

**BOROUGH OF CARROLL VALLEY
REGULAR BOROUGH COUNCIL MEETING
TUESDAY, JUNE 15, 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
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
Howard Rodriguez, CEO/LDC
Thomas R. Campbell, Solicitor

Absent

Kristin S. Jones

**CONSIDERATION OF MINUTES OF MAY 11, 2004 REGULAR MEETING,
MAY 18, 2004 SPECIAL MEETING/PUBLIC HEARING, AND JUNE 1, 2004
SPECIAL MEETING**

In the minutes of the May 11, 2004 regular meeting, Mr. Semiatin asked for the correction of a typographical error on Page 4, under Committee for Grants Report, line 1, “will met in July” should be “will meet in July.” ***R. Butt moved, R. Rabenold seconded, that Council approve the minutes of the May 11, 2004 Regular Meeting with the correction as noted. Motion carried unanimously.

***R. Butt moved, S. Semiatin seconded, that Council approve the minutes of the May 18, 2004 Special Meeting/Public Hearing as presented. Motion carried with Mr. Lundberg abstaining since he was not present.

***K. Lundberg moved, R. Rabenold seconded, that Council approve the minutes of the June 1, 2004 Special Meeting as presented. Motion carried unanimously.

Mayor Becraft commended the Borough Secretary for the high quality of the minutes for the Public Hearing.

OPEN TO THE PUBLIC

Ms. Scudder asked that comments be for matters other than “The Crest” development since it will be discussed later in the meeting and this opportunity was given at the May 18th Public Hearing. Consensus was to allow public comment when the topic is discussed.

***T. Wolf moved, S. Semiatin seconded, that Agenda Item 12, “The Crest at Carroll Valley” Preliminary Development/Subdivision Plan be moved forward on the Agenda.

At this time, Christopher Frye, 1 Ski Run Trail, asked to speak about another matter. He thanked Council for the amenities provided with tax monies. Mr. Frye was concerned about safety of children and other walkers with the level of traffic increasing. Ms. Scudder said Council is concerned. Mr. Lundberg responded about traffic and working with PennDOT. Mr. Butt said there is a problem with cars speeding and the police should be notified when this happens. Ms. Scudder and Mr. Semiatin said Council would be working on any suggestions presented.

Council voted on the motion to move “The Crest” agenda item. Motion passed with Mr. Lundberg voting nay.

“THE CREST AT CARROLL VALLEY” PRELIMINARY DEVELOPMENT/SUBDIVISION PLAN

The Council President stated the Planning Commission had reviewed the preliminary development/subdivision plan. They recommended approval subject to 23 conditions agreed to by the developer in addition to meeting the requirements of the Borough ordinances. At the public hearing on May 18, additional concerns were expressed by the public. The Council held a workshop on June 1 and discussed the hearing comments. Council added conditions to those of the Planning Commission, i.e., disclosure regarding Ski Liberty, cost of tapping fees, etc. Solicitor Campbell explained Council’s options at this meeting are to approve the plan as submitted with no conditions, approve with conditions, or deny only if the plan failed to comply with the ordinances. Denial could result in going to court and the owners would not be bound by what they had agreed to do previously. Ms. Scudder said Mr. Rodriguez testified at the public hearing that the plan does meet all the ordinance requirements. The Borough Engineer has reviewed the plan for compliance.

Mr. Semiatin said this is the preliminary development plan and asked what will happen between this and the final development plan. Mr. Campbell said the preliminary plan is a road map, and the owners have gone further with providing details. When the final development plan is submitted they will have to substantiate all permits have been obtained, DEP approval has been granted, etc. Mr. Campbell said there is a 90-day review period and extensions were granted by Eluma, Inc. If Council does not take action at this meeting, it is automatically deemed approved as submitted with no conditions. There are now 31 conditions to which the developer, Eluma, Inc. agrees.

Mr. Wolf asked Ms. Scudder to report on the Planning Commission meeting at which time, he understood, a petition was presented. Ms. Scudder stated the petition concern was traffic and pedestrian safety especially at the lake. It was signed by 225 residents of K Section and some other sections. She called Bob Holmes and Hilary Fortenbaugh regarding the safety issue regardless of the development of the The Crest. Mr. Wolf said he did not think this would be an ordinance matter, and no basis for denial of The Crest

plan. However, it is very important and he feels it is a problem Council needs to deal with. Mr. Wolf asked why this matter was not brought up sooner by the residents, and he was told because the original plan was to have Trout Run Trail open for emergency use only and that has been changed. Mr. Wolf told those present that the Adams County Office of Planning recommended both Novice Run and Trout Run Trails be open roads. There was discussion regarding other areas of the Borough where roads were opened for better through traffic patterns, mainly for emergency situations. Mr. Wolf said the Council could close the road later if it became a serious safety matter. Mr. Butt understood the concern but said Council must act on the development plan at this meeting. There was discussion over the number of housing units from the original plan to the now 107 single-family residences.

Ms. Scudder said Council fully understands the concerns regarding the extension of Trout Run Trail and for pedestrian safety. She asked for brief comments if there are other matters for discussion.

Mr. Thomas Fitzsimmons, 1 Trout Run Trail, stated the petition was to address the change of the Trout Run Tr. extension from emergency access only to be open to full use. At the May 18 public hearing at least four people challenged the wisdom of having Trout Run Trail open. He said the two safety issues are walkers and the 20', or less, roadway. He asked Council to limit the Trout Run Trail access to emergency vehicles only.

Mr. Dave Potter, 4 Trout Run Trail, wanted a condition to make this a gated access road. He asked if a traffic plan had been done for the development. He felt there would be additional traffic from Ski Liberty to avoid Sanders Road. Mr. Lundberg said there could be a traffic study during ski season to see how many vehicles use Sanders Road to Rt. 116 or go the other way on Sanders Road.

There was discussion on the cost of building the Trout Run extension, which would be paid by the developer per the plan.

Mr. John Davis, 26 Black Bass Trail, asked when the change was made to make Trout Run Trail extended to an open road. Ms. Scudder said during the Planning Commission review process and it was discussed on the ACTV channel several times. She said the reason was to connect neighborhoods for various reasons and especially for emergency response time. He asked for a projected time frame for something to be done about a walkway along Ski Run Trail. Ms. Scudder said the Parks, Recreation and MS Advisory Committee is discussing this matter right now. Mr. Davis commented on the number of walkers all hours of the day.

Mrs. Maureen Heller, 30 Ski Run Trail, made comments on the difficult area at the lake for a walkway and felt there should be no more traffic.

Mrs. Janet Evans, 68 Ski Run Trail, wanted the developer to find another access road, which did not go through Section K. Mr. Rodriguez reiterated the Adams County Office of Planning and Development recommended both access roads to Ski Run Trail be

opened. He said the Planning Commission felt the Trout Run extension would affect fewer homes and keep the speed lower. Mr. Wolf said Council might decide to close the road at a later date. Mr. Campbell stated it would be possible by following legal procedure.

Mr. Bill Ryder, 3 Lure Trail, suggested making the road one-way.

Mr. William Hawkinberry, 52 Ski Run Trail, felt the number of residents in The Crest would put pressure on Council. Ms. Scudder said they only each have one vote and Council would only have to consider their wishes. Mr. Lundberg said the Roads Advisory Committee would reconsider the options.

***K. Lundberg moved, R. Rabenold seconded, that Council approve the preliminary development/subdivision plan from Eluma, Inc. for 107 single-family residences with the conditions prepared by the Solicitor dated June 15, 2004.

Mr. Wolf told the people attending that it was his intention to make a motion to make a condition that the road would be emergency access only; however, he feels Council has worked out a better solution to build it now and then deal with it later.

Mr. Semiatin questioned whether The Crest will fit in with the character of the Borough, and how it will affect well water and the sewer system, traffic and the school system. Based on what the Borough Solicitor has said, he saw no legal grounds to not approve the plan. Mr. Campbell said Council is bound by the subdivision ordinance, which may be a little looser than in some other municipalities. The developer must follow all the statutes and regulations. Mr. Butt noted the Borough has added 31 conditions to the approval.

Mr. Lundberg stated the final topcoat of the roads in the development cannot be done until 80% of the development is completed. Then the roads are turned over to the Borough. Up until that time the developer is responsible for all road maintenance including snow removal. There will be no construction traffic on Ski Run Trail and the extension of Trout Run Trail is the last part of road construction.

Mrs. Merrill Sollenberger, 169 Jacks Mt. Road, stated she is a member of the Planning Commission and noted the Planning Commission had thoroughly reviewed the preliminary development/subdivision plan.

The motion by Mr. Lundberg was voted on by roll call and passed unanimously.

Resolution #11-04 for Plan Revision for New Land Development

This sewage planning module was reviewed by the Sewer and Water Authority and the Borough Engineer said Ms. Scudder.

***R. Butt moved, K. Lundberg seconded, that Council approve Resolution #11-04, DEP Plan Revision for New Land Development, to include the sewage planning module for The Crest at Carroll Valley. Motion carried unanimously.

MAYOR'S REPORT – J. BECRAFT

Mayor Becraft said in the interest of time he will carry over the first two items until next month. These are discussions on restrictions on open burning and on skateboarding.

CVCA Meeting. The Mayor announced that Rep. Steve Maitland would be the speaker at the CVCA Meeting on June 18th.

PLANNING COMMISSION REPORT – L. SCUDDER

Proposed Fire Sprinkler Ordinance. Ms. Scudder said the Commission has spent six months working on an ordinance to require home sprinkler systems in new home construction. She said several employees of the National Fire Academy have participated in writing the ordinance, including Mrs. Sollenberger and Bruce Hisley. Mrs. Sollenberger explained the ordinance and thanked Ed Kaplan and Howard Rodriguez for their input. The primary reason is to save lives she said. They will relieve the burden on the local fire agencies.

Mr. Bruce Hisley detailed the requirements for water pressure and capacity to install a sprinkler system. He said the cost is about \$1.85 per sq. ft. depending on the design. Ms. Amalia Locker had some questions and expressed the opinion that the owner should be given the option of installing the sprinkler system. Mr. Hisley stated the system would react to heat, not smoke. He also said there is an insurance advantage. Mr. Rodriguez advised that the state has adopted the International Fire Code. The Council President said the PA Dept. of Labor and Industry must be given a 30-day review period before any further action can be taken by the Borough.

***S. Semiatin moved, K. Lundberg seconded, that Council approve the submission of the proposed sprinkler ordinance to the PA Dept. of Labor and Industry for their review. Motion carried unanimously.

Request to Trade Lot RI-137 for Borough Lot RI-118

A memo from the Zoning Officer was circulated regarding this trade proposal. His recommendation is to approve the trade because the Borough can use Lot RI-137 for stormwater management. Mr. Rodriguez said the owner of RI-119 would be required to recombine that lot with RI-118.

***R. Butt moved, S. Semiatin seconded, that Council deems it in the best interest of the Borough to approve the trade of Borough Lot RI-118 for Lot RI-137. Motion carried unanimously.

STANDING COMMITTEE REPORTS

Public Safety Committee – T. Wolf

Mr. Wolf reported that the committee would meet June 21 at 7 P.M. During the meeting a presentation will be made by Police Chief Hileman.

Community Relations Committee – R. Butt

Mr. Butt reported that banners and signs were put up to notify citizens of the May 18th public hearing. He thanked Ms. Fortenbaugh for taking the flack for the banner placed at Jacks Mt. Rd. without the owner's permission. The committee plans to notify the public of future events.

Finance Committee

Mr. Wolf said there is no Chairman of the Committee but he hopes at the next meeting a Chairman will be elected. Mr. Wolf brought up a matter regarding the budget for matching grants. The Borough Manager said the funds were not included in this year's budget but would be considered at the end of the year during 2005 budget preparation.

AD HOC COMMITTEE REPORTS

Committee for Grants – S. Semiatin, Chairman

Mr. Semiatin said they are meeting in July to see what their search has to offer and will report to Council in August. He will be attending a grants workshop on July 29th with Mike McDonald. There is one matching grant from DCNR for \$300,000 worth of grant money, which could improve recreational facilities and programs throughout the Borough. The application is due in October. If the date is missed, the Borough could apply next year.

Committee for Negotiations with Ski Liberty

Mr. Wolf recommended a meeting be called by the Council President for discussion between the members. Ms. Scudder said she would do this.

REPORT ON WEBSITE – L. SCUDDER

Ms. Scudder reported the designer is working on this project.

CONSENT AGENDA

Mr. Wolf asked that the MS Bike Tour be removed for discussion.

***R. Butt moved, K. Lundberg seconded, that Council approve the Consent Agenda, with the MS Bike Tour removed. Motion carried unanimously.

Mr. Wolf said other municipalities are required to approve the Bike Tour. Ms. Fortenbaugh said the Bike Tour will not take place anywhere in Carroll Valley and this is only official notification which she acknowledged.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Award of Contract for Paving Projects. The bid tabulation was circulated to Council. There are six streets to be paved: Sunshine, Grouse, Delany, Violet, Forest and Country Club Trail. Ms. Fortenbaugh said there were five bids received with the lowest bid of \$102,482.28 from Valley Quarries, Inc.

***R. Butt moved, K. Lundberg seconded, that the 2004 Contract for Paving be awarded to Valley Quarries, Inc. as the lowest responsible bidder. Motion carried unanimously.

Act 537 Plan Status Report. The Borough Manager stated the Planning Commission is reviewing the Act 537 Plan.

Request for Trade of Borough Lot WA-404. Ms. Fortenbaugh said she was instructed by Council to ask for a trade of two lots for the Borough lot. The owner would not agree to this. After discussion, consensus was to send this matter to the Planning Commission to discuss which lot (R-12 or R-19) to consider for the trade for Borough Lot WA-404. The Borough lot would be recombined with one other lot.

Utility Easements. The Borough Manager reported contact from the Federal government requesting changes to the easements in J Section. She felt this matter should be considered only if it appears it is necessary.

Request from Parks, Recreation and Municipal Services Advisory Committee. The committee has received proposals for development of a plan for future parks and trails in order to apply for grants. They have an estimate of \$9,950 on a time and material basis. Asking for an additional meeting for a group and additional copies of the plans would increase it by \$1,000. The committee asked for Council approval of this expenditure. Ms. Fortenbaugh felt that before planning the parks in the lower Ranch Section, it should be determined whether the area is wetlands. Mr. Lundberg said maybe the caveat would be to go to the Parks Com. and tell them that they may have to pull development of parks from areas if they are determined to be wetlands. A sub-committee of the Parks Com. will be meeting next Tuesday Mr. Semiatin said. Mr. Lundberg felt the matter should go before the Parks Com. before coming back to Council. A wetland study might not be necessary if the Committee does not want to pursue developing the area said the Borough Manager. Mayor Becraft asked where the money is coming from to pay for this study. Mr. Butt said this amount needs to be budgeted before Council can act on the request for the park plan.

UNFINISHED BUSINESS

There were no items to be discussed.

NEW BUSINESS

Ms. Phyllis Chant, Sewer & Water Authority member, spoke to Council regarding the Potomac Basin Water Resources Committee five-year plan. She explained the state program includes well registration for users pumping more than 10,000 gpd. They wish to identify critical use areas. She asked Council to think about this matter. Ms. Chant is looking to see how this will benefit the Borough.

Mr. Wolf is interested in the square footage size requirements for houses and asked the Planning Commission to consider a change.

EXECUTIVE SESSION

***K. Lundberg moved, R. Rabenold seconded, that Council go into Executive Session to discuss personnel matters at 9:15 P.M. Motion carried unanimously.

Council took a short break and opened the Executive Session at 9:25 P.M.

OPEN SESSION

The meeting was reopened to the public at 10:10 P.M. During the executive session private, confidential personnel matters were discussed.

ADJOURNMENT

The meeting was adjourned at 10:12 P.M.

ATTENDANCE REGISTER

The Attendance Register for this meeting is attached hereto, numbered as Page 9 and made a part of the Official Minutes.

Barbara M. Hertz, Borough Secretary