

**BOROUGH OF CARROLL VALLEY
REGULAR MEETING
Of BOROUGH COUNCIL
TUESDAY, MAY 13, 2014 – 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
Thomas Fitzsimmons
Neal E. Abrams
N. Kenneth Lundberg
Dan Patton
Janis Ashman

Absent

Tammy Lytle

BOROUGH OFFICIALS, ETC.

Ronald J. Harris, Mayor
David A. Hazlett, Borough Manager
Gayle R. Marthers, Borough Secretary
David Baker, Zoning Officer
Richard L. Hileman, II; Chief of Police
Sam Wiser, Borough Solicitor

CONSIDERATION OF THE MINUTES OF THE APRIL 15, 2014 REGULAR MEETING

*** D. Patton moved, T. Fitzsimmons seconded, that the minutes of the April 15, 2014 Regular Council meeting be approved with the correction of a typographical error on page 2 in the Committee Section under the Planning Commission item number 1: the Public Hearing is scheduled for the 13th of May not the 16th. Motion passed unanimously.

OPEN TO THE PUBLIC

No One addressed Council at this time.

Public Hearing

The Advertised Public Hearing was opened at 7:10 pm by Borough Solicitor, Sam Wiser with a reading of the proposed Ordinance #2-2013 and brief overview of the guidelines that would be adhered to during the Hearing. Mr. Wiser introduced the Applicant, Mr. Charlie Suhr of Stevens & Lee, Attorneys at Law representing Eluma, Inc.

Mr. Suhr provided an abbreviated explanation of the proposed Ordinance and outlined changes made from the current text in the Borough Code of Ordinances to the Proposed Ordinance #2-2013.

Upon completion of opening statements, Mr. Wiser opened the floor to Council Members for questions. The following members posed questions or responded to questions by the public during the hearing:

- Janis Ashman
- Ken Lundberg
- Dan Patton

Mr. Wiser asked that any member of the audience who wished to be heard in Opposition of the Proposed Ordinance stand to be heard. The following citizens addressed Council:

- Mr. Robert Verderaime, 12 Linda Trail, Carroll Valley
- Mr. Robert Forshey, 47 Hilltop Trail, Carroll Valley
- Mr. Roger Butt, 49 High Trail, Carroll Valley
- Mr. William Jacobs, Fairfield Fire Company Chief
- Mr. Richard Matthews, 21 Helen Trail, Carroll Valley
- Mr. Phil Coghlan, 313 Country Club Trail, Carroll Valley
- Mr. Robert Pyles, 52 Ski Run Trail, Carroll Valley
- Mr. Tom Wolf, 33 Spring Trail, Carroll Valley
- Ms. Susie Bumgardner, 11 North Trail, Carroll Valley

- Mr. Andrew Graves, 21 Sunfish Trail, Carroll Valley
- Mr. John Schubring, 10 Green Trail, Carroll Valley
- Mrs. Phil Coghlan, 313 Country Club Trail, Carroll Valley
- Mrs. Lauren Phelan, 55 High Trail, Carroll Valley
- Ms. Dorothy Corbin, 21 Lakeview Trail, Carroll Valley
- Mr. Ed Kaplan provided a brief overview of the progress and discussion made by the Planning Commission and ended by sharing that the Commission had voted favorably to move the Ordinance forward to the Council for a formal vote.

Mr. Wisner then invited anyone in Favor of the Ordinance to speak:
No one addressed Council at this Time.

Closing Comments were heard and upon a motion by K. Lundberg and seconded by N. Abrams; the Hearing was brought to Adjournment at 8:29 pm by unanimous vote.

Regular Meeting of Council Reconvened @ 8:32pm

ORDINANCES AND RESOLUTIONS

Ordinance #2-2014 – Zoning Change Regarding Cluster Developments. Following brief explanation of procedure:

K. Lundberg moved; J. VanVolkenburgh seconded a motion to approve Ordinance #2-2014 amending part 6, section F of the Carroll Valley Borough Zoning Ordinance regarding regulations for cluster, townhouse and multi-family dwelling development. Upon a roll-call vote Mr. Lundberg and Mr. VanVolkenburgh voted yes and Mr. Abrams, Mr. Fitzsimmons, Ms. Ashman and Mr. Patton voted no; with a 4-2 vote, the ordinance failed to pass.

Upon a Motion by T. Fitzsimmons and seconded by J. Ashman, Council Members agreed to recess the meeting for 10 minutes. Motion passed unanimously.

Meeting recessed at 8:35pm.

Council President John VanVolkenburgh called the meeting back to order at 8:45pm.

MAYOR'S REPORT – R. HARRIS

Mayor Harris provided updates or follow-ups for the following:

- Chief Hileman provided:
 - Police Report
 - Closed the case of several vehicle break-ins
- Liberty Mountain Resort Demolition – Mayor Harris thanked Mr. Eric Flynn for his keeping the local residents informed.
- Follow-ups:
 - Annual Easter Egg Hunt – Saturday, April 19, 2014 successful turnout of more than 100 youngsters
 - Earth Day Trail Clean-up – Saturday, April 26, 2014
 - Opening Day for Fairfield Youth Baseball and Softball and team parade – Saturday, April 26, 2014
 - Drug Take Back Program – Saturday, April 26, 2014
- Burn Ordinance Review
- Announced:
 - CVCA Yard Sale – Saturday, May 17, 2014
 - Armed Forces Day – Saturday, May 17, 2014
 - Fairfield Fire/EMS Open House – Sunday, May 18, 2014
 - Primary Election Day – Tuesday, May 20, 2014

- Memorial Day – Monday, May 26, 2014
- July 4th Benefit Golf Tournament – Friday, June 13, 2014
- Shared a list of the upcoming meetings and events
- In Requiem
 - Adams County Fallen Officers Memorial Service

FIRE/EMS/EMA REPORTS

Updates, Statistics and Information were supplied for the following:

- Mr. Neal Abrams, Fairfield Fire/EMS
 - House Fire in Fairfield Borough – Smoke Detectors save lives
 - Cardiac Arrest where a By-stander aided in CPR resulted in a save
 - High Risk of field/wildland fires
 - EMS Day will be held Sunday, May 18, 2014

COMMITTEE REPORTS

No Report

ADMINISTRATIVE BUSINESS – BOROUGH MANAGER

Treasurer's Report for April 2014. Following brief discussion:

***D. Patton moved, K. Lundberg seconded, that Council accept the April 2014 Treasurer's Report as presented. Motion passed unanimously.

FY2013 Audit. Mr. Hazlett reviewed the document stating that there were no findings and asked that Members take action to advertise the audit as required by State Borough Code.

*** K. Lundberg moved; N. Abrams seconded that Council authorize Borough Staff advertise the FY2013 Audit as required. Motion passed unanimously.

FY2012 Liquid Fuels Audit. Mr. Hazlett reviewed the document stating that there were no findings and asked that Members accept the document as presented. Consensus to accept the FY2012 Liquid Fuels Audit was met.

Adams Electric Street Light Replacement. Mr. Hazlett explained that Adams Electric has notified the Borough that they will begin replacing the Mercury Vapor Street Lights with LED ones in the coming months. The Borough was asked to evaluate its need for all of the Street Lights and consider eliminating any that are deemed unnecessary. During this discussion it was suggested that written guidelines be established to determine the criteria for Street Light placement and installation. This issue was referred to the Public Safety Committee.

UNFINISHED BUSINESS

Municipal Building. Mayor Harris provided a brief update requested that Members consider the hiring of an architect to move the project forward:

***K. Lundberg moved, D. Patton seconded that the Borough Council accept the proposal of Murray Associates to provide the architectural services relative to the design and construction of the new Carroll Valley Borough Municipal Building, and to direct the Council President to execute the contract following satisfactory review of references and final legal review.

Liberty Mountain Project: Developer's Agreement. Mr. Wiser and Mr. Hazlett shared that work has continued on the Developer's Agreement and asked that Members approve the execution of the Agreement with the following four (4) documents: 1) Developers' Agreement; 2) Security Agreement; 3) Escrow Agreement and 4) Stormwater Operation and Maintenance Agreement.

***K. Lundberg moved; J. Ashman seconded that Mr. Sam Wiser, Borough Solicitor execute the Developers' Agreement for the Liberty Mountain Project as prescribed. Motion passed unanimously.

NEW BUSINESS

Resolution #6-2014 – Addressing the Exchange of Lots. Mr. Hazlett explained that this resolution was requested by the courts in order to complete the 2013 agreement that Council made with Mr. Beckett regarding the exchange of two borough properties in trade for properties owned by Mr. Beckett. Due to the terms of the Borough's current Deeds for the properties in question; it is necessary to have Borough Staff authorized to sign closing documents and Mr. VanVolkenburgh to sign the new Deeds. Following brief discussion:

***D. Patton moved; N. Abrams seconded that Resolution #6-2014 addressing the exchange of lots be accepted authorizing Borough Staff and Mr. VanVolkenburgh to sign the appropriate paperwork. Motion passed unanimously.

Borough Staff was asked to post the Chapter 94 Report and provide it electronically to Council Members.

OPEN TO THE PUBLIC

- Mr. Richard Matthews, 21 Helen Trail, Carroll Valley
- Mr. Thomas Wolf, 33 Spring Trail, Carroll Valley

ADJOURNMENT

The meeting was adjourned at 9:30 P.M.

ATTENDANCE REGISTER

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

Gayle R. Marthers, Borough Secretary