

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL REGULAR MEETING ▪ MAY 26, 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:

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

Additional Borough Representation:

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

Others in Attendance:

Jim Eline, Harry McKean (Stoners Farm), Tim Stonesifer (Evening Sun), Aaron Young (Gettysburg Times), Terry Moser and Fred Miller

APPROVAL OF MINUTES

***MAY 12, 2009 WORKSHOP
MEETING MINUTES***

Council Vice President Clark made a motion seconded by Council Member Brown, to approve the minutes from the May 12, 2009 Workshop meeting of Council as written. Vote: 6-0 in favor of the motion.

**APPROVAL AND
PAYMENT OF BILLS**

Council Vice President Clark made a motion seconded by Council Member Mayers, to pay the bills from the general, swimming pool, water, sewer and payroll funds totaling \$79,134.71 for the dates of May 7, 2009 to May 18, 2009 and the payroll disbursements for a total of \$14,947.71 from the period of May 3, 2009 to May 9, 2009 whereas the combined total is \$94,082.42. Vote: 6-0 in favor of the motion.

**APPROVAL OF
FINANCIAL REPORT**

Council Vice President Clark made a motion seconded by Council Member Wheeler to approve the Financial Report for May 26, 2009. Vote: 6-0 in favor of the motion.

**APPROVAL OF
SAVINGS REPORT**

Council Vice President Clark made a motion seconded by Council Member Mayers to approve the Capital Reserves Savings Account report for May 26, 2009. Vote: 6-0 in favor of the motion.

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UNFINISHED BUSINESS

***LETTER FROM MARILYN
AND SCOTT ZANGER***

Council President Adams read a letter sent by Marilyn and Scott Zanger regarding some challenges that our community is facing which require Councils best efforts and thoughts.

A response will be sent to Mr. and Mrs. Zanger by Council President Adams.

NEW BUSINESS

***REQUEST BY ERIC MORGAN
REGARDING CLOVER LANE***

A letter was sent to Council by Mr. Eric Morgan regarding Clover Lane which runs parallel to Mr. Morgans property. Mr. Morgan stated in his letter that the Lane is not needed as a short cut to get to the church or by those who live on St. Johns Road. His letter also stated that he has concerns for the safety of those in his yard as well as his property which is always covered in a cloud of dust. Mr. Morgan in his letter is asking Council to find a solution to this problem.

Council Vice President Clark stated that according to Appendix D of the Littlestown Borough Code the Lane was ordained in 1969 as State Alley and in 1994 the name was changed to Clover Lane.

Council President Adams referred this issue to the Streets and Transportation Committee.

***APPROVAL TO ASSIGN
NEW CINGULAR WIRELESS
PCS COMMUNICATIONS
FACILITIES OPTION AND
LEASE AGREEMENT TO
AMERICAN TOWERS, INC.***

Council Vice President Clark made a motion seconded by Council Member Brown, to postpone any further action on the assignment of the New Cingular Wireless PCS Communications Facilities Option and Lease Agreement to American Towers, Incorporated pursuant to Paragraph 1, (d) of said agreement until it has been reviewed by the Borough Solicitor. Vote: 6-0 in favor of the motion.

REPORTS

BOROUGH ENGINEER

There was nothing to report.

BOROUGH MANAGER

The Borough Manager's monthly report was provided earlier to Borough Council. Council Member Clark asked that the Borough Engineer be contacted to give a report on the Act 537.

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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 Solicitor White stated that he had two matters to discuss in executive Session.

APPROVAL OF REPORTS Council Vice President Clark made a motion seconded by Council Member Bateman, to approve the monthly reports as written. Vote: 6-0 in favor of the motion.

REPORTS OF BOARD
COMMISSIONS AND
COMMITTEES

RECREATION BOARD

RECOMMENDATION TO
POSTPONE THE YMCA
COMMUNITY DAY ON
AUGUST 1, 2009 After discussion, Council decided that there was no action needed on their part.

RECOMMENDATION TO
APPROVE DATES FOR THE
POOL HOP Council Vice President Clark made a motion seconded by Council Member Mayers, to approve the recommendation of the Littlestown Recreation Board that pool hops be held from 8:00pm until 10:00pm for the specific dates of June 24th, July 22nd and August 12th contingent upon the assurances of Police availability and adequate number of Lifeguards. Vote: 6-0 in favor of the motion.

RECOMMENDATION OF A
CORDLESS PHONE WITH AN
ADDITIONAL HANDSET FOR THE
CONCESSION STAND After discussion, Council President Adams stated that no action was required since this was previously approved last year.

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***RECOMMENDATION THAT THE
LITTLESTOWN POLICE
DEPARTMENT OPEN AND CLOSE
THE BATHROOMS***

Mayor Donna Shadle stated that the bathrooms at Maple Avenue do not get opened unless there is a function. Council President Adams directed Mayor Shadle to have the Police continue to open and close the bathrooms.

***RECOMMENDATION TO INVITE
UNION TOWNSHIP AND A NEWS-
PAPER REPORTER TO THE NEXT
REC BOARD MEETING FOR A
DEDICATION CEREMONY***

Council Vice President Clark made a motion seconded by Council Member Bateman, to approve the recommendation of the Littlestown Recreation Board and direct the Borough Secretary or Borough Manager to invite Union Township representatives and reporters of the local press for the dedication of the Palm Tree Water Feature and Plaque at the next Littlestown Recreation Board Meeting, June 16, 2009 at 6:30pm at the small pavilion #2 at the Littlestown Community Park, Lakeview Drive. Vote: 6-0 in favor of the motion.

***RECOMMENDATION TO ALLOW
THE LITTLESTOWN TRAVEL
SOCCER TEAM TO UTILIZE THE
SOCCER FIELD AT THE
COMMUNITY PARK***

Council Vice President Clark made a motion seconded by Council Member Brown, to approve the recommendation from the Littlestown Recreation Board for the use of the Littlestown Community Park Soccer Field by the Littlestown Travel Soccer Team contingent upon:

- 1) Availability of the fields and;
- 2) Receipt of certification of insurance

Vote: 6-0 in favor of motion.

PLANNING COMMISSION

***RECOMMENDATION TO
ADVERTISE AN ORDINANCE
REGARDING PARKING IN THE
TCMU DISTRICT***

Council Vice President Clark made a motion seconded by Council Member Wheeler, to postpone the recommendation from the Littlestown Planning Commission, to advertise an Ordinance for the Borough of Littlestown, Adams County, Pennsylvania Amending and Supplementing the Borough of Littlestown Code, Chapter 73, Zoning;

- 1) Article 300 Commercial District, various paragraphs of Sections 304 – Town Center Mixed Use (TCMU), 306 – C-E Commercial Employment and;
- 2) Article 400 Industrial Employment District, various paragraphs of Section 401 and;
- 3) Article 700 Special Controls various paragraphs of Section 702.9 Off Street Parking Regulations

until the next regular scheduled meeting of Council on June 23, 2009. Vote: 6-0 in favor of the motion.

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**CIVIL SERVICE
COMMISSION**

There was nothing to report.

**COMMUNITY
RELATIONS
COMMITTEE**

MUSIC AT THE SQUARE

The Committee has scheduled the New Season Gospel Music Group to perform on June 13, 2009 starting at 6:00pm. The event will take place at the Littlestown Borough Parking Lot, 10 South Queen Street. The Committee will be working with the Public Works Department to set up for the event.

FINANCE COMMITTEE

***CREATION OF A NEW BUDGET
LINE ITEM***

Council Vice President Clark made a motion seconded by Council Member Wheeler, to approve the creation of an account in the Payroll Fund and assign the account line of 90-410-120, Part-Time Custodial Cars for the direct purpose of the transfer of funds from the payroll fund 90-410-070, Part-Time Police Officers. Vote: 6-0 in favor of the motion.

***BUDGET AMENDMENT TO
TRANSFER FUNDS***

Council Vice President Clark made a motion seconded by Council Member Wheeler, to approve the transfer of funds in the amount of \$649.40 from the Payroll Fund account 90-410-070, Part-Time Police Officers to Payroll Fund account 90-410-120, Part-Time Custodial Cars, whereby Alex Dargavel, School Crossing Guard, above and beyond the stated duties of being a School Crossing Guard and not interfering with the primary responsibilities of said position, will be compensated from this account wholly by the Borough of Littlestown for the time spent in duties of using free car wash vouchers to wash and clean the Littlestown Police Cars as approved by the motion at the Littlestown Borough Council Regular Meeting, April 28, 2009. Vote: 6-0 in favor of the motion.

**FIRE PREVENTION
COMMITTEE**

Council President Adams appointed Council Member Bateman to the Fire Prevention Committee.

**HEALTH & SAFETY
COMMITTEE**

There was a meeting held on May 20th and the following items were discussed:

- 1) West King street between James Avenue and Rita Marie Avenue on parking and vehicles being damaged. An

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offer was made to the Borough that a group from Penndot will come down and survey the area and give their recommendations free of charge.

- 2) The use of covered patio fireplaces. An update will be given at a later date.

PERSONNEL COMMITTEE There was nothing to report.

**UNION/POLICE
CONTRACT COMMITTEE** There was nothing to report.

**PROPERTY AND SUPPLY
COMMITTEE**

*RECOMMENDATION TO USE THE
EXTRA POLICE CAR FOR THE
WATER/SEWER DEPARTMENT* **Council Member Wheeler made a motion seconded by Council Member Brown, to allow the 2003 Ford Crown Victoria to be put into use for the Borough Personnel and Police as needed with the removal of the light bars and decals. 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.

**YORK/ADAMS TAX
BUREAU** Councilman Wheeler stated that the TCC meeting is in the process of being rescheduled.

**LITTLESTOWN CHAMBER
OF COMMERCE** The Chamber is trying to set up some rules and regulations so they can become more independent.

SAFETY COMMITTEE Robert Funt was recognized for providing CPR and First Aid training/certification to the Borough Employee's at no charge.

**COUNCIL OF
GOVERNMENTS** Councilman Wheeler stated that there will be another meeting on Thursday, May 28th.

PUBLIC COMMENTS There were no public comments given.

**ADJOURN FOR
EXECUTIVE** **Council Vice President Clark made a motion seconded by Council Member Wheeler, to adjourn the open meeting at 8:10 p.m. for an executive session pursuant to Pennsylvania**

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Statue Title 65 Chapter 7 Open Meetings, Section 708, Executive Sessions, (4) whereby consultation with the Borough Solicitor on correspondence received as a reasonable expectation of being filed against the Borough of Littlestown. Council President Adams asked for discussion. There was no discussion. Vote: 6-0 in favor of the motion.

RECONVENE

The Borough Council reconvened at 8:59 p.m. and the public was invited back into the meeting room.

***TRANSFER OF 46 EAST
KING STREET***

Council Vice President Clark made a motion seconded by Council Member Brown, to approve the confirmation of settlement of 46 East King Street for May 31, 2009 from the Littlestown Borough to the Alpha Fire Company and that the extension of the settlement of the transfer of 46 East King Street to the Alpha Fire Company be denied. Borough Solicitor White confirmed his previous advice and opinion that he gave to all Borough Council members during the March 24, 2009 regular meeting, pursuant to and in accordance with Section 1109.(g) of the Pennsylvania Public Official and Employee Ethics Act, that the vote by the Borough Council members who are members of the Alpha Fire Company No. 1, Inc. on this matter (the transfer and conveyance of the 46 East King Street property by the Borough of Littlestown unto the Alpha Fire Company No. 1, Inc.) did not violate the said Act . **Vote: 5-1 in favor of the motion. A roll call vote was taken;**

Council Member Mayers – yes

Council Member Wheeler – no

Council Member Brown – yes

Council Vice President Clark – yes

Council President Adams – yes

Council Member Bateman – yes

ADJOURN

Council Vice President Clark made a MOTION, seconded by Council Member Wheeler, to adjourn the Regular Meeting of Council. Vote 6-0 in favor of the motion.

Council President Adams adjourned the meeting at 9:01 p.m.

Sandy Conrad
Borough Secretary/Treasurer
(SEAL)