

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
Of BOROUGH COUNCIL
TUESDAY, DECEMBER 13, 2016 – 7:00 P.M.
BOROUGH OFFICE
MINUTES**

Sarah Skoczen, Vice President 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

Sarah Skoczen
Bruce Carr
Robert Tyler Pyles
N. Kenneth Lundberg
Thomas Fitzsimmons
Dan Patton

Absent

Janis Ashman

BOROUGH OFFICIALS, ETC.

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle R. Marthers, Borough Secretary
David E. Baker, Code Enforcement Officer

Steven Coccoresse, Borough Solicitor

NOTICE OF RESIGNATION

Mrs. Skoczen announced the resignation of Ms. Janis Ashman as the President of Council, Council Member and member of all Borough Committees. Mr. Carr suggested that Council delay acceptance until the January 2017 meeting in order to allow more time to search for a candidate to fill the vacancy citing the holiday season as a possible hindrance. After consulting with the Borough Solicitor and finding that this was a viable option:

*** B. Carr moved; T. Fitzsimmons seconded that Members delay acceptance of Ms. Ashman's resignation until the January 10, 2017 meeting. Motion passed unanimously.

CONSIDERATION OF THE MINUTES OF THE NOVEMBER 15, 2016 REGULAR MEETING

Following brief discussion.

*** R. Pyles moved, B. Carr seconded, that the minutes of the November 15, 2016 Regular Council meeting be approved as submitted. Motion passed unanimously.

OPEN TO THE PUBLIC

John "Kip" Laramie 30 Lakeside Trail, Carroll Valley Requesting a Variance to the Driveway setback as established in Ordinance Chapter 21. Mr. Laramie stated that due to the topography of the land and the placement of a septic clean out; he is unable to meet the required setbacks for a proposed driveway to the lower portion of his home that has a separate entrance.

Rick Buterbaugh 26 Lakeside Trail, Carroll Valley Spoke on behalf of himself and his wife, Kari (in attendance). The Buterbaugh's asked that the variance be equal to that which is in place on their property. Mrs. Buterbaugh explained that she wished to have Council allow Mr. Laramie's driveway "mirror" theirs as it descends the property.

Each property owner provided photographs of the site and following much discussion:

***B. Carr moved; K. Lundberg seconded that Council grant a waiver to 30 Lakeside Trail property for a driveway setback. The Setback will be five (5) feet from the property line adjacent to 28 Lakeside Trail at the top of the property where it abuts Lakeside Trail and reduce to a Setback of ten and one half (10 ½) inches where it terminates. Motion passed unanimously.

ORDINANCES AND RESOLUTIONS

Ordinance #4-2016: 2017 Tax Levy Ordinance. Mr. Hazlett explained that the ordinance was properly advertised and is ready for Council action. Following brief discussion that included confirmation that there will be NO Tax Increase:

*** R. Pyles moved; D. Patton seconded that Council accept Ordinance #4-2016 establishing the 2017 Real Estate Tax as 2.45 mils. Motion passed unanimously.

Ordinance #5-2016: Dedicated Fire/Emergency Services Tax. Mr. Hazlett explained that the ordinance was properly advertised and is ready for Council action. Following brief discussion that included confirmation that the tax is the same as 2016:

***T. Fitzsimmons moved; D. Patton seconded that Council accept Ordinance #5-2016 establishing the 2017 Dedicated Fire/Emergency Services Tax at .25 mils. Motion passed unanimously.

MAYOR'S REPORT – R. HARRIS

Mayor Harris began his report by wishing all military personnel a Happy Veterans Day and thanking them for their service, commitment and sacrifice. He then provided updates or follow-ups for the following:

- Police Report
- Presented a Visual Update on the Municipal Building Project.
 - Special thanks extended to Charles Haynes for his sharing of aerial photos from his drone.
- Updates
 - Attended the 11th Annual Snowflake Gala to benefit the Children's Advocacy Council
 - Bridge over Muddy Run is open
 - Adams County Commissioners signed a Proclamation declaring December Drunk, Drugged and Distracted Driving Awareness Month.
 - Attended the 2016 CVCA Holiday Gala on December 9th. Thank you extended to Mary Walter and Marie Schwartz for their organization of the event.
 - Breakfast with Santa was held Saturday, December 10, 2016 at Fairfield Fire Hall where over 500 breakfasts were served and nearly 200 youngsters greeted Santa.
 - Toys for Tots Campaign closed with the collection of 1055 toys and the program serving 20 families with toys for nearly 50 children.
- Announced:
 - The Department of Environmental Protection has added Adams County to the Drought Watch List. Residents are asked to conserve water.
 - Liberty Mountain Resort announced opening day for the season as Friday, December 16, 2016. New for this year is the Alpine Courtyard Ice Skating Rink.
 - The 3rd Annual Daddy Daughter Dance; "A Fairy Picnic" to benefit the July 4th Celebration will be held on Saturday, February 11, 2017.
- Shared a list of the upcoming meetings and events
- In Requiem:
 - 21 Officers from various cities across the US were honored for their bravery following their being Line-of-Duty deaths during the month of November 2016.
- Happy Holidays & Safe New Year from the Mayor and Mrs. Harris

FIRE/EMS/EMA REPORTS

Report of Calls was received from Fairfield Fire/EMS and Fountaindale. No further report.

COMMITTEE REPORTS

Parks, Recreation and Environmental Advisory Committee.

Written report was accepted; Mr. Carr announced that he is working with other residents to plan a Spring Fish Derby. Anyone interested in helping was asked to contact him or the Borough Office.

Planning Commission.

David Lillard, Vice Chair, reviewed the written report including the following:

- Chapter 27 Re-write with the Tentative Schedule
- Commission Membership and Attendance Policies

Public Safety.

Mayor Harris provided a verbal report from the meeting sharing that the members were reviewing the membership and attendance policies as well. Mr. Carr had suggested during the meeting that the chairpersons of the different committees meet on a monthly basis with a Council representative to ensure the exchange of ideas and topical information discussed in each meeting.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for November 2016.

Following brief discussion:

***K. Lundberg moved, B. Carr seconded, that Council accept the November 2016 Treasurer's Report as presented. Motion passed unanimously.

2017 Budget. Mr. Hazlett presented the 2017 Budget again and asked that Members consider it for adoption. Following discussion:

*** T. Fitzsimmons moved; R. Pyles seconded that Council adopt the 2017 Budget as advertised. Motion passed unanimously.

2017 Calendar of Meetings. Mr. Hazlett shared the calendar of meetings and asked that Council approve the advertisement of the schedule as required by Pennsylvania Borough Code. Following brief discussion: ***T. Fitzsimmons moved; D. Patton seconded that Council approve the 2017 Calendar of Meetings and ask that Borough Staff make appropriate advertising as required by Pennsylvania Borough Code. Motion passed unanimously.

UNFINISHED BUSINESS

Municipal Building Project

- Mr. Hazlett explained the Change Order Request #4 regarding the supplying and installation of a double-sided LED sign. Following discussion that included questions of the size of the display area, abilities of the sign and ease of use:
***T. Fitzsimmons moved; K. Lundberg seconded that Council affirm the Change Order Request #4 with a caveat to not exceed \$57,625.86. Motion passed unanimously. Mr. Hazlett invited Members to the Borough Office at 3pm on Wednesday, December 14, 2016 for a demonstration of the proposed sign.
- Mr. Hazlett explained the Change Order Request #11R regarding the addition of an exterior water meter pit as required by York Water Company as submitted by Lobar Associates. Following brief discussion:
***R. Pyles moved; D. Patton seconded that Council affirm the Change Order Request #11R at a cost of \$12,551.10. Motion passed unanimously.

- Mr. Hazlett explained the Comcast Business Proposal for the new phone system for the Municipal Building; reporting that all Borough Departments would receive upgraded phones; voice messaging and the new system will allow calls to be forwarded to Municipal Services and the Sewer Treatment Plant from the Borough offices. This will increase resident services with little or very minimal increase in cost. Following brief discussion:
*** R. Pyles moved; D. Patton seconded that Council accept the contracted phone service with Comcast Business with a cost of one-time cost of \$619.75 and recurring monthly fees of \$790.10 for a 36 month term. Motion passed unanimously.
- Mr. Hazlett reviewed a December 8, 2016 memorandum from Murray Associates following up on a previous request for additional fees due to the re-bidding and re-configuration of the Municipal building project. Members agreed by consensus to table this discussion until the January 2017 meeting in order to receive additional information from the solicitor.
- December 2016 Update prepared by Mr. Hazlett was reviewed and accepted including an update from Amy Kauffman of GMS Funding Solutions
- Benedict Dubs, Murray Associates provided a detailed update on the building progress, which is on schedule at this time.

Borough Committees Project.

Mr. Pyles reported that he is attending all Borough Meetings; evaluating their membership and discussing attendance policies. He shared that he will continue to update Members.

Fairfield Police Contract.

Following discussion that included:

- Suggestion that the Chief, Mayor and Manager provide any information regarding the contract that they feel should be evaluated by Council in writing
- Suggestion that a negotiation team/committee be appointed to review the matter
- Concern about trust issues and the delicacy of negotiating with Fairfield

Members agreed by consensus to table the discussion of this topic until the March 2017 meeting.

NEW BUSINESS

Review of the Borough Ordinance Requiring Residential Sprinklers. Mr. Hazlett Pyles introduced the subject requesting that Council consider an ordinance repealing the residential requirement for sprinklers. He questioned why Carroll Valley Borough was the only one of 934 municipalities to have this requirement. Discussion ensued that included questions of the cost to have sprinklers installed, whether the ordinance was a case of government intrusion and if the requirement was an underlying cause for the decline in new home construction. Mr. Kaplan, a proponent of the ordinance who was a member of the Planning Commission when the Borough fought in court to uphold the ordinance; gave a lengthy overview of the process, legal background and reasons that led to the success of the Borough.

Mr. Pyles provided Members with a proposed Ordinance repealing Chapter 5, Part 1; Section 5-112 of the Carroll Valley Code of Ordinances. Following additional discussion:

***D. Patton moved; K. Lundberg seconded that the issue be tabled at this time and have the issue reviewed by the Planning Commission; with the request that the local Fire Companies, builders and residents be invited to weigh in on the subject. Motion passed by roll call with T. Fitzsimmons, S. Skoczen, D. Patton and K. Lundberg voting yes; and B. Carr and R. Pyles voting no.

Liberty Mountain Escrow Allocation.

Mr. Hazlett reviewed a letter from Mr. Flynn, President and General Manager of Liberty Mountain requesting the release of bond monies held in escrow for their Highland Lodge Project citing that the project is completed. Following brief discussion:

***T. Fitzsimmons moved; B. Carr seconded to release the currently held Public Improvements Bond, amounting to \$246,910, for the Liberty Mountain Resort improvements project, conditioned on final verification of items by the Borough Engineer and Borough Manager. Further, it shall be agreed that the painted pedestrian crosswalks be properly maintained by Liberty Mountain until such time as the permanent brick inlaid crosswalks are constructed. Motion passed unanimously.

OPEN TO THE PUBLIC

The following citizens addressed Council at this time:

- Richard Nelson 31 Hickory Trail, Carroll Valley Requested that the documents given to the Council Members be digitized for viewing on the screen like the agenda and Mayor's Report or provided in hard copy for the public.

ADJOURNMENT

The meeting adjourned at 8:45 P.M.

ATTENDANCE REGISTER

The Attendance Register is attached, numbered Page 6 and made a part of the Official Minutes.

Gayle R. Marthers, Borough Secretary