

**BOROUGH OF CARROLL VALLEY  
REGULAR COUNCIL MEETING  
TUESDAY, JANUARY 13, 2004 – 7 P.M.  
BOROUGH OFFICE**

**MINUTES**

Council President Gordon B. Lamb called the meeting to order at 7:00 P.M. Mr. Lamb led the Pledge of Allegiance. The attendance was as follows:

**BOROUGH COUNCIL MEMBERS**

**Present**

Gordon B. Lamb, President  
Thomas P. Wolf, Vice President  
Kristin S. Bargelski  
Roger W. Butt  
N. Kenneth Lundberg  
Laura L. Scudder  
Steven J. Semiatin

**BOROUGH OFFICIALS, ETC**

James R. Becraft, Mayor  
Hilary R. Fortenbaugh, Borough Manager  
Barbara M. Hertz, Borough Secretary  
Richard L. Hileman, Police Chief  
Thomas Campbell, Solicitor

**CONSIDERATION OF MINUTES OF DECEMBER 9, 2003 REGULAR MEETING AND JANUARY 5, 2004 REORGANIZATION MEETING**

\*\*\*R. Butt moved, K. Lundberg seconded, that Council dispense with the reading of the minutes. Motion carried unanimously.

\*\*\*T. Wolf moved, R. Butt seconded, that the minutes of the Regular Meeting of December 9, 2003 be approved as submitted. Motion carried unanimously.

\*\*\*S. Semiatin moved, K. Lundberg seconded, that the minutes of the Reorganization Meeting of January 5, 2004 be approved as submitted. Motion carried unanimously.

Mr. Lamb explained that “open to the public” is on the agenda twice but if a person should wish to speak during the discussion, please do so.

**OPEN TO THE PUBLIC**

Mrs. Pamela Mikesell, 6 Meadow Tr., questioned the billing for holding tanks costs. She wished to have Council reconsider increasing the pumping charge for holding tanks, which had been increased from \$28 to \$35 per 1,000 gallons. Also voicing opposition to the increase were Dorothy Corbin, 22 Lakeview Tr., and Else Smith, 9 Lakeview Tr. After discussion, consensus was to have the Sewer & Water Authority review the increase at their next meeting and report to Council.

**COMMITTEE AND OTHER REPORTS**

**Mayor’s Report/Public Safety – J. Becraft**

Mayor Becraft thanked Ron Harris and CVCA for photographs from the reorganization meeting. He had distributed information regarding the police report, PennDOT road projects and ACTV programming to go into the CVCA newsletter. A newspaper article regarding a house fire on Black Bass Tr. was distributed. In relation to the article, Ms. Scudder and Ed Kaplan will be making an appearance on the ACTV government program on January 29 to talk about the pros and cons of installation of sprinkler systems

in new construction. The Planning Commission is working on an ordinance regarding sprinkler systems. The Mayor announced that a tactical response team for Adams County has been formed, and Chief Hileman and Officer Powers are key to that team. He brought to Council's attention an article regarding regional and local control in planning.

### **Planning Commission Report – L. Scudder**

Lot Donation. Ms. Scudder said the Commission recommended the acceptance of Lot 13-0034, 41 Valley View Trail, to be donated by Joel Smith.

\*\*\*L. Scudder moved, R. Butt seconded, that Council deems it to be in the best interest of the Borough to accept Lot 13-0034 donated by Joel Smith. Motion carried unanimously.

Mr. Semiatin asked Ms. Scudder if there was information regarding the Mallow Tract development (The Crest). He also asked if the Commission is working on Guidelines for accepting the donation of lots. She said they are working on the Guidelines.

### **CONSENT AGENDA**

Mr. Lamb announced that several items will be approved by one consent action but if any Council member would like to discuss an item it should be brought before Council. The Borough Manager circulated a memo to Mayor and Council explaining that several reports will be approved by consent. Mr. Wolf commented on the Sewer and Water Authority minutes and asked about the 106 on-site septic tank system inspections last year. He said the Borough Manager said no problems were found. Mr. Lundberg mentioned that the Borough might set up a three-year licensing program to have the homeowner responsible for inspections.

\*\*\*R. Butt moved, T. Wolf seconded, that Council accept by consent the December 2003 Police Report, Sewer & Water Authority Minutes, Roads Parks & Environmental Advisory Committee Minutes and the Municipal Services Report. Motion carried unanimously.

### **APPOINTMENTS AND RESIGNATIONS**

**Planning Commission.** \*\*\*L. Scudder moved, T. Wolf seconded, that Anthony B. Golden be appointed for a two-year term and Malcolm N. Steward be appointed to fulfill the term of Steve Semiatin for a one-year term. Motion carried unanimously.

**Adams Co. EIT Collection Agency Council Liaison.** Mr. Lamb asked for a volunteer from Council. Mr. Lamb appointed Roger Butt to serve in this position.

There was some discussion regarding the collection fee charged by the EIT Collection Agency. Mayor Becraft explained the recent fee changes.

### **Resolution #3-04 – Appointment List for Authorities, Boards and Commissions.**

The resolution would establish the membership of various commissions, etc., and realign terms to begin in January in accordance with state regulations.

\*\*\*S. Semiatin moved, T. Wolf seconded, that Council adopt Resolution #3-04 regarding appointments as presented. Motion carried unanimously.

**Contract for Solicitor**

Mr. Thomas Campbell stated the contract is the same as last year. He will attend all Council meetings and other meetings as requested. Ms. Scudder recommended that the hourly rate for Solicitor be increased to \$125 per hour.

\*\*\*T. Wolf moved, R. Butt seconded, that Council approved the contract with Thomas Campbell as presented with the increased hourly rate. Motion carried unanimously.

**Request from Zoning Hearing Board Solicitor for Fee Increase**

Mrs. Catherine Gault submitted a letter advising of an increase in her hourly fee to \$135 per hour. A motion to approve the increase was made by Mr. Butt and seconded by Mr. Lundberg. After discussion they withdrew the motion.

\*\*\*L. Scudder moved, K. Lundberg seconded, the matter be tabled until the next meeting. Motion carried unanimously.

**ADMINISTRATIVE BUSINESS – BOROUGH MANAGER**

**UCC Update.** Information prepared by the Code Enforcement Officer was circulated. The Council will need to make a decision on whether to enforce the state regulations or have the state do it. A model ordinance will be available and Mr. Rodriguez would like to have a draft ready for consideration at the April meeting.

**Request from the CV Garden Club for donation to do park landscaping.**

Ms. Scudder made the request on behalf of the Garden Club detailing the type of plants and placement along the walking trail. The presentation included a map and additional information. She said they have a five-year plan and for the first year the Garden Club will allocate \$100, and ask the CVCA for \$100 and the Borough for \$300. Mr. Wolf offered to donate \$100 from his Council salary.

\*\*\*R. Butt moved, T. Wolf seconded, that Council donate \$300 to the Garden Club for their beautification program. Motion carried unanimously.

**Sponsorship of Fish Derby.** Mrs. Fortenbaugh said the Roads & Parks Advisory Committee is asking Council to sponsor a children's fish derby at Lake Carroll on May 15. She added the school would donate fish in exchange for some roadwork near their fish hatchery. Mr. Bill Devlin is the chairman for the event and Terry Weikert is the co-chair. They have scheduled a sports organization to hold a public breakfast at the pavilion that morning. She stated the Committee is asking that Council declare the lake off limits to fishing May 10 – 15.

\*\*\*K. Lundberg moved, R. Butt seconded, that Council will sponsor a fish derby on May 15 and declare no fishing in Lake Carroll from May 10 – 15. Motion carried unanimously.

Mayor Becraft noted that permits from the PA Fish and Game Commission would be required.

**Request for Capital Reserve Fund allocation to repair pavilion and park restrooms.**

Mrs. Fortenbaugh asked Council to approve expenditures to repair and replace restroom facilities during the winter if the Municipal Services employees are available to do the work.

\*\*\*R. Butt moved, K. Lundberg seconded, that Council approves the expenditure to make repairs as requested. Motion carried unanimously.

Mr. Lamb asked how much it would cost and the Borough Manager said the figure has not been determined.

Mayor Becraft asked what the procedure is to make expenditures from the Capital Reserve Fund. Mrs. Fortenbaugh said each request should be handled similar to the park restroom request.

**UNFINISHED BUSINESS****Fairfield Community Fire & EMS Box Alarm Card Review Form.**

Mrs. Fortenbaugh stated the request is for Fairfield EMS to be the first responders to the Ranch Section rather than Emmitsburg. After discussion the following action was taken.

\*\*\*S. Semiatin moved, R. Butt seconded, Council approve the request for approval of the Fairfield Community Fire & EMS Box Alarm Card Review Form as presented. Motion carried unanimously.

**NEW BUSINESS****Request to confirm the regular meeting schedule for Council – T. Wolf.**

Mr. Wolf felt a new Council should look at the meeting schedule to make it possible for more people to attend the meetings to know what is going on. After discussion the following motion was made.

\*\*\*R. Butt moved, L. Scudder seconded, that Council reaffirm the regular meeting schedule as the second Tuesday after the first Monday of each month. Motion carried unanimously.

Mrs. Fortenbaugh said the schedule is part of the Council By-laws.

Mr. Wolf asked that the Solicitor attend all meetings. Mr. Lamb responded that the contract approved earlier in the meeting does provide for his attendance.

Mr. Wolf wanted to go on record that executive sessions should be limited to items recommended by the Solicitor, Mr. Campbell. Mr. Campbell said executive sessions are for any personnel items, matters of confidentiality or of a private nature, litigations or matters that should not be disclosed publicly. Mr. Semiatin asked if land acquisition was one of these, and Mr. Campbell confirmed it is a negotiating position potentially.

\*\*\*T. Wolf moved, that effective immediately Council minutes will be put on the web site in draft form when they have been finished by the Secretary and no later than three weeks after the meeting. S. Semiatin seconded.

After discussion regarding posting draft minutes, the motion did not pass with Wolf voting yes; Bargelski, Butt, Lamb, Lundberg, Scudder and Semiatin voting no.

### **Establishing Committees – G. Lamb.**

Mr. Lamb suggested Council approve the establishment of five standing committees and Ms. Scudder asked that Mr. Lamb detail what each committee would be responsible for. Mr. Lamb said the Finance Committee is to work on the budget and tax matters, Parks & Recreation Committee; Municipal Services Committee, for roads and Sewer Plant supervision; Public Relations Committee, to develop the web site, newsletter, brochure, volunteer fair, etc.; and a Public Safety Committee.

There was discussion regarding setup of such committees. Mayor Becraft said other municipalities have a formal document that lays out committee organization, purpose, conduct of meetings, reports, general responsibilities, names the standing committees and itemizes the duties for the committees. Ms. Scudder said some things do not lend themselves to committees such as newsletters. There was further comment from Ms. Scudder regarding a committee to prepare a newsletter for the webpage. The Borough Manager volunteered to review the newsletter prior to being available to the public. Ms. Bargelski felt the newsletter needed to have Council guidelines established. Mr. Wolf objected to not mailing a newsletter to the citizens.

\*\*\*R. Butt moved, S. Semiatin seconded, that a Borough newsletter on the website be a separate item with Ms. Scudder in charge. Motion carried unanimously.

Mr. Semiatin asked that Ms. Scudder present a written description of the newsletter.

\*\*\*S. Semiatin moved, R. Butt seconded, that at the February Council meeting written descriptions of each committee be available for discussion, approval and appointments to the committees.

Mr. Wolf felt the committee members could include volunteers. Mr. Lundberg said the present committees do include Council members and have members who have served for a long time and have expertise.

Mr. Campbell said that committee meetings should be advertised as a safety measure because of the Sunshine Act. He also said there is a difference between statutory committees and advisory committees.

Mr. Semiatin and Mr. Butt withdrew their motion since there was a consensus to discuss the matter of establishing committees at the next meeting.

### **OPEN TO THE PUBLIC**

There was no one who wished to address Council at this time.

### **READING AND ACTING ON COMMUNICATIONS (OR FOR INFORMATION ONLY)**

Ms. Fortenbaugh asked if Council would like these items to be included under the consent agenda portion at the next meeting. Mr. Lamb said absolutely. The items for information were an announcement of the Adams County Boroughs Association meeting in January and the PSAB Spring Legislative Conference.

**INFORMATION REPORTS**

The information reports including the December 2003 Monthly Treasurer's Report, 4<sup>th</sup> Quarter Budget Status Report, Tax Receipt Compilation Report, List of Checks, Monthly Building/Code Enforcement Report, and Report on On-Site Disposal Permits were accepted as presented.

**EXECUTIVE SESSION**

\*\*\*R. Butt moved, K. Lundberg seconded, that Council go into Executive Session to discuss a personnel matter and possible land acquisition following a short break. Motion carried unanimously.

**OPEN SESSION**

The meeting was reopened to the public at 9:12 P.M. Mr. Lamb stated that during the executive session Council took under consideration a personnel matter and one real estate matter. Mr. Lundberg felt it was in the Borough's best interest to make an offer on the lot discussed for a possible future water tower site.

\*\*\*K. Lundberg moved, S. Semiatin seconded, that Council authorize the Borough Manager to make an offer of \$12,000 to purchase the lot discussed.

Mr. Wolf felt the offer should be no more than \$10,000.

The motion carried with L. Scudder voting no.

**ADJOURNMENT**

The meeting was adjourned at 9:16 P.M.

**ATTENDANCE REGISTER**

The Attendance Register for this meeting is attached hereto, numbered as Page 7 and made an official part of the minutes.

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Barbara M. Hertz, Borough Secretary