

**RYE TOWNSHIP  
SUPERVISORS' MEETING  
March 24, 2014**

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**PRESENT:** Chairman Ken Quigley, Vice-Chairman Ron Cree, Supervisor Jim Sabo, Daisy Lightner, Secretary/Treasurer, Janet Hardman, Zoning Officer, Raymond (Pete) Fitting, Sean Fedder, John M. Fitzsimmons, P.E., John W. Smith, Cathy Sabo, Scott Weaver, Bruce Reehrer, Joe Burget and Ben Kirk of Burget & Associates, Luke Roman of the Duncannon Record and P. Richard Wagner, Esquire.

**FORMER SUPERVISORS PRESENT:** Robert Lightner and Charles Kunkle

The meeting was held at the municipal building and called to order at 7:00 PM. Chairman Quigley 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 Quigley asked if there was any citizen participation at this time. None was offered.

**APPROVAL OF THE MINUTES:** Supervisor Cree made a motion and Supervisor Sabo seconded to approve the minutes of the February 24, 2014 supervisors' meeting as submitted. Motion carried unanimously.

Chairman Quigley announced that an Executive Session was held at the Solicitor's office at 2233 Front Street, Harrisburg on March 10, 2014 at 6:00 PM.

**AWARD OF RFP-CLEAN UP:** Chairman Quigley read the one request for proposal received for the Spring Clean-up scheduled for Friday, May 2 and Saturday, May 3, 2014 as follows:

**Advanced Disposal**

Hauling fee	\$ 0
Haul fee w/waste	<u>\$ 175.00</u>
Total per pull	\$ 175.00
Tipping fees/Ton	\$ 65.00
Charge Scrap	-----
Metal Containers	\$ Zero

Upon due consideration, Supervisor Cree made a motion to award the Spring Clean-up contract to Advanced Disposal the only bid received 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. Supervisor Sabo seconded; motion carried unanimously.

**SUBDIVISION PLANS:** Ben Kirk of Burget and Associates was in attendance to seek final approval and signatures for the Kim L. and Robert N. Potter Final Subdivision Plan. The purpose of the plan is to subdivide a 5.704 acre tract from an existing 60.2 acre tract owned by Robert N. Potter and add it to Kim L. Potter's existing lot OF 6.3645 located off Rattling Rock Road so Kim's property is eligible for Clean and Green. Robert and Kim are brother and sister. Perry County Planning Commission comments were received and addressed. The Rye Township Planning Commission conditionally recommended approval of the plan at the March 4, 2014 meeting. All fees are paid in full.

Upon due consideration, Supervisor Cree made a motion with a second from Chairman Quigley to approve the alteration of requirements from the Subdivision Land Development Ordinance 09-03 for the **Kim L. and Robert N. Potter Final Subdivision Plan** as follows:

1. Article 5, Section 501 Preliminary Plan requirement

Motion carried unanimously.

Upon due consideration and review Chairman Quigley made a motion with a second from Supervisor Sabo to approve the **Kim L. and Robert N. Potter Final Subdivision Plan** Motion carried unanimously. The plan was left with the secretary to acquire all signatures.

Ben Kirk of Burget Associates provided a sketch on behalf of Donald and Bernice Barlup for a proposed addition to an existing accessory garage at their residence at **209 Brook Lane**. The subject sketch of the proposed addition was discussed at the local Planning Commission meeting on March 4, 2014, where they noted that the proposed addition would encroach within the rear set back lines according to the Brook Lane Estates, Phase II Plan. The Commission advised a variance from the Zoning Hearing Board may be obtained.

Neighbor and developer of Brook Lane Estates, Bruce Reehrer of **115 Brook Lane** was also in attendance and offered that he does not have a problem with the proposed construction at 209 Brook Lane. However, Mr. Reehrer clearly noted that his concern is with future compliance with the 150 foot rear set back line and notification of adjacent property owners in the future should this situation arise again.

Discussion ensued to determine the method for relief of the 150 feet rear set back line. Solicitor Wagner offered that the method of relief is different depending if the set back line is a result of the Zoning Ordinance, the Subdivision Ordinance or both or a deed restriction on the plan established by the developer.

Solicitor Wagner advised that the applicant could submit and record an amended plan for his lot at **209 Brook Lane** to change the 150 feet rear set back line. If only relief for a particular instance is being sought from the 150 feet rear set back, it would require at a minimum the developer, the landowner, the Township, and any other land owner that may have standing to object to it to complete signature agreements to waive or alter the set back requirement.

Ben Kirk was advised to have the property owner submit and pay for an application for a zoning permit. No action would be taken until an official zoning permit application with detailed drawings of the proposed construction is submitted and paid for in full. The Zoning Officer would then make an official determination for the proposed construction at 209 Brook Lane. The Zoning Officer's decision based on the permit application will determine what method of relief, if any, is sought.

Zoning Officer Hardman offered that preliminary reviews indicate the permit would be denied because it encroaches into set backs. She advised the owner seek the recommendation of the Planning Commission dependent upon the result of the zoning permit application.

Lastly, Ben Kirk of Burget and Associates approached the Board for review of the outstanding conditions for approval of the **Preliminary Minor Subdivision Plan for Donald L. & Bernice C. Barlup and Randy L. & Rita A. Barlup**. The purpose of the plan is to subdivide an existing 40.423 acre tract of land into three lots, creating single-family residential building lots. The plan was first reviewed by the Commission in 2009 and conditionally approved by the Supervisors at the March 23, 2009 meeting. Rettew Associates completed two additional reviews of the storm water plan; and comments were addressed by the Planning Commission. County reviews were completed and addressed in 2009.

The Board reviewed the outstanding conditions listed for approval at the March 23, 2009 supervisors' meeting as follows:

1. Relocate the proposed auxiliary spillway so that the water is conveyed into the ditch.

*Spillway is shown with a downstream swale to convey any "spillway" flow into the roadside swale. See sheets 2 & 3 of 5. (Storm water and inspection agreements are drafted and will be signed and recorded with the Plan).*

2. Verify that the conveyance capacity of the ditch is adequate to handle the overflow. *Stormwater management report has swale calculations (See Appendix E).*
3. Prepare to post bond at 110% of the actual cost for construction of the proposed improvements.  
*Bonding of improvements will be completed at the final plan approval stage.*
4. Provide a waiver that the proposed private driveway is consistent with SALDO Article 7. Design Standards, Section 716 C. and not with SALDO, Article Design Standards, Section 706C.  
*A revised waiver request letter has been created with items revised as requested. See attached waiver request letter.*
5. Add a note on the plan referencing E & S plan provisions, (upon E & S plan approval) in regards to the maintenance of all the drainage facilities.  
*Subdivision note #15 (Sheet 1 OF 6) discusses E & S control items. E & SC plans approved by the County Conservation District direct all maintenance responsibilities for all temporary and permanent control facilities.*
6. Demarcation of an easement and inclusion of a note on the Plan granting access and egress to all present and future residents of 2755 Valley Road situated immediately west of the access drive proposed to service the planned Barlup and Barlup Subdivision.  
*Detail enlargement with a note has been added to sheet 1 of 5 as requested.*

Solicitor Wagner clearly stated that he cannot advise the Board on anything involving the Barlup and Barlup Preliminary Subdivision Plan because of a conflict of interest. He is legal counsel for one of the parties involved in a divorce proceeding.

Upon due consideration and review, Chairman Quigley made a motion with a second from Supervisor Cree that the conditions listed at the March 23, 2009 Supervisors' meeting for the approval of the **Preliminary Minor Subdivision Plan for Donald L. and Bernice C. Barlup and Randy L. and Rita A. Barlup** are satisfactorily met. It was noted that Condition #3, the posting of bond at 110% of the actual construction of the proposed improvements, would be completed at the final plan approval stage. Motion carried unanimously. Upon the signature of the plan by all property owners, Burget and Associates will return the above Barlup Preliminary Plan to the Township office for signatures.

Joe Burget of Burget and Associates approached the Board to request the approval of the following waivers for the **Preliminary Minor Subdivision Plan for Donald L. and Bernice C. Barlup and Randy L. and Rita A. Barlup**. He noted that Waiver no. 6 was added. All waivers were recommended for approval by the Planning Commission as follows:

1. Article 7, Section 703.K. (Hor. Curve Radius)  
To reduce the amount of excavation and follow existing ground conditions.
2. Article 7, Section 705.B. (Radial Lot Lines)  
To minimize pan handle width and use existing land features as natural divides.
3. Article 7, Section 706.A. (Access to Adjacent Properties)  
Due to the fact that adjacent properties could be developed in numerous ways, to better conserve existing natural features.
4. Article 7, Section 703.E. (Dead End Street Length)

Due to the fact that the proposed private street will only have 3 residential units accessing it, would like to have a street length of 1,200 feet.

5. Article 7, Section 706.D. (Bituminous Surface)

Due to review of ordinance definitions, we feel the proposed access would be considered a private driveway and be regulated by such section(s); therefore section 716.2 items would apply that requires bituminous paving surfacing where grades exceed 10%.

6. Article 7, Section 703.D. (Minor Street Width) Upon the request of the board of supervisors and due to the fact that the proposed private street will only have 3 residential units accessing it, we ask for relief to allow for a street width reduced from the 20' requirement to 18'. The proposed grading along the private drive will allow for an additional 1' wide grass shoulder beyond the cart way.

Upon due consideration and discussion, Supervisor Cree made a motion with a second from Chairman Quigley to approve the above Alterations of Requirements from the Subdivision Land Development Ordinance 03-01 for the Preliminary Minor Subdivision Plan for Donald L. & Bernice C. Barlup and Randy L. & Rita A. Barlup. Motion carried unanimously.

Ben Kirk and Joe Burget of Burget and Associates along with Bruce Reehrer left the meeting at this time.

**MONTHLY MUNICIPAL REPORTS:** Due to lack of activity during the winter months, no Sewage Enforcement Report was submitted.

Janet Hardman was in attendance and verbally reported the following activity from February 25 to March 24: ( 1) Zoning Permit, ( 7) phone calls, (1) review of Barlup Subdivision, and attendance at a supervisors' meeting for a total due of \$210.00. Fees collected were \$50.00.

The Road Report was provided by Road Foreman Brad Sloop and read by Road Superintendent Ken Quigley. Once again, with the winter storms and record low temperatures, most of the work completed involved either winter maintenance with snow plowing or repair of equipment.

Recreation Board member Robert Lightner reported the following upcoming events:

- ◆ Easter Egg Hunt                      April 12 @ 11:00AM; Rain Date: April 13 @ 1:00PM  
Ages 10 and under
- ◆ Fishing Derby                              May 17, 9:00 AM at the Sportsmen's' Association
- ◆ Strawberry Festival                      June 15

No Emergency Management Report was presented.

The February Treasurer's Report was submitted by the Secretary/Treasurer & placed on the front table for anyone to review. The Board accepted the report as submitted pending the independent auditors' report. The Secretary/Treasurer reported that auditors from SEK plan to present their public 2013 audit report at the April 28 board meeting.

**RESOLUTION:** Supervisor Cree made a motion with a second from Supervisor Sabo to adopt Resolution 14-06, which authorizes the Secretary/Treasurer to transfer the 2014 State allocation of Liquid Fuels monies received in the amount of \$94,134.29 from the Highway Aid General Savings Account at Marysville Bank to a Highway Aid Money Market Account at the Shermans Dale branch of the Bank of Landisburg until utilized for payment of 2014 paving projects for a slightly better rate of investment return. Motion carried unanimously.

Proof of publication is on file for **Resolution 14-07**. Supervisor Cree made a motion with a second from Chairman Quigley to adopt Resolution 14-07, which amends Resolution 98-4, paragraph 3 to increase the amount of fees permitted for returned checks of non-sufficient funds charged by the elected tax collector to \$25.00 plus any bank costs or fees. Motion carried unanimously.

**LEGAL BUSINESS:** Solicitor Wagner reviewed a February 24, 2014 letter from Rettew Associates relating to the dispute of engineering fees for the Raisner/Matsko SFTF. Rettew believes that the arbitration method recommended is not the appropriate method to resolve the dispute. Solicitor Wagner advised that he would contact Max Schradely about this and report back to the Board at the next meeting.

Solicitor Wagner reviewed the PSATS advertising requirements for Ordinance consolidation and advised this is the correct procedure to adopt the Code of Rye Township. The proposed Codification for Rye Township prepared by General Code was on the front table for review. Chairman Quigley made a motion with a second from Supervisor Cree to authorize the Secretary/Treasurer to advertise the intent to adopt the Township Code. Motion carried unanimously.

**OLD BUSINESS:** No old business was on the agenda.

**NEW BUSINESS:** Chairman Quigley read the Receipt of Complaint Policy in its entirety noting that all complaints must be received in writing and signed by the complainant(s) or no action can be taken by the Township. He explained that this policy will provide a fair and reasonable method for obtaining compliance with Township ordinances and regulations.

Upon due consideration, Chairman Quigley made a motion with a second from Supervisor Sabo to adopt the "Receipt of Complaint Policy" effective immediately. Motion carried unanimously.

The Board directed the Secretary to add this policy to the Township's website.

Supervisor Cree made a motion with a second from Chairman Quigley to accept and sign the **offer to purchase letters** received from Appraiser Jay D. Matthews for purchase of R-O-W for the replacement and improvement of the Pine Hill Road Bridge T-305 Project. Motion carried unanimously.

Upon due consideration, Supervisor Cree made a motion with a second from Chairman Quigley to approve a simple contract for mowing of **Oak Grove Cemetery** with Brad Sloop of Rye Township at the cost of \$120.00 per mowing with the maximum of 12 mowings. Motion carried unanimously.

Chairman Quigley announced the following event:

- Spring Clean-up -      Friday              May 2 from 6 AM to 2 PM
- Saturday              May 3 from 8 AM to 12 Noon

**APPROVAL AND PAYMENT OF THE BILLS:** The Secretary/Treasurer provided a March 2014 expense check register and submitted the following checks for approval and payment: General Fund Check's #s 14303-14338 in the amount of \$42,772.96. No checks void.

Payroll checks #s 6624-6634 in the amount of \$4,961.39. No payroll checks void.

Payroll checks #s 6635-6644 in the amount of \$4,190.57. No payroll checks void.

With no further discussion on the bills presented, Supervisor Sabo made a motion & Supervisor Cree seconded to approve all the expense and payroll checks presented for payment. Motion carried unanimously.

**CITIZEN PARTICIPATION:** Marysville Fire Chief Scott Weaver of New Valley Road requested the Board of Supervisors clarify the fire company service areas for Marysville Fire Company and Shermans Dale Fire Company in the area of Rattling Rock Road and Idle Road. Weaver offered that he received concerns from fellow members with dispatchers not sure which company has jurisdiction in a gray area located near the dividing line along Idle Road.

Discussion ensued. Supervisor Cree made a motion with a second from Supervisor Sabo to clarify the fire company service coverage areas as follows:

Marysville Fire Company - from the boundary of Marysville Borough west to and including Idle Road.

Shermans Dale Fire Company – from the Carroll Township boundary east to, but not including, Idle Road.

Motion carried unanimously.

The Board directed the Secretary/Treasurer to notify all parties involved and Thomas Bell, the Emergency Management Dispatcher at the County 911 Center of the change in fire service coverage areas. It was noted that the change does not affect the Ambulance service coverage areas.

**EXECUTIVE SESSION:** At 8:29 PM Chairman Quigley recessed the meeting to Executive Session to discuss personnel and confidential legal issues with Solicitor Wagner.

**RECONVENE THE MEETING:** Chairman Quigley reconvened the meeting at 8:49 PM. No action was taken.

**ADJOURNMENT OF THE MEETING:** There being no further discussion or business before the Board, Supervisor, Cree made a motion and Supervisor Sabo seconded to adjourn the meeting at 8:50 pm. Motion carried unanimously.

Respectfully submitted,

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Daisy Lightner, Secretary/Treasurer