

THE BOROUGH OF LITTLESTOWN
46 East King Street • Littlestown, PA 17340 • Council Chamber

BOROUGH COUNCIL REGULAR MEETING • MARCH 25, 2008

CALL TO ORDER

The Borough Council met in a regular session and the meeting was called to order at 7:00 p.m. with Council President Rick Adams presiding.

ATTENDANCE

Council Members Present:

Donna Shadle (*Mayor*), Rick Adams (*President*), William Brown, Kevin Clark, Tim Mayers, David Wheeler, and Jim Eline (*Vice President*)

Additional Borough Representation:

Linda Hess (*Borough Manager/Treasurer*), Sandy Conrad (*Borough Secretary*), Tim Topper (*Director of Public Works*), Dave Arndt (*Code Enforcement Officer*), Mike Sneeringer (*W/S Supervisor*), Dan Wise (*Engineer*) and John White (*Solicitor*)

Others in Attendance:

Scott Small, Ron Lucas, Mike LaCesa (*Sheetz*), Brian Sotka (*Sheetz*), , Larry Unger, Jim Long (*FCAP*), Harry McKean (*Stoners Farm*), Aaron Young (*Gettysburg Times*), Matt Menold (*Corrosion Control Corp.*), Kent Webster (*Corrosion Control Corp.*), Fred Miller

APPROVAL OF MINUTES

FEBRUARY 26, 2008 REGULAR MEETING MINUTES

Council Member Clark made a MOTION, seconded by Council Vice President Eline, to approve the minutes from the February 26, 2008 Regular Meeting of Council as written. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 5-1 in favor of the motion.** (*Council Member Brown abstained.*)

PUBLIC HEARING

ADOPTION OF ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 73 OF BOROUGH ZONING

The Public Hearing opened at 7:05 p.m.

Borough Solicitor White informed Council and the Public that this was the date, time and place advertised for the Public Hearing before the Littlestown Borough Council for amendments to Littlestown Borough Zoning Ordinance specifically Chapter 73, Article 800, Section 801.2A of the Littlestown Borough Code relating to alteration or enlargement of non-conforming uses. Borough Solicitor White stated that he received information from the Adams County Planning Representative Thaeler earlier in the afternoon asking for revised language of the proposed amendment. Borough Solicitor White's recommendation is for the Borough Council to adopt the version as advertised and to refer the revised language change of the amendment to the Borough Planning Commission. The attorney and representatives for Sheetz stated that they agree with the Borough Solicitor's recommendation. Borough Solicitor White asked if there were any other questions or comments from the Public or Council. Council Member Clark questioned whether approving the amendment as written this evening would open the Council up for legal challenges from other businesses in the TCMU District until the point in time that the revisions to the language of the amendment were addressed. Solicitor White stated there is no legal risk. There were no other questions or comments given.

*ADOPTION OF ORDINANCE
AMENDING AND
SUPPLEMENTING CHAPTER 73
OF BOROUGH ZONING
(Continued)*

Council Member Clark made a MOTION, seconded by Council Vice President Eline, to approve the adoption of an Ordinance of the Borough of Littlestown, Adams County, Pennsylvania amending Chapter 73, Article 800 § 801.2, paragraph A of said Borough Code adding a provision allowing for a non-conforming use to expand onto an adjacent vacant lot that is no more than 50% in area of the land containing the non-conforming use. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

Council Member Clark made a MOTION, seconded by Council Member Brown, to send to the Planning Commission the revised addition of 801.2A as described by the Adams County Office of Planning and Development for review and recommendations to the amendment. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*ADOPTION OF ORDINANCE
AMENDING SECTION 53-3-H,
CHAPTER 53 OF BOROUGH
CODE*

Borough Solicitor White informed Council and the Public that this was the date, time and place advertised for the Public Hearing before the Littlestown Borough Council for amendments to Littlestown Borough Code Ordinance specifically Section 53-3-H of Chapter 53 relating to the adjustment of public sewer service connection fees. Borough Solicitor White asked if there were any questions or comments from the Public or Council. There were none given.

Council Member Clark made a MOTION, seconded by Council Member Wheeler, to approve the adoption of an Ordinance adjusting the public sewer service connection fees, by amending Chapter 53 § 53-3, paragraph H (connection fee) of the Littlestown Borough Code from \$1500.00 to \$1950.00 per dwelling unit. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*ADOPTION OF ORDINANCE
AMENDING SECTION 70-5,
CHAPTER 70 OF BOROUGH
CODE*

Borough Solicitor White informed Council and the Public that this was the date, time and place advertised for the Public Hearing before the Littlestown Borough Council for amendments to Littlestown Borough Code Ordinance specifically Section 70-5 of Article III of Chapter 70 relating to the adjustment of public water service connection fees. Borough Solicitor White asked if there were any questions or comments from the Public or Council. There were none given.

Council Member Clark made a MOTION, seconded by Council Member Wheeler, to approve the adoption of an Ordinance adjusting the public water service connection fees, by amending Chapter 70, Article III § 70-5 (connection fee) of the Littlestown Borough Ordinances from \$1750.00 to \$2275.00 per dwelling unit. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*ADOPTION OF RESOLUTION TO
APPROVE APPLICATION FOR
\$40,000.00 GRANT - REPLACE
ROOF AT CROUSE PARK
PAVILION*

Borough Solicitor White informed Council and the Public that this was the date, time and place advertised for the Public Hearing before the Littlestown Borough Council for a resolution to approve an application for a \$40,000.00 grant to DCNR for replacement of the roof at Crouse Park Pavilion. Borough Manager Hess stated that the total cost of the project is \$60,000.00 of which

*ADOPTION OF RESOLUTION TO APPROVE APPLICATION FOR \$40,000.00 GRANT - REPLACE ROOF AT CROUSE PARK PAVILION
(Continued)*

\$40,000.00 will be covered by the grant. Borough Solicitor White asked if there were any questions or comments from the Public or Council. There were none given.

Council Member Clark made a MOTION, seconded by Council Member Brown, to approve a resolution of The Borough of Littlestown, Adams County, Pennsylvania, authorizing the filing of a proposal of funds under the Community Conservation Partnerships Grant Program by The Department of Conservation and Natural Resources for the direct purpose in the funding of the Crouse Park Pavilion Refurbishment Project as listed on the Littlestown Capital Improvements Program Initiatives for fiscal year 2008. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

DELEGATION

CORROSION CONTROL CORPORATION - PROPOSAL FOR BOTH BOROUGH WATER TANKS

Kent Webster, owner of Corrosion Control Corporation, spoke in reference to the proposal from his company to service both Borough water tanks. The proposal is a ten-year service agreement which includes corrosion protection, repairs, painting, regularly scheduled inspections and a guaranteed emergency response time. The company had inspected the water tanks last month and based their proposal from those findings. The Borough Council will refer this matter to the Utilities Committee for review.

PUBLIC COMMENTS

LARRY UNGER - WATER ISSUE INVOLVING KINGSDALE FIRE Co.; PARKING LOT AT NEW BOROUGH BUILDING; COUNTER SUIT AGAINST MR. KENNETH FROCK

Mr. Larry Unger stated that he has a request for Borough Council in reference to a situation that he heard about. He has been told that Kingsdale Fire Company has been tapping into our water system to fill up their trucks. He feels that if this is true, a fine should be issued. He also requests that white lines on the parking lot at the new Borough building be repainted and moved East approximately 3-3 ½ feet to allow larger trucks the additional space when using this parking lot. There is enough room to do this and keep the same number of parking spaces. Mr. Unger's third request is for the Borough Solicitor to investigate all possibilities of a counter suit against Mr. Kenneth Frock so that the Borough and its residents do not have to incur all of the legal costs that result from Mr. Frock's suit against the Borough.

APPROVAL AND PAYMENTS OF BILLS

Council Vice President Eline, made a MOTION seconded by Council Member Wheeler, to approve the bills in the amount of \$244,641.25 for February 21, 2008 through March 18, 2008 and Payroll for February 17, 2008 through March 15, 2008 in the amount of \$52,022.70 for a total of \$296,663.95. Council President asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

APPROVAL OF REVENUES AND EXPENDITURES

Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the Secretary's Report of revenues reported for the month of February. Council President asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

**APPROVAL OF
REVENUES AND
EXPENDITURES***(Continued)*

Council Member Clark, made a MOTION seconded by Council Member Mayers, to approve the Treasurer's Report for the month of February. Council President asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

UNFINISHED BUSINESS***SIDEWALKS ALONG SOUTH
COLUMBUS AVENUE***

Borough Manager Hess has sent letters to the property owners regarding the sidewalks along South Columbus Avenue. She received a phone call from Littlestown Association confirming that they have plans to put in the sidewalks along their property and their intention is to have the job completed by summer. Mr. Smith from Smith Family Partnership spoke with Mrs. Hess and expressed that the cost of putting in sidewalks along his property on South Columbus Avenue would cause a great hardship because he does not presently have a buyer for the property. Council agrees that it would be a hardship to Smith Family Partnership to install sidewalks at this time. No action is needed at this time.

OLD PRINCE STREET LIGHTS

Council Member Clark made a MOTION, seconded by Council Member Mayers, to take the seven light poles which were removed from Prince Street to the scrap yard and get the most value possible for cashing them in. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

***REQUEST FOR EXTENSION -
SHANE BROOK PROPERTY,
401 SOUTH QUEEN STREET***

Council Vice President Eline made a MOTION, seconded by Council Member Clark, to approve an extension until June 24, 2008 for the Shanebrook property located at 401 South Queen Street. Council President Adams stated that this is a non-agenda item and asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

NEW BUSINESS***AWARD BID - SELLS PARKING
LOT***

Council Vice President Eline made a MOTION, seconded by Council Member Mayers, to award the bid for Sells Parking Lot to Jerry Justice Excavating at a total base bid of \$119,011.30 subject to the following conditions:

- 1. Qualifications to be submitted by JJE, including a list of similar local work experience and client references acceptable to the Borough.**
- 2. Correct and complete Certificates of Insurance and Performance and Payment Bonds to be provided within two (2) weeks.**
- 3. HRG recommends that the Borough choose Alternate 35a - "Install parking meter heads, sleeve, bracket, and base" only, at this time. Contractor to agree in writing to allow Borough to defer decision on Alternates 13d, 13.1.a and 13.2.a until subsurface discoveries by Contractor, Engineer review and Owner decision.**

Council President Adams stated asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*CREATION OF RECORDING
SECRETARY FOR THE
RECREATION BOARD*

Council Member Clark made a MOTION, seconded by Council Member Brown, to approve the creation of a Recording Secretary position for the Littlestown Recreation Board. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*REMOVAL OF CURRENT
SECRETARY OF RECREATION
BOARD*

Council Member Clark made a MOTION, seconded by Council Member Mayers, to remove the current position and pay rate of Secretary from the Littlestown Recreation Board. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*APPOINTMENT OF MICHELE
RORRER, RECORDING
SECRETARY FOR RECREATION
BOARD*

Council Member Clark made a MOTION, seconded by Council Vice President Eline, to appoint Michele Rorrer as the Recording Secretary for the Littlestown Recreation Board. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

CORRESPONDENCE

RECOGNITION OF SGT. FUNT

Council President Adams read a letter received from Chief Donald Baker recognizing and commending the efforts of Sgt. Funt in obtaining a \$1,000.00 grant from Wal-Mart for the purchase of camera equipment for the police vehicles.

*LETTER TO UNION & GERMANY
TOWNSHIPS ON ACT 537*

Solicitor White sent a letter to both Union and Germany Townships in reference to Act 537. He has not heard anything official from either township. Solicitor White did state in the letter that he needed input back from the townships within 60 days of the date of the letter. The letter was dated February 29, 2008.

REPORTS

*BOROUGH
MANAGER/TREASURER*

Borough Manager Hess stated that her monthly report was provided earlier to Borough Council.

MAYOR

Mayor Shadle stated that \$1515.00 in fines was turned over to the Borough Secretary for the period of February 1, 2008 through February 29, 2008.

CHIEF OF POLICE

Mayor Shadle stated that the police report turned in for the month of February totaled \$5,579.33.

BOROUGH SECRETARY

Borough Secretary Conrad stated that her monthly report was provided earlier to the Borough Council.

*BOROUGH DIRECTOR OF PUBLIC
WORKS*

Borough Director of Public Works Topper provided his monthly report earlier to the Borough Council.

CODE ENFORCEMENT OFFICER

Code Enforcement Officer Arndt provided his monthly report earlier to the Borough Council.

*BOROUGH WATER/SEWER
SUPERVISOR*

Borough Water/Sewer Supervisor stated that he provided his monthly report earlier to the Borough Council.

BOROUGH SOLICITOR

Solicitor White reported that his only item will be discussed during Executive Session. Council President Adams asked on the progress of the properties that Council decided to move towards Sheriff Sales due to the delinquency of their water and sewer bills. Solicitor White reported that we do have one scheduled for Sheriff Sale.

APPROVAL OF REPORTS

Council Member Clark, made a MOTION seconded by Council Member Wheeler, to approve the monthly reports as written. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.** _____

**REPORTS OF BOARDS,
COMMISSION AND
COMMITTEES****RECREATION BOARD***RAIL TO TRAIL*

Council Member Clark, made a MOTION seconded by Council Member Brown, based on the recommendation from the Recreation Board, to have Borough Manager Hess send a letter to the representatives for the Rail to Trail program stating that the Borough supports the program. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

PLANNING COMMISSION*NON-IMPACT HOME
OCCUPATION - KRISTY
ANNORENO, 31 MASON DIXON
DRIVE*

Council Member Clark, made a MOTION seconded by Council Member Wheeler, to approve the recommendation of the Littlestown Planning Commission for approval of a no impact home-based business for Kristy Annoreno, 31 Mason Dixon Drive, Littlestown, Adams County, Pennsylvania to operate a home janitorial cleaning business. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*HOME OCCUPATION - J & J
CONSTRUCTION, MR. & MRS.
CHRISTIANSON, 382 EAST KING
STREET*

Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the recommendation of the Littlestown Planning Commission for approval of a home occupation for Mr. and Mrs. Christianson, 382 East King Street, Littlestown, Adams County, Pennsylvania to operate a home-based business, J & J Construction. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*WAIVE PERMIT FEES FOR NOT-
FOR-PROFIT ORGANIZATIONS*

Council Member Clark, made a MOTION seconded by Council Member Brown, to table this recommendation to the Borough Solicitor to review and recommend to Council what actions it can or cannot take with regard to this type of waiver. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

CIVIL SERVICE

Council Member Mayers, Committee Chairperson, stated that there is nothing to report.

COMMUNITY RELATIONS

Council Member Brown, Committee Chairperson, stated that there is nothing to report.

FINANCE COMMITTEE

Council President Adams, Committee Chairperson, stated that the Finance Committee will need to schedule a meeting with Borough Manager Hess and Secretary Conrad to discuss some financial issues.

FIRE PREVENTION COMMITTEE

Council Vice President Eline, Committee Chairperson, stated that there was nothing to report.

HEALTH & SAFETY COMMITTEE

Council Member Clark, Committee Chairperson, stated that there was nothing to report.

PERSONNEL COMMITTEE

Council Vice President Eline, Committee Chairperson, stated that Council will meet in Executive Session to discuss personnel issues.

UNION/POLICE CONTRACT COMMITTEE

Council President Adams, Committee Chairperson, stated that there was a meeting held to discuss the request of the Police to go to a one-tier pay schedule instead of two-tier pay schedule. This would require adding an amendment to the current Police contract. No action is taken at this time.

PROPERTY & SUPPLY COMMITTEE

Council Member Clark, Committee Chairperson, gave an update on the 10 South Queen Street building.

*AWARDING OF BID -
COMMUNICATION WIRING FOR
10 SOUTH QUEEN STREET*

Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the recommendation of the Property and Supply Committee to award the contract for communication wiring, network communication support hardware, and installation of said equipment for the 10 South Queen Street facility, Littlestown, Pennsylvania to the lowest bidder as required by the Borough Code Article XIV § 1402 to Infopathways, LLC of Westminster, Maryland for the price of \$14,974.99 and shall be paid for from General Fund Account 01-409-370 (maintenance and repairs). Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*NEW FILE SERVER FOR 10
SOUTH QUEEN STREET*

Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the recommendation of the Property and Supply Committee to purchase a computer file server and its required operating system from the Pennsylvania Costars Municipal procurement contract for the 10 South Queen Street facility, Littlestown, Pennsylvania at the lowest prices possible and not to exceed \$6,000.00 and will be paid for from General Fund Account 01-409-370 (maintenance and repairs). Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*NEW PHONE SYSTEM FOR 10
SOUTH QUEEN STREET*

Council Member Clark, made a MOTION seconded by Council Member Brown, to approve the recommendation of the Property and Supply Committee to purchase telephone equipment and installation for the 10 South Queen Street facility, Littlestown, Pennsylvania from ACC Telecom for \$6,308.40 and shall be paid for from General Fund Account 01-409-370. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*TRANSFER OF POLICE RADIO
EQUIPMENT FOR 10 SOUTH
QUEEN STREET*

Council Member Clark, made a MOTION seconded by Council Member Brown, to approve the recommendation of the Property and Supply Committee for the purchase of antennas, implementation, and transfer of police radio equipment from its current base to the 10 South Queen Street facility, Littlestown, Pennsylvania by K & C Communications for \$4,665.00 and to be paid for from General Fund Account 01-410-700. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

*ANNUAL MAINTENANCE
CONTRACT FOR ELEVATOR AT
10 SOUTH QUEEN STREET*

Council Member Clark, made a MOTION seconded by Council Member Mayers, to approve the recommendation of the Property and Supply Committee to enter into an annual maintenance contract with the Otis Elevator Company for the 10 South Queen Street facility elevator, Littlestown, Pennsylvania for \$1,440.00 where funds will be drawn from General Fund Account 01-409-370. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

**STREETS &
TRANSPORTATION
COMMITTEE**

Council Member Wheeler, Committee Chairperson, stated that there was nothing to report.

**UTILITIES/I&I
COMMITTEE**

Council Member Mayers, Committee Chairperson, was not present at this meeting so there was nothing to report.

**REGIONAL
COMPREHENSIVE PLAN
COMMITTEE**

Council Member Clark, Committee Chairperson, stated that the Committee is awaiting further information in reference to the Act 537 and the Joint Comprehensive Plan. He will provide more information to Council as it is available.

**YORK/ADAMS TAX
BUREAU**

Council Member Wheeler stated that he has already provided Borough Council with his report.

**LITTLESTOWN
CHAMBER OF
COMMERCE**

Council Member Brown stated that there is nothing to report.

**ADJOURN FOR
EXECUTIVE**

Council President Adams announced, at 8:48 p.m. that the Borough Council would adjourn the regular meeting for an Executive Session to discuss personnel matters and litigation.

Council Member Clark, made a MOTION seconded by Council Member Wheeler, to go into an Executive Session to discuss personnel matters and a possible real estate transaction. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

RECONVENE

The Borough Council reconvened at 11:04 p.m. and the public was invited back into the meeting room.

*OFFER ENTIRE BOROUGH
BUILDING TO ALPHA FIRE
COMPANY*

Council Vice President Eline made a MOTION, seconded by Council Member Mayers, to have the Fire Prevention Committee meet with the Alpha Fire Company to offer them ownership of the entire Borough Building and have the Alpha Fire Company respond in writing before the Regular Meeting of Council on May 27, 2008. Council President Adams stated that this is a non-agenda item and asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

MONARCH STREET

Council Member Clark made a MOTION, seconded by Council Member Wheeler, to disburse funds for an appraisal for the acquisition of a public right-of-way for Monarch Street to be paid out of the General Fund Account 01-430-313 (highway engineering). Council President Adams stated that this is a non-agenda item and asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

ADJOURN

Council Vice President Eline, made a MOTION seconded by Council Member Brown, to adjourn the Regular Meeting of Council. Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of the motion.**

The meeting adjourned at 11:08 p.m.

**Sandy Conrad
Borough Secretary**

(SEAL)