

**BOROUGH OF CARROLL VALLEY
REGULAR BOROUGH COUNCIL MEETING
TUESDAY, DECEMBER 15, 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
Frank A. Buhrman
N. Kenneth Lundberg
Tammy J. Lytle
William K. Reinke
Neal E. Abrams

Absent

Daniel J. Patton, Vice President

BOROUGH OFFICIALS, ETC.

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

Absent

Chief Richard L. Hileman

CONSIDERATION OF THE MINUTES OF THE NOVEMBER 10, 2009 REGULAR MEETING

Mr. Reinke asked that the minutes reflect the corrected time of adjournment of 8:57PM instead of 7:55PM as it appears in the minutes.

*** K. Lundberg moved, N. Abrams seconded, that the minutes of the November 10, 2009 regular Council meeting be approved as amended. Motion carried unanimously.

OPEN TO THE PUBLIC

Mr. Ron McClain of 27 Sunfish Trail addressed the Members in regard to Ordinance #5-2002: Animal Noise Control. Mr. McClain expressed concern regarding the method of enforcement and the standard by which the noise is measured. Concerns included vindictive neighbors, situations where the dog in question is barking at intruders or animals and proof. After discussion, Council Members acknowledged that there may be a need to improve the language of Ordinance #5-2002 and asked that it be reviewed by the Planning Commission.

Mrs. Christine Harrington, 609 Country Club Trail addressed the Members regarding the status of the Section F Dam repairs, the subsequent partial draining of Lake May and the seemingly lack of budgeted funds in the 2010 Advertised Budget. Mr. VanVolkenburgh and Mr. Hazlett explained that the repairs were of a capital nature and therefore would not appear in the general fund budget. Additional concern was then raised by Mrs. Harrington regarding the lack of fund allocation for on-going maintenance. At this time Mr. John Cazalas of 657 Country Club Trail asked to be heard regarding this topic stating that he also has recognized a lack of funding allocation over the years for maintenance and expressed the concern that this shortfall has contributed to the problem now faced by the Borough. Mr. Hazlett assured all those present that the annual budget has seen allocations each year for maintenance and inspection of the dam and that the required maintenance was completed each year. Mr. Eric Mains of KPI Technologies, the Borough Engineer, was present and confirmed that KPI provided an inspection annually followed up by the required notification to DEP and the Borough. The Borough then completed any recommendations. Mr. Mains explained that the current issue resulted from several years of undetectable water leakage from a seam in the spillway wall. He further explained and Mr. Hazlett confirmed that it was the prescribed routine maintenance of a Borough employee that

discovered the void and all proper notifications were made in the timely manner required. Mr. Mains then outlined the damage and expected cause thereof.

Mr. Derrick Martin, Lieutenant and Mr. Dave Millstein, Deputy Chief of Fairfield Fire Company asked to be heard, requesting confirmation of a rumor that Lake May was scheduled for draining. The gentlemen expressed concern that the dry-hydrant installed in Lake May would be out of service. This is a vital source of water for the department. Mr. Hazlett and Mr. VanVolkenburgh both assured them that there is no intention of draining the lake at this time. Mr. VanVolkenburgh explained that due to the void in the area of the spillway, DEP required that the water level be lowered by 3 feet which was done immediately. Unless required by DEP, there is no intention to lower the level any further at this time and if a situation arose that would jeopardize the dry hydrant; the fire department and dispatch would be notified.

ORDINANCES AND RESOLUTIONS

Ordinance # 5-2009: Tax Levy Ordinance

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

Resolution # 11-2009: 2010 Fee Schedule

Mr. Hazlett explained that the Borough Fees were essentially the same with exception in the area of perc testing. After brief discussion:

***K. Lundberg moved; T. Lytle seconded, that Council adopt proposed Resolution # 11-2009 as presented. Motion carried unanimously.

MAYOR'S REPORT – R. HARRIS

Mayor Harris presented Borough Solicitor Thomas Campbell with a commemorative flag and thanks for his service to the Borough over the past years and wished him well on his new career as Adams County Judge Elect.

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.
- DUI Alcohol Testing will be done at the Gettysburg Hospital; the Hospital will take charge of the chain-of-custody and send the sample directly to the testing laboratory.
- Invited all to the next Planning Commission Meeting where there will be a presentation regarding Alternative Energy Technologies.
- Honored fallen police and fire personnel in Pennsylvania.
- Shared a list of the upcoming meetings and events.
- Requested consideration of an expenditure from accumulated July 4th Celebration donations in the amount of \$4250 for one half the cost of 2010 fireworks display. Mayor Harris explained that the remaining funds would be solicited by the Committee. After brief discussion:
***W. Reinke moved; K. Lundberg seconded that \$4250 be expended to Schaffer Pyrotechnics as a down payment for the 2010 fireworks display. Motion passed unanimously.

Fairfield Fire/EMS Report. Mr. Abrams provided a brief report of the Fairfield Fire and EMS activity. He reported 43 EMS calls of which 12 were in the Borough. He reported that the Department is gearing up for the opening of Ski Liberty and anticipates an increase in calls over the next several months.

COMMITTEE REPORTS

Parks, Recreation and Environmental Advisory. Mrs. Lytle reported that the Committee was unable to meet as there wasn't a quorum.

Planning Commission. Mr. Buhrman reported that meeting was cancelled due to a lack of business.

Priority List. Mayor Harris reported that the Committee did not meet.

Public Safety. Mayor Harris reported that the committee met on Monday, December 14, 2009 and discussed issues of speeding and DUI's. He further stated that the Committee will meet again on Monday, January 11, 2010.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for November 2009.

*** W. Reinke moved, K. Lundberg seconded, that Council accept the November 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 reported that the document had been duly advertised and been made available for public review as required and asked that Council adopt the 2010 Budget as advertised.

***F. Buhrman moved; W. Reinke seconded that the Proposed 2010 Budget as advertised be adopted. Motion carried unanimously.

2010 Holiday Schedule. Mr. Hazlett explained that the Borough holiday schedule is presented for information and discussion. Council accepted by consensus.

2010 Meeting Schedules. Mr. Hazlett asked that the Members review the schedules of Borough Committees, Commissions and Boards and take action on their advertising.

***F. Buhrman moved; K. Lundberg seconded that the Meeting Schedules of Borough Committees, Commissions and Boards be advertised as prepared. Motion passed unanimously.

Commission/Committee Re-appointment List. Mr. Hazlett reviewed the Re-appointment list and asked that members recognize the numerous vacancies. Appointments will be made at the Re-Organization meeting on January 4, 2010.

Mr. Hazlett informed the Members that the Borough has accepted delivery of the new Street Sweeper and it is in service.

UNFINISHED BUSINESS

Citizen Survey. Mr. Hazlett confirmed that the final results were available on the Borough's website by December 1, 2009. After brief discussion the results were accepted by consensus.

Section "F" Dam Repairs. Mr. Hazlett updated the Members on the progress of the RFP. He introduced the Borough Engineer Eric Mains who provided additional details on the damage at the spillway, the causation and offered a plan to address the problem. Mr. Mains explained that there needs to be a geotechnical investigation performed on the dam to determine the extent of damage and method of repair. He reviewed 3 quotes that he'd solicited for the investigation and recommended the low bid of \$13,389 submitted by CMX located in Mechanicsburg. The engineer from CMX is familiar with the Section F Dam having been involved in the repairs completed in 1998 and Mr. Mains sited a positive working relationship with the company. After brief discussion:

***W. Reinke moved; K. Lundberg seconded that the Borough enter into a contract with CMX for the geotechnical investigation. Mr. Reinke further asked that Mr. Hazlett and Mr. Mains be authorized to execute said contract for the Borough upon its receipt. Motion carried unanimously.

RFP for Borough Solicitor. At the request of Council, Mr. Hazlett prepared and solicited RFP's for Borough Solicitor. Members received a copy of each proposal submitted along with a summary prepared by Mr. Hazlett. After lengthy discussion the following action was taken:

***K. Lundberg moved; W. Reinke seconded that the firm of Salzmann Hughes, P.C. be retained as the Borough Solicitor. Motion carried unanimously.

NEW BUSINESS

No new business was brought before the Council.

OPEN TO THE PUBLIC

Mr. Cazalas expressed continued concern that the money may not be available to fix the problem with the Section F Dam and therefore the lowered water level will continue indefinitely. He described the problems with the last repair project's funding and the condition of the lake during the time period that it was drained. Mr. Cazalas expressed additional concern that he and the other lake residents will be forced to live through a similar situation. Mr. VanVolkenburgh and other members of Council acknowledged Mr. Cazalas's concerns and re-stated that their intention is not to drain the lake; but to move forward with a remedy to the situation. However, Mr. VanVolkenburgh clarified that it is the duty of the elected officials to consider the needs and impact on all citizens of the Borough.

EXECUTIVE SESSION

Upon request of Borough Council President, John Van Volkenburgh,

***K. Lundberg moved, F. Buhrman seconded, that the Council enter Executive Session at 8:50PM to discuss a legal matter.

OPEN SESSION

Council opened to the public at 9:10 PM. Mr. VanVolkenburgh stated that the Members had discussed a legal matter involving the settlement of a pending legal action. Upon review of the settlement agreement the following action was taken:

***K. Lundberg moved; W. Reinke seconded that the agreement between the Borough and Sym Penn Land, LLC be accepted and asked that Mr. Hazlett be authorized to execute said agreement upon receipt. Motion passed unanimously.

OPEN TO THE PUBLIC

No one addressed Council at this time.

ADJOURNMENT

The meeting was adjourned at 9:15 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