

**RYE TOWNSHIP
SUPERVISORS' MEETING
August 26, 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, Sean Fedder, Linda Ekelman, John M. Fitzsimmons PE, James and Cathy Sabo, Scott Musser, Joel Heisley, Luke Roman of the Duncannon Record, Elwood Brubeck, Jr., Gary Roth, Tony Trost of Third Mountain Surveying, and P. Richard Wagner, Esq.

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

CITIZEN PARTICIPATION: Chairman Lightner 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 July 22, 2013 meeting as submitted. Motion carried unanimously.

SUBDIVISION LAND DEVELOPMENT PLANS: Tony Trost of Third Mountain Surveying presented the Joel and Patti Heisley Sewage Module for approval and signature. The sewage module was approved and signed by SEO Lenny Sizer. Upon due consideration, Supervisor Cree made a motion with a second from Supervisor Quigley to approve and sign the sewage module for the Joel and Patti Heisley Final Subdivision Land Development Plan. Motion carried unanimously. The Secretary signed that the module package was complete. Mr. Trost indicated he would prepare a cover letter, include a copy of the Heisley plan and submit the module to the PA Department of Environmental Protection for their approval. The Township requested a copy of the submission. Mr. Trost acknowledged.

Tony Trost presented the **Final Subdivision Plan for Joel A. and Patti L. Heisley** for approval. The plan proposes to subdivide lot #2 and lot #3 from an existing 165.31 acre residual tract creating three (3) lots. Lot #2 addressed as 2280 Valley Road, the former Robert and Sally Eichelberger farm, contains a dwelling with a proposed lot size of 5.1 acres. Lot #3 is proposed for development with a lot size of 5.18 acres. Perry County comments were received and addressed. All fees for the plan are paid.

was received for the plan. The Heisley 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 **Alteration of requirements requested for the Final Subdivision Plan for Joel A. and Patti L. Heisley** 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 5, Preliminary Plan Submission Section 502 I. to waive the 400 ft. scale requirement for the residual.
 3. SALDO Ordinance 09-03, Article 5, Preliminary Plan Submission Section 502M.6 (603.C) to waive the Wetland delineation requirement. No wetlands exist with the area of earth disturbance.
 4. SALDO Ordinance 09-03, Article 6, Final Plan Submission, Supporting Documentation Section 603.B to waive approval of Erosion and Sediment Pollution Control Plan and Storm Water Management Plan.
 5. SALDO Ordinance 09-03, Article 7, Design Standard, Section 715,B.3 to waive the water feasibility report since only one new well is proposed.
- Motion carried unanimously by the Board.

Supervisor Quigley made a motion with a second from Supervisor Cree to approve the **Final Subdivision Plan for Joel A. and Patti L. Heisley** contingent upon the following:

1. Approval of the sewage module from the Department of Environmental Protection
- Motion carried unanimously. Tony Trost acknowledged and accepted the condition for approval on behalf of Joel and Patti Heisley.

Tony Trost thanked the Board and left the meeting at this time along with Joel Heisley.

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

- ◆ Issued (6) six zoning permits, (Some are issued conditional upon approval from BIU)
 - 1) Z-13-29 Large Shed 55 Kemrer Drive \$130.00
 - 2) Z-13-30 Portable garage 1869 Valley Road \$ 45.00
 - 3) Z-13-31 Addition 49 Pine Hill Road \$ 80.00
 - 3) Z-13-32 Large Deck 2375 Valley Road \$ 70.00
 - 4) Z-13-33 Shed 105 Woods Drive \$ 70.00
 - 5) Z-13-34 Large Deck 1414 Valley Road \$ 70.00

\$465.00

Issued (1) one demo permit:

- 1) D-81-13 Shed 1869 Valley Road Fee waived
- Purchased a zoning permit at the same time.

The Zoning Officer issued a citation which is in process at the District Justice office for 2001 Elm Street and 960 Valley Road.

Chairman Lightner read the August Sewage Enforcement Report submitted by Lenny Sizer of Madden Engineering listing three (3) activities: percs and probes for Joseph Yohe Subdivision, site visit for letter to mortgage company for Thomas Shaffer for a total due in fees of \$475.00.

Supervisor Quigley read the August Road Report. Highlights from the report were: repair drain box in Bellview Acres; repaired a section of roadway on Mountain Road to resolve a drainage concern; repaired the fuel line on dump truck #1; and continued mowing along various Township roads. The report was placed on the front table for review.

Supervisor Quigley noted that Evergreen Drive is scheduled for paving on Wednesday, August 28th by Pennsy Supply. He noted that the drainage could not be repaired as desired because of the conflict with underground utilities located in the middle of the drainage ditches and cross pipes.

Chairman Lightner reported a successful “Sundaes in the Park” event on August 18th. He announced the following upcoming event:

- September 14- Pot Luck Community Picnic in the Park; 5:00 PM at the Park; Hamburgers and hotdogs; condiments and paper goods will be provided; Bring along a covered dish or dessert to share.

No Emergency Management Report was presented at this time.

The July 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.

RESOLUTIONS: Upon review of the fund balance reports and year to date expenses, Supervisor Cree made a motion and Supervisor Quigley seconded to approve and adopt **Resolution 13-14**, which authorizes the Secretary/Treasurer of Rye Township to make budgetary transfers in the amount of \$11,350.00 to the General Fund Budget. Motion carried unanimously. The Secretary/Treasurer noted this does not change the 2013 total budget amount. The Resolution transfers amounts solely on paper from one line item account to another.

Supervisor Quigley made a motion with a second from Supervisor Cree to adopt **Resolution 13-15**, which authorizes the Secretary/Treasurer to transfer a matured Road Projects #2 Certificate of Deposit at the Bank of Landisburg into the General Fund Checking account at the Marysville Bank to assist with payment of the 2013 road paving projects and in particular to approve a check issued to Pennsy Supply, Inc. in the amount of \$26,000 as a partial payment for the resurfacing of Dicken Drive and a section of New Valley Road. Motion carried unanimously.

Supervisor Cree made a motion with a second from Supervisor Quigley to adopt **Resolution 13-16**, which authorizes the Secretary/Treasurer to transfer \$68,192.39 from the Highway Aid Money Market Account at the Bank of Landisburg to the Highway Aid Checking account at the Marysville Bank to pay Pennsy Supply, Inc. as contracted for completion of 2013 paving projects on Dicken Drive and a section of New Valley Road. Motion carried unanimously.

ORDINANCES: Proof of publication is on file for **Ordinance 13-05 and Ordinance 13-06** to modify the Municipal and Police Pension Agreements respectively. Upon due consideration and in consultation with the Pennsylvania Municipal Retirement Systems, (PMRS), Supervisor Cree made a motion and Supervisor Quigley seconded to adopt Ordinance 13-05, electing to amend the Police Pension Plan administered by Pennsylvania Municipal Retirement System; Motion carried unanimously.

Upon due consideration and in consultation with the Pennsylvania Municipal Retirement Systems, (PMRS), Supervisor Quigley made a motion and Supervisor Cree seconded to adopt Ordinance 13-06, electing to amend the Municipal Pension Plan administered by Pennsylvania Municipal Retirement System; Motion carried. Even though the modifications include all municipal employees, at the advice of Solicitor Wagner, Chairman Lightner abstained because of any potential or perceived conflict of interest because Daisy Lightner is his spouse. A memo of record was filed with the Secretary.

LEGAL BUSINESS: Solicitor Wagner advised that the 2001 Elm Street concern is in process at the District Justice Court.

The Board reviewed a June 1974 Amusement Tax Ordinance with the Solicitor. The issue arose during the codification review if this particular Ordinance should be retained, appealed or stand alone. Discussion ensued. Upon due consideration, it was the consensus of the Board to not repeal the Ordinance and to include it in the codification of Ordinances.

Solicitor Wagner discussed the placement of items within the Township's R-O-W and explained that objects are not to be placed within the Township's R-O-W. The Township is not responsible for damage to objects, including mailboxes, which are placed within the R-O-W.

OLD BUSINESS: Supervisor Cree explained that a letter of request to extend the recycling contract for one year was received from Advanced Disposal. Advanced Disposal is willing to keep the rate for hauling and disposal at \$230.00 per container.

Upon due consideration, Supervisor Cree made a motion and Supervisor Quigley seconded to approve **Resolution No. 13-17** extending a contract for the hauling and processing of drop off recycling materials for the period January 1, 2014 to December 31, 2014 at the same rate of \$230 per pull. Motion carried unanimously.

Two (2) quotes were received for Fall Clean Up to be held Friday, October 4 and Saturday, October 5, 2013 as follows:

Vendor Name	Delivery Fee	Hauling Fee	TOTAL PER PULL	Tipping Fee per ton	Scrap containers	Fuel Surcharge
Sylvester's Services	\$100.00	\$69.00	\$169.00	\$63.00	Provided No Cost	No
Tiger Trash	\$0.00	\$175.00	\$175.00	\$68.00	Provided No Cost	No

Upon due consideration, Supervisor Quigley made a motion and Supervisor Cree seconded to accept the quote received from Sylvester's Services of Duncannon to provide roll offs for the Fall Clean up conditional upon receipt of a certificate of liability and workers compensation and proof of CDL testing for their drivers. The Secretary/Treasurer was directed to stress that signed delivery slips are required for each roll off delivered. Motion carried unanimously.

Electronic recycling was briefly discussed. The Secretary/Treasurer was in contact with Eloop, the previous certified hauler of electronics, to schedule and provide recycling of electronics for the fall clean up.

NEW BUSINESS: Supervisor Cree made a motion with a second from Supervisor Quigley to designate Thursday, October 31, 2013 from 6-8:00 PM as Trick or Treat Night in Rye Township. Motion carried unanimously.

In compliance with Act 205 of 1984, Daisy Lightner, Chief Administrator of the Pension Plans, presented the Board with the 2014 Minimum Municipal Obligation, MMO, for the Pension plans. The 2014 MMO for the non-uniform pension plan is zero \$0.00. The 2014 uniform pension plan Minimum Municipal Obligation, (MMO) is also zero \$0.00.

Supervisor Cree made a motion with a second from Supervisor Quigley to accept the audit proposal received from Smith, Elliott, and Kearns & Co. to complete the financial audit for

the years ending December 31, 2013, 2014 and 2015. Motion carried. Chairman Lightner abstained stating a conflict of interest. His spouse is the secretary/treasurer. A memo listing his conflict of interest is on file.

Supervisor Quigley made a motion and Supervisor Cree seconded to accept the 2014 Non-Uniform Pension Minimum Municipal Obligation, (MMO) at \$0.00 and the 2014 Uniform, (Police) Pension Minimum Municipal Obligation, (MMO) at zero \$0.00. Motion carried. Chairman Lightner abstained because of a potential or perceived conflict of interest because the Secretary/Treasurer is his spouse.

Chairman Lightner made a motion with a second from Supervisor Cree to accept the non-federal aid Supplemental Reimbursement Agreement #809892A required to add funding to the final design phase and add standard Commonwealth contract provisions, which have been amended or mandated subsequent to the previous agreement for the Pine Hill Road bridge replacement project. Motion carried unanimously. The Secretary indicated she would forward the supplemental agreement to McCormick Taylor who will in turn forward the agreement to the Department of Transportation for execution.

Discussion ensued regarding closure of an empty underground gasoline tank. The Township does not utilize this tank because all trucks are diesel. Upon due consideration, Supervisor Cree made a motion with a second from Supervisor Quigley to accept the proposal from Perry Petroleum for closure of the underground gasoline tank which includes draining all remaining gasoline and providing the necessary paperwork to the Department of Environmental Protection to change the status of the tank at a cost of \$595.00; motion carried unanimously. This change in status of the tank will save the Township annual registration fees and tank inspection fees.

Discussion ensued on correspondence received regarding the application by the Department of Transportation to PA DEP for a General Permit and an NPDES permit for the roundabout proposed at the top of Sterrett's Gap on SR 0034. A small portion of Rye Township at the top of Mountain Road is involved in this project. Chairman Lightner made a motion with a second from Supervisor Cree to authorize Supervisor Quigley to review the correspondence and provide the information to the Secretary to respond to Gannet Fleming, Inc. within the requested thirty (30) day time period. Motion carried unanimously.

ANNOUNCEMENTS: Chairman Lightner announced the following upcoming events:

- September 2- Labor Day Holiday; Office Closed; Trash will be collected Wednesday, September 4th.
- September 3- Planning Commission meeting is cancelled. The next meeting will be held on October 1, 2013.
- September 14- 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.
- September 14- Perry County Tire recycling- Loysville Community Center Ball Field Parking Lot; 8 AM to 12 Noon; \$1.00 per car/truck tire
- September 14- Marysville Community Picnic, 1-5 PM at Marysville Lions Club

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/Treasurer provided an August check register and submitted the following checks for approval and payment. General Fund checks #s 14055-14092 in the amount of \$50,663.96. No expense checks voided.

Supervisor Cree made a motion with a second from Supervisor Quigley to approve the expense check #s 14055 to 14059 and check #s 14061-14092. Motion carried unanimously.

Supervisor Quigley made a motion and Supervisor Cree seconded the motion to approve checks #14060 issued to Daisy Lightner for reimbursement of mileage. Motion carried. Chairman Lightner abstained from the vote since Daisy is his spouse.

Supervisor Cree made three motions with three seconds from Supervisor Quigley to approve the following payroll checks:

Payroll checks #s 6481-6490 in the amount of \$4,119.48.

Payroll checks #s 6491-6498 in the amount of \$3,934.28.

Payroll checks #s 6500-6508 in the amount of \$3,779.73

Void check #6499. Motion carried unanimously.

Supervisor Cree made a motion with a second from Supervisor Quigley to approve Highway Aid Check #724 issued to Pennsy Supply, Inc. in the amount of \$68,192.39 for the 2013 Paving Projects on Dicken Drive and New Valley Road. Motion carried unanimously.

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

ADJOURNMENT: There being no further business before the Board, Supervisor Quigley made a motion and Supervisor Cree seconded to adjourn the meeting at approximately 7:56 PM. Motion carried unanimously.

Respectfully Submitted,

Daisy Lightner
Secretary/Treasurer