

**RYE TOWNSHIP
SUPERVISORS' SPECIAL MEETING
March 22, 2013**

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MEMBERS PRESENT: Robert Lightner, Chairman, Vice-Chairman, Ken Quigley, Supervisor Ronald Cree, Daisy Lightner, Secretary/Treasurer, Zoning Officer, James Hawk, and P. Richard Wagner, Esq.

The meeting was held at the municipal building and called to order by Chairman Lightner at 9:00 AM.

CITIZEN PARTICIPATION: No citizen participation was offered.

EXECUTIVE SESSION: At this time, Chairman Lightner recessed the meeting at 9:01 a.m. to Executive Session to discuss personnel issues. Township Solicitor Wagner entered the meeting at approximately 10:00 am and participated in discussion during and after the Executive Session.

RECONVENE THE MEETING: Chairman Lightner reconvened the special meeting at 10:30 a.m. explaining that personnel policies and issues were discussed with the Zoning Officer, James Hawk. Upon clarification and discussion, Zoning Officer Hawk issued the Certificate of Use for the mobile home replacement at Evergreen Drive. The Secretary/Treasurer made a copy of the Certificate of Use for the Township files.

The Board discussed the following items with the Solicitor:

1. 149 Fleisher Road- issuance of a permit by the Zoning Officer following the denial of the permit and mailing of certified letters providing final notice of prosecution. The Board expressed concerns with the proper issuance of this permit. The Solicitor offered that the Zoning Officer incorrectly dated the second permit for August 13, 2012. The initial application for a permit was officially denied. The Board has no record of the receipt of an additional or revised permit application or supplemental documentation on file. The Zoning Ordinance requires that the Zoning Officer must certify that a permit is in compliance with all applicable Ordinances. Questions arose and discussion ensued on whether the permit was issued in error. The right to appeal this permit was also discussed. With the date of the permit in error, it would appear that the right to appeal has expired when in fact, it has not.

The Zoning Officer provided a check in the amount of \$115.00 from Robert Sultzaberger listing on the check that it was payment for permit Z-12-13 which was acted upon and officially denied in 2012. Payment was not previously received for the denied permit. The Solicitor advised that if an additional permit application and permit were issued, additional fees are due from the Sultzabergers.

The Zoning Officer verbally said he issued a second permit, but provided no record of that permit or a second revised application to the Board of Supervisors' Office. No payment has been received for the second permit issuance.

The Secretary/Treasurer noted that a listing of all permits must by law be sent monthly to the Tax Assessment office at Perry County. Zoning Permit numbers are missing for the month of March.

On March 8, 2013, the Board requested the Zoning Officer send an extension letter to the owners of 149 Fleisher Road to allow for additional time for research and to consult with legal counsel since Solicitor Wagner was not available for the March 8, 2013 meeting. Zoning Officer Hawk refused to sign the letter recommended by the Board and issued a Zoning Permit incorrectly dated with no revised or re-submitted application or additional documentation on file and no record provided of the zoning permit for the files or to provide to Building Inspection Underwriters (BIU) for proof of compliance with all local regulations and ordinances in order for BIU to issue a construction permit. The Board expressed deep concern with the inconsistency and how the Zoning Officer handled this situation. The Board offered that it was wrong that this entire project was constructed prior to the application or issuance of a local permit and a building permit from BIU, but now according to the Zoning Officer the status has changed from denial to approved without any known or explained change and a zoning permit that was denied has now been issued.

2. The Board asked for clarification for charges on the February and March legal invoices from Solicitor Wagner. One in particular involved the Teamsters union. Solicitor Wagner offered to check on this item. He suggested the Secretary/Treasurer contact the office with any future concerns on line items on the invoice.

James Hawk left the meeting at approximately 10:45 AM. The Solicitor left the meeting at approximately 10:55 AM.

OTHER BUSINESS: Supervisor Cree made a motion with a second from Supervisor Quigley to participate in the 2013 Annual Community Pig Roast if the Moose determines that they are going to hold the event. Motion carried unanimously.

Supervisor Cree made a motion with a second from Supervisor Quigley to reschedule the May 21st Board meeting to Tuesday, May 14, 2013 due to a conflict with primary Election Day. Motion carried unanimously. The Board directed the Secretary/Treasurer to add the authorization for the change of the May meeting to the March 25, 2013 meeting agenda.

Supervisor Quigley made a motion with a second from Supervisor Cree to grant the request to waive the fee for copies of the Zoning Ordinance and Subdivision Land Development Ordinance books per the request of Kelly McGinnley, Appalachian Trail Conservancy. Motion carried with Supervisor Lightner abstaining because he previously was involved with the Conservancy and his family's farm on Millers Gap Road.

The Township office received a phone call from a current salvage yard owner who has questions regarding application of the recently amended Junkyard Ordinance. Supervisor Cree made a motion with a second from Chairman Lightner to take this concern to the Rye Township Planning Commission for their suggestions and recommendation. Motion carried unanimously.

The Board received a letter from Rebecca Sneed regarding the removal of trees by P P & L Electric along Mountindale Drive. Ms. Sneed is requesting written assurance from the Board that the trees cut down by P P & L would be removed and disposed of by the Township. Upon due consideration, Supervisor Cree made a motion with a second from Supervisor Quigley to send Ms. Sneed a letter informing her that the Township is not responsible for the removal and disposal of the wood from the trees cut down by PP & L Electric. Supervisor Quigley noted that he would like to speak with Don Bush of PP & L prior to sending the letter to Ms. Sneed. Motion carried unanimously.

The Board discussed holding an interim workshop meeting on April 12, 2013. Supervisor Cree made a motion with a second from Supervisor Quigley to waive their compensation for the April 12, 2013 meeting. Motion carried unanimously. Chairman Lightner noted that he will be on vacation and not available to attend this meeting.

RECESS THE MEETING: Chairman Lightner recessed the meeting at 11:05 AM to go off site along with the road crew to meet with Bill Wilson of Wilson Consulting Group to discuss drainage concerns on Evergreen Drive.

RECONVENE THE MEETING: Chairman Lightner reconvened the meeting at 11:50 AM. Supervisor Quigley reviewed the Evergreen Drive Subdivision Land Development Plan and the Construction Plan showing the roadway profile with Randy Shearer of Wilson Consulting Group. A report from the on-site meeting will be forthcoming from Wilson Consulting.

Part time employee, Nancy Sunday asked permission for the Marysville Lions Club to place a container to collect eye glasses at the Township building. She is not sure that the Lions Club board will approve of this location. However she wanted to find out before their meeting if the Board would permit a container on-site. Nancy also offered that George Askins will take care of collection.

The Board of Supervisor unanimously agreed to permit a container for eye glasses on-site if the Lions Club agrees to place one here at the Township building.

Chairman Lightner took this opportunity on behalf of the Board to thank Nancy for the part-time service she provides to the Supervisor's office. He noted that many days when she is finished she leaves and goes home early. Supervisor Quigley and Supervisor Cree both agreed and expressed their appreciation.

CITIZEN PARTICIPATION: No citizen participation was offered.

ADJOURNMENT OF THE MEETING: With no further business or discussion before the Board, Supervisor Cree made a motion with a second from Supervisor Quigley to adjourn the meeting at 12:06 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner, Secretary/Treasurer