

**BOROUGH OF CARROLL VALLEY  
REGULAR MEETING  
OF BOROUGH COUNCIL  
TUESDAY, AUGUST 13, 2019 – 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  
Richard Mathews  
Robert Verderaime  
Bruce Carr  
Beth Cool

**Absent**

**BOROUGH OFFICIALS, ET**

Ronald J. Harris, Mayor  
David A. Hazlett, Borough Manager  
Richard L. Hileman, II, Police Chief  
Zachary Rice, Borough Solicitor

**CONSIDERATION OF THE MINUTES OF THE JULY 9, 2019 REGULAR MEETING**

Following brief discussion:

\*\*\*R. Verderaime moved, B. Carr seconded, that the minutes of the July 9, 2019 Regular Meeting be approved as submitted. Motion passed unanimously.

**CONSIDERATION OF THE MINUTES OF THE JUNE 3, 2019 JOINT MEETING of PLANNING COMMISSION with COUNCIL**

Following brief discussion:

\*\*\*R. Verderaime moved; B. Carr seconded that the minutes of the June 3, 2019 Joint Meeting of Planning Commission with Council be approved as submitted. Motion passed unanimously.

**OPEN TO THE PUBLIC**

No one addressed Council at this time.

**ORDINANCES AND RESOLUTIONS**

There were none.

**MAYOR'S REPORT – R. HARRIS**

- Police Report
  - Two more Heroin OD's
- Updates:
  - HB1614: Act 58 of 2019 provides jurisdiction to law enforcement officers outside their normal area to allow participation in Task Forces and DUI Checkpoints without the need to have reciprocating agreements in place
  - SB607 advocates for the use of Radar by municipal police
  - July 13, 2019 – E-recycling Event was held
  - Mayor Harris attended the 2019 Mayoral Convention
  - Annual National Night Out was held Tuesday, August 6, 2019 from 5-8pm – excellent turnout. Thank you extended to Jo Ann Myers, Police Secretary for her hard work
  - Legal Update was held August 7<sup>th</sup> and 8<sup>th</sup>.

- Congratulation was extended to Hunter & Charlee Paulus on their recent wedding
- Movie-in-the-Park was held Friday, July 19, 2019 turnout continues to be great
- Announced:
  - Movie-in-the-Park will be held Friday, August 16, 2019
  - Child Safety Seat – Free Inspections
    - September 23<sup>rd</sup> thru 29<sup>th</sup>
    - Waynesboro Police Department
    - PA State Police
  - HACC: 28<sup>th</sup> Annual Adams County Heritage Festival
  - Pippinfest will be held Saturday, September 28<sup>th</sup> and Sunday, September 29<sup>th</sup>
  - Fall Yard Sale will be held Saturday, September 28, 2019
- Shared:
  - Burn Ordinance Reminder
  - Municipal Training Recommendations – ACCOG: Collaboration Committee continues to work on the document
  - Phishing Attempts during the past month: Be diligent – Don't respond to emails!
    - Comcast
    - Wells Fargo
- Shared a list of the upcoming meetings and events
- In Requiem:
  - Clifford A. (Andy) Strausbaugh, November 14, 1936 - August 9, 2019: Founding Member of Borough, Former Council Member, Former Borough Employee, ACBA Member
  - 6 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of July 2019.

## **FIRE/EMS/EMA REPORTS**

Reports provided were accepted by consensus with no discussion.

## **COMMITTEE REPORTS**

### **Parks, Recreation and Environmental Advisory Committee.**

Written report reviewed and accepted by consensus.

### **Tree Board**

Minutes from the June 6, 2019 meeting were provided for review. Members accepted by consensus.

## **ADMINISTRATIVE BUSINESS – BOROUGH MANAGER**

### **Treasurer's Report for July 2019.**

Following brief discussion:

\*\*\* B. Cool moved, R. Verderaime seconded, that Council accept the July 2019 Treasurer's Report as presented. Motion passed unanimously.

### **Capital Purchase Request.**

Mr. Hazlett reviewed his memorandum of August 7, 2019 outlining the Municipal Services Department's request to purchase a Backhoe equipped with a swing coupler and 36-inch grading and ditching bucket. Further explanation included the request that the Capital Budget be revised to make this purchase delaying the purchase of a street sweeper until sometime in the future to be determined during the annual budget process. The current backhoe purchased in 2006, has significant mechanical issues which is estimated to cost over \$20,000 to repair. Following much discussion:

\*\*\*B. Carr moved; B. Cool seconded that Council approve the purchase of a JCB 3CX Backhoe with Wainroy Swing Coupler from Stevenson Equipment at a net cost of \$68,660 which includes a \$32,500 trade in value for the current equipment. Motion passed unanimously.

### **Surplus Equipment Sale.**

Mr. Hazlett reviewed his memorandum of August 7, 2019 requesting Council approve the disposal of the 2007 Ford F-350 4x4 truck with 79,826 miles formerly assigned to the Sewer Treatment Plant operator as it was replaced earlier this year. The vehicle has been stripped of all Borough property and signage and is ready for disposal. Also ready for disposal is the 2012 Scag Turf Tiger 61 zero-turn mower with 1,952 hours having been replaced earlier this summer. Following brief discussion:

\*\*\*R. Mathews moved; B. Cool seconded the motion to allow Borough Staff to follow Borough Policy and PA Borough Code to properly dispose of the 2007 Ford F-350 and the 2012 Scag Turf Tiger as described. Motion passed unanimously.

### **Sewer Department Vapor Testing.**

Mr. Hazlett provided a sample notice to Council regarding a scheduled Vapor Test of the public sewer system to be performed on September 16<sup>th</sup> and September 17<sup>th</sup> throughout the Borough's "J" and "K" Sections where the public sewer is available. It was shared that the vapor is non-toxic and non-corrosive and is used to identify leaks in the sewer lines. The vapor may look like "smoke" but it is only a vapor that will dissipate quickly. The notice will be sent out on or around the first day of September and a second reminder notice will be sent days prior to the testing. Any questions or concerns should be directed to the Borough Office or email [jfetter@carrollvalley.org](mailto:jfetter@carrollvalley.org).

### **Banking RFP.**

Mr. Hazlett reported that the Request for Proposal (RFP) has been distributed and several have been received, the solicitor is working with Borough Staff to provide a comprehensive review with recommendations ready to be presented at the September Council Meeting.

## **UNFINISHED BUSINESS**

### **Grant Funding Updates.**

GMS Funding provided a written report that was accepted by consensus without discussion.

### **Property Maintenance.**

Mr. Mathews stated that work was continuing.

### **Council Vacancy.**

Mrs. Skoczen confirmed that there were 3 residents who submitted letters of interest for the position and further that no others have been received since the last meeting. With no discussion:

\*\*\*R. Verderaime moved to nominate John Schubring to the position of Councilman to replace Mr. Huster. Motion failed for lack of a second. See description below of discussion:

At this time Solicitor, Zachary Rice asked if any of the three interested parties, who are all members of the Planning Commission, were willing to step down from the Commission. He reminded Members of the PA Municipal Planning Code (MPC) section 206 restriction that states that a 9-member Planning Commission must have 6 "citizen" members also confirming Mr. Hazlett's research from last month that "citizen member" was defined as "non-elected" and/or "non-appointed" Officials of the Borough. It was further confirmed that the Commission currently has that limit serving and therefore; if one of the applicants were chosen from the pool received; one of the Officials would need to resign from the Commission in order to meet the regulation. Mr. Mathews asked if Council could remove a Member or ask a Member to resign. Mr. Rice responded by referring to the Code; stating that a Commission Member could only be removed in the event of proven "Malfeasance, Misfeasance or Nonfeasance in office or for other just cause". Mr. Rice speculated that none of the Members in question would meet these conditions; therefore, removal from office would not be proper. Mr. Carr asked when the resignation from the Commission should happen. Mr. Rice opined that the resignation should have before or in conjunction with the appointment to the Council seat. He further stated that does not recommend making an

appointment that is in direct opposition to the Planning Code; however, due to the Borough Code requiring an appointment within 30 days of accepting a resignation the final date to appoint a Council Member is August 21, 2019. Mr. Hazlett and Mr. Rice explained the options:

- Convene a Special Meeting of Council on or before August 21, 2019 at which time one of the current Officials will be prepared to resign from the Commission and therefore allow Council to appoint one of the three interested parties.
- Convene a Special Meeting of Council on or before August 21, 2019 at which time one (or all) of the 3 interested parties will be prepared to offer their resignation from the Commission and therefore allowing Council to make an appointment.
- Convene the Vacancy Board to aid in the appointment; understanding that a resignation from Commission would still be necessary.

To resolve this issue, Mr. Hazlett offered to reach out to all current Officials on the Planning Commission as well as the three interested parties and ask the question: “Would you be willing to resign from Planning Commission to meet the requirements of the PA Municipal Planning Code?”.

Members agreed by consensus to have Mr. Hazlett contact all parties, ask the question regarding their possible resignation from the Planning Commission and have an answer by Friday, August 16<sup>th</sup>. It was also agreed that Borough Staff would advertise a Special Council Meeting for the purpose of appointing a Council Member on Wednesday, August 21, 2019 at 7:00pm.

## **NEW BUSINESS**

Mr. Mathews shared that he has attended several trainings/conferences and will be providing a USB drive to each Member with the information, PowerPoint presentation and handouts for reference. Members thanked him for his dedication.

## **OPEN TO THE PUBLIC**

The following citizens addressed Council at this time:

Steve Roy, 67 Meadowlark Trail, Carroll Valley regarding a tree laying on the lines at the intersection of Stine and Swallow Trail.

Council agreed to have Borough Staff contact Comcast regarding the issue and if there is no response then allow the Solicitor to prepare a letter identifying unsafe situation created by the tree.

Emily Faalasli, 67 Meadowlark Trail, Carroll Valley regarding a possible plan to address the invasive tree called “Tree of Heaven” or “Stink Wood”

Ms. Faalasli was thanked for her concern and referred to the Carroll Valley Tree Board

## **ADJOURNMENT**

The meeting adjourned at 8:25 P.M.

## **ATTENDANCE REGISTER**

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

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Gayle Marthers, Borough Secretary