

**BOROUGH OF CARROLL VALLEY
REGULAR BOROUGH COUNCIL MEETING
TUESDAY, NOVEMBER 15, 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
Thomas K. Fitzsimmons
N. Kenneth Lundberg
Steven J. Semiatin
Thomas P. Wolf

BOROUGH OFFICIALS, ETC.

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

Absent

Raymond F. Rabenold

CONSIDERATION OF THE MINUTES OF THE OCTOBER 11, 2005 REGULAR COUNCIL MEETING

S. Semiatin asked that the following corrections be made to the minutes: In section "Open to the Public", line 8 remove the words 'and practices', replace the word 'felt' with 'asked if' and add the sentence 'Mr. Potts agreed to this request'. Under "AD HOC COMMITTEE REPORTS", section "Committee for Grants" line 2 Mr. Semiatin asked that 'and repair of existing pavilion' be inserted after the word playground. On line 2 after Phase 2 add 'would propose adding new tennis and/or basketball courts to the new park'.

***K. Lundberg moved, T. Wolf seconded, that Council accept the minutes of the Regular Council Meeting of October 11, 2005 as corrected. Motion carried unanimously.

CONSIDERATION OF THE MINUTES OF THE OCTOBER 25, 2005 SPECIAL COUNCIL MEETING

***K. Lundberg moved, S. Semiatin seconded, that Council accept the minutes of the Special Council Meeting of October 25, 2005 as presented. Motion carried unanimously.

OPEN TO THE PUBLIC

No one from the public addressed the council.

ORDINANCES AND RESOLUTIONS

Proposed Ordinance #8-05 to amend Chapter 2, Animals, and Chapter 15, Motor Vehicles and Traffic. The ordinance was advertised said the Council President.

***T. Fitzsimmons moved, K. Lundberg seconded, that Council adopts proposed Ordinance #8-2005 as presented. Motion carried unanimously by roll call vote.

Proposed Ordinance #9-05, Tax Levy Ordinance. L. Scudder explained that the ordinance states that no additional taxes will be levied for 2006.

***T. Fitzsimmons moved, K. Lundberg seconded, that Council advertise their intent to consider and adopt proposed Ordinance #9-05 to levy tax. Motion carried unanimously.

MAYOR'S REPORT – J. BECRAFT

The Mayor reported that at the Inaugural meeting of the Executive Committee of the Fairfield Regional Emergency Management Agency was held on 11/07/05 in the Hamiltonban Township Office. Each participating municipality was represented and the committee elected Steven Jacobs of Hamiltonban Township as chairman. Also attending the meeting was Stephen Michael, EMS for Pennsylvania Emergency Management Agency and Chief Richard Hileman of CVPD. The Inter-municipal Agreement and the appointment of someone to serve as Coordinator of this group were discussed. Chief Hileman was asked to re-write the draft position description using the recommendations of the committee. The next meeting is scheduled for 12/05/05 at the Hamiltonban Township Office.

PLANNING COMMISSION REPORT – L. SCUDDER, CHAIRMAN

Ms. Scudder reported that the Planning Commission met on November 7, 2005.

The Crest Final Development Plan Update. Mr. Dave Hazlett stated that the plan was not ready for council at this time and asked Mr. Tom Campbell, Borough Solicitor to address the issues. Mr. Campbell stated that earlier today the final details of the final sub-division approval agreement and the financial security agreement for the bond were sent to Mr. Hazlett and Mr. Rodriguez for their review. The final Development Plan will then be sent to the developer's attorney for final approval. Pending the developer's approval, the Plan should be ready for Council action at the December meeting. Mr. Semiatin asked if there would be a presentation to the Council regarding the plan so that an informed decision could be made. Mr. Hazlett stated that the developer, engineer and possibly their solicitor typically attend when a project of this nature is being voted on. Mr. Hazlett stated that the developer will be invited to attend and that the Council is expecting a formal presentation. Mr. Fitzsimmons asked if the borough would be receiving regular updates and inspection reports during the construction. Mr. Hazlett stated that the construction inspections of public improvements, the roads, sewer lines etc, will be under complete inspection by the borough's agent. Whomever the borough chooses, typically, the borough's engineer will have a staff member available for this type of inspection. The Code Enforcement Officer will be handling the remaining issues of construction through issuance of building and zoning permits.

Regional Joint Comprehensive Plan Update.

Ms. Scudder said there was nothing new to add.

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

Mr. Hazlett reported that committee discussed the division of this committee into 2 committees. The members chose which committee they wished to serve. Mr. Devlin was absent and has not had the opportunity to choose as yet; however, of the remaining members, Ms. Corbin is the only one who wishes to serve on a Municipal Services Committee. All other members of the committee stated that they wished to remain on a Parks and Recreation committee. After discussion, it was the consensus of the Council that no action is taken on this matter at this time and have the current committee continue to meet.

STANDING COMMITTEE REPORTS

Public Safety Committee – T. Wolf, Chairman

Mr. Wolf reported that the Public Safety Committee has not met since the last Council meeting. The next scheduled meeting is at 7:00pm on Monday, January 9, 2006.

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. Hazlett reported that the construction has begun. The traffic signal has been installed; however, due to traffic issues during the winter months, the signal will not be used until spring. This means that the road will remain 2 lanes throughout the winter months.

Mr. Fitzsimmons asked for an update on the “cat-walk” for Ski Run Trail between Black Bass Trail and Trout Run Trail along Lake Kay. Mr. Hazlett reported that this item has been included in the application request for a Transportation Enhancement grant. Funding decisions for this grant are expected in January 2006. If grant monies are awarded, construction could begin in 2006.

Community Relations Committee – R. Butt, Chairman

Mr. Butt reported that Community Relations Committee did not meet; however, at their next scheduled meeting topics such as the Crest, the roads, standing committee changes will be discussed.

Finance Committee – T. Wolf, Chairman

Mr. Wolf reported that the committee has not met since the last Council Meeting. The next scheduled meeting is at 2:00pm on Monday, January 9, 2006.

New Police Officer. Mr. Wolf reported that the search for a new police officer must start again as the 2 candidates who applied failed to qualify for the position. There is a request from Chief Hileman that there be an increase in the starting salary for a new officer in order to attract more candidates. Mr. Wolf stated that he spoke to each member of the

committee and consensus was to recommend that Council authorize starting salary of \$33,000 for a newly hired police officer. This is a \$2,000 increase over the current starting salary of \$31,000. Ms. Scudder questioned the benefit package being offered. Mr. Becraft reported that the benefits would remain unchanged.

*** Mr. Wolf moved and R. Butt seconded, that Council approve the increase in starting salary of a police officer to \$33,000 annually. Motioned carried unanimously.

AD HOC COMMITTEE REPORTS

Committee for Grants – S. Semiatin, Chairman

Mr. Semiatin reported that he was asked to look for grants for the Lake Kay dredging project. Mr. Semiatin has sent several inquiries.

Mr. Semiatin reported that the DCNR grant that the borough received should be able to pay the \$11,000 for the previous park plan that was done during the application process. Mr. Hazlett stated that Rep. Maitland needs to agree that the funds can be spent in this manner since he was the awarding legislator. Mr. Hazlett presented an estimate for the repair and upgrade to the Sally Cortner Pavilion. Although the DCNR Grant monies could be used for this project, it was the desire of the Parks, Recreation & Municipal Services Committee that the project be reviewed by the Finance Committee for alternative funding sources. It was the thought of the PRMS committee that the entire DCNR grant be used for the new park.

Mr. Semiatin asked for update regarding the request for bids/estimates from engineers for the planning of the new park. Mr. Hazlett reported that estimates have been received; the last of which was received today. Mr. Hazlett asked that this issue be tabled until next Council meeting in order to allow for a more thorough review. Consensus of the Council was to table this issue until the December Council meeting.

Lake Kay Committee. Mr. Hazlett reported that the committee has met twice. A representative of the engineering firm that evaluated the problem was in attendance at the last meeting. He was able to help the committee develop a plan to fix the problem and offered several suggestion for funding opportunities and grants to help pay for the project. The committee plans to meet in December and invite a representative from the company that chemically treats the lake at this time. The desire of the committee is to get as many professional opinions as possible before committing to a project plan.

CONSENT AGENDA

Ms. Scudder asked that the Police Report be pulled from the Consent Agenda for discussion.

***K. Lundberg moved, R. Butt seconded, that Council approve the Consent Agenda as presented with the exception of the Police Report. Motion carried unanimously.

Ms. Scudder asked for information regarding the increase in calls in Sections “A” and “WA”. Chief Hileman addressed the issue.

*** K. Lundberg moved, L. Scudder seconded that the Council approve the October Police Report. Motion carried unanimously.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Act 537 Plan Update. Mr. Hazlett reported he is awaiting the engineer's revisions.

Bid Opening for sale of Bronco. Mr. Hazlett reported that 2 bids were received. The higher of the two was a bid from BALA Auto Sales for \$277.00. Mr. Hazlett recommended accepting the bid.

***R. Butt moved, K. Lundberg seconded, that Council accept the high bid of \$277.00 for the sale of the 1988 Ford Bronco to BALA Auto Sales. Motion carried unanimously.

Matthew Shank Easement. Mr. Hazlett asked that Mr. Campbell, Borough Solicitor speak to this issue. Mr. Campbell explained that Mr. Shank is requesting an Easement Agreement that will allow access to his land that borders Laurel Trail in the borough. Although the land is located in Liberty Township, Mr. Shank contends that his property is land locked and the easement is necessary in order to improve the land and gain access. Mr. Campbell reported that he met with Mr. Shank's attorney, Mr. Hartman earlier today and Mr. Hartman is filing a petition with the court on Mr. Shank's behalf asking for the opening of a private road. Carroll Valley Borough will be named as a defendant in the suit along with all other property owners affected by the Easement Agreement. Mr. Campbell expressed concern that at some future time, the residents along this now vacated road may come to the borough and petition that the Borough take dedication of the road making it public again.

Lot Donations. Mr. Hazlett said this was reviewed and recommended last month by the Planning Commission. The lot is RA-19.

***R. Butt moved, K. Lundberg seconded, that Council deems it in the best interest of the Borough to accept the donation of Lot RA-19. Motion carried unanimously.

Request to Purchase Borough Owned Property. Mr. Hazlett reported that he received a request from John Straw who resides at 10 Creekview Trail to purchase Lot # RA-0008 which is owned by the Borough. Mr. Hazlett and Ms. Scudder outlined the process by which borough owned land may be sold. This process includes appraisal of the land, notification of adjacent land owners, taking of sealed bids and awarding the high bidder the purchase. Mr. Rodriguez reported that this particular lot is located in a floodplain and was accepted by donation for this reason. After discussion, the consensus of the Council was not to sell this lot due to the floodplain status. Mr. Hazlett was asked to inform Mr. Straw of the decision.

Mr. Hazlett brought to the Council's attention that the Adams County Boroughs Association will meet on November 21, 2005 at 6:15pm at the Pike Restaurant in Gettysburg, PA. This will be a reorganization meeting for the association.

Lot J-59 DEP Order Update. Mr. Hazlett reported that this item is now the Crossland Trail Sewer Project and it is going well. Construction has begun and early estimates have it concluding ahead of schedule and well within the time limit given by the state.

Adams County Greenway Plan. Mr. Hazlett shared a letter from Adams County Office of Planning and Development asking for a representative to serve on a newly formed committee that will work to develop the Adams County Greenway Plan. Mr. Wolf suggested that the chairman or appointee of the new Parks and Recreation Committee should be asked to serve as the borough representative. Mr. Becraft asked that the Council consider an elected official represent the borough. Council agreed by consensus to table the decision until after the January re-organization meeting. Mr. Hazlett will notify the Office of Planning and Development of the Council's decision and he agreed to provide representation if needed until the official representative is named.

Mr. Hazlett shared a letter of thanks from the Adams County Library. The letter also addressed the questions posed by Council at a previous meeting.

Sprinkler Ordinance Challenge Update. Mr. Campbell, Borough Solicitor, reported that the judge ruled in the borough's favor on all issues. As of this date no additional challenges have been filed. Mr. Campbell stated that he does not expect any additional challenges.

Trash Hauler Contract, Bid Opening, Award of Contract. Mr. Hazlett outlined the bids noting that IESI Corporation submitted the low bid for this service. The County Solicitor validated all the bids. Mr. Becraft asked Mr. Hazlett to render an opinion. Mr. Hazlett stated that there was no reason not to accept the low bidder, noting that each resident would be asked to set-up new accounts with IESI and cancel service with Waste Management. Although this process would be inconvenient, there would be a considerable cost savings and greater flexibility in service options for the residents. Mr. Becraft outlined the cost differences: Current 2005 Service from Waste Management includes weekly trash pick-up and bi-weekly recycling pick-up. Large item pick-up and Christmas tree removal are also included for the \$159.20 annual fee. The bids received break out the charges for trash removal, recycling and other services in such a manner that the residents may choose which services they want and then are billed accordingly. In order to compare bids equally, Mr. Becraft reported the following:

	2005	Waste Management	Trash Collection Only	\$136.40/annually
Bid:	2006	Waste Management	Trash Collection Only	\$199.92/annually
		IESI	Trash Collection Only	\$167.64/annually
	2005	Waste Management	Recycling Fee	\$ 22.80/annually
Bid:	2006	Waste Management	Recycling Fee	\$ 51.79/annually
		IESI	Recycling Fee	\$ 22.20/annually

Mr. Becraft reported that although Carroll Valley Borough ordinance states that all commercial businesses must use the approved Trash Hauler, the county solicitor has opined that any contractual arrangement already in place must be "grandfathered" in and allowed to remain for the contract period; thus allowing the commercial businesses within the borough to continue using Waste Management for trash removal if a contract is already in place.

***R. Butt moved, K. Lundberg seconded, that Council accept the low bid from IESI for Residential Trash Hauling for Carroll Valley Borough with a caveat stating that the residential dumpsters/carts be available to all who currently have them through Waste Management. Motion carried unanimously.

Mr. Hazlett was directed to contact IESI and ask that they provide postcard or flyer to each resident regarding service and instructions as to how to set-up service. Mr. Hazlett further noted that the borough would have free trash pick-up during the contract term.

Revised Standing Committee Mission Statements. Upon consensus of the Council, this issue was tabled until after the January 2006 re-organization.

“Our Town” Sneak Preview. Mr. Hazlett announced that the Council has received an invitation to a sneak preview of the WITF “Our Town” series highlighting Adams County. Please see Mr. Hazlett after the meeting if you are interested in attending.

Request for Removal of a Streetlight. Mr. Hazlett received a letter from Mr. and Mrs. James Berrall of 6 Susan Trail requesting the removal or disconnection of the streetlight between #6 & #8 Susan Trail. The letter also included signatures from most residents along Susan Trail. Mr. Hazlett reported speaking with Chief Hileman and Terry Weikert, MS supervisor regarding any impact on safety if said streetlight were to be removed or disconnected and all parties have stated that removal/disconnection would not hinder safety in any way. Consensus of the Council agreed that if safety is not at issue and the residents request its removal/disconnection; then it should be removed or disconnected. Mr. Hazlett was asked to see that the streetlight is removed or turned off.

Walk-A-Thon. Mr. Hazlett informed the Council that a Fairfield High School Senior will be hosting a Walk-a-thon in the park as her senior project on Sunday, November 20, 2005 to benefit cancer research.

Mr. Hazlett presented the Council with several thank you cards given by children who enjoyed the park this past summer.

Mr. Hazlett presented the Council with a plaque on behalf of the Fairfield Football in appreciation of their continued support of the program.

Mr. Hazlett announced an upcoming training for Borough Officials. Anyone interested is to see him for more details. Mr. Wolf added that he has attended the training in the past and highly recommends it to all. The Borough pays the attendance fees.

COMMITTEE APPOINTMENTS

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

UNFINISHED BUSINESS

Traffic Counters. Mr. Wolf asked if the new traffic counters were in use and if there is any data for review. Chief Hileman explained that the traffic counters are in use and the

data is still in raw form. Mr. Wolf requested that the data be refined and presented to the Public Safety Committee at their next meeting on January 9, 2006.

Employee Recognition Dinner. Mr. Butt requested information regarding the invitation he was given to the Carroll Valley Borough employee recognition dinner. Mr. Hazlett explained that the dinner will be held at the Ski Liberty on Thursday, December 08, 2005 at 6:00pm and the council members are invited. Discussion ensued regarding the use of borough funds to pay for Council attendees.

***R. Butt moved, K. Lundberg seconded, that any Elected Officials attending the Appreciation Dinner pay for their meals. Motion carried unanimously.

NEW BUSINESS

Mr. Wolf introduced Council members-elect who were in attendance.

ADJOURNMENT

***K. Lundberg moved, R. Butt seconded, the adjournment of the meeting at 8:46 PM. Motion carried unanimously.

ATTENDANCE REGISTER

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

Gayle R. Marthers, Asst. Borough Secretary