

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
OF BOROUGH COUNCIL
TUESDAY, NOVEMBER 14, 2023 – 7:00 P.M.
BOROUGH OFFICE
MINUTES**

L. Michael Wight, President Pro Tempore called the meeting to order at 7:00 P.M. He led the Pledge of Allegiance. The attendance was as follows:

BOROUGH COUNCIL MEMBERS

Present

L. Michael Wight
Bruce Carr
Kari Buterbaugh
John Schubring
David Lillard

Absent

Richard Mathews
Jessica Kraft

BOROUGH OFFICIALS, ETC

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Clifford J. Weikert, Police Chief
Zachary Rice, Borough Solicitor
Gayle Marthers, Borough Secretary

CONSIDERATION OF THE MINUTES OF THE OCTOBER 10, 2023, REGULAR MEETING

Following brief discussion:

*** J. Schubring moved; D. Lillard seconded, that the minutes of the October 10, 2023, Regular Meeting be approved as submitted. Motion passed unanimously.

**CONSIDERATION OF THE MINUTES OF THE OCTOBER 17, 2023, JOINT MEETING/
BUDGET WORKSHOP WITH FINANCE**

Following brief discussion which included the clarification that EIT means Earned Income Tax:

*** B. Carr moved; D. Lillard seconded, that the minutes of the October 17, 2023, Joint Meeting/ Budget Workshop with Finance be approved with the notation discussed. Motion passed unanimously.

CONSIDERATION OF THE MINUTES OF THE OCTOBER 10, 2023, REGULAR MEETING

Following brief discussion:

*** J. Schubring moved; K. Buterbaugh seconded, that the minutes of the October 24, 2023, Special Meeting be approved as submitted. Motion passed unanimously.

OPEN TO THE PUBLIC

The following citizens addressed Members at this time:

- Bob Kurtz, 9 Janet Trail, Carroll Valley, requesting limitations to hunting in the Borough. Mr. Hazlett responded to the request stating that the Borough is not legally permitted to limit the area provided by the PA State Game Commission regarding Hunting areas.
- Bethany Martin, 31 Mason Dixon Trail, Carroll Valley, regarding their request to purchase the property at 33 Mason Dixon Trail owed by the Borough.

ORDINANCES AND RESOLUTIONS

Resolution #14-2023: PENNVEST Reimbursement Resolution.

This resolution declares the official intent of the Borough to Reimburse General Funds used for a capital project consisting of a wastewater treatment plant upgrade and paying related cost, fees, and expenses

with funds received from the Pennsylvania Infrastructure Investment Authority. Following brief discussion:

***J. Schubring moved, K. Buterbaugh seconded that Council approve Resolution #14-2023: PENNVEST Reimbursement Resolution. Motion passed unanimously.

MAYOR'S REPORT – R. HARRIS

- Mayor Harris asked for a moment of silence for all Veterans in honor of Veterans' Day celebrated on November 11, 2023
- Police Report
 - Chief Weikert reviewed the Report noting the following:
 - ◆ Medication Take-Back on Saturday, October 28, 2023 yielded 149.5 lbs of unused medication collected
 - ◆ Shared October 31st Trick-or-Treat events.
 - ◆ Asked for information that may lead to those responsible for a series of “break-ins” to unlocked vehicles in the Borough and surrounding communities. Reminded everyone to lock their doors.
 - ◆ Asked for information that may lead to those responsible for stealing an unlocked vehicle from a property in the Borough. Reminded everyone again to lock their doors.
 - ◆ Informed citizens that Transient Permits have been issued to several employees of Anderson Windows.
 - ◆ Statistical Data was shared. Mr. Carr asked how the Mental Health professional was working out; Chief Weikert reported that the program is working well and that Borough residents have benefited several times.
 - ◆ Chief Weikert reviewed his memorandum of November 5, 2023, regarding the Civil Service Commission meeting and submission of the newly adopted Civil Service Commission Regulation for Council action. Following brief discussion which added the ranks of Lieutenant and Sergeant to section 403 B on page 10:
***K. Buterbaugh moved and B. Carr seconded that Council approve and adopt the Civil Service Regulations of the Carroll Valley Civil Service Commission as amended. Motion passed unanimously.
 - ◆ Chief Weikert reviewed his memorandum of November 5, 2023, requesting approval to offer hire a new part-time officer, Joseph David. Members met Officer David and following brief discussion:
***D. Lillard moved; K. Buterbaugh seconded that Council appoint Joseph David as a part-time police officer of the Borough of Carroll Valley at \$36.00 per hour. Motion passed unanimously.
- Updates:
 - Fairfield Fire/EMS hosted annual Open House on October 15, 2023
 - 2023 Halloween Event included Trunk-or-Treat, Food Trucks, Costume Contest and Movie-in-the-Park. Very successful event with estimates of over 400 trick-or-treaters, 30 Trunks and over 100 costume contest participants. Many thanks extended to the Borough Staff, Fairfield Elementary Teachers (Contest Judges), the many local businesses who donated the prizes and the volunteers who helped.
 - Announced the opening of DeJa Brew, a new coffee shop in the Borough.
 - Announced the return of the Santa Mailbox that will be available starting November 23, 2023.
 - Shared information regarding the 8th Annual Holiday Meal Kit Program sponsored by the Borough. For more information, contact the Borough Office.
 - Fairfield Fire/EMS Santa Ride will be held on Tuesday, December 5th at 7pm.

- Fairfield Fire/EMS Breakfast with Santa will be held Saturday, December 9th at 8am.
- In Requiem:
 - 7 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of October 2023.
- Mayor Harris finished with a Thanksgiving Message.

FIRE/EMS/EMA REPORTS

Reports from Fairfield and Fountaindale Fire Departments were accepted without comment.

COMMITTEE REPORTS

Planning Commission.

Mr. Wight reported that the Commission met on Monday, November 13, 2023 (a week later due to the General Election. The Commission discussed Subdivision and Land Development Plans submitted by Vail for a parking lot addition and from Fifty Properties for a project along Fairfield Road. It is the recommendation of Commission Members that the Vail project be granted provisional approval with minor changes surrounding the crosswalk and its lighting. The Short-term Rental Ordinance was also discussed and should be ready for Council review in December.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for October 2023.

Following brief discussion:

***B. Carr moved, K. Buterbaugh seconded, that Council accept the October 2023 Treasurer's Report as presented. Motion passed unanimously.

FY2024 Budget

Mr. Hazlett presented for advertisement; the budget as agreed to at the Joint Meeting of the Borough Council with the Finance Committee held on October 17, 2023. He further reviewed Ordinance #6-2023 outlining the proposed .25mil tax increase. Following brief discussion:

***D. Lillard moved; B. Carr seconded that Borough Council authorize the advertisement of the 2024 FY Budget with the intent to adopt at the December 12, 2023, Regular Meeting of Council in accordance with PA State Borough Code requirements. Motion passed unanimously.

***B. Carr moved; D. Lillard seconded that Borough Council authorize the advertisement of Ordinance #6-2023: Real Estate Tax Rate for the Year 2024 with the intent to adopt at the December 12, 2023, Regular Meeting of Council in accordance with PA State Borough Code requirements. Motion passed unanimously.

Lot Trade Request.

Mr. Hazlett reviewed his memorandum of November 3, 2023, outlining the request of Mr. Charles Deardorff to trade his lot located at 68 Hilltop Trail for the Borough owned lot located at 19 High Trail. It was the recommendation of Mr. Hazlett to deny the request due to several factors: questionable assessed value of the lot being offered; and the adjacent lot is owned by a family member not Mr. Deardorff leading to a question of the recombination requirement. Lot trades have not been discussed since the Land Sale Regulations have been being worked out; there was a question as to whether the Borough is still interested in doing land trades. Following much discussion:

***K. Buterbaugh moved; J. Schubring seconded that Council deny the Land Trade/Swap and Direct Borough Staff to prepare the Borough Lot at 19 High Trail for perc testing and appraisal for the eventual offer of sale. Motion passed with four (4) yes votes and one (1) no vote cast by Mr. Carr.

Fifty Properties, LLC Subdivision and Land Development Plan Extension Request

Following brief discussion:

***D. Lillard moved, K. Buterbaugh seconded to grant the extension requested until April 30, 2024, regarding the borough's obligation to take action on the referenced plan. Motion passed unanimously.

Vail/Ski Liberty Operating Corp. Subdivision and Land Development Plan.

Members discussed the recommendations of Planning Commission in connection with the Conditional Approval recommendation which included design changes to move the crosswalk away from a neighboring driveway and add lighting at the crosswalk intersection of the parking lot and Sanders Road. Following discussion:

***K. Buterbaugh moved; J. Schubring seconded that Council grant Conditional Approval of the Subdivision and Land Development Plan provided that Vail/Ski Liberty Operation Corp. satisfy the Engineer's Conditions; the Attorney's Recommendations and the Planning Commission's Recommendations. It was further stated that the four (4) Waivers outlined are hereby granted. Motion passed unanimously.

Veterans' Recognition.

Mr. Hazlett announced the addition of a Veterans' Recognition in the Lobby of the Borough Building that was graciously donated by members of the community and installed by the Municipal Services Department. Thanks were extended to all involved.

Cortner Community Room Improvements.

Mr. Hazlett announced the near completion of the improvement project to the Cortner Pavilion and Community Room, sharing the many changes to Carroll Commons in the area of the original Pavilion and finishing with the addition of a gas fireplace and custom screen featuring the Borough logo. Minor landscaping will be finished in the spring; new pictures will be added to the website for rentals and many thanks were made to those responsible for the upgrades.

UNFINISHED BUSINESS

Grant Funding Updates.

Members reviewed and accepted the written report supplied by Marissa Price of GMS Funding Solutions outlining the various grants being managed by her agency.

33 Mason Dixon Trail.

Members reviewed Mr. Hazlett's memorandum of November 3, 2023, stating the perc test results of "approved" and outlining the Council's options regarding the disposal of the lot with this new information. These options included the Borough having a new appraisal completed, after which the Lot Sale Guidelines would be followed for the disposal of the property; or abandon the sale of the property. Much discussion ensued with the Martin Family, who requested to purchase said property, offering their frustration at the length of time this process took, and the unfairness they feel at the Borough not standing behind an earlier motion that passed offering the sale of the property. When Council Members asked if the original offer could be honored; Mr. Rice, Borough Solicitor, advised against that stating that the new perc result potentially changes the value of the property and therefore obligates the Borough to have a new appraisal that uses that information. Following much discussion:

***J. Schubring moved; K. Buterbaugh seconded that Council adjourn to Executive Session at 8:55pm to discuss this Real Estate Matter. Motion passed unanimously.

Members returned from the Executive Session at 9:00pm stating no action to be taken at this time and Mr. Wight moved onto the next agenda item.

8 Fawn Trail – Exception for Chicken Coup.

Mr. Hazlett reviewed his memorandum of November 3, 2023, outlining the action that was taken at the November 14, 2023, meeting granting an exception for the chicken coup was done without the authority to do so. The coup in question is violating not only the Chapter 2 Ordinance regarding backyard chickens but also the Chapter 27 Zoning Ordinance. The Council does not have the authority to waive zoning restrictions and therefore, the issue is before Borough Council again. Following much discussion regarding the three options: Zoning Ordinance change, Zoning Hearing Board Appeal or Move the Coup. Consensus of Members was to send the issue back to the Planning Commission for another review of ordinance changes and to offer the Property Owner a Zoning Hearing with the \$500 fee waived.

OPEN TO THE PUBLIC

No one addressed Members at this time:

Council thanked Chief Weikert, Brad Sanders and Jed Fetter for their monthly reports.

At 9:15pm:

Members adjourned to Executive Session to discuss a legal matter; stating that there would be no action needed at the conclusion.

ADJOURNMENT

The meeting adjourned at 9:15 P.M. via a motion by B. Carr and seconded by K. Buterbaugh that passed unanimously.

ATTENDANCE REGISTER

The Attendance Register is attached, numbered Page 6 and made a part of the Official Minutes.

Gayle R. Marthers. Borough Secretary