

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
OF BOROUGH COUNCIL
TUESDAY, AUGUST 14, 2018 – 7:00 P.M.
BOROUGH OFFICE**

MINUTES

Sarah Skoczen, 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
David Lillard via phone
Robert Tyler Pyles
Bruce Carr
Robert Verderaime
Richard Mathews

Absent

Jared Huster

BOROUGH OFFICIALS, ETC.

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle Marthers, Borough Secretary

Zachary Rice, Borough Solicitor

CONSIDERATION OF THE MINUTES OF THE JULY 10, 2018 REGULAR MEETING

Following brief discussion:

*** B. Carr moved, R. Pyles seconded, that the minutes of the July 10, 2018 Regular Council meeting be approved as submitted. Motion passed unanimously.

OPEN TO THE PUBLIC

Mayor Harris asked that Miss Dory Hammond be recognized at this time for her achievement of the Gold Award for the Girl Scouts. Miss Hammond performed over 200 hours of community service in order to qualify for this highest honor as a scout. Mayor Harris presented Miss Hammond with a certificate of excellence and the Members of Council offered much praise for her accomplishment.

The following persons addressed Council at this time:

- Janet Jones, 9 Snowplow Trail, CV regarding the Property Maintenance Ordinance being reviewed and the Proposed Fireworks Ordinance.

ORDINANCES AND RESOLUTIONS

Resolution #8-2018: Opposing House Resolution 291. Members discussed the document at length, concerns were voiced that this action was premature in nature since the issue is only being studied at this time. Mr. Verderaime suggested tabling the resolution. However, following the discussion:

***B. Carr moved; R. Pyles seconded that Council approve Resolution #8-2018: Opposing House Resolution 291 as submitted. Motion passed on a 4-2 vote with Mr. Verderaime and Mr. Mathews casting the no votes.

Ordinance #5-2018: Amending Chapter 6 to Regulate Fireworks. Members discussed the document at length, the following changes being recommended:

- Section 6-404: Subsection B: Check the PA State Law for the 150-foot restriction and include it in the ordinance if appropriate.
- Section 6-404: Subsection D: Keep only numbers (1) and (5).
- Section 6-404: Subsection D: Add “New Year’s Eve” as an additional permitted day.

- Section 6-405: Subsection F: Strike-out the words “purchase, acquire, obtain,” and replace with “be in possession of,”.
- Section 6-406: In the 4th line of the paragraph the question was asked if “Each separate day” equaled a separate incident?
- Section 6-408: Replace “Fire Marshal” with “Borough Code Enforcement Officer”.
- Section 6-409: Replace “Fire Marshal” with “Borough Code Enforcement Officer”.
- Section 6-410: Subsection A (2): in 3rd line replace words “to not be” with “not to be” to correct a split infinitive grammatical error.
- Question in ALL Violation/Penalty sections: Instead of the term being “Not More Than” a specified amount of fines levied; Members were asked to consider the term “Not Less Than” a specified value thereby providing a judge a floor for the fine instead of a ceiling.
- Question was posed as to whether a violation of this ordinance could be considered a Civil Violation that must be handled by the private citizen suing one-another versus an Ordinance Violation for which the Borough would be imposing citations and fines.
- Question was asked if the number of Display Fireworks permits issued to a single venue, single requestor or in general could be regulated or capped.
- Concerns were raised that the permitting of any Fireworks would adversely affect any livestock; even those owned and housed outside of the Borough Limits.

Consensus of the Members was to table this Ordinance until the Borough Solicitor could incorporate the proposed changes and additional answers to the questions could be obtained.

MAYOR’S REPORT – R. HARRIS

- Police Report
 - Mayor Harris offered the Police Report for review and in the absence of the Chief; asked that any questions be forwarded to himself for follow-up by the Chief.
- Updates
 - Reminded Citizens the they must fully stop at all stop signs. Not only is this safe practice; if you fail to do so, you will be fined.
 - Reminded Citizens to Lock Car Doors. There have been a new series of illegal car entries that resulted in thefts. If you don’t lock the doors; it is not considered breaking and entering.
 - Thank you was extended to the Municipal Services Department for the clean-up of the roads, parks and the walking trail following several rain storms.
 - E-Waste Recycling event was held Saturday, July 14th from 8:00 am – 12:00 pm.; 2.5 tons of waste was collected!
 - National Night Out was held on Tuesday, August 7, 2018; with approximately 300 in attendance. Thanks was extended to Police Secretary, JoAnn Myers for her work.
 - Movie “Lion King” was canceled due to unforeseen circumstances on Friday, July 20, 2018 at 8:00 pm. It will be rescheduled for later this summer.
- Announced:
 - E-Waste Recycling event will be held Saturday, October 13th from 8:00 am – 12:00 pm.
 - Library Events
 - Movie “Guardians of the Galaxy” will be shown in the Park on Friday, August 17, 2018 at 8:00 pm.
 - TNR Paint Night will be held on Friday, August 28, 2018 at 7pm in the Cortner Pavilion.
 - Strawberry Hill Nature Center is sponsoring a “Trail-Gating” event on Saturday, September 15, 2018 from 5-8pm.
 - Child Passenger Safety Week will be held from September 23rd through the 29th, 2018. Please remember to buckle-up and use child safety seats according to manufacturer standards.

- Shared a list of the upcoming meetings and events
- In Requiem:
 - 11 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of July 2018.

FIRE/EMS/EMA REPORTS

Reports reviewed in packet.

COMMITTEE REPORTS

Planning Commission.

- Reminder that the Joint meeting of Council and Planning is scheduled for Tuesday, September 4, 2018 at 7:00pm. The topic of this meeting will be a summary of the proposed 6 zoning districts.
- Members were informed of a free webinar being offered on August 29, 2018 regarding zoning and were encouraged to log-in.

Tree Board.

Written report reviewed and accepted by consensus.

Sewer and Water Authority.

Mr. Hazlett shared that the membership on the Sewer and Water Authority is critically low. The vacancies are causing a situation where meeting the quorum requirements is no longer possible and there are several very important topics that need to be discussed. Mr. Hazlett requested that Members of Council be appointed to fill the three (3) vacancies until other candidates are found. Following discussion:

***D. Lillard moved, R. Pyles seconded that councilmen Bruce Carr, Richard Mathews and Mayor Ron Harris be appointed to the Sewer and Water Authority effective this date. Motion passed unanimously.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for July 2018.

Following brief discussion:

***R. Pyles moved, R. Mathews seconded, that Council accept the July 2018 Treasurer's Report as presented. Motion passed unanimously.

FY 2017 PA Auditor General Liquid Fuels Audit.

Ms. Marthers shared that the audit found no issues and was before the Membership for review only as no formal action is required. Members accepted the document by consensus.

FY 2017 PA PennDOT Liquid Fuels Monitoring.

Ms. Marthers shared that the as in the Auditor General's Audit; the PennDOT monitoring found no issues and was; therefore, before the Membership for review only as no formal action is required. Members accepted the document by consensus.

Building mechanical Maintenance Contract.

Mr. Hazlett explained that the HVAC system requires more highly skilled maintenance than what the Borough Staff can provide. Following much discussion regarding the proposed contract submitted by the Stouffer Mechanical Contractor who installed the system; the following concerns were voiced:

- What is the charge for repairs that are out of the scope of the contract?
- Would a multiple year contract be feasible?
- Request clarification as to which, if any, wear-and-tear items are included in the contract price and which items will cost extra.
- Due to the time of year, request that the contract reflect a "Fall 2018 – Spring 2019" timeframe instead of the proposed "Spring 2018 – Fall 2018" timeframe.

Following lengthy discussion:

***D. Lillard moved; R. Pyles seconded that Borough Staff be authorized to execute a Maintenance Contract with Stouffer mechanical Contractor for Annual Maintenance and 24/7 Alarm Monitoring of the HVAC Control System not to exceed the proposed cost of \$4,442.00 that considers the concerns noted and specifically choosing to NOT add the sum of \$1,712.00 for additional filter changes. Motion passed with Mr. Verderaime abstaining due to lack of language regarding warranty of work performed.

UNFINISHED BUSINESS

Grant Funding Updates. A written report from GMS Funding Solutions was available for review in the packet and provided an update on all the grant submissions of the Borough. The report was accepted by consensus.

Borough Lots to Sell. Mr. Hazlett reviewed his Memorandum of 08/10/2018 regarding the estimates that he was asked to acquire. Two quotes were discussed as well as the specific lots for which the appraisal would be received. Following discussion:

***R. Pyles moved; D. Lillard seconded that the Borough Staff be authorized to engage Rogers Appraisals of Gettysburg, PA to perform appraisals of various Borough Lots at a cost of \$200 per appraisal. Motion passed unanimously.

Cumberland Township request for Inspection Services. Mr. Hazlett reviewed his Memorandum of 08/10/2018 that outlined the terms of the agreement as negotiated with the Township Manager. It was noted that Cumberland Township Supervisors have already deliberated this Agreement at their public meeting and have approved the terms. If the Council is satisfied with the terms, an agreement can be entered into immediately. Mr. Pyles, a member of the subcommittee also offered his support of the agreement. The following concerns were noted:

- Section 2: subsection B: Line 1: sentence is missing words. It will be reviewed and corrected.
- Definition of BCO (Building Code Official) with explanation of their duties.
- Terms of Termination:

- If the Borough no longer has an inspector available what happens?

Answer: The Agreement would follow the termination procedures, or the Borough would engage the services of a Third-Party Inspection Company; i.e. Middle Departments or a similar company.

Following additional discussion:

***R. Pyles moved; D. Lillard seconded that the Borough approve the Intergovernmental Agreement for Carroll Valley Borough to provide Building Inspection Services to Cumberland Township with the caveat that the correction in Section 2 as noted be completed. Motion passed unanimously.

Property Maintenance Regulations.

Mr. Hazlett shared that he has met with Members, Mr. Mathews and Mr. Verderaime and progress is being made on the review of the Borough Ordinance and reviews of several different ones provided by the Solicitor. The group anticipates a draft ordinance will be available by October 2018 for Members. Mr. Carr recommended his colleagues participate in the September 12, 2018 webinar regarding Blight in Small Towns and Rural Areas.

Lake Carroll Agreement

Mr. Hazlett provided explanation of the document that Council received. Upon solicitor advice, the terms of the agreement and discussion regarding official negotiations of said agreement are better suited for Executive Session.

School District request for Police Services.

Mr. Hazlett explained that a request for proposal was received from the Fairfield School District and that he required specific direction from the Council on how the Borough would respond. Upon solicitor

advice, the terms of the agreement, discussion regarding official negotiations and responses to said agreement are better suited for Executive Session.

EXECUTIVE SESSION

Mrs. Skoczen requested consensus of Membership to move into Executive Session to discuss the Lake Carroll Agreement and the Fairfield School District Request for Proposal at 8:50pm. Members agreed and adjourned to adjoining office.

OPEN SESSION

The meeting reopened at 9:34pm and Mrs. Skoczen stated that the Lake Carroll Agreement and the Fairfield School District Request for Police Services had been discussed. There was no action to be taken at this time.

NEW BUSINESS

Mr. Pyles addressed Members at this time stating that he has submitted his letter of resignation from the Borough Council and all committees effective August 31, 2018 due to his not being able to meet the residency requirements after that date.

***B. Carr moved; R. Verderaime seconded that Council accept with regret the resignation of Robert Tyler Pyles effective August 31, 2018. Motion passed unanimously.

Mayor Harris presented Mr. Pyles with a certificate of appreciation for his service and dedication to the Borough.

OPEN TO THE PUBLIC

The following persons addressed Council at this time:

- Janet Jones, 9 Snowplow Trail, CV regarding the Fairfield School District request
- Melanie Briggs, 51 Ski Run Trail, CV regarding the Fairfield School District request

ADJOURNMENT

The meeting adjourned at 9:45 P.M.

ATTENDANCE REGISTER

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