

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
OF BOROUGH COUNCIL
TUESDAY, SEPTEMBER 15, 2020 – 7:00 P.M.
BOROUGH OFFICE
MINUTES**

Richard Mathews, President 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

Richard Mathews
L. Michael Wight
David Lillard
Bruce Carr
Jessica Kraft
John Schubring via phone
Robert Verderaime

Absent

BOROUGH OFFICIALS, ETC

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle R Marthers, Borough Secretary
Richard L. Hileman, II, Police Chief
Stephen Coccores, Borough Solicitor

CONSIDERATION OF THE MINUTES OF THE AUGUST 11, 2020 REGULAR MEETING

Mr. Verderaime asked for the following changes on page three (3) under New Business on the second line following the word 'results' remove the comma; and continue the sentence with: " officer activity, and the manner in which the reports are categorized in the police reporting by Chief Hileman." Following brief discussion:

*** M. Wight moved; D. Lillard seconded, that the minutes of the August 11, 2020 Regular Meeting be approved with Mr. Verderaime's clarification. Motion passed unanimously via roll call vote.

OPEN TO THE PUBLIC

The following persons addressed Council at this time:

Thomas L. McGlaughlin, Esquire of Northstar Legal Services, LLC regarding a letter of correspondence dated September 5, 2020 whereby Carroll Valley Borough Resident Michael Stahl is requesting permission to utilize a Carroll Valley parcel to gain access to property in Liberty Township. Mr. McGlaughlin provided tax maps for Members and explained the issue in detail. He acknowledged that the issue had been previously discussed by Members and a vote had been recorded denying the use; however, he would like the Members to reconsider. The following commitments were offered:

- There are two (2) lots currently and the party agrees to never subdivide either parcel
- If either lot is improved with a house; the following roadway improvements will be made:
 - ◆ Install Cul-de-sac at the end of Mill Trail to State Specifications
 - ◆ Upgrade Mill Trail from end to the newly created Cul-de-sac

Mr. McGlaughlin noted a precedent set on Fruitwood Trail where the Borough has allowed similar circumstances to exist.

Mr. Hazlett noted that the sub-division being discussed was approved by the Liberty Township Board of Supervisors without input from the Borough. Members shared the following questions and concerns:

- Should these properties be Annexed to Carroll Valley? Per solicitor, this option is not feasible.
- Who will pay for road extension? Specifically, the costs to build, costs to maintain and costs for snow removal?
- Should there be an annual maintenance fee?
- Would there be a Bond required for the future road improvements? How does the Borough ensure that the property owner pays for the improvements? Per solicitor, the terms can be added to an agreement that would be recorded with the land deed and therefore conveyed to any future heirs, successors or owners if the land were to sell or change ownership.
- Could the two (2) parcels be subdivided into more? How would the Borough protect future development and potential wear-and-tear by many households to the roads? Per solicitor, the property deed can be written to add the restriction that no subdivision is permitted. This restriction would be binding to future heirs, successors or owners if the land were to sell or change ownership.

Following discussion:

***J. Kraft moved; D. Lillard seconded to allow Manager, David Hazlett to advance conversations with Mr. McGlaughlin regarding terms of an agreement with his client providing that Council will direct input and question to Mr. Hazlett. Further understanding that any agreement drafted must be presented to Council for review and approval. Motion passed via roll call with five (5) yes votes cast and two (2) no votes cast by Mr. Carr and Mr. Wight.

ORDINANCES AND RESOLUTIONS

There were none.

MAYOR'S REPORT – R. HARRIS

- Moment of silence in remembrance of 9/11
- Introduction and Welcome of new patrol officer Erik Peiffer
- Chief's Report – Reformatted version caused Council to note the following:
 - Can Date/Time be added
 - Cleared Calls not being tracked
 - Theft problems? Per Chief, election signs are the problem
 - Clarification of the difference between vehicle stops, reckless driving and traffic violations. Provide a list of definitions associated with the logs
 - What is the value of the level of detail being asked for? Why is it important to have this level of detail?
 - ◆ Determine Classification of the Call
 - ◆ Track Calls initiated by Officers on Patrol versus Calls for Assistance
 - ◆ Part 1 versus Part 2 Offenses are not labeled. Per Chief, these are Uniform Crime Reporting (UCR) designations and do not include the majority of traffic violations and therefore adding this level of detail would not add to the monthly evaluative benefit of a report. To provide this detail would be time consuming and not readily available monthly.
 - Mr. Verderaime requested a meeting with Chief
 - Mayor Harris suggested the creation of an Ad-Hoc Committee that could meet with himself and Chief Hileman to develop a report that would meet the requests of Council. Interested Members were identified as Mr. Verderaime, Mr. Lillard, Mr. Carr and Mrs. Kraft; President Mathews set the Ad-Hoc Committee as Council Members Robert Verderaime, David Lillard, and Jessica Kraft who will meet with Mayor Harris, Chief Hileman and

Manager David Hazlett to develop a new Police Report. Members were asked to provide a list of their questions, comments and information that they want to have included on the Monthly Police Report to David Hazlett by Tuesday, September 22, 2020 at 4:30pm.

- Updates:
 - Census 2020 Update
 - 911 Memorial Rededication at St. Mary Catholic Church was held Friday, September 11, 2020
 - Adams County Library has a new Story Walk through the Park for children
 - COVID-19 Updates from Governor Wolf
 - ◆ Restaurants can increase capacity to 50% inside seating
 - ◆ Alcohol sales will cease at 10:00pm
 - ◆ Outdoor gatherings remain at 250 people
 - ◆ Indoor gatherings remain at 25 people
 - Fairfield Fire/EMS weekly Drive-Thru Dinners every Thursday evening from 4:30-7:00pm.
- In Requiem:
 - 24 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of August 2020; Mayor Harris noted that 18 of those were related to COVID-19

FIRE/EMS/EMA REPORTS

Reports were provided by Fairfield and Fountaindale Fire Company for review; they were accepted without discussion. Fairfield Fire/EMS have shrimp and wing dinner tickets available for October 3, 2020.

COMMITTEE REPORTS

Finance Committee. A special meeting of the Finance Committee was held on September 8, 2020 to discuss the financial status of the Borough. Mayor Harris, Committee Chairperson provided Members with a memorandum dated September 11, 2020 outlining the topics discussed. Those included:

- The 2019 FY Audit which reported “No Findings”. Finance accepted the report and recommended Council accept it when presented.
- 2020 Year-to-Date Financial Report and Personnel Evaluation prepared by Manager, David Hazlett, was discussed and made available to Members. Discussion ensued regarding the potential impact of employee leave obligations on future budgets resulting in President Mathews creating an Ad-Hoc Committee to review the Personnel Manual and prepare a plan to reduce the conditions that have led to the large amounts of leave time accumulated by employees. Members of the Ad-Hoc Committee are Richard Mathews, Michael Wight and Bruce Carr who will work with David Hazlett and Gayle Marthers.
- 2020 Budget Timeline
- Mr. Hazlett requested answers to the following questions in order to prepare the 2021 proposed budget:
 - Should the two (2) vacant positions of patrol officer and zoning officer be included in the initial budget? Members agreed by consensus: Yes
 - Should a tax increase be explored? Members agreed by consensus: No
 - Should salary increases be included? Members agreed by consensus: COLA should be budgeted; Police “step increases” should not be included.

All regular meetings of Borough Committees have been cancelled due to the COVID-19 pandemic until further notice.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for August 2020.

Following brief discussion which included an explanation of the check for police officer membership to the Adams County Handgunners Association:

***B. Carr moved, D. Lillard seconded, that Council accept the August 2020 Treasurer's Report as presented. Motion passed unanimously via roll call vote.

FY 2017-2019 Pension Audit.

Members reviewed the memorandum dated September 1, 2020 regarding findings in the audit of the Borough's Pension files. The following was noted for Both Pension Plans:

- Use of resolutions not ordinances. In following the direction of PA Municipal Retirement System (PMRS) the Borough prepared resolutions to accept the updates to the Pension Plan in April 2020. Upon review by the Auditor General Office, this process must be done via ordinance. Ordinance #2-2020 and Ordinance #3-2020 were reviewed and the following action taken:
***D. Lillard moved; J. Kraft seconded that Ordinance #2-2020 and Ordinance #3-2020 be advertised as required by Pennsylvania Borough Code with the intent to adopt at the October 13, 2020 regular meeting. Motion passed unanimously.
- The 2019 PMRS Statements have not yet been released by PMRS (Pennsylvania Municipal Retirement System). Contact was made several times to representatives of PMRS since April 2020 (the expected release date); the Borough was informed that due to COVID-19 many of their employees have been furloughed or working from home. That coupled with the launch of new software has resulted in the statements being many months behind schedule. The PMRS website states a late November 2020 target for their release.
- Officer Herring was omitted from the State Aid Form AG385 from 2018. An employee must be on-the-job full-time for a period of six (6) months before the Borough can apply for state aid; the Auditor General's interpretation of the timeline was one (1) month different than determined by staff which resulted in Officer Herring qualifying for state aid in 2019. The Borough will receive payment of \$10,240 in state aid.
- The 2020 MMO was incorrectly calculated due to staff error; the MMO for both the Police and Non-Uniform plans were revised and subsequently reviewed and accepted by Council. Since the Borough has not yet made the 2020 MMO payment; the Borough will pay the corrected amount thereby eliminating the potential for a finding in a future audit.

2021 Pension MMO.

Mr. Hazlett reviewed Transmittal Memo outlining the Borough's Minimum Municipal Obligation (MMO) for the pension plans of the Borough. He reviewed Act 205 of 1984 which requires the Chief Administrative Officer inform the Governing Body of the expected obligation for the coming year. No formal action is required. Following brief discussion, Members accepted the information as presented.

Lot Trade Request.

Mr. Hazlett reviewed his memorandum of September 11, 2020 outlining the Offer of Lot Donation Forms for Lot RA-0030 currently owned by Mr. John S. Eiker and Lot R-0041 owned by the Borough. He further explained that in agreeing to exchanges of this type, the newly acquired lot by Mr. Eiker must be recombined with the adjacent lot and recorded at the Court House as one larger lot. All costs associated with the trade including but not limited to title searches, the drawing of new deeds for all properties, preparing of the subdivision/recombination plan and the subsequent recording of documents will be the sole responsibility of Mr. Eiker. This trade follows Borough precedent for reducing the number of lots through recombination and is recommended by Borough Staff.

Following brief discussion:

***D. Lillard moved; J. Kraft seconded that Council accept the Donation of Lot # RA-0030 from Mr. John S. Eiker in exchange for Lot # R-0041. Motion passed unanimously.

Cortner Pavilion Improvement.

Mr. Hazlett reviewed the memorandum dated September 11, 2020 outlining the structural problems with the Cortner Pavilion and his plan for improvements to the current pavilion, demolition of a portion of the pavilion and maintenance shed, and finally construction of a new pavilion in Carroll Commons. Following much discussion:

***M. Wight moved; J. Kraft seconded that Council authorize Borough Staff to move forward with the improvements as outlined by Mr. Hazlett in their entirety through the use of Capital Funds. Motion passed unanimously.

2021 Liquid Fuel Allocation.

Members were notified that the 2021 Liquid Fuels allocation is estimated to be \$224,975.48.

Mr. Hazlett shared correspondence received from Attorney Yannetti on behalf of the Lake Charnita (Lake Carroll) property owners expressing concerns about maintenance issues with the lake as determined by a company privately contracted by a particular property owner. He also shared the lake and dam inspection report provided by the Borough Engineer for review noting several discrepancies between the two (2) evaluations. Mr. Hazlett further explained that all three (3) of the Borough lakes and dams are going to need maintenance work in future years. Financial planning for those issues will be explored in the budget process as well; noting that the agreement for Lake Mae with Liberty Mountain affords the Borough some help with those expenses. Following brief discussion, Members agreed to have Mr. Hazlett work with the Borough solicitor to prepare an appropriate response to Mr. Yannetti regarding the issue and asked that Council be kept informed.

UNFINISHED BUSINESS

Grant Funding Updates.

GMS Funding provided a written report that was accepted by consensus by Members.

Property Maintenance.

David Hazlett has been very actively following up code violations. There have been approximately ten (10) vehicles removed from the Borough. Mr. Mathews will schedule a meeting with Mr. Hazlett regarding resident complaint about a tree issue with a neighboring property owner.

Council inquired about the follow-up from the Fruitwood Trail issue discussed at the August 2020 meeting. Mr. Hazlett stated that the vehicle has been moved to another property in the Borough. He will continue to work with the owner to resolve the issue. Mr. Hazlett confirmed that the letter outlining the special permit conditions was sent to the owners.

Request to Hire Police Officer.

***R. Verderaime moved; B. Carr seconded a motion to not approve the hiring of an officer at this time; pending receipt of the additional information requested.

Discussion included the length of time the Civil Service Commission List of eligibles is viable, the budget implications and the comfort level of Members' in postponing a decision. After the discussion, Mr. Mathews asked if Mr. Verderaime would consider withdrawing the motion. Mr. Verderaime expressed concern about the item remaining on the agenda whereby Mr. Hazlett stated that Borough Staff could be asked to remove it from the agenda until such time as Council feels it has the information to decide. Mr. Verderaime agreed; as did Mr. Carr and the motion was withdrawn without a vote.

NEW BUSINESS

Mr. Hazlett announced the resignation of Mr. Lawrence Muschamp and Mrs. Laura Scudder from the Zoning Hearing Board. There remains a vacancy in the alternate board member seat as well, therefore; at this time if someone would request a hearing, we would not be able to accommodate them. Please help fill these seats.

OPEN TO THE PUBLIC

No one addressed Council at this time.

ADJOURNMENT

The meeting Recessed at 9:45 P.M. via a motion by M. Wight and seconded by J. Kraft that passed unanimously.

ATTENDANCE REGISTER

The Attendance Register is attached, numbered Page 7 and made a part of the Official Minutes.

Gayle Marthers, Borough Secretary