

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

**BOROUGH COUNCIL REGULAR MEETING • APRIL 22, 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*), and Mike Sneeringer (*W/S Supervisor*)

Others in Attendance:

Steve Shanebrook, Scott Barnhart (*Hanover Land Services, Inc.*) and Larry Unger

**APPROVAL OF MINUTES**

*MARCH 25, 2008 REGULAR  
MEETING MINUTES*

**Council Member Clark made a MOTION, seconded by Council Member Mayers, to approve the minutes from the March 25, 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: 6-0 in favor of the motion.**

*APRIL 8, 2008 WORKSHOP  
MEETING MINUTES*

**Council Member Clark made a MOTION, seconded by Council Member Wheeler, to approve the minutes from the April 8, 2008 Workshop Meeting of Council 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.**

**DELEGATION**

*SCOTT BARNHART, HANOVER  
LAND SERVICES, INC. -  
SHANEBROOK PROPERTY, 401  
SOUTH QUEEN STREET*

**Council Member Clark made a MOTION, seconded by Council Member Eline, to approve the Preliminary/Final Subdivision Plan for 401 South Queen Street, Steve and Wanda Shanebrook, contingent upon Herbert, Rowland & Grubic's letter dated April 22, 2008, which stated the following:**

1. **Prior to Final Plan approval, surety should be posted for required site improvements (Ch. 61 §2.633)**
2. **The availability of public water and sanitary sewer capacity should be documented (Ch. 61 §4.60 & 4.70) and PADEP Sewage Facilities Planning completed (*water and sewer availability to be noted on the plan*)**
3. **Sheet 2 of 3 of the revised plans needs to be resubmitted, as the copy we received shows parking and landscaping "blacked out" to the extent that plan information is not readable**
4. **Prior to final plan approval all required signatures will need**

SCOTT BARNHART, HANOVER  
LAND SERVICES, INC. -  
SHANEBROOK PROPERTY, 401  
SOUTH QUEEN STREET  
(Continued)

to be added to Sheets 1 and 3 of the plans and a development approval agreement executed. 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 filing of extensions for 401 South Queen Street will not longer be necessary.

## PUBLIC COMMENTS

LARRY UNGER - REQUEST FOR  
ADDITIONAL PUBLIC COMMENTS

Mr. Larry Unger feels that Council should offer an additional space on the agenda for public comments. He stated that one in the beginning for the public who has comments but do not wish to sit through the whole meeting and another public comment at the end of the meeting so the public can voice their opinions on the motions that were past by Council.

Council President Adams stated that this would be considered.

## APPROVAL AND PAYMENTS OF BILLS

**Council Vice President Eline, made a MOTION seconded by Council Member Brown, to approve the bills in the amount of \$94,351.75 for April 3, 2008 through April 15, 2008 and Payroll for March 30, 2008 through April 12, 2008 in the amount of \$24,948.98 for a total of \$119,300.73.** Council President Adams asked if there were any questions or comments. Council Member Mayers asked what the Rager, Lehman and Houck bills were for and why were they on each page of the report. Borough Secretary/Treasurer Conrad stated that the payments are for the audit and Rager, Lehman and Houck sends the bills as each facet of the audit is completed. The bill is then broken down and paid out of several funds. No further questions or comments were provided. **Vote: 6-0 in favor of the motion.**

## APPROVAL OF REVENUES AND EXPENDITURES

### *Secretary's Report*

**Council Member Clark, made a MOTION seconded by Council Member Wheeler, to approve the Secretary's Report of Revenues reported for the month of March 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.**

### *Financial Report*

**Council Member Clark, made a MOTION seconded by Council Member Mayers, to approve the Financial Report 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.**

## UNFINISHED BUSINESS

### *Non-Uniform Handbook*

**Council Member Clark, made a MOTION seconded by Council Member Brown, to table the Non-Uniform Employee Handbook until the May 27, 2008 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.**

***Non-Uniform Handbook  
(Continued)***

Borough Manager Hess informed Council that the red in the handbook indicates a change and the red highlighted yellow indicates removal. Council also had revised Job Descriptions before them for review. Borough Manager Hess informed Council that the red indicates removal and the blue indicates addition.

**REPORTS**

***BOROUGH MANAGER***

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

***MAYOR***

Mayor Shadle stated that \$115.00 in fines was turned over to the Borough Secretary for the period of March 1, 2008 through March 31, 2008.

***CHIEF OF POLICE***

Mayor Shadle stated that the police report turned in for the month of March totaled \$4,015.87.

***BOROUGH DIRECTOR OF PUBLIC WORKS***

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

***CODE ENFORCEMENT OFFICER***

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

***BOROUGH WATER/SEWER SUPERVISOR***

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

***BOROUGH SOLICITOR***

Solicitor White reviewed the following outstanding issues with Council:

***ACT 537 PLAN***

A letter, dated April 17, 2008 was received from Union Township committing themselves to the Act 537 Plan process and that, pending the results of the study and plan that is developed, the Supervisors will be reviewing their commitment to any future expansion project. They are not in a position at this time to make a commitment other than for the planning aspect of this process until the results thereof have been determined. Solicitor White stated that Peggy Miller with HRG is awaiting an answer from PADEP to see where the Borough would be left if the township participates in the study but then does not adopt the Act 537 plan.

***KELLER SUBDIVISION LAND USE APPEAL***

A proposal on the settlement of the Keller Subdivision land use appeal was given to Council for their review.

***PUBLIC WATER AND SEWER SHUT-OFF PROCEDURES***

A draft policy on the Public Water and Sewer Services Billing, Collection and Water Shut-Off Procedures. This was given to Council for their review.

***VERIZON WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT***

A Communications Site Lease Agreement (Water Tower) for Verizon Wireless is completed and at this time we are waiting for the exhibits, which are the drawings and specs for their equipment. The exhibits will need to be reviewed by HRG once they are completed.

***TENANT REGISTRATION ORDINANCE***

A draft Ordinance Regulating Residential and Commercial Rental Unit Occupancy and Providing for Inspections and Penalties for Noncompliance (Tenant Registration) was submitted for review and recommendation by the Health & Safety Committee.

*TENANT REGISTRATION  
ORDINANCE  
(Continued)*

**Council Member Clark, made a MOTION seconded by Council Member Brown, to table the proposed Ordinance until such time that the Health and Safety Committee of the Borough of Littlestown has been reviewed and recommendations made to Council, to also include the Code Enforcement officer, Borough Manager, and the Borough Designated Building Inspector if needed.** 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.**

*MONARCH STREET \_\_\_\_\_*

Council was informed that the Borough will need two stormwater management easements from Bar-Ray. Solicitor White sent Bar-Ray a copy of the easement agreement and after being reviewed by Bar-Ray they made revisions to the easement agreement by adding the replacement of boundary line trees and buffer zone trees that were apparently planted along the proposed easements. Solicitor White further stated that there doesn't appear to be any place on their land to replace the trees. Bar-Ray's attorney will be going back to them to find out what they mean about having to replace the trees, when there is no place to replace them.

In addition, the title search has confirmed that the strip of land in question is owned by 150 Monarch Street, LLC, which is owned by Wes Myers. There is a mortgage and all the surrounding properties have easements on the property, so everyone who is involved with the property will need to be notified about the eminent domain.

Mr. Unger stated that as a taxpayer, he feels that eminent domain is worth the money and the time.

**APPROVAL OF REPORTS**

**Council Member Eline, made a MOTION seconded by Council Member Clark, 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**

*USE OF CROUSE PARK - LAMB*

**Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the recommendation of the Recreation Board for the Littlestown Area Municipal Band (LAMB) concert at the Crouse Park pavilion on August 3, 2008 from 12:30 p.m. until 3:30 p.m. contingent upon execution of the Crouse Park Agreement.** 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.**

*USE OF COMMUNITY PARK  
BASEBALL FIELDS - YMCA  
SUMMER CAMP*

**Council Member Clark, made a MOTION seconded by Council Member Brown, to approve the recommendation of the Littlestown Recreation board to allow the Littlestown YMCA the use of the Community Park Baseball Fields during their summer camps contingent upon field availability and certificate of insurance being presented to the Borough Office.** Council President Adams asked if there were any questions or comments. No questions or comments were provided. **Vote: 6-0 in favor of**

*USE OF COMMUNITY PARK  
BASEBALL FIELDS - YMCA  
SUMMER CAMP  
(Continued)*

the motion.

## PLANNING COMMISSION

*REVERSE SUBDIVISION FOR  
SHEETZ*

**Council Member Clark, made a MOTION seconded by Council Member Mayers, to approve the recommendation of the Littlestown Planning Commission for the approval of a reverse subdivision for the Sheetz subdivision plan.** 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.**

*WAIVER OF PRELIMINARY  
SUBDIVISION - SHEETZ*

**Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the recommendation of the Littlestown Planning Commission for a waiver of the Preliminary Subdivision Plan for the Sheetz Subdivision.** 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.**

*CHAPTER 73, ARTICLE 800  
§801.2, PARAGRAPH A,  
ALTERATION OR ENLARGEMENT  
OF NON-CONFORMING  
BUILDINGS, STRUCTURES, OR  
LAND*

**Council Member Clark, made a MOTION seconded by Council Member Wheeler, to table the recommendation of the Littlestown Planning Commission advertising the amending of the Littlestown Borough Code Chapter 73, Article 800, Section 801.2, Paragraph A, Alteration or Enlargement of Non-Conforming Building, Structures, or land.** 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.**

*WAIVER OF OFF-STREET  
PARKING - 216 SOUTH QUEEN  
STREET - LINDA SANDOVAL*

**Council Member Clark, made a MOTION seconded by Council Member Mayers, to approve the recommendation of the Littlestown Planning Commission for a waiver of off-street parking for Linda Sandoval, Mexican Store, 216 South Queen Street, Littlestown for the store only. If a restaurant is added at a later time, Ms. Sandoval must go before the Planning Commission for approval.** 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, informed Council that there is no eligibility list created.

## COMMUNITY RELATIONS

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

## FINANCE COMMITTEE

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

## FIRE PREVENTION COMMITTEE

Council Vice President Eline, Committee Chairperson, stated that the Committee met with the Fire Company regarding the Community Center Building and at this time no decisions have been made.

## HEALTH & SAFETY COMMITTEE

Council Member Clark, Committee Chairperson, stated that a meeting will be scheduled to discuss some issue.

PERSONNEL  
COMMITTEE

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

UNION/POLICE  
CONTRACT COMMITTEE

Council President Adams, Committee Chairperson, stated that there is nothing to report.

PROPERTY & SUPPLY  
COMMITTEE

Council Member Clark, Committee Chairperson, stated that the Committee will need to schedule a meeting to discuss outstanding issues.

STREETS &  
TRANSPORTATION  
COMMITTEE*NO-PARKING IN CUL-DE-SAC'S  
AFTER TWO INCHES OF SNOW  
ACCUMULATION*

Borough Secretary, Conrad stated that the Safety Committee, made up of Borough Employee's, is requesting that signs be posted in Cul-de-sacs that states no parking once there is an accumulation of 2 inches of snow, or something to that affect. At this time when it snows everyone seems to park on the street in the Cul-de-sacs and the employees driving the plow are having a difficult time maneuvering around the cars. This is where the employee is at greater risk for damaging a vehicle and/or property. The signage would affect Heritage Hills and Appler.

Council President Adams asked the Streets Committee to actually look at the Cul-de-sacs before a decision is made.

*RICHARD LACKEY REQUEST -  
TRAFFIC ISSUE ON MARVIN  
STREET AND PATRICK AVENUE*

The Street Committee recommends placing the following signs: the signs will be installed for a Ninety (90) day trial period under a temporary ordinance.

1. North Queen Street and Marvin Street that states, no outlet McSherry's Ball Field traffic only.
2. Corner of Patrick Avenue and West Myrtle Street that states, no outlet McSherry's Ball Field traffic only.
3. Corner of Partrick Avenue and Marvin Street that states, no right turn.
4. Corner of Marvin Street and Patrick Avenue that states, no left turn.

**Council Member Wheeler, made a MOTION seconded by Council Member Brown, to purchase and install the signs and to create the temporary ordinance to allow no thoroughfare on Patrick Avenue and Marvin Street with the designation being the Little League Field.** Council President Adams asked if there were any questions or comments. Mr. Larry Unger was opposed to this motion because they are public streets that he utilizes and, now he as a tax payer, is no longer able to utilize the public thoroughfare. No further questions or comments were provided. **Vote: 6-0 in favor of the motion.**

UTILITIES/I&I  
COMMITTEE

Council Member Mayers, Committee Chairperson, stated that Pennsylvania Environmental Solutions Contract is being put on hold until the Personnel Committee has had a chance to look at the applications received for the Sewer/Water position.

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 there is nothing to report.

LITTLESTOWN  
CHAMBER OF  
COMMERCE

Council Member Brown stated that there will be a meeting on May 16, 2008 and Borough Manager Hess will be the key speaker.

NON-AGENDA ITEMS

*SELLS PARKING LOT*

**Council Member Clark, made a MOTION seconded by Council Vice President Eline, to approve the Council President and Borough Secretary to execute the agreement with Jerry Justice Excavating.** Council President Adams stated that this was a non-agenda item and asked if there were any public questions or comments. No public questions or comments were provided. **Vote: 6-0 in favor of the motion.**

ADJOURN FOR  
EXECUTIVE

Council President Adams announced, at 9:05 p.m. that the Borough Council would adjourn the regular meeting for an Executive Session to discuss legal matters.

**Council Member Clark, made a MOTION seconded by Council Vice President Eline, to go into an Executive Session to discuss legal matters.** 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 9:06 p.m. and the public was invited back into the meeting room.

*ACLU CASE - MR. FROCK*

**Council Member Clark, made a MOTION seconded by Council Member Wheeler, to authorize the disbursement of funds from the General Fund for the payment to the ACLU for attorney fees and court costs in the amount of \$15944.00, in the case of Kenneth and Virginia Frock vs Borough of Littlestown, Case No. 1:CV-08-0465.** Council President Adams stated that this was a non-agenda item and asked if there were any public questions or comments. No public 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 9:09 p.m.**

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**Sandy Conrad  
Borough Secretary**

**(SEAL)**