

**BOROUGH OF CARROLL VALLEY  
REGULAR MEETING  
OF BOROUGH COUNCIL  
TUESDAY, DECEMBER 13, 2022 – 7:00 P.M.  
BOROUGH OFFICE  
MINUTES**

Richard Mathews, Council 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**

L. Michael Wight  
David Lillard  
Kari Buterbaugh  
Bruce Carr  
John Schubring via phone  
Richard Mathews, President

**Absent**

Jessica Kraft

**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 NOVEMBER 15, 2022, REGULAR MEETING**

Following brief discussion:

\*\*\* M. Wight moved; D. Lillard seconded, that the minutes of the November 15, 2022, Regular Meeting be approved as submitted. Motion passed unanimously.

**OPEN TO THE PUBLIC**

The following citizens addressed Members at this time:

Mary Vincent, 566 Friends Creek Road, Fairfield regarding 82 Toms Creek Trail Lot explaining the initial reason for the request to trade, disappointment in how neighbors have reacted and apologized for the amount of time Council has been required to devote to the issue

Michael Capone, 566 Friends Creed Road, Fairfield regarding 82 Toms Creek Trail Lot. He presented the official perc results to Council, questioned the ability to build on the lot due to the size of the septic system required; restated the safety concerns that led him to request access

Sean Jones, 15 East Wind Trail, Fairfield regarding the Chapter 27 amendment proposed stating that the regulations regarding trailers is “overburdensome” and “overbearing” and requested Council reevaluate the ordinance

**ORDINANCES AND RESOLUTIONS**

Ordinance # 3-2022: Fairfield Borough Police Contract Addendum.

Mr. Mathews requested motion to approve:

\*\*\*D. Lillard moved; M. Wight seconded that Council adopt Ordinance #3-2022 extending the Fairfield Borough Police Services Contract until December 31, 2027. Motion passed unanimously.

Ordinance #1-2023: Chapter 27 Zoning Amendment.

Mr. Hazlett explained that this ordinance was drafted by Planning Commission as requested by Council in response to concerns regarding the newly enacted Zoning Ordinance of May 2022. Specifically noted were the restrictions to trailers on borough lots, requirements for zoning hearings for vacation rentals and clarification of a definition associated with No-Impact Home-Based Businesses. Mr. Hazlett also brought to the attention of Members that he provided copies of comments from Borough residents regarding this issue. Mr. Wight shared that the Planning Commission addressed the ordinance in an effort to relax the

regulations regarding trailers while taking into consideration issues such as water quality, property values for neighbors; and the magnitude of the problem within the borough. Much discussion included Attorney Rice defining “substantive” changes and the adoption process; Members concerns regarding obtaining feedback from the residents and the pitfalls of social media feedback. Mr. Mathews summarized with Members consensus that the issues of No-Impact Businesses and Vacation Rentals in the ordinance are acceptable; the issue of trailers may require additional review. He further opined that the rules need to be made enforceable with the new draft or remove the reference entirely. Following much discussion after the motion; Mr. Mathews called for the vote:

\*\*\*B. Carr moved; D. Lillard seconded that Ordinance #1-2023 be tabled for additional review. Motion passed with four (4) Yes votes and two (2) No votes cast by Mr. Mathews and Mr. Wight.

Ordinance #2-2023: Chapter 10 Property Maintenance.

Mr. Hazlett reviewed the ordinance stating that the solicitor will need to review prior to adoption. Much discussion ensued:

\*\*\*B. Carr moved to table the discussion for additional review. Motion died for lack of a second.

Members questioned the enforceability of the ordinance asking if it is too specific. Solicitor Rice opined that the specificity is needed to make the ordinance enforceable, explaining that providing detailed regulations removes the need for the Borough Official to interpret the rule, they would just follow the regulation outlined. Following additional discussion:

\*\*\*M. Wight moved that Council approve the advertising of Ordinance #2-2023: Chapter 10 – Property Maintenance; with the intent to adopt at the January 10, 2023 meeting of Council. Motion passed with five (5) yes votes and one (1) no vote cast by Mr. Carr.

Resolution #11-2022: 2023 Fee Schedule.

Mr. Hazlett reviewed the changes. Discussion included a typo identified on page one; the naming of the new pavilion in Carroll Commons, fee increases for Athletic Fields and Returned Check Fees, and the addition of fees for the permitting/registration of Vacation Rentals. Following much discussion:

\*\*\*D. Lillard moved; B. Carr seconded to table the passing of Resolution #11-2022. Motion passed unanimously.

## **MAYOR’S REPORT – R. HARRIS**

- Moment of Silence Observed in remembrance of Pearl Harbor Day
- Police Report
  - Mayor Harris reviewed the Report noting the following:
    - ◆ New recruit
    - ◆ Scam/Phishing incidents increasing. Mr. Carr shared his incident
    - ◆ “Drive Sober or Get Pulled Over” initiative announced
    - ◆ Statistical Report was reviewed and accepted by consensus
- Santa Mailbox available in the Lobby of Borough Office
- Broadband Survey available now and Due by January 12, 2023. All citizens and businesses are encouraged to submit a survey
- COVID-19 Report as of December 12, 2022:
  - ◆ Adams County: 25,127 cases
  - ◆ 17320 zip code: 2,048 cases
- DUI Statistical Data was shared and Tips for staying safe were given
- Next Blood Drive will be held on Wednesday, January 4, 2023 from 1pm to 6pm
- In Requiem:
  - 5 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of November 2022; Mayor Harris noted that one (1) of those were related to COVID-19

- Happy Holidays

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

Reports were provided by Fountaindale Fire Company for review; they were accepted without discussion. Members reviewed a request from Fountaindale Fire Company for a \$10,000 capital donation to be used toward the purchase of an engine tanker to replace the 21-year-old truck currently in use.

\*\*\*M. Wight moved; B. Carr seconded that Members approve a \$10,000 donation to the Fountaindale Fire Company as requested. Motion passed with five (5) yes votes and due to connectivity issues; no vote was cast by Mr. Schubring.

## **COMMITTEE REPORTS**

### Civil Service Commission.

Members reviewed the memorandum dated December 8, 2022 from Chief Weikert regarding the vacant patrol officer position. The Commission has completed the testing process and presented a single candidate in Seth Reed who successfully passed all required tests. Following brief discussion:

\*\*\*B. Carr moved; D. Lillard seconded that Council appoint Seth Allen Reed as a full-time probationary police officer effective January 2, 2023, subject to the standard one-year probationary period with a starting salary of \$75,000 and \$5,000 increases for the next two years accruing to a salary of \$85,000 in FY2025. Motion carried unanimously.

It was noted that Officer Reed resides 15 miles from the Borough and will not be eligible for a take-home vehicle. Officer Reed was invited to the next Council meeting in order for Members to meet him.

### Civil Service Commission Regulations.

As requested, Members were given a copy of the revised regulations that provided tracking for all changes in the document. Following discussion:

\*\*\*R. Mathews moved; D. Lillard seconded that the document be tabled until a sub-committee be appointed and provide additional review. Motion passed unanimously.

The following Sub-committee members were appointed by President Mathews: Dave Hazlett, Gayle Marthers, Chief Cliff Weikert, Mayor Harris, Richard Mathews, and a Civil Service Commission Member; presumably Chair, Ken Lundberg.

### Planning Commission.

Report accepted by consensus.

## **ADMINISTRATIVE BUSINESS – BOROUGH MANAGER**

### **Treasurer's Report for November 2022.**

Following brief discussion:

\*\*\* D. Lillard moved, M. Wight seconded, that Council accept the November 2022 Treasurer's Report as presented. Motion passed unanimously.

### **FY 2023 Proposed Budget.**

Mr. Hazlett thanked the Borough Staff, Council, Finance Committee and Mayor for their hard work on the 2023 Budget. He presented a balanced budget with no tax increase for adoption. Following brief discussion:

\*\*\* M. Wight moved; D. Lillard seconded that the 2023 Proposed Budget be advertised as adopted setting the 2023 tax rates as follows: Real estate – 2.45 mils; Dedicated Fire/EMS tax – .25 percent; Earned Income – .5 percent; Realty Transfer – .5 percent and Admission – 5.0 percent or as permitted by law. Motion passed unanimously.

### **Resolution #9-2022: 2023 Real Estate Tax.**

Following brief discussion:

\*\*\*M. Wight moved; D. Lillard seconded that Council adopt Resolution #9-2022: 2023 Real Estate Tax fixing the tax rate on Real Estate for 2023 at 2.45 mills. Motion passed unanimously.

### **Resolution #10-2022: 2023 Dedicated Fire/EMS Tax.**

Following brief discussion:

\*\*\*D. Lillard moved; M. Wight seconded that Council adopt Resolution #10-2022: 2023 Dedicated Fire/EMS Tax fixing the tax rate levied for the dedicated tax appropriated for the operation of fire and emergency services for 2023 at .25 mills. Motion passed unanimously.

### **2022 Meeting Schedule.**

Members reviewed the schedule of Borough Meeting and following brief discussion:

\*\*\* M. Wight moved; B. Carr seconded that Council approve the advertisement of the various meetings of Commissions, Committees and Boards of the Borough in accordance with PA Borough Code. Motion passed unanimously.

### **2023 Holiday Schedule.**

Members reviewed the memorandum of December 19, 2022 listing the 2023 Holiday Schedule. It was determined that this item was not on the agenda and therefore not able to have formal action taken. The issue was tabled and Borough Staff was asked to add it to next month's agenda.

### **Lot Appraisal Request.**

Mr. Hazlett reviewed the appraisal received for the lot located at 82 Toms Creek Trail stating a value of \$28,000. Following much discussion:

\*\*\*B. Carr moved; D. Lillard seconded that Council direct Borough Staff to work with the Solicitor to draft an Easement Agreement that addresses all concerns previously presented. Motion passed unanimously.

### **Surplus Inventory Sale.**

Mr. Hazlett reviewed his memorandum of December 9, 2022 outlining eleven (11) lots of new and used tires to be sold on Municibid. Discussion regarding reason for the large stockpile and current need for tires was followed by:

\*\*\*D. Lillard moved; M. Wight seconded that Borough Staff be authorized to advertise the surplus inventory items for sale through the on-line platform Municibid. Motion passed with five (5) yes votes and due to connectivity issues; no vote was cast by Dr. Schubring.

### **First Energy Electric Program.**

Ms. Marthers reviewed memorandum of December 9, 2022 outlining a renewal of the Borough's enrollment in the First Energy Electric Choice Program; explaining that this is a renewal of the Borough's participation in the program. This contract lowers the Kilowatt per hour rate from 10.5 to 8.099 for the next 24 months. Following discussion:

\*\*\*M. Wight moved; K. Buterbaugh seconded that Borough Council authorize Borough Staff to enter into a twenty-four-month contractual agreement with SHELL ENERGY through their subsidiary MP2 Energy LLC to purchase electricity at the rate of 8.099 cents per KWH. Motion passed with five (5) yes votes and due to connectivity issues; no vote was cast by Dr. Schubring.

Connectivity Issues continued and Dr. Schubring left the meeting at 9:21pm.

### **Donlon/Leckemby Subdivision.**

Mr. Hazlett reviewed the memorandum of December 8, 2022 explaining the process the Adams County Planning Office is requiring for this subdivision/recombination. Following brief discussion:

\*\*\*B. Carr moved; D. Lillard seconded that Council approve the final subdivision/recombination plan as submitted. Motion passed unanimously.

### **Personnel Manual Revisions.**

Mr. Hazlett reviewed his memorandum of December 9, 2022 outlining proposed changes to the Employee personnel manual. Changes include the elimination of the floating holiday leave and adding a cap of 160 hours of vacation leave to be carried over. Following brief discussion:

\*\*\*D. Lillard moved; M. Wight seconded that Council approve the revisions to the Personnel Manual outlined in the memorandum of December 9, 2022 effective immediately. Motion passed unanimously.

**2023 Minimum Obligation (MMO) Revision.** Borough Staff were notified that the Office of the Auditor General made an error in the initial rates provided for the uniformed employee's Minimum Obligation (MMO) and have therefore provided the corrected document for presentation and acceptance. As per Act 205 of 1984, the Minimum Obligation form for the Borough pension plan was presented and accepted by Council.

### **UNFINISHED BUSINESS**

**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. Discussion was held with no actions taken.

### **High-Speed Broadband Update.**

The target date is still December 31, 2022.

### **Police Department Ordinance.**

No update.

### **NEW BUSINESS**

There was none.

### **OPEN TO THE PUBLIC**

The following citizens addressed Council at this time:

Michael Capone, 566 Friends Creed Road, Fairfield regarding 82 Toms Creek Trail Lot. He expressed his thanks for the efforts Council have expended to help him.

### **ADJOURNMENT**

The meeting adjourned at 9:55 P.M. via a motion by M. Wight and seconded by D. Lillard that passed unanimously.

### **ATTENDANCE REGISTER**

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

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Gayle Marthers, Borough Secretary