

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL REGULAR MEETING ▪ MARCH 24, 2009

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CALL TO ORDER

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

ATTENDANCE

Council Members Present:

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

Additional Borough Representation:

Sandy Conrad (Secretary/Treasurer), Linda Hess (Manager) Timothy Topper (Director of Public Works), David Arndt, Jr. (Zoning/Code Enforcement Officer) and John White (Solicitor)

Others in Attendance:

Ivan Lufriu, Tori Spangler (Alpha Fire Company), Larry Unger, Tim Stonesifer (Evening Sun), Wilbur Mayers, Robert Hahn (Alpha Fire Company), Mike Sneeringer (Alpha Fire Company), Mike Ayers (Alpha Fire Company), Harry McKean (Stoners Farm), Dale Dutterer (S.O.S.), Stacy Snyder (Alpha Fire Company), Ron Snyder (Alpha Fire Company), Dwight Sheesley, Dale Werner (Alpha Fire Company), Terry Moser (Alpha Fire Company), Don Tesno, Aaron Young (Gettysburg Times), Brett Dillman (Alpha Fire Company), Brian Byers, Trevor Johnson, Bo Louey, Teresa Mills, Dan Smith, William Kelly, Roger Steele, Fred Miller, Bruce Jakum

APPROVAL OF MINUTES

***MARCH 10, 2009 WORKSHOP
MEETING MINUTES***

Council Member Clark made a MOTION, seconded by Council Vice President Eline, to approve the minutes from the March 10, 2009 Workshop Meeting of Council. Council President Adams asked for discussion. There was no discussion. Vote 6-0 in favor of the motion.

***MARCH 18, 2009 JOINT
COMP MEETING MINUTES***

Council Member Clark made a MOTION, seconded by Council Member Brown, to approve the minutes from the March 18, 2009 Joint Comp Public Hearing of the Borough of Littlestown, Germany Township and Union Township. Council President Adams asked for discussion. There was no discussion. Vote 6-0 in favor of the motion.

**APPROVAL AND
PAYMENT OF BILLS**

Council Vice President Eline made a MOTION, seconded by Council Member Clark, to pay the bills in the amount of

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**APPROVAL AND
PAYMENT OF BILLS
(Continued)**

\$215,378.95. Council President Adams asked for discussion. Council Member Wheeler asked if we were to receive any more bills from Rager, Lehman and Houck. Borough Secretary Conrad will check into it and get back to Council Member Wheeler. There was no further discussion. **Vote 6-0 in favor of the motion.**

**APPROVAL OF
FINANCIAL REPORT**

Council Vice President Eline made a MOTION, seconded by Council Member Clark, to approve the Financial Report. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

**APPROVAL OF
SAVINGS REPORT**

Council Vice President Eline, made a MOTION, seconded by Council Member Brown, to approve the Savings Report. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

UNFINISHED BUSINESS

***DISPOSITION OF 46 EAST
KING STREET***

Council Member Clark made a MOTION, seconded by Council Member Brown, to move, pursuant to and in accordance with the applicable provisions of Pennsylvania's Borough Code [53P.S.§46204.(4)(IV)(A) and (VI), that the Borough of Littlestown (The "Borough"), by the Littlestown Borough Council, transfer, sell and convey the Borough's improved real property (The "Property"), depicted in Adams County Plat Book 91, page 79, unto Alpha Fire Company No. 1, Inc. (The "Fire Company"), a volunteer fire company located within the Borough of Littlestown, for the sum of One Dollar (\$1.00), subject, however, to the following terms and conditions:

- 1) The property shall be transferred, sold and conveyed by special warranty deed in "AS IS" condition, with no warranties, express or implied, whatsoever (other than a warranty of good and marketable title), and with no tenants or former tenants' property located therein;**
- 2) Any and all previous agreements and/or arrangements by and between the Borough and the Fire Company relative to the Borough's payment of utilities expenses, fire, casualty and liability insurance premiums, and/or any other expenses relative to the property, shall cease and terminate as of the transfer of the deed to the property from the Borough unto the**

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**Disposition of 46 East
East King Street**

- Fire Company;**
- 3) Settlement shall occur on or before May 31, 2009, unless such date is extended in writing by both the Borough and the Fire Company; and**
 - 4) Pursuant to 53P.S. §46201.(4)(VI), the deed to the property from the Borough unto the Fire Company shall be subject to the condition that when the property is not used for the purposes of the Fire Company, the property and any and all improvements thereon and therein shall automatically and immediately revert to the Borough for the sum of One Dollar (\$1.00).**

Council President Adams asked for discussion. Mr. Kelly stated that he was very disappointed in Council's decision and hopes that they would reconsider. Councilman Wheeler agreed with Mr. Kelly and stated that this should never had been an issue because the Borough should not have moved. Council Member Clark provided a prepared statement noting the future needs of the community and the position that council deed 46 East King Street to Alpha Fire Company, No. 1. **Council President Adams called for a role call vote: Council Member Mayers - yes, Council Member Wheeler – no, Council Member Brown – yes, Council Vice President Eline – yes, Council Member Clark – yes, Council President Adams – yes. Vote: 5-1 in favor of the motion. (Council Member Wheeler opposed)**

***APPROVAL OF SOUTHEAST
ADAMS COUNTY COMP PLAN
RESOLUTION***

Council Member Clark made a MOTION, seconded by Council Member Mayers, to approve a Resolution of Littlestown, Adams County, Pennsylvania, to adopt the Southeastern Joint Comprehensive Plan for Union Township, Germany Township and Littlestown Borough including all maps, charts and all parts of the text form said plan. Council President Adams asked for discussion. There was no discussion. Vote: 6-0 in favor of the motion.

***ROYAL FARM 45 DAY
EXTENSION***

Council Member Clark made a MOTION, seconded by Council Member Brown, to grant the Royal Farms request for a 45 day extension within which to satisfy the conditions of approval of Royal Farm Land Development Plan. Such extension shall expire on May 8, 2009. Further, Royal Farms shall be notified that it shall do that which is necessary to, at a minimum, effect the scheduling of a Borough of Littlestown Zoning Hearing Board hearing (relative to the required car

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*ROYAL FARM 45 DAY
EXTENSION
(CONTINUED)*

wash special exception) prior to May 8, 2009; otherwise, this will be the final extension that will be granted. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

NEW BUSINESS

*APPROVAL OF THE MUNICIPAL
RECORDS SCHEDULE
RESOLUTION*

Council Member Clark made a **MOTION**, seconded by Council Vice President Eline, to adopt a Resolution of the Borough of Littlestown, Adams County, Pennsylvania setting forth a policy regarding the Schedules and Procedures for Disposition of Municipal Records as set forth by the State Municipal Records Manual approved on December 16, 2008. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

*ALPHA FIRE COMPANY
RUNNING ASSIGNMENTS*

Council Member Brown made a **MOTION**, seconded by Council Member Mayers, to approve the running assignments from the Alpha Fire Company, No. 1. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

*APPROVAL OF THE EMERGENCY
MANAGEMENT OPERATIONS
PLAN AND RESOLUTION*

Council Member Clark made a **MOTION**, seconded by Council Member Brown, to postpone the adoption of the Emergency Management Operations Plan and Resolution until Mr. Paul Hahn, the Borough Emergency Management Coordinator, attends a Council Meeting to answer some questions. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

*APPROVAL OF ROARING
SPRING EMERGENCY WATER
AGREEMENT*

Council Member Brown made a **MOTION**, seconded by Council Member Wheeler, to postpone the adoption of the Roaring Spring Emergency Water Agreement until Paul Hahn, the Borough Emergency Management Coordinator, attends a Council Meeting to answer some questions. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

*CONSIDERATION OF
CODE REVITALIZATION
THROUGH THE GENERAL
CODE*

Council Member Clark made a **MOTION**, seconded by Council Vice President Eline, to postpone further consideration of the proposal for code revitalization services by General Code until the 2010 fiscal year budget takes effect. Council President Adams asked for discussion. There was no discussion. **Vote: 6-0 in favor of the motion.**

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NON-AGENDA

***RESIGNATION OF COUNCIL
VICE PRESIDENT ELINE***

Council Member Wheeler made a MOTION, seconded by Council Member Mayers, to accept the resignation of Mr. James J. Eline from the Littlestown Borough Council effective March 31, 2009. Council President Adams asked for discussion. Council Vice President Eline stated that his residency was changing which puts him in a different ward and makes him ineligible to remain on Council per the Borough State Code. **Vote: 6-0 in favor of the motion.**

REPORTS

BOROUGH ENGINEER

The Borough Engineer's monthly report was provided earlier to Borough Council.

BOROUGH MANAGER

The Borough Manager's monthly report was provided earlier to Borough Council.

MAYOR

Mayor Shadle's monthly report was provided earlier to Borough Council.

CHIEF OF POLICE

Chief Baker's monthly report was provided earlier to Borough Council.

DIRECTOR OF PUBLIC WORKS

Director of Public Works, Tim Topper's monthly report was provided earlier to Borough Council.

CODE ENFORCEMENT OFFICER

Code Enforcement Officer, David Arndt, Jr's. monthly report was provided earlier to Borough Council.

BOROUGH SOLICITOR

JOHN WHITE

There was nothing to report.

APPROVAL OF REPORTS

Council Member Clark made a MOTION, seconded by Council Member Mayers, to approve the reports as written. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

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**REPORTS OF BOARD
COMMISSIONS AND
COMMITTEES**

RECREATION BOARD

Borough Manager Hess stated that there was no action to be taken. All motions that were made in the Recreation Board minutes were administrative decisions.

PLANNING COMMISSION

***APPROVAL TO GRANT A SIDE
YARD SETBACK WAIVER FOR
119 WEST KING STREET***

Council Member Clark made a MOTION, seconded by Council Vice President Eline, that the Littlestown Borough Council, upon recommendation of the Littlestown Borough Planning Commission, grant a side yard setback waiver, pursuant to the provision of the Borough of Littlestown Zoning Ordinance, Littlestown Borough Code Chapter 73, Article 300, Section 304.3 E., for the 119 West King Street property, located in the TCMU zoning district, of Jason Ewen, in view of the fact that the existing structure thereon already encroaches upon the property line. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

**CIVIL SERVICE
COMMISSION**

There was nothing to report.

**COMMUNITY RELATIONS
COMMITTEE**

There was nothing to report.

FINANCE COMMITTEE

There was nothing to report.

**FIRE PREVENTION
COMMITTEE**

There was nothing to report

**HEALTH & SAFETY
COMMITTEE**

There was nothing to report.

PERSONNEL COMMITTEE

APPLY FOR COPS GRANT

Council Vice President Eline, made a MOTION, seconded by Council Member Clark, to grant the Borough Manager permission to apply for a COPS grant. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

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UNION/POLICE
CONTRACT COMMITTEE

There was nothing to report.

PROPERTY AND SUPPLY
COMMITTEE

***SALE OF SAFE AT 46 EAST
KING STREET***

Council Member Clark made a MOTION, seconded by Council Member Eline, pursuant to Section 1201.(4)(ii) of the Pennsylvania's Borough Code [53 P.S. §46201.(4)(ii)], move that the Littlestown Borough Council adopt a Resolution for the advertisement and sale of Borough Personal Property, a Sergeant & Greenleaf Company Safe, located at 46 East King Street, with an estimated fair market value of \$1,000.00, more or less, with the following conditions of sale:

- 1) Sealed bids, which shall include the amount of the bid and the bidder's name, address, telephone number and e-mail address shall be submitted to the Borough Office and shall be received prior to the April 28, 2009 Littlestown Borough Council meeting; and
- 2) Inspection of the safe can be made by appointment with the Borough Office; and
- 3) That the safe is being sold "AS IS", "WHERE IS", with the combination and no returns; and
- 4) That the safe shall be removed solely with the personnel and equipment of the successful bidder prior to May 28, 2009; and
- 5) That no bids will be considered if under \$100.00; and
- 6) That the safe will be awarded to the highest bidder at the April 28, 2009 regular Littlestown Borough Council meeting.

Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

***SALE OF PERSONAL PROPERTY
AT 46 EAST KING STREET***

Council Member Clark made a MOTION, seconded by Council Member Brown, pursuant to Section 1201.(4)(ii) of the Pennsylvania's Borough Code [53 P.S. §46201.(4)(ii)], move that the Littlestown Borough Council adopt the following Resolution setting forth the procedure for the sale of surplus Borough personal property, either individual items or lots of items, including, for example, furniture, office equipment and other miscellaneous items, with an estimated fair market value of less than \$1000.00 for the lot:
Whereas, the Borough of Littlestown desires and intends to sell various items of surplus Borough personal property,

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*SALE OF PERSONAL PROPERTY
AT 46 EAST KING STREET
(CONTINUED)*

either individual items or lots of items, including, for example, furniture, office equipment and other miscellaneous items, with an estimated fair market value, for the lot, of less than \$1000.00, all of which is presently located in the Littlestown Community Center Building, located at 46 East King Street.

Now, therefore, be it resolved, and it is hereby resolved by the Littlestown Borough Council that the aforementioned surplus Borough personal property shall be sold from the former police office of the 46 East King Street Community Center Building on April 9, 2009 from 2:00pm to 6:00pm, and that the pricing and sale of individual items shall be determined by an informal auction to be conducted by the Borough Official or Agent designated by the Littlestown Borough Council to conduct such sale.

Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

Borough Manager Hess was designated as the Borough Official to conduct the sale.

*ADVERTISEMENT OF BIDS
CROUSE PARK PAVILION
RENOVATION PROJECT*

Council Member Clark made a MOTION, seconded by Council Member Wheeler, to approve the advertisement of the bid opening for the Crouse Park Pavilion Renovation Project. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

**STREETS AND
TRANSPORTATION
COMMITTEE**

There was nothing to report.

**UTILITIES/I&I
COMMITTEE**

There was nothing to report.

**COMPREHENSIVE PLAN
COMMITTEE**

The Committee was disbanded by Council President Adams.

**YORK/ADAMS TAX
BUREAU**

Council Member Wheeler gave an update on the Borough's last payment to be made to the Bureau.

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**LITTLESTOWN CHAMBER
OF COMMERCE**

Borough Manager Hess, stated that she attended her first meeting and a discussion took place regarding a new website for the Chamber and also looking at ways to cut the budget.

SAFETY COMMITTEE

There was nothing to report.

PUBLIC COMMENTS

Fred Miller expressed his disappointment of the decision the Council made regarding the Community Center Building located at 46 East King Street.

Tori Spangler, President of the Alpha Fire Company, thanked the Council for their decision and extensive work that was put into the decision.

**COUNCIL OF
GOVERNMENTS**

The minutes from the Council of Governments were provided earlier to Borough Council.

**ADJOURN OPEN
MEETING**

Council Member Clark made a MOTION, seconded by Council Vice President Eline, to adjourn the open meeting for an executive session for potential litigation. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

The open meeting of Council was adjourned at 8:25 p.m.

RECONVENE

The Borough Council reconvened at 8:46 p.m. and the public was invited back into the meeting room. No action was taken by Council.

ADJOURN

Council Vice President Eline made a MOTION, seconded by Council Member Brown, to adjourn the Regular Meeting of Council. Council President Adams asked for discussion. There was no discussion. **Vote 6-0 in favor of the motion.**

Council President Adams adjourned the meeting at 8:47 p.m.

Sandy Conrad
Borough Secretary/Treasurer

(SEAL)