

**RYE TOWNSHIP  
SUPERVISORS' MEETING  
May 14, 2013**

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**PRESENT:** Chairman Robert Lightner, Supervisor Ron Cree, Daisy Lightner, Secretary/Treasurer, James Hawk, Zoning Officer, John M. Fitzsimmons, PE, Fred Roberts, William and Barbara Holley, Sean Fedder, Peggy Fedder, Elwood Brubeck, Linda Ekelman, John W. Smith, Scott Musser, Yvette Amsallen, Auditors from SEK & Co: Teena R. Curnow, Jessica Mihalov, CPA, Craig Witmer, CPA, and Solicitor P. Richard Wagner, Esquire.

**EXCUSED:** Vice-Chairman Quigley, due to a family medical emergency

**FORMER SUPERVISOR PRESENT:** Phyllis Page

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. Linda Ekelman notified the Board that she would be audio and video recording the meeting.

**CITIZEN PARTICIPATION:** Linda Ekelman of Weaver Drive requested revisions to the March meeting minutes.

Solicitor Wagner explained that minutes are adopted by the Board at subsequent meetings. The Board may revisit the minutes and if they deem it appropriate, revisions may be made. If there are no changes made, the minutes will stand approved.

Linda Ekelman suggested the Township consider utilizing a digital recorder for the meeting minutes.

Supervisor Cree offered to listen to Ekelman's audio recording of the March meeting to determine if any revisions are appropriate.

The Secretary/Treasurer asked the Solicitor what is required for placement in the minutes under citizen participation. Solicitor Wagner advised that only official actions taken by the Board are required to be recorded in the minutes. It would be appropriate under citizen participation to simply list the resident's name and the subject that they bring before the Board.

**OPEN/AWARD THE ROAD BIDS:** The bid request for road resurfacing was advertised in the Duncannon Record on April 18 and April 25 and proof of publication is on file. Three sealed bids were opened by the Secretary/Treasurer and read by Chairman Lightner as follows:

<b><u>BIDDER</u></b>	<b><u>TOTAL BID</u></b>
Pennsy Supply, Inc.	\$ 94,285.36
Eastern Industries, Inc.	\$ 102,198.00
Jay Fulkroad & Sons, Inc.	\$ 109,545.00

With the bid bond in place, Supervisor Cree made a motion with a second from Chairman Lightner to accept the lowest bid and award the road contract to Pennsy Supply, Inc. in the amount of \$94,285.36. Motion carried unanimously. The Secretary/Treasurer will notify the bidders and acquire necessary contract paperwork and signatures.

**APPROVAL OF THE MINUTES:** Supervisor Cree made a motion and Chairman Lightner seconded to approve the minutes of April 22, 2013 supervisors' meeting as submitted. Motion carried unanimously.

The record notes that no action was taken on the May 10, 2013 Special workshop meeting minutes due to the absence of Supervisor Quigley. Supervisor Cree could not approve the minutes because he was not in attendance. The Secretary/Treasurer indicated she would add approval of the May 10<sup>th</sup> meeting minutes to the June 18<sup>th</sup> board meeting agenda.

**PERSONS TO BE HEARD:** Craig Witmer, CPA, Jessica Mihalov, CPA and Teena Curnow of Smith, Elliott, Kearns, & Co, LLC were present. They approached the Board to present a brief synopsis of the 2012 Financial Audit report for Rye Township. CPA Witmer thanked the Board for the opportunity for SEK to once again conduct the audit. He explained that the audit presentation will be a summary power point presentation by Teena Curnow. SEK issued an unqualified, clean audit opinion, which is the best opinion that may be given indicating that SEK is confident that the financial statements are materially correct. There were no findings. The Management Discussion and Analysis was prepared by Township management. A surplus resulted in the general and solid waste funds with a deficit in the capital reserve and highway aid funds. Overall a small deficit of approximately \$40,000 was realized for all the funds combined. The presentation provided analysis of all the funds, notes to financial statements, the Management letter, and graphical analysis of cash and investment trends, revenue versus expenses; revenue trends; expense trends; revenue allocation and expense allocation.

The full 2012 audit report was placed on the front table and available for review. The record notes all audit reports remain permanent records of the Township.

CPA Craig Witmer asked if there were any questions on the audit or presentation. No response received. He thanked the Board; and all three auditors left the meeting at this time.

John Fitzsimmons, PE, Chairman of the Zoning Hearing Board, announced that **“Facts and Findings”** and a **“Conclusion”** for the **May 8, 2013 public hearing for an appeal** of the issuance of a zoning permit for **149 Fleisher Road** were received from ZHB Attorney Barbara Wevadou. The Zoning Hearing Board found in favor of the Applicant, the Board of Supervisors. Mr. Fitzsimmons verbally read the document in its entirety.

**LEGAL BUSINESS:** In light of the conclusion of the May 8, 2013 hearing, Solicitor Wagner advised there is no action necessary by the Board at this juncture.

The Board consulted with Solicitor Wagner regarding Ordinance 79-3, which establishes a curfew for children under eighteen years of age, as to whether this legislation should be retained in the codification and/or is enforceable. Solicitor Wagner noted concerns with enforcement and the constitutionality of curfew legislation. It was the consensus of the Board to delete this chapter in the Codification. The Secretary/Treasurer will contact the Solicitor to set up a tentative meeting relating to legal questions involved with the codification in July.

Contemplating repair of Evergreen Drive, the Board consulted the Solicitor about the conflict of utility lines in the drainage right of way along this public road. Solicitor Wagner advised the following:

- 1) Research the files thoroughly to ascertain if there are agreements, permits, and/or easements on file indicating the utilities have permission to install their lines within the Township's right of way.
- 2) Ascertain which utilities are located within the R-O-W; cable, telephone, electric
- 3) Notify the utilities immediately in writing requesting documentation that indicates they have permission to place their lines within the Township's R-O-W.
- 4) Copy the Solicitor on all correspondence

**MONTHLY MUNICIPAL REPORTS:** The May Zoning Report was submitted by Zoning Officer, James Hawk and available for review. Hawk read the report as follows:

- ◆ A certificate of use was issued for Brenda Harris of 2554 Valley Road. All outstanding septic issues were resolved. Supervisor Cree expressed appreciation to Brenda Harris for her cooperation with the Township.
- ◆ Issued (2) two zoning permits:

1)	Z-13-13	Accessory Garage	190 Lee Drive	\$ 70.00
2)	Z-13-14	Attached Garage	19 Dicken Drive	\$ 105.00
- ◆ Issued (1) one demo permit:

1)	D-77-13	Barn	3365 Valley Road	<u>\$ 45.00</u>
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- ◆ On site inspection of 2001 Elm to investigate high grass and green pool water; apparently abandoned residence; complaint received by the Board and the office. The Zoning Officer will contact Perry Co. Conservation regarding the stagnant water and continue to monitor the situation.

No Sewage Enforcement Report was presented by Lenny Sizer, SEO.

The May Road Report was submitted by Road Foreman, Brad Sloop. Supervisor Cree placed the report on the front table for review.

Chairman Lightner of the Recreation Board reported two “free” upcoming events:

- ◆ Fishing Derby May 18, 2013 9:00 AM; ages 3-12 years; Marysville Sportsmen Association
- ◆ Strawberry Festival June 2, 2013 6:00 PM; Rye Township Park; Rain or Shine

No Emergency Management Report was offered.

The April Treasurer's Report & General & Solid Waste Fund Balance Reports were submitted for review by the Secretary/Treasurer & with no discussion were accepted as read pending the independent auditors’ review. The Secretary/Treasurer noted that all year end audit entries are made and beginning year balances were generated for 2013. All funds are in balance and reconciled to the checking account as of April 30, 2013.

**ORDINANCE:** Ordinance 13-03 was advertised and proof of publication is on file. Supervisor Cree made a motion and Chairman Lightner seconded to **adopt Ordinance 13-03**, which authorizes the closing of Grier Point Road on Saturday, June 8, 2013 from 8:00 AM to approximately 8:00 PM for Bethel United Methodist Church to hold a strawberry/bluegrass festival. Motion carried unanimously.

**RESOLUTION:** Supervisor Cree made a motion with a second from Chairman Lightner to adopt **Resolution 13-12**, which authorizes the Secretary/Treasurer to transfer in June a matured General Investment CD from the Marysville Bank to the Bank of Landisburg, Shermans Dale branch, General Savings Money Market Account. The Resolution further resolves to redesignate these general monies to a committed line item for Road Projects, anticipated for use on the Evergreen Drive project. Motion carried unanimously.

**OLD BUSINESS:** Zoning Officer Hawk provided an update of the concern with dumping along Lambs Gap Road possibly within wetlands. He reported that he spoke with the owner who stated that there were only two loads dumped and it was a temporary situation. The Zoning Officer will continue to monitor it.

**NEW BUSINESS:** Supervisor Cree made a motion with a second from Chairman Lightner to authorize the Secretary/Treasurer to attend the Planning Commission meetings to review the editorial analysis for codification documents relating to zoning and subdivision ordinance questions. Motion carried unanimously. Supervisor Cree noted that Daisy recently attended the May Planning Commission meeting. It is anticipated that the review of the zoning and subdivision questions will be completed at the June Planning Commission meeting.

Chairman Lightner announced the following events:

- ◆ June Board Meeting, June 18<sup>th</sup> at 7:00 PM
- ◆ May 18<sup>th</sup>; Fishing Derby, Marysville Sportsman's Association, 9:00 AM
- ◆ Memorial Day Holiday, May 27, 2013; Office Closed; Trash will be collected Wednesday, May 29, 2013
- ◆ June 2<sup>nd</sup> Strawberry Festival; 6:00 PM; New Valley Road Park; rain or shine

**APPROVAL AND PAYMENT OF THE BILLS:** The Secretary/Treasurer provided a May expense check register and submitted the following checks for approval and payment: General Fund Check #s 13937-13951 in the amount of \$22,771.54. No checks void.

Payroll checks #s 6432-6439 in the amount of \$3,937.16. No payroll checks void.

Supervisor Cree made a motion and Chairman Lightner seconded to approve the checks and pay the bills. Motion carried unanimously.

**CITIZEN PARTICIPATION:** Mike Miller of Idle Road approached the Board to discuss the ongoing drainage concern on Idle Road. Mr. Miller provided pictures of a clogged drain and the stormwater runoff on his property. He also acknowledged that work on the drainage was previously completed by the Township in 2005. However, he provided a copy of an October 20, 2005 Idle Road Stormwater Review report from engineer Max Shradley of Rettew Associates and explained that Rettew visited the site on two separate occasions and provided two separate review reports. The improvements on the second report were the items to which he was referring that were not completed. Two items recommended in the report and mentioned in the discussion were the installation of an additional inlet to capture more of the storm water runoff and possibly a berm to assist with slowing the drainage.

Discussion continued. The Board agreed to review the comments and look into this drainage issue again. Mr. Miller stated he does not want a drainage easement on his property to resolve this concern. Supervisor Cree agreed to meet with Mr. Miller on-site tomorrow to determine what if anything can be improved to better capture and control the stormwater runoff. Mr. Miller provided his contact information, thanked the Board, and left the meeting at this time.

Elwood Brubeck reiterated the request for the Board to revisit the March meeting minutes as previously discussed. Supervisor Cree restated that he agreed to review the minutes and bring his determination to the Board.

Linda Ekelman said she and several others would donate monies towards the purchase of a new digital recorder for the administrative office.

Barbara Holley asked if the vacancy on the Recreation Board hindered the functioning of this Board. Chairman Lightner offered that the Recreation Board is doing fine, but certainly would welcome a volunteer to fill the position.

The Secretary/Treasurer explained the style of minutes prepared. She offered that she prepares them with details to assist the Board of Supervisors and to provide a history of the Township.

Former Supervisor Phyllis Page offered that the minutes should be prepared in such a way as to provide a history with enough of detail that someone 15 years from now can read them and understand what was happening at the time.

Peggy Fedder noted that she previously compiled minutes for two separate job positions and each company wanted them recorded differently. She offered that there is no right or wrong way to record minutes.

To clarify her previous request, Linda Ekelman commented that she is not requesting a transcription of the meeting.

**ADJOURNMENT OF THE MEETING:** There being no further business before the Board, Supervisor Cree made a motion and Chairman Lightner seconded to adjourn the meeting at 8:33 pm. Motion carried unanimously.

Respectfully submitted,

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Daisy Lightner  
Secretary/Treasurer