

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
OF BOROUGH COUNCIL
TUESDAY, APRIL 11, 2023 – 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

Richard Mathews, President
L. Michael Wight
Bruce Carr
Kari Buterbaugh
John Schubring

Absent

Jessica Kraft
David Lillard

BOROUGH OFFICIALS, ETC

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle Marthers, Borough Secretary
Clifford J. Weikert, Police Chief
Zachary Rice, Borough Solicitor

CONSIDERATION OF THE MINUTES OF THE MARCH 14, 2023, REGULAR MEETING

Following brief discussion:

*** M. Wight moved; K. Buterbaugh seconded, that the minutes of the March 14, 2023, Regular Meeting be approved as submitted. Motion passed unanimously.

Public Hearing

The Advertised Public Hearing was opened at 7:04 pm by Council President, Richard Mathews; he gave a brief overview the Ordinance and guidelines for the Hearing. The following individuals addressed Members at this time:

- Brooke Hess, 20 Novice Run Trail, Spoke in Support of the Ordinance:
- Greg Hess, 20 Novice Run Trail, Spoke in Support of the Ordinance:

Mr. Mathews requested additional comment; hearing no one:

***M. Wight moved; K. Buterbaugh seconded that the Public Hearing be closed at 7:10pm. Motion passed unanimously.

OPEN TO THE PUBLIC

The following citizens addressed Members at this time:

- Andy Sass, 10 Winter Trail, regarding email included in the Council Packet concerning the property at 7 Winter Trail. Mr. Sass states that the property is being used to conduct a construction business, has piles of building material lying around and machinery parked on the property and in the right-of-way. He acknowledged Mr. Hazlett's involvement but asked for additional enforcement tools.
- Sharon Sass, 10 Winter Trail, concerned that the condition of the properties across from her will decrease her property value.
- Mr. Hazlett shared an email from S2 Investments requesting an amendment to the Zoning Ordinance in 501 where the property owned by the company is in district R1 which according to subsection 1501.HH; does not permit vacation rentals.
 - Council questioned the decision to exclude vacation rentals from R1, the possibility of a new zoning district and the use of an overlay for special use. Consensus of Members was to send the topic to the Planning Commission for review and recommendations.

ORDINANCES AND RESOLUTIONS

Ordinance #1-2023:Amending Chapter 27:Zoning Ordinance in various sections to allow vacation rentals as a permitted use in the Agricultural (A), Residential Low Density (R2) and Residential Medium Density (R3) Districts.

Borough Staff confirmed that the Ordinance was reviewed by Adams County Planning Office and has been approved by that agency, proper advertising of the Public Hearing and document was completed, and the Ordinance is before Members for action . Following brief discussion:

***M. Wight moved; B. Carr seconded that Members approve Ordinance #1-2023:Amending Chapter 27:Zoning Ordinance in various sections to allow vacation rentals as a permitted use in the Agricultural (A), Residential Low Density (R2) and Residential Medium Density (R3) Districts. Motion passed unanimously.

MAYOR'S REPORT – R. HARRIS

- Police Report
 - Chief Weikert reviewed the Report noting the following:
 - ◆ Aggressive Driving Patrols scheduled in April.
 - ◆ Drug Take-Back is scheduled for April 22, 2023.
 - ◆ Annual Fish Derby and Opening Day Parade for Little League is scheduled for April 29, 2023
 - ◆ Statistical Report was reviewed and accepted by consensus.
 - ◆ Proposal for Capital Purchase of Replacement Vehicles
 Chief Weikert reviewed memorandum dated April 4, 2023, requesting Members consider the budgeted capital purchase of two (2) AWD Pursuit Vehicles. Discussion ensued regarding the use of State Contract Pricing (COSTARS) versus competitive bidding. After discussion:
 ***M. Wight moved; K. Buterbaugh seconded that Borough Staff prepare the documents for competitive bidding and make the required advertising for bidding in accordance with PA State Borough Code. Motion passed unanimously.
 - ◆ Request for Staffing
 Chief Weikert reviewed the memorandum of April 4, 2023, regarding the resignation of Patrol Officer Courtney Herring. Chief Weikert asked that Council direct the Civil Service Commission to produce a list of eligible candidates for the position of Patrol Officer (Full-Time) with a proposed starting rate (Probationary) of \$70,000 and the salary range commensurate to experience. Following brief discussion:
 ***B. Carr moved; M. Wight seconded that Members direct the Civil Service Commission to produce a list of eligible candidates for the position of Patrol Officer (Full-Time) with a proposed starting rate (Probationary) of \$70,000 and the salary range be negotiable depending upon the qualifications and experience of the selected individual. Motion passed unanimously.
- COVID-19 Report as of April 9, 2023:
 - Adams County: 26,688 cases
 - 17320 zip code: 2,192 cases
- Blood Drive was held March 23, 2023:
 - 28 Donors
 - 25 Units Collected
 - 75 Lives Saved
- The annual Easter Egg Hunt was held Saturday, April 8, 2023, at 11 am. Thank you was extended to all who helped: Fairfield Varsity Baseball Team; Borough Staff, MS Staff, Council Members, Lori Borden. Event was very well attended.

- Warning regarding IRS Tax Scams was explained. Tax Day has been extended to April 18, 2023, due to the weekend and a holiday.
- Earth Day will be celebrated on April 22, 2023.
- Spring Clothing Give-Away sponsored by Fairfield Neighbors Helping Neighbors will be held Saturday, April 22, 2023.
- Annual Trout Fishing Derby will be held Saturday, April 29, 2023.
- Little League Rec Association will hold its Opening Day Parade and Ceremony on Saturday, April 29, 2023, at 9am.
- Adams County Farmers' Market will be held each Saturday from April 29th through October 28th at the Gettysburg Rec Park.
- Due to a lack of rain and snow; Adams County is under a Burn Ban. Wildfire danger is High.
- In Requiem:
 - 9 Officers from various cities across the US were honored for their bravery following their Line-of-Duty deaths during the month of March 2023; Mayor Harris noted that two (2) of those were related to COVID-19

FIRE/EMS/EMA REPORTS

No Report

COMMITTEE REPORTS

A Committee Application from Richard L. Buterbaugh to serve on the Zoning Hearing board was reviewed by Council. It was noted that the committee has a full complement of regular members at this time; however, does have an opening for an alternate member. Following brief discussion:

***M. Wight moved; J. Schubring seconded that Member appoint Richard L. Buterbaugh to serve on the Zoning Hearing Board as the alternate. Motion passed unanimously.

Planning Commission.

Mr. Wight reviewed his notes outlining the Commission's regular meeting of April 3, 2023; noting a presentation from Adams County Office of Planning and Development regarding the updating of the Adams County Heritage Plan and the continued deliberation of the proposed trailer restrictions. He shared that the Commission recommended the revised ordinance for adoption by Council. The document will be included on the May agenda for action. Members accepted the report without discussion.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for March 2023.

Following brief discussion:

*** K. Buterbaugh moved, B. Carr seconded, that Council accept the March 2023 Treasurer's Report as presented. Motion passed unanimously.

Utility Billing Changes.

Mr. Hazlett and Ms. Marthers reviewed the memorandum of April 5, 2023; outlining one significant change with the new Billing Process: the inability to continue using the Z-Fold billing paper that provides a return envelope for the customer's convenience. The Borough has two (2) options for billing: a standard C-Fold paper or a Postcard. The Postcard is significantly cheaper, but the C-Fold paper offers more confidentiality. Following discussion, Members agreed by consensus that the Postcard would be used.

Capital Purchase Requests.

Mr. Hazlett reviewed the memorandum of April 4, 2023, regarding the budgeted Capital Expenditure request from Jed Fetter for a portable trash pump for the Wastewater Treatment Plant. As per PA Borough Code requirement; three (3) quotes were obtained, and Mr. Fetter asked that Council consider authorizing

the purchase of a Honda WT40 – 4-inch Trash Pump from Valley Supply at a cost of \$2849.38 Following brief discussion:

*** M. Wight moved; B. Carr seconded that Council approve the budgeted Capital Expenditure for the Honda WT40 – 4-inch Trash Pump in the amount of \$2,849.38. Motion passed unanimously.

Security Fencing Bid.

Ms. Marthers reviewed memorandum dated April 8, 2023, outlining the bid results for the Security Fencing Project. Following brief discussion:

***M. Wight moved; K. Buterbaugh seconded that Council award the bid to Perry Fence Company as the sole responsible bidder and further authorizing Borough Staff sign the contract for the Security Fencing Project for the bid price of \$19,822.00. Motion passed unanimously.

2023 Materials Bid. Ms. Marthers reviewed the memorandum of April 8, 2023, regarding the bids received for materials. Following brief discussion:

***M. Wight moved; K. Buterbaugh seconded that Council approve awarding a contract to Alpha Space Control for Line Painting; a contract with Russell Standard for Seal Coating and AC&T for Liquid Propane as the sole responsible bids received for the materials identified. Motion passed unanimously.

Two bids were received for Aggregate; both bids are considered responsible. After brief discussion:

*** M. Wight moved; K. Buterbaugh seconded that Council approve awarding a contract to New Enterprise Stone for Item #'s 1, 4, 11, 13, 14 and 15 on the Bid Tabulation of the April 5, 2023, letting. And award a contract to Specialty Granules for Item #'s 2, 3, 5, 6, 7, 8, 9, 10 and 12 on the Bid Tabulation of the April 5, 2023, letting. Motion passed unanimously.

No bids were received for gasoline or diesel fuel. After brief discussion:

***M. Wight moved; B. Carr seconded that Members approve the advertisement for re-bid of gasoline and diesel fuel. Motion passed unanimously.

East Wind/Valley Trails Project.

Council reviewed a memorandum from Brad Sanders, Municipal Services Supervisor, requesting approval for the advertising of a road resurfacing project involving East Wind Trail and Valley Trail. Following brief discussion:

***M. Wight moved; B. Carr seconded that Members approve the advertisement to seek sealed bids for approximately 750 tons of Flexible Base – Modified (FB Modified) material to be installed at full roadway width on designated areas of East Wind Trail and Valley Trail as required by PA Borough Code. Motion passed unanimously.

Lot Appraisal Results.

Mr. Hazlett reviewed the appraisal submitted by Bigham Appraisal for 33 Mason Dixon Trail. He reminded Members that an adjoining property owner had requested the lot be offered for sale. The appraisal was for \$3300.00; discussion ensued that included:

- Benefit to taxpayers.
- Benefit to Borough.
- Validity of the Appraisal.
- Options for sale of the property. Solicitor Zach Rice read aloud the pertinent law from the PA Borough Code.

Following discussion:

***B. Carr moved; M. Wight seconded that Council agree to offer the unimproved lot at 33 Mason Dixon Trail for sale at public auction for the Reserve Price of \$3,584.00 which represents the appraisal price of \$3,300.00 plus the cost of the appraisal: \$285.00. Motion passed unanimously.

Toms Creek Easement Agreement.

As per the request of Council; the solicitor prepared a draft easement agreement between Mr. Capone and the Borough for 82 Toms Creek Trail for his limited use of emergency access for personal vehicles and pedestrian use. Mr. Capone has reviewed the document and has expressed his agreement with the terms. Following brief discussion:

***M. Wight moved; B. Carr seconded that Council approve the limited use easement agreement and authorize the execution of the document by the Council President. Motion passed unanimously.

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. Mr. Hazlett explained Resolution #6-2023 expressing the Borough's commitment to the Carroll Valley Borough Trail Project and authorizing the submission of an associated grant funding request from the Department of Conservation and Natural Resources' Community Conservation Partnerships Program. Following brief discussion:

***B. Carr moved; K. Buterbaugh seconded that Members authorize Elected Officials and Borough Staff to execute Resolution #7-2023 which authorizes the preparation and the submission of an application to the Greenways, Trails, and Recreation Program requesting grant funding from the Commonwealth Financing Authority and designating Borough Officials and Staff to execute all associated grant documents. Motion passed unanimously.

NEW BUSINESS

Members asked and received confirmation that the COMCAST extension into the "D" Section of the Borough has been completed.

Members expressed their satisfaction with the reports of Jed Fetter and Brad Sanders; stating that the reports are well done.

Borough solicitor, Zach Rice and Mr. Hazlett reviewed the progress on the Wenchoff property sharing that the Civil Complaint and Equity suit filed by the Borough was heard by the Court recently and that the Judge ruled in favor of the Borough. Mr. Rice explained the process for cleaning up the property; shared the quotes received totaling between \$17,000 and \$18,000 and confirmed that the Borough would file a lien against the property to ensure collection of the moneys spent. Following brief discussion:

***M. Wight moved; K. Buterbaugh seconded that Council authorize Borough Staff to proceed with the demolition and clean up of the property located at 6153 Fairfield Road identified as parcel ID# 43024-0056---000. Motion passed unanimously.

OPEN TO THE PUBLIC

No one addressed Council at this time.

ADJOURNMENT

The meeting adjourned at 8:50 P.M. via a motion by M. Wight and seconded by J. Schubring that passed unanimously.

ATTENDANCE REGISTER

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