

**BOROUGH OF CARROLL VALLEY
REGULAR BOROUGH COUNCIL MEETING
TUESDAY, NOVEMBER 10, 2009 – 7:00 P.M.
BOROUGH OFFICE**

MINUTES

Council President John VanVolkenburgh called the meeting to order at 7:00 P.M. He led the Pledge of Allegiance. The attendance was as follows:

BOROUGH COUNCIL MEMBERS

Present

John J. VanVolkenburgh, President
Daniel J. Patton, Vice President
N. Kenneth Lundberg
Tammy J. Lytle
William K. Reinke
Neal E. Abrams
Frank A. Buhrman

Absent

BOROUGH OFFICIALS, ETC.

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle R. Marthers, Borough Secretary
Richard L. Hileman, Police Chief
David E. Baker, Zoning Officer

Absent

CONSIDERATION OF THE MINUTES OF THE OCTOBER 13, 2009 REGULAR MEETING

Mr. Reinke asked that the minutes reflect the corrected day of the special joint meeting of Council with the Finance Committee as Tuesday, October 27, 2009 instead of Thursday as it appears in the minutes.

*** K. Lundberg moved, W. Reinke seconded, that the minutes of the October 13, 2009 regular Council meeting be approved as amended. Motion carried unanimously.

CONSIDERATION OF THE MINUTES OF THE OCTOBER 27, 2009 JOINT MEETING WITH THE FINANCE COMMITTEE

Mr. Reinke asked that the minutes reflect the corrected day of the special joint meeting of Council with the Finance Committee as Tuesday, October 27, 2009 instead of Thursday as it appears in the minutes.

*** T. Lytle moved, F. Buhrman seconded, that the minutes of the October 27, 2009 joint meeting of Council with the Finance Committee be approved as amended. Motion carried unanimously.

OPEN TO THE PUBLIC

Mr. Gary Valentine of 3 Champion Trail addressed the Members in regard to Ordinance #3-2001: Sewage Management Program for on-site septic systems. Mr. Valentine introduced himself as a professional septic system installer with many years experience operating in the state of Maryland. He stated his disagreement with the Borough's requirement for pumping of the septic every 3 years. He cited personal and professional experiences that led him to recommend a change in the ordinance to require pumping ever 6 – 10 years for households of 4 or fewer residents and 3 – 5 years for households of 5 or more residents. In defense of this position, Mr. Valentine provided a lengthy description of a typical on-site septic system and explained how the system is designed to work. Using this information as a basis, Mr. Valentine requested that the 3-year requirement be waived. Members thanked him for his appearance and information. Mr. Lundberg explained the process by which the ordinance was developed and ultimately adopted then stated that the issue could be given to the Sewer and Water Authority for review and further study. Waivers cannot be issued at this time and changes to Borough Law (Ordinances) take time. The Borough 537 Plan that addresses Solid Waste and Public Sewers

planning for the Borough must be reviewed as this document is commissioned by the PA State Department of Environmental Protection and must be adhered to by the Borough.

Mr. VanVolkenburgh asked that item “b” under #8: Trash Hauler Bid Award be moved up on the Agenda as a representative from Parks Garbage Service, Inc. is in the audience and available for questions. Consensus of the Members was to discuss the Trash Hauler Bid as requested. Mr. Hazlett outlined the Bid Tab that was given to Members and explained that the South West Regional Group of Adams County consisting of Carroll Valley and Fairfield Boroughs, along with Freedom, Hamiltonban, Highland and Liberty Townships must agree as a unit on the Hauler and Service offered. This group met several times and has recommended Parks Garbage Service, Inc offering Option 3 Service. Option 3 provides for Municipal Waste Collection and Disposal including one (1) large item pick-up weekly and Bi-weekly Recycling at a cost of \$46.38/quarterly. After discussion, the following action was taken:

*** K. Lundberg moved; F. Buhrman seconded that the Proposal received by Parks Garbage Service, Inc. be accepted and authorized David Hazlett, Borough Manager to execute the necessary contracts. Motion passed unanimously.

ORDINANCES AND RESOLUTIONS

Ordinance # 5-2009: Tax Levy Ordinance

***K. Lundberg moved; W. Reinke seconded that advertisement be made for the Tax Levy Ordinance setting a municipal tax to be levied on all real property within the Borough at a rate of 8 mills. This figure is the same as 2009. Motion carried unanimously.

Resolution # 9-2009: 2010 Non Uniform Pension – Employee Contribution

Mr. Hazlett explained that the state aid received by the Borough more than covers the current MMO amount and asked that the 3% employee contribution be waived for 2010.

***F. Buhrman moved; T. Lytle seconded, that Council adopt proposed Resolution # 9-2009 as presented. Motion carried unanimously.

Resolution # 10-2009: 2010 Police Pension – Employee Contribution

Mr. Hazlett explained that the state aid received by the Borough more than covers the current MMO amount and asked that the 3% employee contribution be waived for 2010.

***F. Buhrman moved; T. Lytle seconded, that Council adopt proposed Resolution # 10-2009 as presented. Motion carried unanimously.

MAYOR’S REPORT – R. HARRIS

Mayor Harris offered thanks and tribute to all Veterans in honor of Veteran’s Day November 11th.

Mayor Harris provided updates or follow-ups for the following:

- Status of the Cellular Tower Construction in the area stating that AT&T is on-line on one tower and will be on-line on the second by early December.
- Chief Hileman reported on police activities.
- Shared a list of the upcoming meetings and events.

COMMITTEE REPORTS

Fairfield Fire/EMS Report. Mr. Abrams provided a brief report of the Fairfield Fire and EMS activity. He reported 65 EMS calls of which 21 were in the Borough and 12 EMS calls of which 4 were in the Borough. He reported that the Department participated in Trick-or-Treat by handing out candy and thanked the Borough and citizens for their contributions during the recent solicitation effort. The Department has applied for numerous grants to be used for upgrading equipment, the addition of engine/ambulance bays, building addition for storage and “Take-

Home” EMT kits for each EMT. In closing Mr. Abrams thanked the Police Department for their diligent patrols during fire company functions especially the weekly bingo.

Parks, Recreation and Environmental Advisory. Mrs. Lytle reported that the Committee reviewed the Parks budget and updated the Members on the Welcome to the Neighborhood project. She shared that a complaint was received regarding the power company’s clearing of brush in the Ranch Section.

Planning Commission. Mr. Buhrman provided explanation of the Commissions work on a proposed amendment to chapter 27 of the Borough Code of Ordinances modifying the definition of “Domestic Animals” as was asked of the Commission during the November Council meeting. Council Members reviewed the proposed ordinance and the several issues were raised. Mr. Buhrman stated that the Commission Members were split on the issue; however, the majority offered the following:

- The issue was deemed to have merit so therefore, should be pursued.
- Questioned whether the definition should be expanded to include rabbits.
- The likelihood of numerous chicken coups being erected in the Borough was small.
- Chickens would be no worse than other outside animals such as cats or dogs.

Mr. Kaplan, member of the Commission offered the following concerns:

- Allowing chickens would potentially change the “look” of the Borough with the possibility of each ½ acre lot having a pen containing 6 chickens.
- Increased risk of predatory animals in neighborhoods.
- Increased noise and odor are possible.
- Concerned that a poor precedent would be set if laws were changed due to one resident’s request.

In review of the proposed ordinance, the following concerns were voiced:

- Lot size
- Pen/Coup size
- Zoning district
- Deed restrictions
- Health risks
- Enforcement

After lengthy discussion Mr. VanVolkenburgh asked if the Members wished to continue to work toward a zoning change. By consensus with a margin of 4 to 3; the members chose to abandon the issue.

Priority List. Mayor Harris will have a prepared report for the December 2009 meeting. Mr. Lundberg expressed his concern that a list provided to Committee Members may be conceived as requirements or may cause committees to focus only on the list.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer’s Report for October 2009.

*** W. Reinke moved, D. Patton seconded, that Council accept the October 2009 Treasurer’s Report as presented. Motion carried unanimously.

2010 Proposed Budget. Mr. Hazlett presented the Council with the 2010 Proposed Budget for their consideration. He asked that Chief Hileman provide explanation for an issue that arose since the Special Meeting of the Council and Finance committee concerning forensic blood testing. Chief Hileman explained that the service has been provided by Wellspan through Gettysburg Hospital for years; however, due to staffing and licensure requirements they will be unable to provide the blood testing for DUI and DWI related arrests. As a result, the Borough will be financially liable for the testing at and out-of-area lab. Most fees will be recouped

through restitution; however, the chief asked that a sum of money be added to the contracted services line item (01.410.305) for this service. After brief discussion, Council asked that Mr. Hazlett prepare a copy of the proposed 2010 Budget for tentative approval that reflects the transfer of all funds allocated to account number 01.483.844 to account number 01.410.305. ***N. Abrams moved; W. Reinke seconded that the Proposed 2010 Budget as amended be advertised as tentatively adopted for public review with intent to adopt at the December 10, 2009 meeting. Motion carried unanimously.

Section “F” Dam Repairs. Mr. Hazlett updated the Members on the progress of the draft RFP. He shared that a report had been filed by a DEP inspector citing no problems with the dam. Mr. Hazlett has passed this information along to the appropriate representatives at DEP and the Borough engineer. RFP’s will not be sought until after clarification is received regarding the conflicting dam reports.

UNFINISHED BUSINESS

Citizen Survey. Mr. Hazlett will be available on the Borough’s website by December 1, 2009.

NEW BUSINESS

Adams County Conservation District Request – Amphibian Crossing Signs. Council reviewed a request from Rusty Ryan of the Adams County Conservation District that asked for permission to erect amphibian crossing signs along Sanders Road between Route 116 and Jacks Mountain Road. After discussion the Members agreed by consensus to decline request.

Mr. VanVolkenburgh asked Members to consider having a Request For Proposals (RFP) drawn for the position of Borough Solicitor in the wake of Mr. Campbell having been elected as an Adams County Judge. After brief discussion and congratulatory remark to Mr. Campbell; the Members agreed by consensus to have Mr. Hazlett prepare an RFP.

EXECUTIVE SESSION

Upon request of Borough Council President, John Van Volkenburgh,

***T. Lytle moved, W. Reinke seconded, that the Council enter Executive Session at 8: 05PM to discuss a legal matter.

OPEN SESSION

Council opened to the public at 8:57 PM. Mr. VanVolkenburgh stated that the Members had discussed a legal matter.

OPEN TO THE PUBLIC

No one addressed Council at this time.

ADJOURNMENT

The meeting was adjourned at 7:55 P.M.

ATTENDANCE REGISTER

The Attendance Register is attached, numbered Page 5 and made a part of the Official Minutes.

Gayle R. Marthers, Recording Secretary