

**RYE TOWNSHIP
SUPERVISORS' MEETING
May 20, 2015**

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PRESENT: Chairman Ken Quigley, Vice-Chairman Jim Sabo, Supervisor Tom Speck, Daisy Lightner, Secretary/ Treasurer, Janet Hardman, Zoning Officer, Sean Fedder, Herbert and Susan Berger, Nina Gilroy, Lenny Tepsich, John Stahl, and Solicitor P. Dan Altland, Esquire.

FORMER SUPERVISOR PRESENT: Robert Lightner

The meeting was held at the municipal building and called to order at 7:02 PM. Chairman Quigley convened the meeting with the pledge of allegiance to the flag. The meeting was recorded to aid with the preparation of minutes.

CITIZEN PARTICIPATION: Chairman Quigley welcomed everyone and asked if there was any citizen participation at this time. None was offered.

OPEN/AWARD THE ROAD BIDS: The bid request for road resurfacing was advertised in the Duncannon Record on April 23 and April 30 and proof of publication is on file. Roads anticipated for paving are a portion of New Valley Road near the Marysville Borough boundary, a portion of Lambs Gap Road, and Woods Drive including the cul-de-sac. Four sealed bids were opened by the Secretary/Treasurer and read by Chairman Quigley as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Eastern Industries, Inc.	\$ 144,734.00
Pennsy Supply, Inc.	\$ 165,921.00
Glen Hawbecker & Sons	\$ 150,181.00
Jay Fulkroad & Sons, Inc.	\$ 144,686.69

Upon due consideration, Chairman Quigley made a motion with a second from Supervisor Sabo to accept the lowest bid and award the road resurfacing contract to Jay Fulkroad & Sons, Inc. in the amount of \$144,686.69 conditional upon review of contract documents by the Township Solicitor. Motion carried unanimously. The Secretary/Treasurer will notify the bidders and acquire necessary contract paperwork and signatures following the legal review.

PERSONS TO BE HEARD: Lieutenant Craig Stine of Newport State Police Barracks was present to provide the Board and residents with a report. He introduced himself and noted that he has been in charge of the barracks since December 2014. Lieutenant Stine read over the report which included four months from January 2015 to May 5, 2015, which listed 91 incidents with 16 of the 91 calls cancelled by the complainant, 2 criminal mischief, 3 assaults -harassment, 5 vehicle accidents, 2 disorderly conduct, 2 DUI's, and 2 domestics. The remaining incidents were considered miscellaneous involving things such as animals on the roadway, assist a motorist, assist with mental health situation, mailbox damage, and assist other police. Lieutenant Stine alerted residents to beware of gypsy scammers that are in the area this time of year. Most try to sell driveway sealing or paving. Some will target older residents and distract them in the front yard while the partner in crime enters the house through the rear door. Overall, Lieutenant Stine said Rye Township has a very low crime rate and is a safe community in which to live.

Lieutenant Stine offered that he currently has 59 troopers and plans to acquire several graduates that will intern with the Newport barracks this summer following graduation. Detectives in unmarked cars are also on staff. He encouraged anyone to contact him with any concerns. The Board thanked Lieutenant Stine as he departed the meeting at this time.

APPROVAL OF THE MINUTES: Supervisor Sabo made a motion and Supervisor Speck seconded to approve the minutes of the April 27, 2015 supervisors' meeting minutes as submitted. Motion carried unanimously.

LEGAL BUSINESS: Solicitor Altland offered that specifications for the Dutch Cemetery Road repairs and improvements were received from adjacent Carroll Township. Driveway permits for the lots and the road occupancy permit were not yet issued by Rye Township pending additional information and the signature of the owner of the properties. The Board directed the Secretary to send the owner a reminder letter explaining the permitting process in Rye Township for gaining all the required permits.

Solicitor Altland said he once again contacted the attorney for 149 Fleisher Road and requested a response to the agreement. Zoning Officer Hardman inspected the concern received with the arborvitaes planted recently in the R-O-W at 149 Fleisher Road. The Board directed that they be removed since the R-O-W is thirty (30) feet from the Township's center line. Hardman spoke to the owner, Mr. Sultzaberger, who said he planned to attend the meeting tonight to discuss this concern. Hardman also said Sultzaberger offered to remove the trees and plant them on the boundary line and out of the Township's R-O-W. Chairman Quigley said the trees significantly impede the R-O-W at this section of Fleisher and recommended that a letter be drafted and sent to the owners of record giving them ten (10) days to remove the trees.

Solicitor Altland advised that the Fee Schedule may be updated without advertisement as long as the Ordinance establishing the fee provides a section for updates to the fee(s) by resolution established and approved by the majority of the Board of Supervisors.

Solicitor Altland reviewed and approved Ordinance 15-02, temporarily closing Pine Hill Road to through traffic to replace the bridge culvert over Fishing Run beginning June 17 through August 12, 2015. Upon due consideration, Chairman Quigley made a motion with a second from Supervisor Speck to adopt **Ordinance 15-02** temporarily closing Pine Hill Road to through traffic to replace the bridge culvert over Fishing Run beginning on June 17, 2015. Motion carried unanimously. All emergency agencies, Penn Waste, PSP, and the Marysville Post Office and residents received a separate written notification mailed earlier this week.

Joe Burget of Burget Associates approached the Board to discuss and clarify the recommendations made by the Solicitor to revise the Easement and Road Maintenance Declaration for the Tepsich/Bennett Final Subdivision Land Development Plan. The Solicitor advised to revise the prior private road maintenance agreement and reference the parcel numbers for each lot and add newly created Lot 2a. Burget will revise the agreement and forward it to the Solicitor for a final review.

MONTHLY MUNICIPAL REPORTS: Zoning Officer, Janet Hardman was in attendance to discuss and provide a verbal summary of several outstanding zoning issues. Since this meeting was scheduled early, she had not submitted the May zoning report. Regarding two abandoned properties- one at 2001 Elm Street and one at 960 Valley Road, the Solicitor advised sending enforcement letters to the mortgage or financial institution that owns the properties. The letter must clearly state that the properties must be consistently maintained. The Board directed the deadline for abatement of the violations to be listed in accordance with the Nuisance Ordinance, which states that action must be commenced within twenty-one (21) days. Abatement of the violations must be accomplished within thirty-five (35) days. Chairman Quigley will check on the contact information for 960 Valley Road. The Secretary and the Zoning Officer will work together to compile the letters when the contact information is required.

Supervisor Speck offered to accompany the Zoning Officer on-site to an ongoing violation in the Bellview Acres Development.

The Board of Supervisors directed the Zoning Officer to update her report to provide the status of ongoing enforcement issues.

The Sewage Enforcement Report was presented by Lenny Sizer, SEO of Madden Engineering. Chairman Quigley read the report: 10 activities: Wolfersberger, Pine Hill Road repair; 55 Millers Gap Road- permit; 655 Mountain Road- permit; 135 Cove Road- cover inspection; 1816 Valley Road- permit; 3512 Grier Point Road- residual probe and percs for a total due in fees of \$780.00.

The May Road Report was submitted by Road Foreman, Brad Sloop and read by Chairman Quigley and placed on the table for anyone interested to review.

Recreation Board member, Robert Lightner reported a successful Fishing Derby was held on May 16, 2015 with 46 children in attendance plus parents and grandparents. The Recreation Board recommended the Board hire a student and resident named Mitchell Baltosser to complete part time work around the park for the summer. Upon due consideration, Supervisor Sabo made a motion and Chairman Quigley seconded to hire Mitchell Baltosser of Rye Township to work at the Park part-time this summer at the rate of \$8.00 per hour for approximately 50 hours beginning in early June. Motion carried unanimously. Working papers have been completed and submitted to the Township office.

Robert Lightner announced an upcoming “free” park event:

- ◆ Strawberry Festival June 14, 2015 6:00 PM; Rye Township Park; Rain or Shine

Robert Lightner offered that the newly installed boardwalk looks great and expressed appreciation to the road crew for building and installing it. Residents are now able to park vehicles at the Township building and walk over to the Park on the boardwalk.

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 beginning year balances are generated and 2015 budget figures entered in the system. All funds are in balance and reconciled to the checking account and bank statements as of April 30, 2015.

RESOLUTION: Supervisor Sabo made a motion with a second from Supervisor Speck to adopt **Resolution 15-13**, which authorized the Secretary/Treasurer to transfer fire insurance proceeds held in escrow to a separate certificate of deposit account at the First National Bank of Mifflintown to be used solely as security per Ordinance 99-3 for 45 Reed Drive. Motion carried unanimously.

ORDINANCE: Ordinance 15-01 was advertised and proof of publication is on file. Chairman Quigley made a motion and Supervisor Speck seconded to **adopt Ordinance 15-01**, which authorizes the closing of Grier Point Road on Saturday, June 20, 2015 from 8:00 AM to approximately 8:00 PM for Bethel United Methodist Church to hold a strawberry/bluegrass festival. Motion carried unanimously.

NEW BUSINESS: Rye Township received an offer from Pennsylvania Department of Environmental Protection and the American Lung Association for each dwelling to receive a mailing to participate in a Township-wide Radon Survey and receive a coupon for one free radon test kit. Discussion ensued on costs to a resident to acquire the results after they are sent back to the American Lung Association. Upon due consideration, Supervisor Sabo made a motion to *not participate in a Township-wide Radon Survey* with a second from Supervisor Speck. Chairman

Quigley voted in favor of participation and opposed the motion to not participate. The motion carried to not participate in the Township-wide Radon Survey.

Joe Burget of Burget Associates approached the Board to review and possibly gain conditional approval of the revised Tepsich/Bennett Final Subdivision Plan so a time extension would not be necessary.

Chairman Quigley was reluctant to approve a plan that was placed before him with no chance for the Board to receive a copy ahead of time to allow for adequate review of the plan revisions prior to asking for approval. The Bennett's and Tepsich's each own 18 acre lots off Ridge Road in Bellview Acres. The purpose of the plan is to reconfigure two existing lots (existing lot 2 & 3) via lot additions (proposed lot 2b and lot 3a) as well as creating a new building lot (proposed 2a) for a single-family dwelling for the Tepsich's daughter and family. The proposed plan is contingent upon the Township accepting the dedication of a portion of the current private drive as an extension to Ridge Road. Perry County Planning Commission comments were received and addressed. The Rye Township Planning Commission reviewed and conditionally approved the plan at their May 5, 2015 meeting. All filing fees were paid and a fifty dollar security deposit was received. All engineering costs are paid to date. However additional fees will be incurred including the inspection(s) of the existing roadway and proposed improvements.

Upon due discussion, Supervisor Sabo made a motion with a second from Chairman Quigley to accept the Waiver Requests Revised "April 1, 2015" submitted for the Final Subdivision Plan for Leonard M. and Christina L. Tepsich and D. Mark and G. Marie Bennett as follows:

1. Section 501 (Preliminary Plan Submission)
Due to the fact that this plan proposes only one new building lot and two lot additions.
2. Section 703.D.1 (Cul-de-Sac Diameter: 90')
Due to the fact that this plan proposes the dedication of an existing well established private drive. (Existing is 84' and the required is 90')
3. Section 703.E (Street Grade "Private"-14% Max Slope
Due to the fact that the existing private drive which will access 3 lots (2 existing, 1 proposed) is paved with a 17 foot width. **The applicant is requesting a waiver for the private drive off of the Ridge Road cul-de-sac-- not the portion of the road that is to be dedicated to the township.**
4. Section 703.D.2a (Cul-de-Sac length: 250' minimum required)
Due to the fact that the current length of the existing paved Cul-de-Sac is 248.50'.
Section 703.F.1 (Cartway Width: 22' + 4' Shoulders)
5. Due to the fact that this plan proposes the dedication of an existing well established private street (Ridge Road). **The applicant will add 2' shoulders to the road to be dedicated. The smallest road width will total 23'.**

Motion carried unanimously to approve the waivers.

Upon review of the revised Tepsich/Bennett Final Plan provided by Joe Burget, Chairman Quigley made a motion with a second from Supervisor Sabo to approve the Final Subdivision Plan for Leonard M. and Christina L. Tepsich and D. Mark and G. Marie Bennett contingent upon the following conditions:

- Certification by the engineer and surveyor
- Certification of title by applicant

- Add additional declaration to the maintenance agreement regarding the storm water facilities and revise the language according to the Township Solicitor's review comments and recommendations.
- Provide an approved maintenance bond for Ridge Road with a satisfactory review of the cost estimate for the improvements by the engineer and solicitor
- Conduct an on-site inspection of the existing structures with the Supervisors, road crew and engineer to include core borings of the existing private drive. Approval of the existing structure and drainage facilities by the Township Engineer and the Board of Supervisors assuring that any and all existing CMP pipes are replaced with plastic or cement pipes.
- Approval of new drainage facilities by the Township engineer and Board of Supervisors.
- Approval of storm water calculations by the Township Engineer; verifying that the fifteen inch pipe proposed on the plan is adequate. Chairman Quigley questioned the size and recommended a minimum of an eighteen inch (18") pipe.
- Payment in full of all fees, costs, including inspections, and expenses incident to or arising from the project must be paid in full before the Board would take over the proposed extension of Ridge Road as a public roadway.
- Posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements, in accordance with the design and specifications as depicted on the final plan, for a term of eighteen (18) months from the date of acceptance of dedication. The financial security shall not exceed the cost of fifteen percent (15%) of the estimated cost of the improvements.

Motion carried unanimously. Joe Burget acknowledged the acceptance of the conditions of the plan and thanked the Board. He departed the meeting at this time along with Leonard Tepsich and Nina Gilroy.

Chairman Quigley announced the following events:

- ◆ Memorial Day Holiday, May 25, 2015; Office Closed; Trash will be collected Wednesday, May 27.
- ◆ June 9 – ZHB hearing; 9:00 PM, 1271 Flowers Lane
- ◆ June 14- Strawberry Festival; 6:00 PM; New Valley Road Park; rain or shine
- ◆ June 17- Pine Hill Road closure for bridge culvert replacement

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 14805-14830 in the amount of \$10,392.82. No checks void.

Payroll checks #s 6852-6860 in the amount of \$4,524.95. No payroll checks void.

Chairman Quigley made a motion and Supervisor Speck seconded to approve the checks presented and pay the bills. Motion carried unanimously.

CITIZEN PARTICIPATION: Herbert Berger of 84 Maranatha Drive approached the Board to discuss an ongoing storm water runoff concern at his residence at 84 Maranatha Drive. Mr. Berger previously completed a Request for Action and Supervisor Speck reviewed the video CD provided and inspected the property on-site. The water from a recent storm on Monday evening ran onto and washed out areas of his yard once again. Berger appreciated the repairs completed last year, which helped, but did not resolve the issue. The water continues to wash out areas in his yard and is causing erosion along his one driveway.

The Board discussed the storm water run-off and tried to discern the source of the run off that ends up at his property. Discussion continued. Chairman Quigley offered that one of the concerns creating some of the water run-off is that the roadway needs re-profiled. The growth and buildup of the grass sod over the years along Maranatha Drive also channels the water out onto the roadway. The water then flows south to the lowest point which happens to be where Mr. Berger's property is located.

The Board discussed the possibility of the installation of a new inlet box and pipe to assist with the capture and directing of the water run-off. Chairman Quigley will contact PA One Call to mark the location of the underground utilities. Once that is accomplished, he will go on-site to determine a possible location and size of the inlet box. If it is determined that an inlet box can be installed, Supervisor Quigley indicated he would work up a cost estimate for the proposed inlet and pipe installation. Mr. Berger thanked the Board for their time and attention to his concern.

Chairman Quigley introduced resident John Stahl, whose name will be on the ballot this fall as a candidate for Township supervisor to fill the unexpired remaining two year term of former Supervisor Ron Cree. Currently, Tom Speck is filling the position. However, Supervisor Speck decided not to run in the election this year to complete the remainder of the supervisor's term.

ADJOURNMENT OF THE MEETING: There being no further business before the Board, Chairman Quigley made a motion and Supervisor Sabo seconded to adjourn the meeting at 8:55 pm. Motion carried unanimously.

Respectfully submitted,

Daisy Lightner
Secretary/Treasurer