

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
OF BOROUGH COUNCIL
TUESDAY, SEPTEMBER 13, 2022 – 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
David Lillard via phone until 7:10pm
L. Michael Wight
Bruce Carr
John Schubring
Jessica Kraft via phone

Absent

BOROUGH OFFICIALS, ETC

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

CONSIDERATION OF THE MINUTES OF THE AUGUST 9, 2022, REGULAR MEETING

Following brief discussion:

*** M. Wight moved; B. Carr seconded, that the minutes of the August 9, 2022, Regular Meeting be approved as submitted. Motion passed unanimously via roll call.

OPEN TO THE PUBLIC

Mayor Harris recognized Robert Verderaime with an award thanking him for his time and dedication to the Borough of Carroll Valley as a councilman. Mr. Verderaime graciously accepted and commended his colleagues and the Staff on their professionalism and dedication as well.

It was determined that public comment was anticipated to be in regard to Item #8 on the agenda; therefore, Members agreed by consensus to alter the agenda to address Item #8c concerning the requested Lot Trade of Citizen-owned Lot # RC-0130 for the Borough Lot # RC-0018.

The following citizens addressed Members at this time:

Mary Vincent, 556 Friends Creek Road, Fairfield; renewed her request that Council consider a request for a Lot trade of Borough-owned Lot # RC-0018 (82 Toms Creek Trail) for Lot # RC-0130 (66 Ranch Trail) owned by her significant other in order to gain access to their property during large rain events where the creek rises to a level making it unsafe to cross the fording that provides normal access to the residence.

Michael Capone, 566 Friends Creek Road, Fairfield; renewed his request that Council consider a request for a Lot trade of Borough-owned Lot # RC-0018 (82 Toms Creek Trail) for Lot # RC-0130 (66 Ranch Trail) owned by him in order to gain access to his property during large rain events where the creek rises to a level making it unsafe to cross the fording that provides normal access to the residence.

Ryan Astheimes, 585 Friends Creek Road, Fairfield; expressed concerns about the potential for logging; requesting an inclusion of a “no logging/development” clause to any agreement moving forward.

Melanie Simpson, 2 Lower Trail, Fairfield expressed continued concerns about the possibility of logging and voiced her opposition to the trade and asked for possible alternative solutions.

Michael Jones, 74 Toms Creek Trail, Fairfield expressed concerns about the possibility of logging, damage to the bridge. He stated that he paid for an provided a second appraisal of the 82 Toms Creek Trail Lot that increased the value from \$4000 to 14,000 and voiced his opposition to the trade

Robert Wood, 90 Toms Creek Trail, Fairfield provided weather reports to Council. He continued to express concerns about the possible trade and voiced his opposition to the trade

Judy Hogan, 685 Friends Creek Road, Fairfield stated that she would be willing to testify under oath to all statements provided during the open-to-the-public session at the August 9, 2022 meeting

Mr. Capone addressed the Members again clarifying his intentions and assured Council and the other residents present that he has no intention of logging the property.

Mr. Mathews introduced Borough Solicitor, Zach Rice who offered the following:

- Explanation of Borough Code Provision 1201.01.d that speaks to the exchange of real property. Value must be equal or greater to the benefit of the Borough. The appraisals have been brought into question.
- Expressed uncertainty of appraisals causes “pause” as to whether the swap meets the code.
- There are provisions available for placing deed restrictions if a swap were to take place.
- The Borough may grant easements and limited rights-of-way for use of a property while retaining ownership of the property.

Council Questions:

- Legal Precedent? Zach stated no precedent would be necessarily set
- Borough Maintenance? Zach stated that the burden can be passed through to the parties accessing the land

Following much discussion:

***D. Lillard moved; J. Kraft seconded a motion that Borough Council decline the requested lot trade due to possibility of a violation of PA State Code. Motion passed unanimously via roll call vote.

Mr. Mathews sought Council consensus to direct staff to bring a draft Easement Agreement to include Rights-of-Way, Stipulations, and conditions in order to allow future access to Mr. Capone and possibly the remaining residents of the immediate area across the 82 Toms Creek Trail Property in an emergency.

ORDINANCES AND RESOLUTIONS

Nothing

MAYOR’S REPORT – R. HARRIS

- Moment of Silence in Remembrance of 9-11
- Award presented to Mr. Verderaime
- Announced Retirement of Police Administrative Assistant JoAnn Myers
- Police Report
 - Cpl. Weikert reviewed the Report noting the following:
 - ◆ JoAnn’s Retirement
 - ◆ Drive Sober or Get Pulled Over Initiative
 - ◆ Statistical Report was reviewed and accepted by consensus.
- Announced Retirement of Chief Richard L. Hileman, II after 30 years on November 9, 2022
- Reviewed Memorandum dated 9/8/2022 from Chief Hileman requesting that Council consider directing the Civil Service Commission to examine Corporal Clifford J. Weikert to determine

whether he is qualified to be promoted to the rank of Chief of Police for the Borough of Carroll Valley. Discussion included Solicitor Zach Rice's explanation of the options for employment of a chief of police as an at-will employee or as a Civil Service protected employee. Following additional discussion of Members:

***D. Lillard moved; M. Wight seconded that Borough Council direct the Civil Service Commission to examine Corporal Clifford J. Weikert to determine if he is qualified to be appointed Chief of Police for the Borough of Carroll Valley. Motion passed unanimously via roll call vote.

- Reviewed Memorandum dated 9/8/2022 from Chief Hileman requesting that Council consider directing the Civil Service Commission to begin the testing process in order to produce a list of eligible candidates for patrol officer upon the Chief's retirement. Following brief discussion:

***B. Carr moved; D. Lillard seconded that Council direct the Civil Service Commission to produce a list of eligibles for the position of Patrol Officer (Full-Time) with a proposed starting rate (probationary) of \$70,000 to \$85,000 after 3 years and the salary range is negotiable depending upon the qualifications and experience of the selected individual. Motion passed unanimously via roll call vote.

- Topics of Interest:
 - Open Burning Ordinance Review
 - Local Bear Sightings with list of "Do's & Don'ts"
 - COVID-19 Report as of September 9, 2022:
 - ◆ Adams County: 23,789 cases
 - ◆ 17320 zip code: 1,941 cases
- Updates: None
- Upcoming Events:
 - Child Passenger Safety Week is September 18th – 24th. PA State Police will be available on Wednesday, September 21, 2022 @ 10am in the Borough Parking lot to check child safety seats free of charge
 - Next Blood Drive will be held on Tuesday, September 20, 2022, from 1pm – 6pm
 - Next Movie-in-the-Park will be held Friday, September 23, 2022, at 7:30pm
 - Pippinfest will be held weekend of September 24th & 25th
 - Fairfield Fire Company Banquet will be held Saturday, October 8, 2022
 - Next E-Recycling Event will be held Saturday, October 15, 2022, from 8am-11am
 - PSAB Leadership Fall Conference will be held October 14th – 15th
 - Schedule of Library Activities was shared
 - Fall General Election will be held Tuesday, November 8, 2022
- In Requiem:
 - 13 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of August 2022; Mayor Harris noted that none of those were related to COVID-19

FIRE/EMS/EMA REPORTS

Reports were provided by Fairfield Fire Company for review; they were accepted without discussion.

COMMITTEE REPORTS

Planning Commission.

Report accepted by consensus.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for August 2022.

Following brief discussion:

***M. Wight moved, D. Lillard seconded, that Council accept the August 2022 Treasurer's Report as presented. Motion passed unanimously via Roll Call Vote.

2023 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.

Fairfield Police Contract.

Fairfield has been informed of the contract details. The issue was tabled for executive session at this time.

2022 Surplus Inventory Sale Results.

Mr. Hazlett reported that the Borough realized \$15,005 with the sale of the items.

ARPA Funds Requests.

Police Department Request:

Members reviewed the memorandum dated August 5, 2022, prepared by Chief Hileman requesting capital improvements to the modernize the Department. Corporal Weikert outlined the items requested providing explanation when asked. The following items were requested:

1. Replacement of two (2) in-car camera systems at an estimated cost of \$10,186.
2. Purchase of a Secure Watch License Plate Reader System with one (1) year of service at an estimated cost of \$26,165.
3. Purchase of a Radar Speed Sign. (Members recommended the purchase of two (2))

Following discussion:

***B. Carr moved; D. Lillard seconded that Member authorize the Police Department to purchase two (2) in-car camera systems, the SW License Plate Reader System and two (2) Radar Speed Signs at an estimated cost of \$43,500. Motion passed unanimously via roll call vote.

Fairfield Fire Department Request

Members reviewed the letter dated September 7, 2022, submitted by Dr. James N. Hammett, President requesting a \$10,000 contribution to their Capital Campaign in support of the antique fire engine and renovations to the original Ambulance Service Building that will provide artifact and memorabilia space for preservation. Following brief discussion:

***B. Carr moved; D. Lillard seconded that Council authorize a donation in the amount of \$10,000 to the Fairfield Community Fire Company in support of their capital campaign. Motion passed unanimously via roll call vote.

UNFINISHED BUSINESS

Appointing of a Council Member.

***R. Mathews introduced a motion nominating Kari Buterbaugh to the position of Council Member to fill the seat vacated by Robert Verderaime; D. Lillard nominated Sarah Laird to the position of Council Member, at this time Solicitor Rice explained that because Mrs. Buterbaugh was nominated first; the first round of votes would be for her. Roll Call vote resulted in YES Votes being cast by B. Carr; R. Mathews, J. Schubring and M. Wight; NO Votes were cast by J. Kraft and D. Lillard. Having reached a majority; the second nomination was not entertained.

Mrs. Kraft raised concerns that the candidates were not discussed, nor was there discussion following the motions. No additional comment was made by other Members.

Resolution #6-2022: Fill the Vacancy of Robert Verderaime.

Mr. Hazlett explained that the resolution formalizes the appointment of Kari Buterbaugh to Council thereby filling the vacancy left by Mr. Verderaime's resignation. Following brief discussion:

***D. Lillard moved; J. Schubring seconded that Council approve Resolution 6-2022 formalizing the appointment of Kari Buterbaugh to fill the vacated seat of Robert Verderaime. Motion passed unanimously via roll call vote.

Grant Funding Updates. Members reviewed and accepted the written report supplied by Marissa Price of GMS Funding Solutions outlining the various grants being managed by her agency.

High-Speed Broadband Update.

Mr. Hazlett reported that he spoke to Comcast representatives on September 12, 2022, he was told that there was a hold-up in the permitting process. Once the appropriate permits are received there will be a 30-day installation process. He further stated that the franchise agreement has been tabled until the installation is complete. The new target date is by December 31, 2022.

Police Department Ordinance.

Mr. Mathews reported that he has received comments and work continues.

NEW BUSINESS

Mayor Harris performed the swearing-in of new council member Kari Buterbaugh. Mrs. Buterbaugh was welcomed onto Council.

OPEN TO THE PUBLIC

No One addressed Members at this time:

Upon a motion by D. Lillard and seconded by B. Carr, Council entered into executive session at 9:06pm for purposes of discussing contractual matters. Members exited executive session into open session at 10:00pm stating that no action had been taken nor was any required at this time.

ADJOURNMENT

The meeting adjourned at 10:05 P.M. via a motion by J. Schubring and seconded by M. Wight that passed unanimously.

ATTENDANCE REGISTER

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