

**BOROUGH OF CARROLL VALLEY  
REGULAR BOROUGH COUNCIL MEETING  
TUESDAY, JULY 13, 2004 – 7:00 P.M.  
BOROUGH OFFICE**

**MINUTES**

Council President Laura L. Scudder called the meeting to order at 7:00 P.M. She led the Pledge of Allegiance. The attendance was as follows:

**BOROUGH COUNCIL MEMBERS**

**Present**

Laura L. Scudder, President  
Roger W. Butt, Vice President  
Kristin S. Jones  
N. Kenneth Lundberg  
Raymond F. Rabenold  
Steven J. Semiatin  
Thomas P. Wolf

**BOROUGH OFFICIALS, ETC.**

James R. Becraft, Mayor  
Hilary R. Fortenbaugh, Borough Manager  
Barbara M. Hertz, Borough Secretary  
Thomas R. Campbell, Solicitor

**CONSIDERATION OF MINUTES OF THE JUNE 15, 2004 REGULAR MEETING**

\*\*\*R. Butt moved, K. Lundberg seconded, that Council approve the minutes of the June 15, 2004 Regular Meeting as presented. Motion carried with Ms. Jones abstaining since she was not present.

**ADAMS COUNTY COMMISSIONERS**

Ms. Scudder introduced Commissioner Lucy Lott. Mayor Becraft welcomed her and presented the key to the Borough. Mr. Glen Snyder arrived at this time and also was presented with a key to the Borough.

Mayor Becraft had a question on revenue sharing of the hotel tax and asked for an increase for the Borough's share. The Commissioners both said they felt they could look at this matter. The Mayor asked if any progress has been made on the dedication of 1% of this tax for the Boroughs. Mr. Snyder said to his knowledge this has not been passed. Mrs. Lott said the Commissioners will be having a meeting in August and if it comes up she will notify the Borough.

Mr. Michael McDonald, a member of the County Green Ribbon Commission, questioned the source of funds for recreation. Mr. Snyder related that some municipalities are imposing a recreation fee on new building. He said the Commissioners favor regional comprehensive plans and recreation/parks. Mrs. Lott said they are shying away from bond issues and looking at other avenues of revenue. There was discussion on the Gettysburg Area Recreation Park and plan. Mr. Wolf suggested the County Office of Planning take the lead in organizing some joint projects. There was some discussion on PennDOT road programs and bridge maintenance.

Mr. George Fisanich asked if there has been any consideration to changing the tax collection system from local collectors to County collection. Mrs. Lott was not sure where it was going.

The Commissioners were thanked for attending the meeting and they said their doors are always open.

Ms. Scudder said if there were no objections Agenda Item 11.9 Main Trail Street Excavation would be moved for discussion at this time. There were no objections.

### **Main Trail Street Excavation**

Mr. Larry Meek and Mr. Dennis Didio were present to request permission to excavate in the Borough right-of-way along Main Trail, which would be a better solution than using the easements through private yards. The Main Trail roadway would be repaved after the excavation. There would be a written agreement to detail the work and restoration.

\*\*\*K. Lundberg moved, R. Butt seconded, that Council agree to allow the excavation and pipe installation in the Borough right-of-way for Main Trail as requested; the approval is conditional on the Borough Solicitor's review of the agreement. Motion carried unanimously.

### **OPEN TO THE PUBLIC**

No one wished to address Council at this time.

### **RESOLUTIONS**

#### **Resolution #12-04 Authorizing the Disposal of Records**

Ms. Fortenbaugh said this is an annual purge of the files in accordance with the State regulations. In response to Ms. Jones, she said the papers would be shredded.

\*\*\*R. Butt moved, K. Lundberg seconded, that Council adopt Resolution #12-04 as presented. Motion carried unanimously.

**Resolution #13-2004 to Approve and Adopt the Emergency Operations Plan for the Borough and Resolution #14-2004 Authorizing and Directing the Emergency Succession of Municipal Officers and the Continuity of Municipal Government**  
Emergency Management Coordinator Richard Hileman, based on previous similar resolutions, prepared these resolutions. Mr. Wolf had some questions and objections to the succession of Municipal Officers.

\*\*\*T. Wolf moved, to table action on the resolutions to give Council members time to review them. The motion died for lack of a second.

\*\*\*R. Rabenold moved, R. Butt seconded, that Council adopt Resolution #13-2004 and Resolution #14-2004 as presented. Motion carried with Mr. Wolf voting nay.

### **MAYOR'S REPORT – J. BECRAFT**

The Mayor thanked Ron Harris for providing photographs of Council.

Mayor Becraft gave a brief synopsis of the ordinance regarding burning of yard waste, which is on the reverse side of the burning permit.

The problems with skateboarding were brought up by the Mayor. He stated it is prohibited on Borough streets and police should be notified.

### **PLANNING COMMISSION REPORT – L. SCUDDER**

Status Report on Act 537 Plan. Ms. Scudder said the report is still under consideration.

### **STANDING COMMITTEE REPORTS**

#### **Public Safety Committee – T. Wolf**

Mr. Wolf said the minutes of the meeting were circulated to Council. Several issues were brought up for discussion. They will be discussing widening of some roads at the next meeting scheduled for September 13. Ms. Scudder said the Roads Com. is working on the possibility of a footbridge to relieve the dangerous road situation at Lake Kay. Mr. McDonald said the school is planning a walkway from the school to K Section.

#### **Community Relations Committee – R. Butt**

The Committee has a project to get the word out on cleanup of trash along roads especially Jacks Mt. Road and that area. Ms. Scudder advised that several pairs of shoes were thrown over electric lines and were removed by Adams Electric. Chief Hileman noted problems with Waste Management letting trash blow out of the trucks.

#### **Finance Committee – K. Lundberg**

Mr. Lundberg who was selected Chairman at the meeting earlier in the day gave a report on the 6 month budget review which he said is on schedule. The budget schedule for 2005 was discussed. Mr. Wolf said they are planning to hold a budget workshop. Ms. Scudder said there is a vacancy on the Committee. Mr. Wolf felt there is no specific number of committee members. After discussion regarding appointment of residents who are not elected to Council, the following action was taken.

\*\*\*S. Semiatin moved, K. Lundberg seconded, that the Finance Committee be composed of three Council members who may vote, and 1 or 2 residents who are non-voting and serve in an advisory capacity. The motion carried by roll call vote with Mr. Wolf voting nay.

#### **Parks & Recreation Grant Sub-Committee Presentation**

Mr. Semiatin said the Borough Comprehensive Plan envisioned growth in parks and recreation. He said the proposals by the sub-committee would stand a good chance for financial support by the PA DNCR. Mr. McDonald presented a power point program prepared by the sub-committee.

Mr. McDonald stated that nothing could happen until an open space plan and a master plan are approved. The Borough would need to allocate \$10,000 for the engineering for these plans. The state grant would be \$300,000 with the Borough providing matching funds or equivalent services. It is possible funds could be raised from outside sources for the Borough's share. Mr. McDonald recommended the grant application be submitted by October this year in order to have a better chance at more funds. He is looking a several projects for the grant funds including recreation, Lion Trail Bridge and a new Borough Office. He asked Council to give him priorities.

Mr. Wolf reported that the Finance Committee had seen the presentation and Mr. Lundberg said the Committee recommends budgeting the \$10,000 to prepare the plans. Ms. Scudder asked the Borough Manager about the expenditure and was told it could come from unreserved fund equity or the Capital Reserve Fund since it would be toward a capital expense.

There was discussion on the cost for engineering. Mr. McDonald said this was the lowest proposal and Mr. Dan Wise of HRG Inc. was present. He said they believe they can complete the planning within the October deadline.

Mr. McDonald and Mr. Semiatin will be attending a DNCR grant workshop on July 29.

Ms. Jones asked about the relation of a recreation plan and proposed sewer plant location. Also brought up was the possibility of wetlands, which could not be developed for parks.

Mayor Becraft questioned the article regarding a \$40,000 grant to the County to prepare a plan for open space and the relationship to the proposed Borough plan. Mr. Wise said the Borough plan will be ahead of the County. Mr. McDonald said he understood from Mr. Schmoyer, County Planner, that Carroll Valley would not be part of the County recreation plan.

\*\*\*K. Lundberg moved, T. Wolf seconded, that Council appropriate funding for the Carroll Valley open space and master recreation plans. Motion carried unanimously.

Mr. McDonald reminded Council that they need to set priorities for the planning.

Mr. Wise explained the original proposal was a little less than \$10,000 however the Borough asked for an additional meeting and color presentations, which increased the cost to \$10,950. He will prepare a service contract agreement.

\*\*\*K. Lundberg moved, S. Semiatin seconded, that Council agrees to the contract price of \$10,950. Motion carried unanimously.

#### **AD HOC COMMITTEE REPORT** **Committee for Grants – S. Semiatin**

Mr. Semiatin reported the committee would meet on July 24<sup>th</sup> to discuss what has resulted from their research and will report at the next meeting.

### **Committee for Negotiations with Ski Liberty**

Mr. Wolf said there was a staff and committee meeting and the next meeting will be in August with Ski Liberty.

### **Report on Web Site – L. Scudder**

Ms. Scudder is working on it and should have the software shortly.

### **CONSENT AGENDA**

\*\*\*K. Lundberg moved, K. Jones seconded, that Council approve the Consent Agenda as presented. Motion carried unanimously.

### **ADMINISTRATIVE BUSINESS – BOROUGH MANAGER**

#### **Motion to Advertise for Sewage Treatment Plan Upgrade Bids**

Ms. Fortenbaugh explained that the Sewer & Water Authority reviewed the need for upgrades to the sewer plant and Council had approved the engineering for the improvements. It is now necessary to have approval to solicit bids for the upgrades.

\*\*\*K. Lundberg moved, R. Butt seconded, that Council advertise for bids to do certain improvements to the Sewage Treatment Plant as prepared by the Borough Engineer. Motion carried unanimously.

### **2003 Audit and Financial Statement**

The Borough Manager stated the Audit had been circulated to Council members for review. The comments by the Auditor were the same as the last Audit, but Ms. Fortenbaugh added that with new accounting software there would be more segregation of duties. Mr. Wolf questioned the receipt of a document in June that was dated in February. The Auditor has apologized for problems in printing. Mr. Wolf said he had a lot of questions and suggested a workshop. Ms. Scudder suggested the Finance Committee review the Audit first. The Borough Manager asked that questions be forwarded to her for answering. Consensus was to advertise the availability of the Audit for public review.

### **Status of Trade for Borough Lot WA-404**

The Roads, Recreation and MS Advisory Committee reviewed the trade request said Mrs. Fortenbaugh and recommend the Borough ask for Lot R-12 if a one for one trade is approved. She said the person owns two lots but is willing to join the Borough lot with only one of his lots.

\*\*\*K. Lundberg moved, R. Butt seconded, that Council approve the request to trade Borough Lot WA-404 for Lot R-12 and the Borough lot must be recombined with another lot to make at least a one acre parcel. Motion carried unanimously.

### **Columbia Gas Transmission Line Improvements**

Columbia Gas is requesting permission to cross a Borough lot in the K Section. They will be putting smaller pipe through the pipe in the ground and wish to use the Borough

lot if they must excavate. This would not eliminate the use of the lot for a tot lot in the future.

\*\*\*K. Lundberg moved, R. Rabenold seconded, that Council approve the request by Columbia Gas to excavate on the Borough lot for the purpose of running a new gas transmission pipe in K Section if necessary. Motion carried unanimously.

### **The Crest Conditional Approval**

Solicitor Campbell said the preliminary development plan with 31 conditions was approved at the last Council meeting. After the meeting, Mr. Jost talked to Mr. Campbell regarding the sewer-tapping fee set in the approval. Mr. Jost informed him that a July 1990 tapping fee agreement set the connection fee at \$500 for every lot. Mr. Campbell had not been aware of this agreement. The Borough condition was that the tapping fee charged would be the fee in existence at the time of connection. The developer wants continuity with the 1990 agreement, which was part of a legal settlement. Mr. Campbell noted some other items such as EDU's and attorney fees from the 1990 agreement.

\*\*\*T. Wolf moved, K. Lundberg seconded, that Council authorize the Solicitor to revise the letter of approval conditions regarding the connection fee to comply with the July 1990 agreement. Motion carried unanimously.

### **Dora and Anna Cul-de-sacs**

The Borough Manager wished to advise Council of possible problems with the Dora cul-de-sac if the owner of a new home to be built wishes to have driveway access to Dora Trail. She is working with the owner.

### **Park Bridge**

Mrs. Fortenbaugh reported that recently some vandals had damaged a bridge in the park. It was repaired but she suggested it might be necessary in the future to consider using other materials to prevent such damage.

### **CVCA Request for Sponsors**

A request for a \$300 donation from the Borough to the CVCA for a public community picnic was received. The original request mentioned the amount would pay for a band. Mr. Lundberg said this request was presented to the Finance Committee and they felt support was appropriate since the CVCA has donated to the Borough. Thomas Wolf, a member of the Finance Committee, offered to donate \$100 as part of the request.

\*\*\*T. Wolf moved, K. Lundberg seconded, that Council approve a donation of \$200 to the CVCA toward the community event. Motion carried unanimously.

### **Memorandum of Understanding with the Adams County Conservation District**

After discussion, consensus was to table this item.

### **UNFINISHED BUSINESS**

There was none.

**NEW BUSINESS**

Hamiltonban Supervisors requested a representative from the Borough attend a meeting at the school on July 28 to discuss the issue of traffic safety at school dismissal times. Mayor Becraft and Chief Hileman will attend.

**EXECUTIVE SESSION**

\*\*\*K. Jones moved, R. Butt seconded, that Council have a short recess and then go into Executive Session to discuss personnel matters and possible litigation at 9:03 P.M. Motion carried unanimously.

**OPEN SESSION**

Council opened the meeting to the public at 9:42 P.M. Ms. Scudder stated during the Executive Session personnel and possible litigation matters were discussed.

**ADJOURNMENT**

The meeting was adjourned at 9:43 P.M.

**ATTENDANCE REGISTER**

The Attendance Register for this meeting is attached hereto, numbered as Page 8 and made a part of the Official Minutes.

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Barbara M. Hertz, Borough Secretary

NOTE: There was a correction to Page 3, second paragraph from bottom, motion by Mr. Semiatin should read, "up to three Council members."