

**RYE TOWNSHIP
SUPERVISORS' MEETING
April 28, 2014**

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PRESENT: Chairman Ken Quigley, Vice-Chairman, Ron Cree, Supervisor Jim Sabo, Daisy Lightner, Secretary/ Treasurer, Pete Fitting, Glen Campbell, II and Darlene Campbell, Peggy Fedder, Rebecca Schulze, John Fitzsimmons, Adam Klein, Esquire, Terry Kline, PE, Craig Raisner, and P. Richard Wagner, Esquire.

FORMER SUPERVISOR PRESENT: Robert Lightner

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

APPROVAL OF THE MINUTES: Supervisor Cree made a motion to approve the minutes of the March 24, 2014 supervisors' meeting. Supervisor Sabo seconded; Motion carried unanimously.

PERSONS TO BE HEARD: Craig Witmer, CPA and Teena Curnow of Smith, Elliott, Kearns, & Co, LLC were present to provide a brief synopsis of the 2013 Financial Audit report for Rye Township. CPA Teena Curnow explained that the audit presentation will be a summary power point presentation. 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 deficit resulted in the General Fund with a surplus in the Solid Waste and Capital Reserve and Highway Aid Funds. The deficit in the General Fund was due to transfers to the Capital Reserve in preparation for expenditures in the 2014 budget. Overall a surplus of approximately \$68,000 was realized for all the funds combined. The presentation provided analysis of all the funds, notes to financial statements, the Management letter, a general communication letter, and graphical analysis of cash and investment trends, revenue versus expenses; revenue trends; expense trends; revenue allocation and expense allocation. Curnow noted that GASB 68 was recently adopted with new standards that will significantly change the accounting and reporting for pension plans beginning in the 2015 fiscal year. She reported that fortunately Rye Township's pension plans are both fully funded. SEK will determine in 2015 if these new GASB standards would apply to the Township, and if any additional footnote disclosures will be necessary.

The full 2013 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 Teena Curnow asked if there were any questions on the audit or presentation. No response received. She thanked the Board; and both auditors left the meeting at this time. Chairman Quigley also expressed appreciation to the Secretary/Treasurer for a job well done.

Attorney Adam Klein approached the Board on behalf of his client, Craig Raisner to request approval of a resubmittal of a sewage module for a **Small Flow Treatment Facility** for **Lot #6 of the Robert Matsko Subdivision** located off Lambs Gap Road. Lot #6 is approximately 9 +- acres. He stated that Craig Raisner has a sales agreement with Dr. Robert Matsko and desires to construct a single family dwelling with garage and access driveway.

Klein offered that in order for Mr. Raisner to purchase **Lot #6** and build a residence there, the only potential option to provide for waste water disposal is the installation of a **small flow treatment facility (SFTF)** discharging into the stream.

Chairman Quigley discussed an unpaid invoice from Rettew Associates in the amount of \$1,017.72 regarding engineering fees for review of the first submission of the Raisner/Matsko SFTF sewage module. Attorney Klein offered that they disputed the fees because, in their opinion, the amount charged is too excessive. Klein offered that this is between his client Mr. Raisner and Rettew. The Secretary/Treasurer noted that the invoice was sent to Rye Township for payment. The Township is requesting reimbursement of the costs from Mr. Raisner for review of the sewage module he submitted to the Township relating to development of Lot #6.

Since this module was before the Board previously and disapproved, Solicitor Wagner asked for clarification of the status of this submission. Terry Kline, engineer for Craig Raisner, offered that he spoke with DEP, who requested that Kline address the Township's concerns and resubmit the module. At the request of DEP, Kline is requesting that the Board review and reconsider the submission and approve the revised module for Craig Raisner for a SFTF on Lot #6 off Lambs Gap Road.

Solicitor Wagner advised that since the first submission was reviewed by an engineering firm and comments were received; it would be prudent for an engineering firm to review and comment on the second submission.

Discussion ensued on gaining review of the second submission by a professional, exploring other alternatives to provide sewage, Lot #6 deemed as "non-buildable" on the recorded Matsko plan, and the resolution of the outstanding engineering fees from Rettew.

Upon due consideration, Chairman Quigley made motion to table any action on the Raisner revised sewage module submission until the outstanding engineering invoice is paid in full. No second was received. Motion did not carry.

Attorney Klein said his client understands he owes for the engineering services and is willing to negotiate the costs with Rettew.

Solicitor Wagner recommended Mr. Raisner deposit the amount due to Rettew for engineering in an escrow account and provide proof of this deposit. The money then would remain in the escrow account until the invoice issue is resolved and the bill paid.

Chairman Quigley made a motion with a second from Supervisor Sabo to direct Attorney Klein on behalf of Craig Raisner to **deposit funds in escrow** to cover the full amount of the engineering expense incurred with Rettew Associates and provide certification of this deposit to Solicitor Wagner with the understanding that the escrow will remain on deposit until such time that the Township is paid in full for the expenses incurred from review of the Raisner/Matsko SFTF module review. Motion carried unanimously.

Attorney Klein acknowledged and said he would provide certification of the escrow account to Solicitor Wagner.

Chairman Quigley made a motion with a second from Supervisor Cree to table any discussion or action on the revised sewage module submission until such time that proof is received that the escrow account is established and until the Board has time to discuss and designate an engineering firm that will provide the second review of the revised Raisner/Matsko sewage module. Motion carried unanimously.

The Board directed that the Secretary/Treasurer provide Tom Graupensperger a copy of the revised Raisner/Matsko sewage module for review.

Supervisor Cree made a motion to send the revised Raisner/Matsko sewage module back to the Planning Commission for review. There was no second. The motion did not carry.

Attorney Klein, Terry Kline, PE and Craig Raisner left the meeting at this time.

MONTHLY MUNICIPAL REPORTS: No Sewage Enforcement Report was submitted by SEO Lenny Sizer of Madden Engineering for March due to no activity.

Zoning Officer, **Janet Hardman** submitted a written report for April. The summary was read by Chairman Quigley as follows:

- 1) Zoning Permit
- 2) Two letters
- 1) Driveway Permit
- 2) Inspections
- 11) Phone calls. Total due in wages of \$255.00

The report was placed on the front table for anyone to review.

No Road Report was presented. Chairman Quigley reported that pot hole patching was completed throughout the Township and chipping of brush. Work will begin to prepare Mountain Dale Drive and a section of New Valley Road for paving this summer.

Glen Campbell, II, Vice-Chairman of the Recreation Board was present to provide a report for April and announced the following upcoming events:

- ◆ Fishing Derby May 17, 9:00 AM at the Marysville Sportsmen's Assoc. for ages 3-12
Glen Campbell requested help to install the dams on the creek on May 14, 15 and 16
- ◆ Strawberry Festival, June 15, 6:00 PM, Rain or Shine

Glen discussed acquiring someone to mow the ball field since the VFW team no longer is utilizing and maintaining the field. Supervisor Ron Cree offered to mow the field if there is no one else available. The Board does not want the road department to take on this added responsibility. The Recreation Board would discuss mowing of the ballfield at the next meeting on May 12, 2014.

Assistant Emergency Management Coordinator Pete Fitting urged residents and citizens to dial 911 when an emergency arises. Recently a citizen called the Marysville Ambulance office number and no one answered. Fitting stressed to simply remember to call 911 to gain the fastest response. He also mentioned that the Marysville Ambulance Association does not do transports.

The March 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 all of the 2013 year end journal entries from the auditors were made and the 2013 accounting year has been closed. The 2014 beginning balances generated and reconciled.

RESOLUTION: Supervisor Cree made a motion with a second from Chairman Quigley to adopt **Resolution 14-08**, which authorized the Secretary/Treasurer to transfer a matured Future Land Purchase CD #1 in the amount of \$21,809.29 from the Bank of Landisburg to Enola, Members First Credit Union 19 month CD for a better rate of interest. Motion carried unanimously.

LEGAL BUSINESS: Comcast Cable does not agree with the proposed franchise agreement term of two years. Comcast representatives desire a ten (10) year agreement. Solicitor Wagner previously advised the Board at the January 27, 2014 meeting to limit all franchise agreements to two (2) years due to changes in the legislation for cable companies. Solicitor Wagner advised that since Comcast will not agree to sign a franchise, then Rye Township can encourage any cable company to operate in that area.

Supervisor Cree made a motion with a second from Supervisor Sabo to agree to resolve the legal issue with the Township. Motion carried unanimously.

Solicitor Wagner left the meeting at this time.

OLD BUSINESS: Chairman Quigley made a motion with a second from Supervisor Sabo to rescind the motion made at the March 24, 2014 board meeting to change the fire service coverage areas for Shermans Dale and Marysville Fire Companies. Motion carried unanimously. Chairman Quigley offered that he spoke with the respective companies and the 911 dispatch office and everyone is on the same page.

Chairman Quigley said road resurfacing will be minimal this year in order to plan for resurfacing of Pine Hill Road next year. Mountain Dale Drive and a small section of New Valley Road are scheduled for resurfacing. Chairman Quigley made a motion with a second from Supervisor Sabo to authorize the **advertisement of the 2014 Road paving bids** for opening and tentative award at the May 19, 2014 board meeting. Motion carried unanimously.

Supervisor Cree made a motion with a second from Chairman Quigley to renew the health insurance plan with Capital Blue Cross from June 1, 2014 to May 31, 2015. The increase in premiums is minimal at 3%; however only 1.5% will be realized in the 2014 budget. Motion carried unanimously.

Chairman Quigley made a motion with a second from Supervisor Sabo to approve and sign the R-O-W agreements for Steven and Janet Goodyear of 3595 Valley Road in the amount of \$2,300 and Richard and Karen Gibney of 52 Pine Hill Road in the amount of \$600.00 for the construction and improvement of the Pine Hill Road bridge. Motion carried unanimously.

Peggy Fedder, also an owner of property affected by the construction or improvement of the Pine Hill Road Bridge, expressed her displeasure with the consideration of sum of money proposed to purchase their property in comparison to the Goodyear property. Fedder noted that she is losing more property than the other two property owners, yet her appraisal is only \$1,020.00. Fedder said she disagrees with the appraiser's values. Chairman Quigley recommended she acquire the contact information from the secretary and contact the appraiser, Jay Matthews. The secretary noted Pat Swisher of H2 Engineering offered that the Fedder's can acquire their own certified appraiser to dispute the appraiser. Fedder said she does not wish to delay the process for the Township, but felt the value of their property was not fair.

Chairman Quigley offered that the agenda on the website is a good idea and something that could be implemented; however, not at this time. The current website may need updated to catch up with technology and costs would be involved.

NEW BUSINESS: Upon due consideration, Chairman Quigley made a motion with a second from Supervisor Cree to approve a simple contract for mowing of **New Valley Road Park** with Kurt Matter of Rye Township at the cost of \$120.00 per mowing; with the maximum of 14 mowings. Motion carried unanimously.

David Bair and his fiancé Lindsey approached the Board to request approval of the transfer of the salvage yard license at 1790 New Valley Road from Woody's Auto Salvage to their business called "Rebuildables". They provided a complete application and an existing conditions site plan. The fee for the transfer was paid in full.

Lindsey noted that they submitted a land development plan for the May Planning Commission meeting to discuss proposed construction of additional buildings and development of the parcel and their business. They noted that they intend to clean up the area and even intend to try to plant additional trees.

Supervisor Cree noted that the use as a salvage yard is grandfathered.

Discussion ensued. Upon due consideration, Chairman Quigley made a motion with a second from Supervisor Sabo to approve the transfer of the salvage yard license and issue the license contingent upon satisfactory inspection conducted by Zoning Officer, Janet Hardman. Motion carried unanimously.

Chairman Quigley announced the following upcoming events:

- Spring Clean-up – May 2 and May 3, 2014
One pick-up truck per residence
- May 17- Fishing Derby
- May 19th – May supervisors’ board meeting; 7:00 PM
- May 26- Memorial Day Holiday-Office Closed
Trash will be collected on Wednesday, May 28

Supervisor Ron Cree made a motion with a second from Chairman Quigley to hire John Keck as a part time road employee “as needed” to begin work at the Clean Up event on May 2 with wages set by the 2013 Wage Schedule Resolution. Motion carried unanimously.

APPROVAL AND PAYMENT OF THE BILLS: The Secretary/Treasurer provided an April expense check register and submitted the following checks for approval, signature and payment:

General Fund Check #s 14339-14363 in the amount of \$22,482.18. Void check 14289.

Payroll checks #s 6645-6654 in the amount of \$ 3,865.39. No payroll checks void.

Payroll checks #s 6655-6660 in the amount of \$ 5,774.23. No payroll checks void.

With no further discussion on the bills presented, Chairman Quigley made a motion & Supervisor Cree seconded to approve and sign the checks & pay the bills except for check # 14344 issued to Cathy Sabo. Motion carried unanimously.

Supervisor Quigley made a motion with a second from Supervisor Cree to approve check# 14344 a replacement check issued to Cathy Sabo. The original check # 14289 was lost. Motion carried. Supervisor Sabo abstained stating he has a conflict of interest, because Cathy is his spouse.

CITIZEN PARTICIPATION: John Fitzsimmons of Lambs Gap Road asked to review the comments addressed in the revised Raisner/Matsko SFTF sewage module by Raisner’s engineer.

Rebecca Schulze of Lee Drive commented on the revised second submission of the Raisner/Matsko SFTF module and offered that the Township Ordinance does not permit a SFTF installation for new homes. According to the Township’s Ordinance, Small Flow Treatment Facilities, (SFTF) are *solely* permitted for the repair of an existing system, which has failed; and there is no other alternative.

Peggy Fedder of Valley Road also offered that the Raisner/Matkso SFTF sewage module is against the Township Ordinance. The Board already disapproved the module last year.

Former Supervisor Robert Lightner asked about the appointment of a new solicitor for the Township in light of the fact that Solicitor Wagner requested the Board acquires a new solicitor after thirty (30) years. Supervisor Sabo offered that the Board is looking into other solicitors and will be discussing this and making an appointment in the near future. In the meantime, Solicitor Wagner will continue on as Rye Township’s solicitor.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Supervisor Cree made a motion and Chairman Quigley seconded to adjourn the meeting at 9:04 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer