

MINUTES OF SEVEN VALLEYS BOROUGH  
COUNCIL MEETING  
Monday, May 3, 2010

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

Not all Council members had read/received the minutes of the April 7, 2010 meeting. Approval will be delayed until the June Council Meeting.

**PUBLIC COMMENT**

No Public Comment

**ENGINEER'S REPORT**

Mr. Tom Wallace, Holley Associates, was present to report that CDBG Project is nearing completion. He presented the first bill from Washington & Dowling, Inc. for payment from Block Grant Funds.

**SOLICITOR'S PORTION OF THE MEETING**

Mr. Craley spoke to the Codorus Township Solicitor John C. Herrold. Mr. Herrold reported that the Codorus Township Board had decided to pay Seven Valleys what was owed, but no check has been received to date. On 4/28 - Codorus Township requested and was given a copy of the 2009 invoices that had been sent to them.

As a follow up to Pastor Warner's request for a Church in the Industrial Zone at the last meeting, Mr. Craley advised council. - Whenever a church is discussed in the concept of zoning, the Federal RLUIPA statute must be considered (Religious Land Use and Institutionalized Persons Act) RLUIPA prohibits any action by any level of government that "differentiates between religious assemblies and nonreligious assemblies". Therefore we cannot exclude churches or worship activity from any zoning district which permits schools, theaters, meeting halls, restaurants, and other places where large groups of people assemble for secular purposes. It also gives a cause of action for civil rights violations with the attendant attorneys' fees awards, etc.

In reviewing Seven Valleys' zoning ordinance, the use which is allowed in the Industrial Zone which may cause problems is "Public Buildings and Facilities", since this could include a municipal building, school or fire house, all of which could be considered secular gathering places for large groups of people. Recommendations for possible changes to the zoning ordinance were given to council allowing either by right or by special exception a house of worship in the Village Center and Industrial Zone.

The Zoning Officer could proceed as if this is a use by right pending the ordinance revision. All other standards must be met regarding parking etc. The parking must be for the whole complex by use. Determine how many spaces are required for a dance studio, a church, an office plus whatever else there is there. The number of available parking spaces will need to be presented and verified with the application for the use before approved.

**Motion** made by R. Kinard/R. Venable to authorize Mr. Craley to draft an amendment to the Zoning Ordinance which would allow a House of Worship, by right, in both the Village Center and Industrial Use Zones. The Ordinance will be advertised for action at the June 7, 2010 meeting. Motion carried unanimously.

### **UNFINISHED BUSINESS**

John McDonald reported that he had replaced the lock on the old jail. He also mentioned that he plans to move all Borough signs etc from the old Ambulance Building to the Borough Garage on Cherry Street.

### **NEW BUSINESS**

**Motion** by McDonald/Garland to approve three requests for CDBG payment to James R. Holley Associates and Washington & Dowling Construction, Inc. from Block Grant Funds. Request # 5 for \$937.00, Request #6 for \$1,036.76 and Request # 7 for \$44,419.62. Motion carried unanimously.

### **FINANCIAL STATEMENT** - Period Ending 4/30/2010

PLGIT	\$	53.39
PLGIT I	\$	13.46
Peoples Bank	\$	16,204.02
Peoples Bank CD	\$	76,869.63
York Federal Tax Collector Account	\$	50.00
Balance General Fund	\$	93,190.50
PLGIT Balance State Liquid Fuels Fund	\$	8,555.31

**Motion** made by McDonald/G.Kinard to pay the bills as listed on the Financial Report and to approve the financial statement and place it on file for audit. Motion carried unanimously.

### **COMMENTS, OBSERVATIONS & AROUND THE TABLE**

- Secretary will be meeting with FEMA May 12, 2010 to complete the application for Seven Valleys for Snow Storm 2/10 .
- Information/Input Bridge Replacement Meeting was held 4/29 with area business owners, School District Transportation. Post Office, York County FEMA, Ron, Miller, Mike Waugh's representative, Todd Platts' representative, Penn DOT & several council members. Usually Penn DOT does not have this kind of informational meeting before a project. The bridge replacement is to start in the spring of 2011 – if it is completely closed it will be one construction season with work done by Thanksgiving 2011. If only one lane is worked on at a time it would take two construction seasons. It is difficult to do only one side at a time as it is a total replacement. Much discussion on the project and the impact that a total closing would have on area businesses and emergency responders because of the low bridge that prevents large supply trucks from servicing businesses between the low bridge and the overpass. There is not enough room for tractor trailers to navigate Cherry Street if the Rail Trail crossing were open. Also impact on cost to School and Post Office because of added hours and gas to make rounds. Talk of raising the railroad bridge during construction. Talk of a temporary bridge throughout the project. Final decisions should be made by July 1, 2010 as to whether or not the bridge will be completely closed or not.

3. Secretary attended the 99<sup>th</sup> Annual PSAB Conference held in Pittsburgh April 25-28. Opportunity to speak with several vendors and network with many borough officials throughout the state. Attended the Policy & Resolutions Committee Meeting to make recommendation to the Association on Resolutions to approve for work in the next calendar year. These initiatives were voted upon and will be included in the center of the next Boroughs Magazine. Attended two business meetings, heard a motivational speaker Doreen Welsh, Flight attendant on US Airways Flight 1549 Miracle on the Hudson, also attended a Borough Administrator Panel, a Small Borough Issues Round Table, a Legislative Update, a Point of Order session on Robert's Rules and when and if they should be adopted and a Rental Property Ordinance Development presentation.
4. Reports of Grass at Hostetler's Company close to the Rail Trail, Grow Mark property, 54 Church St. Also question regarding building permit for 49 Church Street re-roofing, a travel trailer parked at Cherry Street since 4/23 and a cat problem near the Winery on Main Street.
5. Mr. Craley was asked to draft a Public Nuisance Ordinance for council review.
6. Mr. Krebs congratulated Ed Zeigler on celebrating 55 years of marriage. He also congratulated Larry Garland on his 50<sup>th</sup> birthday.

With no further business to come before council President Lynn W. Krebs adjourned the meeting at 8:28 pm. Next Borough Council Meeting will be Monday, June 7, 2010 at 7:00 pm at the Seven Valleys Fire Company, 35 Main St in Seven Valleys Borough.

Respectfully submitted,

Cheryl D. Bahn, Secretary