

MINUTES OF SEVEN VALLEYS BOROUGH
COUNCIL MEETING
Monday, December 3, 2012

Council President John A. McDonald called the meeting to order at 7:00 pm with the Salute to the Flag. Those in attendance in addition to Mr. McDonald were Council members David M. Dietrich, Larry Garland, Gregory W. Kinard, Rebecca Kinard, Robin L. Venable and Edwin E. Zeigler, Mayor Steven A. Venable, Secretary Cheryl D. Bahn and Solicitor D. Michael Craley. The meeting was held at the Seven Valleys Fire Company, 35 Main St, in Seven Valleys Borough.

Robin Venable noted that there was a sentence repeated at the end of a paragraph. It did not change the meaning of the minutes. Hearing no corrections, President McDonald then declared the minutes of the November 5, 2012 meeting approved as circulated.

PUBLIC COMMENT

No Public Comment

ENGINEER'S REPORT

No Engineer's Report.

SOLICITOR'S PORTION OF THE MEETING

1. Mr. Craley reported that recently he had become aware that while the Borough may pay up to \$1,000.00 per year to an elected official for work done by the elected official the criteria for a contract is different. The Pennsylvania Public Official and Employee Ethics Act Section 1103 reads as follows. Restricted activities (f) Contract.--No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

Therefore, to protect both Mr. Garland and the Borough, there needs to be a bid process for the location of the Borough Office. To date, the Borough has paid Larry Garland \$300.00 which is less than the amount necessary to require a bid. There needs to be a bid process for the 2013 year forward.

Motion made by Dietrich/G. Kinard to authorize Mr. Craley to advertise the bid for office space in Seven Valleys Borough. Motion carried unanimously.

2. Mr. Craley checked into the language of the House Bill 1718 Signed on 10/24/2012 to begin 12/24/2012 Bill. The language saying that "The municipality shall designate by resolution or ordinance a minimum of three approved professional consultants from different firms in each discipline who are readily available to provide services in the municipality and the applicant may select a professional consultant from among the

approved consultants and such professional consultant shall be the municipality's professional consultant for that particular application. If the applicant selects a professional consultant, only review fees by the selected consultant may be charged to the applicant” was struck from the final bill that was signed by the Governor.

3. There was a report of three goats and two ducks living at 42 Main St. Mr. Smith checked the property and could find only two goats and one duck. The property is in the Village Center Zone. It only lists Kennel as a use by Special Exception, but they would be allowed up to four animals, before requiring a kennel status.

He also looked at animals and livestock as permitted in Residential Zone under Special Exception, Ref #602. b) all animals and livestock shall, except while pasturing, grazing or exercising, be housed in a building erected or maintained for that purpose. c) The building required by subsection b) hereof shall not be erected or maintained within 100 feet of any property line.

It appears that there is no definition of animals, there is a definition of Livestock: Any living creature maintained for commercial use or profit, but not maintained as a pet.

At this point, as the lack of definition of animals and the definition of livestock do not support the requirements for the housing of the animal requirements of 100 ft setbacks.

The other issue is they are not by definition livestock.

Discussion centered on modifying the definition of live stock as well as limiting the types and number of animals that can be kept in a residential setting or defined as pets. At this point anyone in the Borough could keep a farm animal on their property providing it is a pet.

Council was encouraged to review the Zoning Ordinance in regard to animals and to bring back any recommendations to the January meeting.

UNFINISHED BUSINESS

Mr. Smith has written a letter to the owner of 35-37 Church Street on 11/29/2012. Mr. Smith is requesting an on site inspection at the small white building to review his plans within 30 days from the date of the letter.

NEW BUSINESS

1. **Motion** made by G. Kinard/R. Kinard to adopt The 2012 Real Estate Tax Ordinance #3-2012, setting the tax rate for Seven Valleys Borough at 1.2 mils. Motion carried unanimously.
2. **Motion** made by Dietrich/R. Venable to authorize the Secretary to pay regular bills in December so checks are returned by the end of the year. Motion carried unanimously.
3. Request made by phone call to Secretary Bahn from Richard Wiegard, formally of 49 Church Street. He asked to be relieved of paying Penn Waste for trash removal service since he has moved from the property.
Motion by Garland/R. Kinard that Mr. Wiegard be required to pay the bill as charged. Motion carried unanimously.
4. **Motion** made by Zeigler/G. Kinard to pay Glenn Reeve \$50.00 for reimbursement for gasoline and use of his tractor. Motion carried unanimously.

FINANCIAL STATEMENT - Period Ending 11/30/2012

PLGIT	\$ 8,538.91
Peoples Bank	\$ 135,624.13
York Federal Tax Collector Account	<u>\$ 50.00</u>
	\$ 144,213.04
PLGIT Balance State Liquid Fuels Fund	\$ 5,237.72

Motion made by Zeigler/R. Venable to pay the bills listed on the Financial Report as well as to approve, accept and file statement for audit. Also Pay Roll checks for Council, Secretary & Tax Collector. Motion carried unanimously.

CORRESPONDENCE/REPORTS/AROUND THE TABLE

1. Lien Collection Report - 6 collected - 5 outstanding
2. Review of Zoning Report – Wayne Smith was present at the meeting.
3. The Sewer Authority report was passed for council to review.
4. Mr. Garland thanked Mr. McDonald for his excellent job as president and the way he keeps the meeting moving along.
5. Becky Kinard commented that a person goes around the Borough and picks the aluminum cans out of the recycling bins. Mr. McDonald will speak to the person in question.
6. It appears that there are two places on Maple Street where traffic is moving around the bends where the black top is beginning to crack as there is a slight drop off. The area will be monitored.
7. Mr. McDonald thanked everyone for their service this year.

With no further business to come before council, President McDonald adjourned the meeting at 7:38 pm. Next Borough Council Meeting will be Monday, January 7, 2013 at 7:00 pm at the Seven Valleys Fire Hall, 35 Main Street, Seven Valleys Borough.

Respectfully submitted,

Cheryl D. Bahn, Secretary