

**RYE TOWNSHIP
SUPERVISORS' MEETING
July 22, 2013**

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MEMBERS PRESENT: Robert Lightner, Chairman, Vice-Chairman Ken Quigley, Supervisor Ron Cree, Daisy Lightner, Secretary/Treasurer, James Hawk, Zoning Officer, Pete Fitting, John Smith; Sean Fedder, Linda Ekelman, Jean Snyder, John M. Fitzsimmons PE, James and Cathy Sabo, Scott Musser, Kassie D. Quigley, Luke Roman of the Duncannon Record, Elwood Brubeck, Jr., Joe Burget of Burget Associates, Darrin Foster of Lou Harford Surveyors, and P. Richard Wagner, Esq.

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 audio recorded to aid with the preparation of minutes. Linda Ekelman notified the Board she would be recording the meeting.

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

Chairman Lightner announced that a large colored plan display was received for the Pine Hill Road bridge replacement from Wilson Consulting Group. The display will be available for review and comment at the Township building for thirty (30) days. Construction is scheduled to begin in the summer of 2014 at an estimated cost of \$475,000. The current bridge is deemed structurally deficient and is posted with weight limits. Funding is provided 80% by the State and 20% by Rye Township. Adjourning property owners along Pine Hill Road will be notified via U. S. mail.

OPEN/AWARD THE ROAD BIDS: The bid request for Evergreen Drive road resurfacing was advertised in the Duncannon Record on June 27 and July 4, 2013 and proof of publication is on file. Four sealed bids were opened by the Secretary/Treasurer and read by Chairman Lightner as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Pennsy Supply, Inc.	\$ 62,167.00
Eastern Industries, Inc.	\$ 72,800.00
Hempt Bros.	\$ 64,218.00
Jay Fulkroad & Sons, Inc.	\$ 62,398.00

With the bid bond in place, Supervisor Cree made a motion with a second from Supervisor Quigley to accept the lowest bid and award the road contract to Pennsy Supply, Inc. in the amount of \$62,167.00. 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 Supervisor Quigley seconded to approve the minutes of the June 18, 2013 meeting as submitted. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Cree seconded to approve the minutes of the July 12, 2013 special meeting as submitted. Motion carried.

SUBDIVISION LAND DEVELOPMENT PLANS: Joe Burget, Jr. of Burget Associates approached the Board for final approval of the **Final Minor Subdivision Plan for Ronald Q. and Phyllis M. Watts and Kevin L. and Jill M. Luzier**. The plan proposes to subdivide a 8.094 acre tract (Lot 1A) from an existing 31.911 acre tract (Existing Lot 1) to create a lot addition to the adjoining lands (Existing Lot 2) Existing Lot #2 is owned by the daughter, Jill Luzier and her husband, Kevin. The Estate of Ronald and Phyllis Watts plans to sell Lot #1 following the recording of this plan. Both existing lots contain dwellings that share a 50' R-O-W access. A Maintenance Agreement was previously recorded for this R-O-W. Perry County comments were received and addressed. All fees are paid and a \$50 security deposit was received for the plan. The Watts plan was conditionally approved at the July 2, 2013 Planning Commission meeting. The Board reviewed the outstanding conditions listed by the Rye Township Planning Commission at their July 2, 2013 meeting.

Upon due consideration and review, Supervisor Quigley made a motion with a second from Supervisor Cree to approve the July 1, 2013 **Alteration of requirements requested for the Final Minor Subdivision Plan for Ronald Q. and Phyllis M. Watts and Kevin L. and Jill M. Luzier Plan** as follows:

1. SALDO Ordinance 09-03, Article 5, Preliminary Plan Submission Section 501 to allow the plan to be submitted as a final plan
2. SALDO Ordinance 09-03, Article 6, Final Plan, Supporting Documentation Section 603C. The plan is a lot addition only and no earth disturbance is proposed.
3. SALDO Ordinance 09-03, Article 7, Design Standards, Section 703 D. 1 Street. Cul de Sac cart way width 90 feet. The plan proposes no additional earthmoving activities and the turn-around design was approved on a previous plan of record.

And to approve the **Final Minor Subdivision Plan for Ronald Q. and Phyllis M. Watts and Kevin L. and Jill M. Luzier** contingent upon the following:

1. Acquire all signatures and notarize the plan

Motion carried unanimously. Joe Burget acknowledged and accepted the conditions for approval on behalf of the Estate of Ronald and Phyllis Watts and Jill and Kevin Luzier.

Joe Burget briefly discussed a land swap between two substandard lots proposed at the Kitner residence located in the Agricultural Zoning District at the intersection of Mountain Road and Valley Road or SR 850 for the purpose of building a barn to raise goats and the Zoning requirement that all stables must be 200 feet from any lot line or principal building. The Board did not see any problem with reconfiguring the lots with a land swap. Burget indicated a subdivision plan would be prepared and submitted for review by the Planning Commission at a later date.

Joe Burget thanked the Board and left the meeting at this time.

Darrin Foster of Lou Harford Surveyors approached the Board of Supervisors for approval of the **Final Minor Land Development Plan for Edward E. Zampelli, Jr.** The purpose of this plan is to establish existing Lot 8A as a building lot. The Zampelli's intend to build a new log home on this parcel. This lot is located along a private drive known as "Sawmill Road." The Planning Commission reviewed and addressed the Perry County Planning Commission comments. All fees are paid and a \$50 security deposit was received. The Zampelli Final Minor Land Development Plan was approved conditionally at the July 2, 2013

Planning Commission meeting. The Board reviewed the plan and the outstanding conditions listed by the Rye Township Planning Commission.

Upon due consideration, Supervisor Quigley made a motion with a second from Supervisor Cree to approve the **Final Minor Land Development Plan for Edward E. Zampelli, Jr.** contingent upon the following conditions:

1. Acquire and execute a maintenance agreement for Saw Mill Road
2. Acquire all signatures and notarize the owner's statement on the plan

The motion also included the approval of the May 20, 2013 request for the following alterations:

1. SALDO Ordinance 09-03, Article 5, Preliminary Plan Submission Section 501 to allow the plan to be submitted as a final plan
2. SALDO Ordinance 09-03, Article 6, Final Plan, Supporting Documentation Section 603C. All wetlands are contained within the floodplain hazard area.
3. SALDO Ordinance 09-03, Article 7, Design Standards, Section 715 B. Water feasibility study. Only one single family dwelling is proposed. Minimal impact to the water feasibility.

Motion carried unanimously.

Darrin Foster acknowledged and accepted the conditions for approval on behalf of the Zampelli's. He thanked the Board and left the meeting at this time.

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

◆ Issued (4) four zoning permits:

1)	Z-13-25	Shed	45 Idle Road	\$ 70.00
2)	Z-13-26	Roof over a Patio	2106 Legacy Lane	\$ 80.00
3)	Z-13-27	Commercial Sign	1205 Valley Road	\$ 50.00
4)	Z-13-28	Tower upgrade	100 Cove Road	<u>\$110.00</u>
				\$310.00

Issued (1) one demo permit:

- 1) D-80-13 Shed 45 Idle Road

- ◆ Continued on-site inspection of 2001 Elm St. to investigate high grass and green pool water; apparently abandoned residence; current mailing address of owner cannot be located; complaint received by the Board and office. The Solicitor advised the Zoning Officer issue a citation and the District Justice will locate the owner through citation process with the use of the constable.
- ◆ A certified enforcement notice was mailed again to Sopensky Properties on Flowers Lane for a trash dumping/accumulation violation.
- ◆ 960 Valley Road –Supervisor Cree noted that DEP visited the site. The Solicitor noted that the owner must be given notice to clean up the property. The Zoning Officer reported that a citation was issued. The Zoning Officer will monitor this concern.

Chairman Lightner read the June/July Sewage Enforcement Report submitted by Lenny Sizer of Madden Engineering listing seven (7) activities: site visit/consultation for Trounson at 1321 Flowers Lane; repair and permit for William Holley of 1090 Flowers Lane; SFTF annual inspections for Cryder, Campbell, Otto, and Thomas for a total due in fees of \$505.00.

Supervisor Quigley read the June Road Report. Highlights from the report were: Work with Pennsy Supply on Paving Projects; patch pot holes on Mountain and Lambs Gap Road,

mowing along various Township roads, fabricate and weld grate and install drain box on Idle Road, and removal of trees from storm. The report was placed on the front table for review.

Recreation Board Chair, Kassie Quigley was in attendance and reported the Pot Luck Community Picnic scheduled for July 19th was postponed due to the heat advisory. She announced the following upcoming events:

- August 18 Sundaes in the Park, 6:00 PM
- September 7 Pot Luck Dinner in the Park; 5:00 PM at the Park; Hamburgers and hotdogs will be provided; Bring along a covered dish or dessert to share.

No Emergency Management Report was presented. Assistant EMC Pete Fitting asked how to gain access to the road closed barricades for emergencies after hours. Supervisor Quigley said to call one of the supervisors and they would come over to the Township building to open the gates for the fire company to pick up the barricades.

Chairman Lightner asked if new radios were ordered for the backhoe. Supervisor Cree said the radios are on order, possibly a portable and a solid radio dependent upon the cost.

The June Treasurer's Report and Fund Balance Reports were submitted for review and read by the Secretary/ Treasurer. With no discussion, the reports were accepted as read pending the independent auditor's approval. She noted that an auditor from the Auditor General's Office was in to conduct an auditor of the Liquid Fuels Account for the years 2011 and 2012. A written report will be received. There were no findings.

OLD BUSINESS: There was no old business on the agenda for discussion.

LEGAL BUSINESS: Solicitor Wagner reviewed an important notice received from Advanced Disposal amending the terms of the recycling contract. Upon due consideration and the Solicitor's recommendation, Supervisor Cree made a motion with a second from Supervisor Quigley for the Secretary to send written notice to Advanced Disposal that Rye Township rejects the 2013 amendment entitled arbitration and class action waiver clause. Motion carried unanimously.

Solicitor Wagner reviewed copies of Easement and Agreements for underground utilities on Evergreen Drive initiated when PA One Call notifications revealed extreme conflicts with underground utilities. The developers, Herb and Betty Eichelberger, entered into agreements in 1979 to grant the easements to the utilities prior to the acceptance of the roadway by the Township in 1981. The Solicitor noted that we must notify all utilities when any work is proposed within those easements. For future reference, Solicitor Wagner further recommended that the Planning Commission doublecheck the current SALDO to assure that it requires all easements and R-O-Ws to be listed on the plan. It was the consensus of the Board with the shape of the roadway to proceed to overlay the surface with pavement and not disturb the drainage ditches even though they are in sore need of maintenance and repair.

Solicitor Wagner advised that delinquent trash accounts of former residents who now live outside of Perry County can be pursued by CTCB by contacting the Perry County Sheriff's Department who will deputize the sheriff in the other County to serve notice.

Discussion ensued on the concern at the abandoned address of 2001 Elm Street. Solicitor Wagner advised the Zoning Officer file an action against them and issue a citation for 2001 Elm Street. The District Justice will take care of locating the owner or posting the property.

NEW BUSINESS: Upon discussion and review with Solicitor Wagner, Supervisor Cree made a motion with a second from Supervisor Quigley to check “**No**” on the June 20, 2013 correspondence and not permit Capital Tax Collection Bureau to approve credit for local taxes paid to another state and grant refunds of tax withholdings paid by taxpayers who work in Pennsylvania, but who live in Indiana, Maryland, New Jersey, Ohio, Virginia and West Virginia. Motion carried unanimously. Act 32 provides that credits are allowed at the discretion of the Pennsylvania political Subdivision to allow credit for local taxes paid to another state and (therefore allow a refund). Credits will be made on a case by case basis.

Supervisor Cree made a motion with a second from Supervisor Quigley to authorize the Secretary/Treasurer to contact Advanced Disposal to see if they are interested in renewal of the current recycling contract for an additional year. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Cree to set the rate of pay at \$20.00 per hour for a temporary CDL driver for an “as needed” snow plowing *only* position. Motion carried unanimously. The Secretary/Treasurer was directed to advertise the PTT position in the Duncannon Record.

Supervisor Quigley made a motion with a second from Supervisor Cree to authorize the Secretary/Treasurer to acquire written quotes for the bulk Fall Clean Up on October 4 and October 5. Motion carried unanimously.

ANNOUNCEMENTS:

- August 18th 6 PM Sundaes in the Park; Rain or Shine
- September 7 Pot Luck Community Picnic in the Park; 5:00 PM; Hamburgers and hotdogs will be provided; Bring along a covered dish or dessert to share.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/Treasurer provided a July check register and submitted the following checks for approval and payment. General Fund checks #s 14015-14054 in the amount of \$26,804.75. No expense checks voided.

Chairman Lightner made a motion to approve the expense checks except for check #s 14019 and 14035 issued to Daisy Lightner for mileage and reimbursement for payment of a new sweeper. The current sweeper was over 10 years old and beyond repair. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Cree seconded the motion to approve checks #14019 and check # 14035 issued to Daisy Lightner for reimbursement of mileage and reimbursement of the expense for the purchase of a new Dirt Devil sweeper. Motion carried. Chairman Lightner abstained from the vote since Daisy is his spouse.

CITIZEN PARTICIPATION: No citizen participation was offered at this time.

ADJOURNMENT: There being no further discussion or business before the Board, Chairman Lightner made a motion and Supervisor Cree seconded to adjourn the meeting at approximately 8:12 PM.

RECONVENE THE MEETING: Supervisor Quigley made a motion with a second from Supervisor Cree to reconvene the meeting. Motion carried unanimously.

Chairman Lightner reconvened the meeting. Supervisor Cree made motion with a second from Supervisor Quigley to approve the following July payroll checks:

Payroll checks #s 6467-6474 in the amount of \$4,078.33.

Payroll checks #s 6475-6481 in the amount of \$4,106.98. No payroll checks void.

Motion carried unanimously.

ADJOURNMENT: There being no further business before the Board, Chairman Lightner made a motion and Supervisor Cree seconded to adjourn the meeting at approximately 8:13 PM. Motion carried unanimously.

Respectfully Submitted,

Daisy Lightner
Secretary/Treasurer