in 2009 and did not think it proper for him to provide the consistency letter. Solicitor Wagner advised that Madden Engineering cannot review or provide a consistency letter for the Barlup and Barlup Plan because of a conflict of interest.

The Board directed Joe Burget to contact Max Schradely of Rettew Associates for any reviews or letters required for the Barlup and Barlup Preliminary Plan or Final Plan.

As a matter of record, an excerpt of the March 23, 2009 minutes listing the conditions for approval for the Preliminary Barlup and Barlup Subdivision Land Development Plan is provided below:

Upon due consideration, Cole Engdahl made a motion and Lightner seconded to approve the Preliminary Barlup and Barlup Subdivision Land Development Plan contingent upon the following:

- 1. Relocate the proposed auxiliary spillway so that the water is conveyed into the ditch*
- 2. Verify that the conveyance capacity of the ditch is adequate to handle the overflow*
- 3. Prepare to post bond at 110% of the actual cost for construction of the proposed improvements*
- 4. Provide a waiver that the proposed private driveway is consistent with SALDO, Article 7. Design Standards, Section 716 D and not with SALDO, Article 7. Design Standards. Section 706C.*
- 5. Add a note on the plan referencing E & S plan provisions, (upon E & S plan approval) in regards to the maintenance of all the drainage facilities.*
- 6. Demarcation of an easement and inclusion of a note on the Plan granting access and egress to all present and future residents of 2755 Valley Road, situated immediately west of the access drive proposed to service the planned Barlup and Barlup subdivision.*

Motion carried.

All six conditions must be satisfactorily met before the said plan is deemed approved.

Joe Burget presented the Board a copy of a sketch plan of Lot 3I created by the Dittmar Corl Subdivision Land Development and located near 700 Pine Hill Road, which Burget recently purchased from Dittmar and Corl. Lot 3I, which contains 74.33 acres, is located mainly within Carroll Township. Burget indicated that he would like to subdivide ten (10) acres from the parcel. His concern is that Rye Township only permits three (3) residences to access from a private drive. There are already three (3) lots utilizing this private drive. However, Carroll Township allows four (4) residences to utilize the drive. There is an existing maintenance agreement between two of the current property owners.

Discussion ensued. The consensus of the Board was that since the lot is in Carroll Township and the private drive was permitted through Carroll Township, the Board would allow Carroll's Township's Ordinance to apply, with the submission of an alteration of requirements to Rye Township clearly stating the new lot created is within Carroll Township.

Burget indicated he plans to submit a subdivision plan for the above-mentioned parcel in the future. He thanked the Board for their time and left the meeting.

Linda Ekelman entered the meeting, notified the board that she would be tape recording the meeting, and placed her recorder on the front table.

MONTHLY MUNICIPAL REPORTS: James Hawk verbally reported that two (2) permits were issued in December: (1) for a shed and (1) for an addition for a total in fees due of \$110.00. Zoning Officer Hawk reported that building activities for the entire year of 2012 were slow. No new home permits were issued in 2012.

Chairman Lightner read the Sewage Enforcement Report submitted by Lenny Sizer of Madden Engineering listing one (1) activity: an on-site inspection relating to a septic repair on Trout Lane with a total due in fees of \$105.00.

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 with snow plowing or repair of equipment, and chipping of brush.

Chairman Lightner reported that the Recreation Board met to reorganize in January. The following events are tentatively being planned for the year 2013:

- ◆ Easter Egg Hunt March 23rd @ 11:00 AM; Rain date of March 24th
- ◆ Fishing Derby May 18th, 9:00 AM at the Sportsmen's Association
- ◆ Strawberry Festival To be scheduled

No Emergency Management report was presented. Assistant EMC Pete Fitting provided the Secretary/Treasurer with phone number updates to the Township's EOP.

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 independent auditors' approval. The Secretary/Treasurer noted the independent auditors will be here beginning on February 26, 2013 to conduct the financial audit for the year ending December 31, 2012.

LEGAL BUSINESS: Solicitor Wagner reviewed and approved a draft of the amended Junkyard Ordinance. Supervisor Quigley made a motion and Supervisor Cree seconded to authorize the Secretary/Treasurer to advertise the complete revision of all provisions of the Junkyard Ordinance for tentative adoption at the February 25, 2013 meeting. Motion carried unanimously.

Solicitor Wagner reviewed and approved a draft of a text amendment to the Subdivision Land Development Ordinance proposed by the Planning Commission. He advised that a public hearing must be held and the proposed amendment must also be submitted to the Perry County Planning Commission for comments at least thirty (30) days before the scheduled public hearing. The public hearing must be advertised for two successive weeks and may be scheduled prior to a regular supervisors' board meeting.

Supervisor Quigley made a motion and Supervisor Cree seconded to authorize the Secretary/Treasurer to send the proposed amendment to the Subdivision Land Development Ordinance to Perry County Planning for review and advertise as required by the Municipal Planning Code to proceed to adopt the recommended amendment. Motion carried unanimously.

Solicitor Wagner said he spoke again with the attorney regarding the recording of the corrected deed for a lot located on Lone Oak Drive. The corrective deed was recorded. Solicitor Wagner offered that the Secretary/Treasurer could contact the County Recorder's office with the parcel number of the lot and acquire a copy of the corrected deed.

Chairman Lightner reported that no further action has been taken by Robert or Tabatha Sultzaberger at 149 Fleisher Road in response to a November 15, 2012 denial letter of a zoning permit application for an addition to a garage, unfortunately constructed prior to approval of a zoning or construction permit. Discussion ensued. The Zoning Officer reported that Robert Sultzaberger contacted him via telephone in mid-December and offered that he was seeking legal counsel regarding the structure and the denial of the permit. The consensus of the Board was to grant the Sultzabergers an additional thirty (30) days to either appeal the denial or tear down and remove the structure. Solicitor Wagner advised to include that if the owners fail to respond they will be subject to civil and criminal penalties and fines.

Chairman Lightner asked the Solicitor how to handle a delinquent trash account that was partially paid per a judgment from the District Justice not including the costs of delinquent collection. Solicitor Wagner advised that Capital Tax Collection Bureau as the collection agency send a letter to the party explaining that they did not satisfy the judgment in full and give them ten (10) days to pay or they will be subject to a levy by the sheriff's department against their personal property to satisfy the judgment.

Chairman Lightner asked for advice relating to a situation involving the installation of a new modular home on Valley Road where the certificate of use was not issued by the zoning officer because they did not meet the requirement for the testing of an alternate septic site. The owners have moved into the home without the certificate of use. Supervisor Cree offered to contact SEO Sizer to check on the status of this situation.

The Board directed the Secretary/Treasurer to check with the independent auditors on procedures for reimbursement of expenses to Recreation Board members when the amount is substantial.

RESOLUTIONS: Supervisor Cree made a motion with a second from Supervisor Quigley to adopt **Resolution 13-06**, which designates that the Park and Recreation Board checking account number 020524 deposited at the Marysville Bank requires two signatures on the checks and approves the following to sign them: (1) from any one member of the Board of Supervisors or the Secretary/Treasurer and (1) from either the Chairperson or the Treasurer of the Recreation Board. Motion carried unanimously. The Secretary/Treasurer indicated she would proceed to acquire new signature cards for the account.

OLD BUSINESS: Proof of publication is on file for the Sewage Enforcement Fee Schedule Resolution 13-07. Supervisor Quigley made a motion with a second from Supervisor Cree to adopt **Resolution 13-07**, which establishes the Sewage Enforcement Fee Schedule for work performed by the currently appointed Township Sewage Enforcement Officer in Rye Township, Perry County effective immediately and each year thereafter until amended by resolution. Motion carried unanimously.

Chairman Lightner noted that in compliance with the Second Class Township Code, the Elected Auditors voted to retain the same compensation as 2012 for a supervisor who may work as an employee of the Township at the rate of \$11.85 for unskilled laborers and \$12.60 per hour for skilled,(CDL) laborers. Currently, no supervisor is a regular employee of the Township.

A request for proposal for drainage enhancement on Evergreen Drive was sent to Madden Engineering, the Township engineer, and a second cost comparison quote was also sent to Wilson Consulting Group. Upon due consideration, Supervisor Lightner made a motion with a second from Supervisor Cree to accept the proposal from Wilson Consulting Group in the amount of \$1,800.00. Motion carried with Supervisor Quigley abstaining from the vote due to a conflict of interest. Supervisor Quigley works part time as a consultant for Wilson Consulting.

NEW BUSINESS: Vice-Chairman Quigley made a motion and Supervisor Cree seconded to approve and sign the 2013 contract for fire protection services with Shermans Dale Fire Company. Motion carried unanimously. The agreement was signed by the Board.

Supervisor Quigley made a motion with a second from Supervisor Cree to participate in the 2013-2014 Capital Region Council of Governments Bid. Motion carried unanimously. The bid saved the Township advertising costs with additional savings on the purchase of stone, antiskid and line painting in 2012.

Supervisor Quigley made a motion with a second from Chairman Lightner to table any action on the State Piggyback Bulk Salt contract until the February 25, 2013 board meeting. Motion carried unanimously.

Chairman Lightner announced the following:

- ◆ The February 5, 2013 Planning Commission meeting is cancelled. The next meeting will be held on March 5, 2013.
- ◆ The office will be closed for Presidents' Day on February 18, 2013 with no change in trash collection.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/treasurer provided a January 11 to January 28, 2013 expense check register and submitted the following checks for approval and payment: General Fund Check's #s 13827-13844 in the amount of \$17,330.19. No checks void.

Payroll checks #s 6363-6371 in the amount of \$4,661.38. No payroll checks void.
Payroll checks #s 6372-6382 in the amount of \$4,023.31. Void payroll checks #s 6377 and 6380.

With no further discussion on the bills presented, Supervisor Quigley made a motion & Chairman Lightner seconded to approve all the checks for payment except for check number 13829 issued to Ronald Cree. Motion carried unanimously.

Chairman Lightner made a motion with a second from Supervisor Quigley to pay check # 13829 issued to Ronald Cree to reimburse him for the cost of a filter for the dump truck at Five Star International. Motion carried with Supervisor Cree abstaining from the vote.

CITIZEN PARTICIPATION: Cathy Sabo of Reed Drive asked several questions relating to Rye Township's pension plans. Daisy Lightner offered that both plans are defined benefit plans with Pennsylvania Municipal Retirement System (PMRS) and are currently fully funded. In consideration of the unstable economy, the Board met with representatives from PMRS in December to discuss possible changes to the plans that would reduce future costs and keep the plans in good financial standing for the years to come. An area of change under consideration by the Board is to increase the current seven (7) years for vesting for all new hires.

Elwood Brubeck of Valley Road discussed the placement of a pole by United Water Pennsylvania at the intersection of New Valley Road & SR 850. Supervisor Quigley offered to provide a contact number at Penn Dot to acquire the State R-O-W at this segment of SR 850.

Linda Ekelman of Weaver Drive offered that if Supervisor Quigley works part time for Wilson Consulting perhaps he should not have compiled the request for proposal. Supervisor Quigley acknowledged and understood her concern. However, the Solicitor offered that RFP's are not required for professional services such as engineering.

EXECUTIVE SESSION: Chairman Lightner recessed the meeting to executive session to discuss personnel issues at 8:14 PM.

RECONVENE THE MEETING: Chairman Lightner reconvened the meeting at 8:26 PM. He offered that the Board discussed personnel issues. No action was taken.

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 8:27 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer