

**BOROUGH OF CARROLL VALLEY
REGULAR BOROUGH COUNCIL MEETING
TUESDAY, MAY 12, 2009 – 7:00 P.M.
BOROUGH OFFICE**

MINUTES

Council President John VanVolkenburgh 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

John J. VanVolkenburgh, President
N. Kenneth Lundberg
Daniel J. Patton, Vice President
Tammy J. Lytle
William K. Reinke
Neal E. Abrams
Frank A. Buhrman

Absent

BOROUGH OFFICIALS, ETC.

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle R. Marthers, Borough Secretary
Richard L. Hileman, Police Chief
David E. Baker, Zoning Officer

Absent

Thomas R. Campbell, Solicitor

CONSIDERATION OF THE MINUTES OF THE APRIL 14, 2009 REGULAR MEETING

*** K. Lundberg moved, D. Patton seconded, that the minutes of the April 14, 2009 regular Council meeting be approved as submitted. Motion carried unanimously.

OPEN TO THE PUBLIC

Mr. George Fisanich of 7 Snowplow Trail relayed information from a local news article to the Members regarding the availability of “Stimulus” money and asked if the Borough was pursuing the issue. Mr. Van Volkenburgh thanked Mr. Fisanich for his information and reported that the Borough of Carroll Valley Sewer and Water Authority has applied for a grant to upgrade and expand the sewer treatment facilities. The funding was possible through the government’s “stimulus” money.

Mr. Hazlett introduced Mr. Ron Lucas, an attorney representing Eluma and asked that Council consider discussing Item “b” under New Business at this time. Mr. VanVolkenburgh welcomed Mr. Lucas and upon obtaining a consensus from the Members to change the order of the agenda, gave the floor to Mr. Lucas. He explained that Eluma remains interested in developing their tract of land along Sanders Road in the Borough; however, under current economic conditions moving forward with the project is not possible. The current Developer’s Agreement is slated to expire on July 11, 2009 and the company is asking for another extension; this one for a term of three (3) years. Mr. Lucas stated that the document has been submitted to Mr. Campbell for review. Due to Mr. Campbell’s absence the issue could not be discussed; therefore, the Members thanked Mr. Lucas for attending and assured him that contact would be made by Borough Manager, Dave Hazlett regarding the extension and action would be taken at the June 2009 Council meeting.

ORDINANCES AND RESOLUTIONS

There were none.

MAYOR'S REPORT – R. HARRIS

Mayor Harris provided an update on the progress of cellular tower construction in the area and announced a new fundraiser benefiting the July 4th Celebration. The J-4 Planning Committee is raffling off two (2) computer systems.

The following Announcements were made:

- Reminder to sign-up for the Borough of Carroll Valley E-Newsletter.
- Reminder to Vote on Tuesday, May 19, 2009
- Borough Police Officers attended the Adams County Remembrance for Fallen Officers held on Monday, May 11, 2009 at Oak Lawn Cemetery near Gettysburg.
- DARE Graduation will be held on Thursday, May 21, 2009 at the Fairfield Middle School in the Auditorium.

Mayor Harris commended the Borough staff, municipal services crew and the Parks, Recreation and Environmental Advisory Committee on the Annual Fish Derby. Pictures were available for viewing.

A short series of informational slides were explained by Mayor Harris regarding the N1H1 virus, otherwise known as the "Swine Flu". Everyone was reminded to stay away from public areas if symptoms are noticed and to seek medical attention. Symptoms and Hygiene Tips were shared.

COMMITTEE REPORTS

Parks, Recreation and Environmental Advisory. Mrs. Lytle provided a brief follow-up on the Fishing Derby held April 25, 2009. There were approximately 130 young anglers present and each received a prize. Upcoming events include the 5th Annual July 4th Celebration and the National Night Out on August 4th. She shared that the Committee received an update on the Ski Run Trail Sidewalk Project and it was moving slowly toward completion. Mr. Hazlett confirmed that the few issues in question are being cleared and work was scheduled to resume May 11, 2009. He will be closely monitoring the progress of this project.

Planning Commission. Mr. Buhrman outlined a lot donation request that the Commission voted to unanimously recommend that Council accept. After brief discussion the following action was taken:

***K. Lundberg moved; N. Abrams seconded that Council accept the donation of Lot # RD-0100 located at 5 Oak Ridge Trail. Motion carried unanimously.

Sewer and Water Authority. No Meeting due lack of a quorum.

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for April 2009.

***F. Buhrman moved, T. Lytle seconded, that Council accept the April 2009 Treasurer's Report as presented. Motion carried unanimously.

Joint Materials Bid for 2009. Mr. Hazlett outlined the bid tabulations received for the Joint Materials Bid Request. Only one bid was received for each of the following items.

Road Oils. ***K. Lundberg moved, W. Reinke seconded, that Council award the contract for road oils to Hammaker East as the only responsible bidder. Motion carried unanimously.

Fuel Oils. Mr. Hazlett said only one bid was received for 87 octane regular unleaded fuel and no bids were received for 89 octane regular unleaded fuel. ***F. Buhrman moved, W. Reinke seconded, that Council award the contract for 87 octane regular unleaded fuel to Shipley Energy as the only responsible bidder. Motion carried unanimously. Two bids were received for low and ultra low sulfur diesel fuels were received. After careful consideration:*** K. Lundberg moved, F. Buhrman seconded, that Council award the contract for low and ultra low sulfur diesel fuels to Shipley Energy. Motion carried unanimously.

Bituminous Paving Materials. Valley Quarries was the only provider who bid.

***F. Buhrman moved, N. Abrams seconded, that Council award the contract for bituminous paving materials to Valley Quarries, Inc. as the only responsible bidder. Motion carried unanimously.

Various Aggregate Materials. Again Valley Quarries was the only provider who bid.

***T. Lytle moved, W. Reinke seconded, that Council award the contract for various aggregate materials to Valley Quarries, Inc. as the only responsible bidder. Motion carried unanimously.

Line Painting. Alpha Space Control was the only provider who bid.

***T. Lytle moved; W. Reinke seconded, that Council award the contract for line painting to Alpha Space Control as the only responsible bidder. Motion carried unanimously.

Approval to Advertise 2009 Paving Project for Sealed Bids. Mr. Hazlett said portions of Swallow Trail and Pine Hill Trail are the paving project for this year.

***F. Buhrman moved, K. Lundberg seconded, that Council advertise the 2009 Paving Project for sealed bids as presented. Motion carried unanimously.

Windmill/Turbine Ordinance. Mr. Hazlett stated that after brief research and consultation with colleagues, he was unable to give Council the information that they requested. This is a very new concept for residential districts such as the Borough and he believes that more time should be devoted to researching the issue. After discussion it was decided by consensus that the Planning Commission be asked to review the Borough ordinances and weigh the issue and provide recommendations.

UNFINISHED BUSINESS

Liberty Mountain Partnership Proposal. Mr. VanVolkenburgh provided a brief overview of the issue, the proposal and then reported on a meeting held May 8, 2009 with several property owners. He explained that all parties concerned were invited via certified mail to attend the meeting. Four (4) of the six (6) property owners attended. After discussion, by consensus the Members asked Mr. Hazlett to ask Mr. Eric Flynn of Liberty Mountain Resorts to move forward with the next phase of studies as outlined in their partnership proposal.

Lake May Wall Repair. Mr. Hazlett shared that the proposed repair has been submitted to DEP for approval. He will continue to update the Members as information becomes available.

Approval of FY2008 Audit. Mr. Hazlett asked if there were questions or concerns with the report as presented. Having none the Council took the following action:

***W. Reinke moved; K. Lundberg seconded that the Council accept the FY2008 Audit as prepared and presented by Boyer & Ritter. Motion carried unanimously.

NEW BUSINESS

Adams County Conservation District – Memorandum of Understanding. Mr. Hazlett explained that a similar document has been in place for several years and the one before Council is an update only as there are no substantive changes. After brief discussion:

***W. Reinke moved; N. Abrams seconded that the Council continue this Memorandum of Understanding with the Adams County Conservation District. Motion carried unanimously.

OPEN TO THE PUBLIC

Ms. Dorothy Corbin, 22 Lakeview Trail asked the Members about the Frontier BBQ establishment at the intersection of RT116 and RT16. She expressed concern about the septic system and the State Board of Health inspections. Mr. VanVolkenburgh assured Ms. Corbin that the Holding Tank Permit that was issued was approved by the Sewer and Water Authority and that Shealer's Septic Service will be pumping it as required by Borough Ordinance. Mr. Baker addressed the Board of Health question by stating that the Department of Health provides an on-line list of the inspections and their outcomes. Mr. Baker stated that the Frontier BBQ has always passed the inspections and their license is visible from the order window.

Mr. Patton asked if the establishment was going to be made to clean up the area. Mr. Baker stated that the permanent building is preparing to open and when construction has been completed; he feels certain that the area will appear less cluttered.

Discussion ensued about the purpose for the Borough keeping the FEMA Trailer that was purchased a few years ago. Mr. Hazlett stated that it was being stored for use by the Police Department or by FREMA. Mayor Harris and Chief Hileman stated that there is no funding to pursue the original intentions and therefore the trailer is not being used. Mr. Hazlett asked if the unit could be put out to bid whereby the Council took the following action:

D. Patton moved and W. Reinke seconded that the Borough of Carroll Valley accept bids to sell the FEMA Trailer described as a 2006 Trail Lite Travel Trailer – Model # 30QBSS; with a caveat that there be a reserve placed on the bids equal to the original purchase price. Motion carried unanimously.

ADJOURNMENT

The meeting was adjourned at 7:50 P.M.

ATTENDANCE REGISTER

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

Gayle R. Marthers, Recording Secretary