

**BOROUGH OF CARROLL VALLEY  
REGULAR BOROUGH COUNCIL MEETING  
TUESDAY, OCTOBER 11, 2005 – 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  
Raymond F. Rabenold  
Steven J. Semiatin  
Thomas P. Wolf

**BOROUGH OFFICIALS, ETC.**

James R. Becraft, Mayor  
David A. Hazlett, Borough Manager  
Barbara M. Hertz, Borough Secretary  
Howard C. Rodriguez, CEO/LDC  
Richard L. Hileman, Police Chief  
Thomas R. Campbell, Solicitor

**Absent**

Thomas K. Fitzsimmons  
N. Kenneth Lundberg

**CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 13, 2005  
REGULAR COUNCIL MEETING**

\*\*\*S. Semiatin moved, R. Rabenold seconded, that Council accept the minutes of the Regular Council Meeting of September 13, 2005 as submitted. Motion carried unanimously.

**OPEN TO THE PUBLIC**

Mr. David Potts, Fairfield Football, Inc., addressed Council and thanked them for the use of the Borough sports field. He wished to address the complaint about the noise from the PA system and said they are trying to resolve it. He felt the fans can be louder than the PA system. They have played four home games each lasting about three hours. Next year the home games will be at the school stadium. Ms. Scudder felt the team and coaches are doing a good job. Mr. Wolf said he has been listening to the same complaint for four years, but felt the sport has been good for the kids. Mr. Semiatin felt it has been very loud during games and practices and felt the PA system speakers could be turned toward the ground. Mr. Potts said he hoped the Borough would be agreeable to allowing the use of the football field if an emergency should come up next season.

**ORDINANCES AND RESOLUTIONS**

**Proposed Ordinance #7-2005 to Establish a Regional Emergency Management Agency.** The ordinance was advertised said the Council President.

\*\*\*T. Wolf moved, R. Butt seconded, that Council adopts proposed Ordinance #7-2005 as presented. Motion carried unanimously by roll call vote.

**Proposed Ordinance #8-05 to amend Chapter 2, Animals, and Chapter 15, Motor Vehicles and Traffic**

Chief Hileman explained the amendments would increase the fine penalties in both these Chapters to be comparable with other municipalities.

\*\*\*R. Butt moved, S. Semiatin seconded, that Council advertise their intent to consider and adopt proposed Ordinance #8-05 to amend certain fines. Motion carried unanimously.

**Proposed Resolution #11-2005, Recognition of Bruce Hisley**

Ms. Scudder expressed her gratitude to Mr. Hisley for his service on the Zoning Hearing Board and helping to draft, defend and enforce the sprinkler ordinance. She said his move out of the Borough was rather quick and there was not enough time to prepare the resolution and present it to him. At this time she read the resolution.

\*\*\*R. Rabenold moved, R. Butt seconded, that Council approve proposed Resolution #11-2005 in recognition of Bruce Hisley. Motion carried unanimously.

**Proposed Resolution #12-2005, Cable Franchise Control**

Mr. Campbell stated the resolution would give Borough approval to the transfer of Adelphia holdings to Comcast and was prepared by Attorney Dan Cohen. It does not change the current Franchise Agreement. An extension to the Agreement will be considered later.

\*\*\*R. Butt moved, R. Rabenold seconded, that Council approve proposed Resolution #12-2005 regarding the transfer of Adelphia holdings to Comcast as presented.

Mr. Wolf asked Mr. Campbell to explain the relationship of the consortium in dealing with Adelphia. In his discussion with Attorney Cohen, Mr. Campbell was advised that by approving this resolution the Borough would be in a position to negotiate with Comcast after January 1<sup>st</sup>. As part of the joint consortium of five municipalities, it is estimated the cost will be a few thousand for legal services. Each municipality will have a Franchise Agreement and the legal fee will be prorated. Mr. Campbell said the other municipalities receive a 5% franchise fee and the Borough should have no problem with getting the same. Another increase could come by the way gross revenues are calculated.

The motion to approve Resolution #12-2005 carried unanimously.

**MAYOR'S REPORT – J. BECRAFT**

The Mayor reported that at the Adams County Borough Association meeting on September 19 David Hazlett was appointed as a representative to the Adams County Transportation Planning Organization. He will serve with Ted Streeter of Gettysburg Borough on the Transportation Planning Committee of ACTPO working with PennDOT on the County Transportation Improvement Program for the next four-year period.

**PLANNING COMMISSION REPORT – L. SCUDDER, CHAIRMAN**

Ms. Scudder said the Planning Commission did not meet.

**The Crest Final Development Plan Update.** Mr. Howard Rodriguez, Code Enforcement Officer/Land Development Coordinator, reported that a one week extension may be needed for final approval. Mr. Campbell said the Borough has not received the declaration for the planned community which is a complete legal description. Consensus was to request a 90-day extension for the review and final approval. Mr. Semiatin and Mr. Wolf requested a full presentation to Council on the final development plan for both phases. Mr. Butt agreed with the Council being presented the final development plan and any conditions attached.

**Regional Joint Comprehensive Plan Update.**

Ms. Scudder said there was nothing new to add. Mr. Semiatin reported that he contacted Rob Thaeler, Adams Co. Office of Planning and Development, and will be reviewing the grant application before it is submitted.

**PARKS, RECREATION AND MUNICIPAL SERVICES/ENVIRONMENTAL ADVISORY COMMITTEE – R. HOLMES, CHAIRMAN**

Mr. George Fisanich, member of the committee, reported on a meeting at the Ranch Trail property to be developed into a recreational park. Ms. Scudder said she did attend the committee meeting and discussed the mission statement for the committee. Mr. Wolf said it was the decision of Council to split the committee in two. After further discussion regarding splitting the committee, the following action was taken.

\*\*\*T. Wolf moved, R. Butt seconded, that Council form two committees named the Parks and Recreation/Environmental Advisory Committee and the Municipal Services Committee.

Mrs. Tammy Lytle, member of the PRMS Committee, said her understanding was because of the growth of the Borough the operation of the roads, street lights, etc. don't need the committee. Mr. Wolf stated the current members could go back to Council on who they would like to keep on the Parks and Recreation/Environmental Advisory Committee. After further discussion, regarding the number to serve on each committee and a meeting schedule, the vote was called and motion carried unanimously.

**STANDING COMMITTEE REPORTS**

**Public Safety Committee – T. Wolf, Chairman**

Regional EMA Status Update. Mr. Wolf said the next step is for the Regional EMA to meet and appoint an EMA Coordinator.

Toms Creek Bridge Project. Mr. Wolf said he talked to Eric Flynn of Ski Liberty who is optimistic that there will be two-lane traffic during the winter construction period of the bridge on Rt. 116 near Spring Trail. Mr. Becraft asked about the proposal of alternative routes to Ski Liberty and Mr. Hazlett said this did not appear to be the solution.

**Community Relations Committee – R. Butt, Chairman**

Mr. Butt said after reviewing the mission statement for the committee, he did not feel they should oversee the publication of the Valley Views Newsletter but would participate. He did not feel creating a local council of governments was a committee

endeavor although the committee could publicize it. He also felt they should not need to serve as a liaison with the Fairfield Area School District because they do put out a newsletter.

Mr. Becraft commended The Emmitsburg Dispatch for regional news briefs.

### **Finance Committee – T. Wolf, Chairman**

Funding for J-59 Sewer Project. Mr. Wolf said the Committee was asked to look into a loan to the Carroll Valley Sewer and Water Authority to finance the extension of a main line on Crossland Trail to sewer three lots which was mandated by DEP. The Committee recommends Council lend the funds in the approximate amount of \$66,000. Mr. Hazlett said a six-year term for repayment would be reasonable. Mr. Wolf made a motion which was revised as follows:

\*\*\*T. Wolf moved, R. Butt seconded, that Council authorize a loan of Borough funds to pay for the extended sewer line in J Section, with repayment in six years from property assessments, and interest charged based on the current 3-month US Treasury Bill rate. Motion carried unanimously.

Lake Kay. Mr. Wolf said there needs to be action taken on Lake Kay. He felt the committee needed to be reinstated with the members being Eric Flynn, Tom Fitzsimmons, Bob Holmes, Howard Rodriguez and Dave Hazlett. The Borough Manager stated at this point Eric Flynn is to contact the engineer to see what solution would be best. He also said the aerators may not work and would cost more than Ski Liberty anticipated in which case the Borough may be asked to pay half. Mr. Hazlett will report back to Council.

Employee Recognition Expenditure Approval. Mr. Wolf reported that the committee recommends that the \$900 remaining in the meritorious service program budget be used by the Borough Manager for an employee recognition day.

\*\*\*T. Wolf moved, R. Butt seconded, that Council approve the recommendation of the Finance Committee to allocate the \$900 remaining in the budget for an employee recognition day. Motion carried unanimously.

2006 Proposed Budget. The final item Mr. Wolf said was the 2006 budget which is on schedule. The committee recommends holding a special Council meeting with a workshop to review the budget. Copies were handed out to Council at the end of the meeting. Consensus was to schedule the special Council meeting on Tuesday, October 25 at 7 p.m. in order to tentatively adopt the 2006 budget and then advertise availability to the public.

### **AD HOC COMMITTEE REPORTS**

#### **Committee for Grants – S. Semiatin, Chairman**

Mr. Semiatin reported a meeting was held at the Ranch Trail property where the new pavilion and playground are planned as phase 1 of the DCNR grant allocation. Phase 2 would be to repair the existing pavilion. The committee recommends hiring a professional engineer to develop the final plan and cost estimates.

Mr. Wolf asked about the HRG, Inc. invoice which was discussed previously. Ms. Scudder asked if the payment for the original engineering should come from the grant funds.

\*\*\*T. Wolf moved, R. Butt seconded, that Council approves the reimbursement of the HRG, Inc. park development plan invoices from the grant funds subject to approval from DCNR. Motion carried unanimously.

Consensus was to have the Borough Manager get some engineering estimates from C. S. Davidson, Inc. and two other firms for preparing the actual site plans and cost estimates for construction and repairs at the two park locations as discussed.

Mr. Semiatin will be looking for more private and public grants.

Mr. Hazlett advised that an ACTPO grant application has been submitted to install the speed hump and the pedestrian facilities on Ski Run Trail at Lake Kay. The decision will be made next year.

Mr. Semiatin suggested that at the next meeting Council make a decision on the guidelines for the Grants Committee.

#### **CONSENT AGENDA**

\*\*\*R. Butt moved, R. Rabenold seconded, that Council approve the Consent Agenda as presented. Motion carried unanimously.

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

**Act 537 Plan Update.** Mr. Hazlett reported he is awaiting the engineer's revisions. Mr. Rodriguez said he expects this to be ready for the November Sewer and Water Authority meeting.

**Open Space Plan Invoice from Herbert, Rowland & Grubic, Inc.** As instructed at the last meeting, Mr. Campbell talked to John Holmes of the firm and they did not reduce the amount of \$2,953.25. After discussion regarding who had the authority to ask for the additional work, the following action was taken.

\*\*\*R. Butt moved, T. Wolf seconded, that HRG, Inc. be paid as invoiced with no further engineering to be done by this firm. Motion carried with Mr. Semiatin voting nay.

**Pillow Tax Discussion.** The Borough Manager circulated some information on the possibility of a County-wide 1% pillow tax. Mr. Wolf said Ski Liberty had no problem with this tax.

**Lot Donations.** Mr. Hazlett said these were reviewed and recommended last month by the Planning Commission. The four lots are R-60, B-67, A-45CR and C-46.

\*\*\*R. Butt moved, R. Rabenold seconded, that Council deems it in the best interest of the Borough to accept the donation of Lot R-60, Lot B-67, Lot A-45CR and Lot C-46. Motion carried unanimously.

Mr. Hazlett informed Council that he submitted exemption from tax forms to the Adams County Tax Assessor's Office.

**Bid Opening for Snowplowing Services.** There were no bids received reported Mr. Hazlett.

**Request to advertise bids for sale of Bronco.** Mr. Hazlett recommended disposing of this vehicle to be sold as is. The proposed advertisement was circulated.

\*\*\*R. Butt moved, R. Rabenold seconded, that Council advertise the sale of the Bronco by sealed bid. Motion carried unanimously.

**Lot J-59 DEP Order Update.** This item was discussed earlier in the meeting.

**Trash Hauler Contract negotiations.** Mr. Hazlett advised that the County has advertised for bids for a Trash Hauler Contract. He is discussing the possibility of a separate contract with Waste Management.

**Fairfield Football, Inc. Correspondence.** Mr. Hazlett had circulated this to Council earlier.

**Update on Lot Purchase Negotiations.** This information was also circulated which indicated the offer was not accepted by Mr. Holsinger for a lot on Eagle Trail.

**Updated List of Elected/Appointed Officials and Committees.** There was discussion on the terms of the Finance Committee members.

\*\*\*T. Wolf moved, R. Butt seconded, that terms end 12/31 as follows: Wolf, 2005; Butt, 2006; Lamb, 2007; Becraft, 2008; and Fitzsimmons, 2009. Motion carried unanimously.

\*\*\*S. Semiatin moved, R. Rabenold seconded, that the Grants Committee membership currently consists of these members: L. Scudder, S. Semiatin, T. Lytle, R. Hileman, H. Rodriguez, R. Holmes and D. Hazlett. Motion carried unanimously.

## **COMMITTEE APPOINTMENTS**

**Zoning Hearing Board Alternate.** Ms. Scudder stated this position is still vacant.

## **UNFINISHED BUSINESS**

**Adelphia/Comcast.** The Solicitor reported that an extension agreement with Adelphia until June 30, 2006 was just received. He read the agreement to Council.

\*\*\*R. Butt moved, R. Rabenold seconded, that Council approve the Cable Franchise Agreement Extension as presented. Motion carried unanimously.

**Status of Speed Counter Data.** Chief Hileman reported that he is still collecting data and will make a presentation to the Public Safety Committee. Mr. Semiatin would like a report at the November Council meeting.

Mr. Semiatin announced that Rep. Maitland would be at the Borough Office the following day at 4 p.m. to make the official presentation of the DCNR grant.

**NEW BUSINESS**

Mr. Wolf referred to a newspaper article regarding skateboarding on Fairfield School property. He felt the statement by Mr. McDonald that Carroll Valley Borough wasn't interested because of liability was inappropriate since he cannot speak for the Borough Council regarding the interest in a bicycle or skateboard facility.

**ADJOURNMENT**

The meeting was adjourned at 9:18 PM.

**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