

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL REGULAR MEETING ▪ JULY 27, 2010

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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:

President Rick Adams
Vice President David Wheeler
Council Member Donald Bateman
Council Member Tim Mayers
Council Member Betty Bucher
Mayor Jim Eline

Council Members Excused:

Council Member Charlene Westcott

Additional Borough Representation:

Secretary/Treasurer Sandy Conrad
Manager Linda Hess
Borough Public Works Director, Tim Topper
Borough Engineer, Peggy Miller
Borough Solicitor, John White

Others in Attendance:

Mark Walters, Gettysburg Times
Tim Stonesifer, Evening Sun
Harry McKean, New Age Associates
Terry Moser
Lou Small, Jr.
George Weishaar
Carl Goulden
Carol Bollinger

APPROVAL OF MINUTES

***JUNE 22, 2010 REGULAR
MEETING MINUTES***

Council Member Bateman made a motion, seconded by Council Member Bucher, to waive the reading of the June 22, 2010 Littlestown Borough Regular Meeting Minutes and approve. Motion carried unanimously.

**APPROVAL AND
PAYMENT OF BILLS**

Council Member Bateman made a motion, seconded by Council Vice President Wheeler, to approve the accounts payable for the General, Swimming Pool, Water, Sewer and Payroll Funds totaling \$278,048.71 for the dates of June 17, 2010 to July 14, 2010 and the Payroll disbursements for a total of \$58,147.96 from the period of June 13, 2010 to July 10, 2010 whereas the combined total is \$336,196.67. Motion carried unanimously.

**APPROVAL OF FINANCIAL
REPORT**

Council Member Bateman made a motion, seconded by Council Member Bucher, to approve the financial report for July 27, 2010. Motion carried unanimously.

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**RESERVE SAVINGS ACCOUNT
REPORT**

Council Member Bateman made a motion, seconded by Council Member Bucher, to approve the Reserve Savings Account from July 27, 2010. Motion carried unanimously.

PUBLIC HEARING

**ORDINANCE REGARDING
A TEXT AMENDMENT TO THE
SIGN ORDINANCE**

Borough Solicitor John White stated that this was the date, time and place for a public hearing regarding an Ordinance of the Borough of Littlestown, Amending and Supplementing the Littlestown Borough Zoning Ordinance pertaining to signs, electronic message centers.

Borough Solicitor White proceeded to review the ordinance with the public and council. Solicitor White asked if there were any public questions or comments.

Council Member Wheeler read a letter from Wogan's Drug Store, who had some concerns with the amendments. Wogan's installed a sign in September of 2009 and feels that they should not be held accountable to the new standards. Council Vice President Wheeler read the concerns from the letter written by Wogan's.

Borough Manager Hess had attended the Planning Commission Meetings and the purpose of the amendments was due to safety factors.

Mr. Carl Goulden a business member in town finds the ordinance rather intrusive. He feels that no one should be told how to regulate the signs and the ordinance is dictating how a sign should or could be used. Wogan's paid around \$20,000.00 for their sign and if they followed this ordinance they are unable to use their sign in the way it was designed to be used.

Council Member Mayers agreed with Mr. Goulden and further asked who was going to enforce the ordinance; the Borough would have another ordinance in the Borough that won't be enforced.

After further discussion Council made the following motion:

Council Vice President Wheeler made a motion, seconded by Council Member Bateman, to appoint a committee to study the ordinance in conjunction with the Planning Commission and the Adams County Office of Planning and Development and to postpone making a decision on the Ordinance of the Borough of Littlestown, Amending and Supplementing the Littlestown Borough Zoning Ordinance pertaining to signs, electronic message centers. Motion carried unanimously.

Council President Adams appointed himself, Council Vice President Wheeler and Council Member Westcott to the committee.

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NEW BUSINESS

FIREMEN'S TRAINING

Council Member Bateman made a motion, seconded by Council Vice President Wheeler, to approve the Alpha Fire Company to hold their Firemen's Training Session at the Littlestown Community Swimming Pool on Tuesday, August 3, 2010 at 8:00pm. Motion carried unanimously.

2010 CROP WALK

Council Member Bateman made a motion, seconded by Council Vice President Wheeler, to approve Ernest K. Spamer to utilize the main streets of Littlestown for the 2010 Crop Walk on October 10, 2010 starting at 1:00pm. Motion carried unanimously.

**Deborah Weinholt
Water/Sewer Bill**

There was no action taken. Borough Manager Hess had responded to her complaint.

TUCKER INDUSTRIES

Borough Manager Hess stated that during the last Chamber of Commerce meeting it was being discussed as to how to get businesses in town. Manager Hess advised the Chamber that she sends letters of invitations out to potential business people. The Chamber suggested that she contact Tucker Industries to see if they would be interested in coming to Littlestown to open their business in the Masterbrand building. Due to the controversy that Tucker Industries has with East Berlin Borough, Manager Hess thought it should come before Council for their thoughts.

Mrs. Carol Bollinger a resident who currently resides next to Masterbrand had a concern that Tucker Industries would not comply with the standards of DEP and she is afraid that she will smell the fumes from the paint.

Mr. Carl Goulden thinks that it is a good idea to send the invitation out. When Masterbrand closed we had a few hundred people in Littlestown out of work, who most of them are probably still out of work. This could be a good thing to Littlestown.

Council asked Manager Hess to send Tucker Industries a letter of invitation.

REPORTS

BOROUGH MANAGER

Borough Manager, Linda Hess, submitted her report earlier to Council.

MAYOR

Mayor James Eline submitted his report earlier to Council and stated that the new police vehicle is in and is waiting for the equipment to be installed.

POLICE CHIEF

Chief of Police, Charles Kellar, submitted his report earlier to Council.

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DIRECTOR OF PUBLIC WORKS

Borough Director of Public Works, Tim Topper, submitted his report earlier to Council.

BARBARA COURTNEY

Ms. Courtney's attorney submitted a letter dated July 23, 2010 to bring to Council's attention the property which she owns behind her residence on M Street. There was an executed deed of right-of-way granting the Borough of Littlestown a right-of-way over her property for purposes of the drainage of storm water. The right-of-way was signed in 1987 and the Borough of Littlestown has maintained the right-of-way by periodically trimming the grass and vegetation that has grown within the right-of-way area. The Borough staff has changed its practices this year and despite the request by Ms. Courtney, has not seen fit to maintain this area. Ms. Courtney has request that the Borough trim the vegetation in the right-of-way area and has been advised that this is not the Borough's obligation. Ms. Courtney and her attorney request that Borough Council direct maintenance staff to perform the necessary work to keep the right-of-way in good condition and not allow the vegetation to become overgrown and a further trap for debris.

Borough Manager Hess informed Council that the right-of-way deed states that the Grantee (which is the Borough of Littlestown) shall at all times, after doing any work or thing in connection with the said storm sewer, restore the premises to the condition in which the same were found before such work or thing were undertaken. Manager Hess stressed that the Borough did as the deed stated. The deed does not state that the property receive perpetual maintenance.

Council Member Bateman made a motion, seconded by Council Member Bucher, to direct the Borough Solicitor, John White, to respond to Attorney Yingst July 23, 2010 letter regarding the storm water right-of-way across from Ms. Barbara Courtney's property, thereby stating that the maintenance of this parcel is the responsibility of the property owner, not the Borough.

Council Vice President Adams stated that this was a non-agenda item and asked for public comments. There were no public comments given. **Motion carried unanimously.**

REPORTS

Council Member Bateman made a motion, seconded by Council Member Bucher, to approve the reports as written. Motion carried unanimously.

**REPORTS OF BOARDS,
COMMITTEES AND
COMMISSIONS**

RECREATION BOARD

No meeting took place.

PLANNING COMMISSION

There was no action to be taken.

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CIVIL SERVICE COMMISSION

Council Member Mayers stated that there is nothing to report.

**COMMUNITY RELATIONS
COMMITTEE**

Council Vice President Wheeler stated that there is nothing to report.

FINANCE COMMITTEE

Council President Adams stated that the budget process has begun.

**HEALTH & SAFETY
COMMITTEE**

Council Member Wheeler stated that there is an issue with the long driveways in Heritage Hills. There are about a handful of driveways that are a concern. Drivers pulling out of the driveways are unable to see oncoming traffic or even pedestrians due to parked vehicles. The Committee would like to see the curbs painted to eliminate parking by the driveways. Council Member Westcott will meet with the Chief when she returns from vacation.

PERSONNEL COMMITTEE

Council Member Bucher stated that there was nothing to report.

**UNION/POLICE CONTRACT
COMMITTEE**

Council President Adams stated that it is still in the process of being worked on.

**PROPERTY & SUPPLY
COMMITTEE**

Council Member Bateman stated that there was nothing to report.

UTILITIES/I&I COMMITTEE

Council Member Mayers stated that there would be a meeting to discuss the progress of the Act 537 in September.

YORK ADAMS TAX BUREAU

Council Vice President Wheeler stated that York Adams Tax Bureau reported that they are \$200,000.00 less than last year in collections and operating expenses are down.

COUNCIL OF GOVERNMENT

Council Vice President Wheeler stated that there was a meeting and at this time there is not a whole lot going on.

RECESS

Council Member Bateman made a motion, seconded by Council Member Bucher, to recess the open session for an executive session to discuss potential litigation. Motion carried unanimously.

The meeting was recessed at 8:09pm.

RECONVENE

Council President Adams reconvened the meeting at 8:31pm.

**PROCEED WITH LITIGATION
REGARDING ACNB THEFT
OF BOROUGH FUNDS**

Council Member Bateman made a motion, seconded by Council Member Bucher, that the Borough of Littlestown take action to institute litigation against Adams County National Bank for the theft of funds in the amount of \$25,826.41 from their online banking services. Council Vice President Adams stated that this was a non-agenda item and asked for public comments. No public comments were given. **Motion carried unanimously.**

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REMOVAL OF BOROUGH FUNDS

Council Vice President Wheeler made a motion, seconded by Council Member Bucher, to direct the Borough Treasurer to remove the Borough funds from Adams County National Bank and place them with PNC Bank at the earliest practical moment. Council Vice President Adams stated that this was a non-agenda item and asked for public comments. No public comments were given. Motion carried unanimously.

ADJOURN

Council Member Bateman made a motion, seconded by Council Vice President Wheeler, to adjourn the Regular Meeting of Council. Motion carried unanimously.

Council President Adams adjourned the meeting at 8:35pm.

Sandy Conrad
Secretary/Treasurer

(SEAL)