

**RYE TOWNSHIP  
SUPERVISORS' MEETING  
March 25, 2013**

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**PRESENT:** Chairman Robert Lightner, Vice-Chairman, Ken Quigley, Supervisor Ron Cree, Daisy Lightner, Secretary/ Treasurer, James Hawk, Zoning Officer , Pete Fitting, Mike Miller, Glen and Darlene Campbell, Linda Ekelman, Elwood Brubeck, Jr., John Smith, Sean Fedder, 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 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.

**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 February 25, 2013 supervisors' meeting. Supervisor Cree seconded; Motion carried unanimously.

Supervisor Cree made a motion to approve the minutes of the March 8, 2013 supervisors' workshop meeting. Supervisor Quigley seconded; Motion carried unanimously.

Supervisor Quigley made a motion to approve the minutes of the March 22, 2013 special supervisors' meeting. Supervisor Cree seconded; Motion carried unanimously.

**MONTHLY MUNICIPAL REPORTS:** Zoning Officer, James Hawk verbally reported and submitted a written report indicating the issuance of the following permits:

1)	Z-13-04 - an in-home business sign for Cindy Kitzmiller	\$ 30.00
2)	Z-13-05- Voided due to misnumbering	-----
3)	Z-13-06- Voided due to misnumbering	-----
4)	Z-13-07- Issued for front porch repair for David Thomas	\$ 65.00
5)	Z-12-13- Incorrectly numbered permit for	<u>\$115.00</u>
	149 Fleisher Road -Addition to accessory garage	\$210.00

Chairman Lightner asked for clarification on the numbering of the permits. The Zoning Officer noted that he inadvertently misnumbered the permits and will clarify on his monthly report that 13-05 and 13-06 are voided. The record notes that the next permit number for issuance is Z-13-08. The Secretary/Treasurer noted that the auditors check the numbering of permits and payments and appreciated the clarification.

Chairman Lightner asked the Solicitor how to appeal a determination of the Zoning Officer in granting a zoning permit . Solicitor Wagner advised that the Zoning Hearing Board, (ZHB) per the PA Municipalities Planning Code, (MPC) and the local Zoning Regulations grant the ZHB exclusive jurisdiction to hear appeals. The ZHB would then advertise and convene a hearing to determine if the permit was properly issued or not.

Solicitor Wagner further advised that a separate advertisement would need to be published if all three members of the Board desire to attend the zoning hearing.

Solicitor Wagner advised that the appeal must be filed by an aggrieved party within thirty (30) days of the issuance of the permit.

Supervisor Cree asked if applications that come before the Zoning Officer could be submitted to the Planning Commission for their review. Solicitor Wagner advised that the Zoning

Officer is appointed to make that determination and the Zoning Officer is not required to have the Planning Commission also review the applications.

Supervisor Quigley asked if costs or penalties could be assessed to the applicant since he violated the spirit of the Ordinance and continued to construct after a stop work order was issued.

Supervisor Cree asked the Solicitor about the lack of a construction or building permit from the third party inspection agency, which is Building Inspection Underwriters, BIU at 149 Fleisher Road. Solicitor Wagner offered that the Board has the power to enforce this violation.

The Secretary/Treasurer offered that fees were not paid with the initial application filed by Robert Sultzaberger in August of 2012 for the improvement at 149 Fleisher Road.

The Zoning Officer offered that there were extenuating circumstances and reasons why Robert Sultzaberger chose to withhold payment of the permit.

In the future Solicitor Wagner strongly advised the Zoning Officer that he not even look at or review applications until they are paid in full. Lack of payment is a reason for denial.

Upon due consideration, Supervisor Cree made a motion with a second from Supervisor Quigley to file an appeal with the Zoning Hearing Board and challenge the determination of the Zoning Officer in granting a zoning permit to Robert and Tabatha Sultzaberger of 149 Fleisher Road. Motion carried unanimously.

Chairman Lightner read the Sewage Enforcement Report submitted by SEO Lenny Sizer of Madden Engineering listing one (1) activity: an application and repair permit for 1 Ridge Road for a total due in fees of \$125.00.

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. Quigley noted that they did cut brush along Idle Road.

Darlene and Glen Campbell of the Recreation Board were present to provide a report for March. Glen reported that the Easter Egg hunt was a huge success with 70+ children in attendance. Jeff Simmons along with his wife Diana as the Easter bunny were responsible for the event. They recommended increasing the number of eggs and goodie bags for next year's event.

The following event is scheduled for May:

- ◆ Fishing Derby May 18<sup>th</sup>, 9:00 AM at the Marysville Sportsmen's Assoc.

Glen also mentioned that there will be work parties to install the dams on the creek on May 15, 16 and 17 if anyone would like to help.

Chairman Lightner commended Jeff Simmons for the outstanding job he did organizing and conducting the Easter egg hunt on Saturday, March 23<sup>rd</sup>.

No Emergency Management report was provided. Chairman Lightner suggested a future meeting with James Cassidy the local emergency management coordinator and directed the Secretary/Treasurer to contact him.

The February 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 2013 Liquid Fuels allocation in the amount of \$ 87,390.38 is scheduled for electronic deposit on April 1, 2013. The allocation is decreased in comparison to last year's allocation of \$88,857.31.

The Secretary/Treasurer also reported that SEK completed the audit and anticipates attending the April public meeting to provide a summary of their 2012 financial audit report.

**LEGAL BUSINESS:** The Board of Supervisors asked if the Solicitor advised enacting a policy implementing Act 90 in Rye Township. The Solicitor explained in short, that Act 90, the Neighborhood Blight, Reclamation and Revitalization Act allows a municipality to deny or withhold a permit if a property owner has final and unappealable tax, water, sewer or refuse

collection delinquencies or if the property of the owner is in serious violation of a state law or code.

Upon due discussion, the Board took no action on this policy at this time because they deemed it not applicable to our local municipality. However, the Solicitor advised if this becomes a problem in the future, the Board can always take action to enact it.

**PERSONS TO BE HEARD:** Don Woods owner and operator of Woody's Salvage Yard at 1790 New Valley Road, Marysville approached the Board of Supervisors to discuss the recently enacted "Junkyard License Ordinance" 13-01. He expressed concern with Section 6: Revocation and Suspension of License offering that there are certain requirements in the Ordinance in which he cannot comply.

Discussion ensued on several items in Section 11: Regulations.

Solicitor Wagner advised the following:

- 1.) Add the word *junked* in front of the motor vehicle Section 12. I
- 2.) Add a Subsection similar to the Article in the Subdivision Land Development Ordinance entitled, "Modification of Requirements." This would provide a waiver or alteration of requirements granted by the Board of Supervisors for provisions in the Junkyard Ordinance that may result in unreasonable hardship or as it applies due to peculiar conditions on a property.

Woods also commented that he tested water from the Township and several other surrounding wells and they are potable. Woods noted that DEP stopped by the Township recently asking whether the Township drank the water from its well. The Secretary/Treasurer explained that the water at the Township was tested previously and found to contain petroleum products.. The water at the Township has not been used for drinking water for twenty (20) years. Woods did not appreciate the Township providing information. The Township office received a Right to Know request and supplied the information on file as required by law.

**ORDINANCE:** Chairman Lightner noted that a duly advertised public hearing as required by the Pennsylvania Municipalities Planning Code (MPC), was held immediately prior to the regular meeting at 6:30 PM to accept comments on the proposed textual amendment to the Subdivision Land Development Ordinance. No comments for or against the amendment were voiced. Proof of Publication of the intent to adopt the amendment to the SALDO is also on file. Chairman Lightner read the proposed textual amendment in its entirety.

Upon due consideration and at the recommendation of the Rye Township Planning Commission, Supervisor Quigley made a motion with a second from Supervisor Cree to adopt **Ordinance 13-02**, which amends the Subdivision Land Development Ordinance 09-03 by revising Article 10, Improvements and Construction Requirements, Section 1007-Sewers and Water, Paragraph B. Motion carried unanimously.

**RESOLUTIONS:** Supervisor Quigley made a motion with a second from Supervisor Cree to approve **Resolution 13-10**, which authorizes the Secretary/Treasurer to transfer the 2013 Liquid Fuels Tax Fund Payment at the Marysville Bank from the Highway Aid Savings account into the Highway Aid Checking account and approve a check in the same amount to transfer the money to the Bank of Landisburg, Highway Aid Money Market for a better rate of interest until the monies are needed for payment of road projects later this year. Motion carried unanimously.

**OLD BUSINESS:** Supervisor Cree made a motion to appoint John Smith to fill the position on the Zoning Hearing Board vacant due to John Zimmerman declining reappointment. Supervisor Quigley seconded. Motion carried unanimously. His term will end December 31, 2017.

Two requests for proposals were received for the Spring Clean-up scheduled for Friday, May 3 and Saturday, May 4, 2013 as follows:

	<u>Sylvester's Services</u>	<u>Tiger Trash</u>
Hauling fee	\$ 100.00	\$ 00.00
Haul fee w/waste	<u>\$ 70.00</u>	<u>\$175.00</u>
Total per pull	\$ 170.00	\$175.00
Tipping fees/Ton	\$ 63.00	\$ 68.00
Charge Scrap	-----	-----
Metal Containers	\$Zero	\$Zero

Upon due consideration, Supervisor Cree made a motion to award the Spring Clean up contract to Sylvester's Services the lowest bidder as noted above for the delivery of and hauling away of roll offs, tipping fees, and scrap metal disposal conditional upon the receipt of a certificate of Workers Compensation and Liability and a certificate of compliance with Federal CDL requirements for drug and alcohol testing for their drivers and the addition of the stipulation in the proposal that the roll off containers are removed seven (7) business days after Spring Clean-up is held. Vice-Chairman Quigley seconded; motion carried unanimously.

The Board discussed Act 108, which requires the separation of all electronics from the bulk items collected at clean up. Eloop, the company that is certified by DEP to collect electronics, was contacted to handle separately the electronic recycling collection at no charge.

Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to approve Resolution 13-11, which approves a Parks and Recreation Tobacco-Free Policy, "*Young Lungs at Play*", designed to protect the health, welfare and safety for our park patrons. Motion carried unanimously. The program is an extension of Penn State and an outreach of the College of Agricultural Sciences and the Pennsylvania Department of Health. YLP will provide free 12" X 18" metal signs to place in the park.

**NEW BUSINESS:** Supervisor Cree made a motion with a second from Supervisor Quigley to approve the 2012 Planning Commission Annual Report as submitted. Motion carried unanimously.

Chairman Lightner made a motion and Supervisor Cree seconded to appoint Thomas (Rick) And Kathy Thompson as co-treasurers on the Marysville/Rye Library Board. Motion carried with Supervisor Quigley abstaining because his wife is on the Library Board.

Chairman Lightner announced that the May Supervisors' meeting originally scheduled and advertised for May 21, 2013 must be rescheduled because of Primary Election Day to Tuesday, **May 14<sup>th</sup> at 7:00 PM**. The Secretary/Treasurer will advertise the meeting change.

Chairman Lightner made a motion and Supervisor Quigley seconded to authorize the Secretary/Treasurer to advertise for adoption at the May 14, 2013 meeting an Ordinance to temporarily close Grier Point Road for the annual Strawberry/ Bluegrass festival held by the Bethel United Methodist Church on June 8, 2013. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Cree to approve and sign a letter from the Department of Environmental Protection acknowledging the transfer of two recycling containers from Perry County and assuring that the containers will continue to be used for their intended purpose of recycling. Motion carried unanimously.

Chairman Lightner made a motion and Supervisor Cree seconded to authorize the Secretary/Treasurer to **advertise the 2013 Road bids for awarding at the May 14, 2013 meeting**, which includes paving of Dicken Drive and a portion of New Valley Road. Motion carried unanimously. Referring to a report of the history of paving completed throughout the Township, Supervisor Quigley offered that it has been many years since Dicken Drive has been paved and he would like to see this paving project completed this year.

Chairman Lightner announced that the Township office would be closed for Good Friday on March 29, 2013. There is no change in the trash collection schedule.

**APPROVAL AND PAYMENT OF THE BILLS:** The Secretary/Treasurer provided a March expense check register and submitted the following checks for approval, signature and payment: General Fund Check #s 13876-13906 in the amount of \$35,228.91. No checks void.

Payroll checks #s 6398-6406 in the amount of \$4,091.14. No payroll checks void.

Payroll checks #s 6407-6416 in the amount of \$5,044.53. No payroll checks void.

With no further discussion on the bills presented, Chairman Lightner made a motion & Supervisor Quigley seconded to approve and sign the checks & pay the bills except for check #s 13879 and 13887 issued to Daisy Lightner for mileage and reimbursement for payment of the virus protection renewal. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Cree to approve check# 13879 and check # 13887 issued to Daisy Lightner for mileage and reimbursement for payment of Norton virus protection.. Motion carried. Chairman Lightner abstained stating he has a conflict of interest, because Daisy is his spouse.

**CITIZEN PARTICIPATION:** Mike Miller of 134 Idle Road approached the Board to ask about permits and alternate septic testing for the installation of a new modular home at 2554 Valley Road. Mr. Miller was informed that the owner was notified and agreed to complete alternate septic testing this spring as soon as the weather permits. The Township SEO is handling this situation. Miller commented that his daughter recently installed a new modular home on his property and was required to test for an alternate septic site.

Mike Miller also asked the Board about the installation of a mobile home at 201 Evergreen Drive for the Site's family. The Board of Supervisors granted an alteration of requirements at the April 23, 2012 public board meeting to expand this existing non-conforming lot. The conditions are similar to Mr. Miller's non-conforming situation with his daughter placing a new modular on the same tract as Mr. Miller's residence without subdividing. The owners of 201 Evergreen Drive, along with the assistance of the Glenvale Church, acquired and paid for all necessary zoning, building, and sewage permits for this installation.

Mike Miller expressed frustration with ongoing drainage issues on Idle Road. He referred to a 2005 comment letter from Rettew Associates. Miller alleged that the Township never completed any drainage work on Idle Road as was discussed and promised. The record notes that receipts for expenditures in 2005 for the purchase of larger rocks are on file along with Township timesheets indicating labor hours spent replacing the ballast rock with rip rap and installing an additional cross pipe on Idle Road. Mr. Miller became very loud and irate. The Chairman banged the gavel several times to attempt to bring the meeting to order to no avail. The Board directed the Secretary/Treasurer to contact the Newport State Police. Mr. Miller left the meeting on his own accord at approximately 8:20 PM.

Linda Ekelman of Weaver Drive asked if Ordinance 13-02, the amendment to the Rye Township Subdivision Land Development Ordinance, applies to recently installed septic systems. Chairman Lightner offered that this revision applies to requests for installation of systems that are received after this Ordinance is adopted and clarifies when the option to install a Small Flow Treatment Facility System is allowable.

Ekelman further commented that the Board's timing for enforcement of violations differs for each case and incidence when it relates to permitting and building/zoning violations.

Ekelman noted that the Board of Supervisors appoints members to the Zoning Hearing Board, the same board that hears appeals and expressed concern. The record notes that the Pennsylvania Municipal Planning Code, (MPC) grants the governing body the duty and responsibility of appointing members to the local Zoning Hearing Board when a term expires or a vacancy exists.

**ADJOURNMENT OF THE MEETING:** There being no further business before the Board, Supervisor Quigley made a motion and Supervisor Cree seconded to adjourn the meeting at 8:24 pm. Motion carried unanimously.

Respectfully submitted,

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Daisy Lightner  
Secretary/Treasurer