

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 10, 2012

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CALL TO ORDER

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

ATTENDANCE

Council Members Present:

Council President Paul Sharpless
Vice President Ron Baird
Council Member Dave Wheeler
Council Member Donald Bateman
Council Member Betty Bucher
Council Member Charlene Westcott
Mayor James Eline, Sr.

Additional Borough Representation:

Secretary/Treasurer Sandy Conrad
Chief of Police, Charles Kellar
Directory of Public Works, Tim Topper
Borough Engineer, Josh Fox
Borough Consultant, Jared Schumacher
Chief Water/Sewer Operator, Chris Stroup
Borough Solicitor, John White

Others in Attendance:

Richard Messinger
Nicole Farace
Harry Mckean
Fred Miller
Joyce Weatherly
Lou Small
Jess Haines, Gettysburg Times
Dave Westcott
Rebecca Baugher
Ivan Lufriu
Terry Moser
Craig Paskoski, Evening Sun
Dennis & Linda Austin

APPROVAL OF MINUTES

DECEMBER 27, 2011

Council Member Bateman made a motion seconded by Council Member Bucher, to waive the reading of the December 27, 2011 minutes of Council and approve as written. Council President Sharpless stated that on page one of the minutes under "Additional Borough Representation" Borough Consultant, Jim Schumacher was listed twice. Council Member Bateman amended his motion. **Council Member Bateman made a motion seconded by Council Member Bucher, to waive the reading of the December 27, 2011 minutes of Council and approve as amended:**

- **Page 1, under "Additional Borough Representation", delete "Borough Consultant, Jim Schumacher". Motion carried unanimously.**

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JANUARY 3, 2012
MEETING MINUTES

Council Member Bateman made a motion seconded by Council Member Bucher, to waive the reading of the January 3, 2012 minutes of Council and approve as corrected:

- **On the top of each page in the header change the date “January 4, 2010” to “January 3, 2012”. Motion carried unanimously.**

APPROVAL AND
PAYMENT OF BILLS

Council Member Bateman made a motion seconded by Council Member Bucher, to approve the accounts payable for the General, Pool, Water and Sewer Funds from December 20, 2011 to December 31, 2011 in the amount of \$63,071.50. Motion carried unanimously.

Council Member Bateman made a motion seconded by Council Member Bucher, to approve the payroll from December 20, 2011 to December 31, 2011 in the amount of \$56,236.69. Motion carried unanimously.

NEW BUSINESS

ALPHA FIRE CO. EXTENSION

Council Member Westcott made a motion seconded by Council Member Bateman, to approve the request from the Alpha Fire Company for an 180 day extension on the Preliminary/Final Development Plans for the Alpha Fire Company’s new building. Motion carried unanimously.

DENNIS & LINDA AUSTIN

Mr. & Mrs. Austin informed Council that they had Sewage Backup into their basement bathroom. This happened after several days of torrential rain. The incident was reported to the Borough’s insurance company, which denied the claim because there was no negligence on the Borough’s part. According to the Austin’s this is not the only time this situation has occurred. Mr. & Mrs. Austin are asking that the Council look into a resolution. One resolution that would fix the problem would be for the Austin’s to install a backflow preventer. However the Austin’s do not feel that they should have to go through the expense since this is not their fault. The Borough Engineer suggested that in order to find out if the Borough is negligent the Borough under Chapter 94 of the Pennsylvania Code must determine if the system is surcharged or not, it doesn’t have to do with the actual design of the system. Also recommended by the Borough Engineer is to pull the manhole during a rain event to see if the system is surcharging before an actual study is done because if the system is surcharging then the Borough would be negligent. Borough Solicitor White informed Council that if the engineer determines that the system is negligently designed and that it is surcharging in rain events then as a practical matter and for liability purposes the Borough would be well advised to install the backflow preventers in the whole area to address the surcharge problem however if the engineer does not find that the system is surcharging during a rain event then the Borough would be advised to do nothing since they would not be found negligent.

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Council Member Bucher made a motion seconded by Council Member Bateman, to direct the Borough Engineer during a rain event to pull the manhole to see if the system is surcharging. Council Member Westcott disagrees with calling HRG to perform the services unless Mr. & Mrs. Austin are prepared to reimburse the Borough for the engineering costs because the Borough's budget is very tight and she feels that this is not an expense that should be incurred. Motion carried 4-2 in favor with Council Member Westcott and Council Member Bateman casting the opposing votes.

NON-AGENDA ITEMS

CIVIL SERVICE

Council Member Westcott made a motion seconded by Council Member Bucher, to approve the following recommendations from the Civil Service Commission:

- to authorized the Borough Secretary to arrange for complete procedure according to the Civil Service guidelines until final Eligibility List is established;
- to approve and advertise the Public Notice for the Police Officer Examination;
- to approve and accept the following personnel to the Oral Exam Panel:
 - Chief Charles Kellar (Littlestown Borough)
 - Office Doug Hilyard (Littlestown Borough)
 - Chief John Perry (Bonneauville Borough)
 - Betty Bucher (Littlestown Council Member)
 - Sandy Conrad (Littlestown Borough Secretary/Treasurer)
- to approve Hanover Medical Group, Hanover, PA, as the medical examiner to perform the required medical exam;
- to approve Eye Expression Optical, New Oxford, PA as the vision examiner to perform the required vision exam;
- to approve Dr. Laguna, Steelton, PA as the psychologist to perform the required psychological exam;
- to approve HACC as the testing center to perform the physical agility test; and
- to approve the Borough Secretary/Treasurer, Sandy Conrad and Littlestown Borough Chief of Police, Charles Kellar to administer and grade the written exam

Council President Sharpless stated that this was a non-agenda item and asked for public comments. None were given. Motion carried unanimously.

HIRE BOROUGH MANAGER

Council Member Bucher made a motion seconded by Council Member Baird, to hire a Borough Manager. Council President Sharpless asked for comments from Council.

Council Member Bateman asked where the money was coming from.

Council Member Westcott stated that only a third of Townships and Boroughs in Pennsylvania hire Borough Managers. She would be very

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resistant at this particular economic time to hire an unnecessary Borough Manager. She could however support a Business Manager.

Council Member Bucher stated that there have been issues with personnel and feels that the issues are partly last year's Council's fault because a Borough Manager was not hired. The chain of command was broken. Department heads have no one to go to for direction.

Council Member Wheeler stated that Littlestown Borough is the most expensive Borough to live in. As of 2009 it costs \$1,318 for every man, woman and child to live here. He also stated that when we did have Managers nothing got improved or accomplished...things got worse. The Council should take responsibility for their obligations and perform the duties that they took the oath to do. He suggested having a part-time administrator and there is an excellent administrator already on staff, Chief Kellar and he can serve, according to the Pennsylvania Law, in both capacities.

Council Vice-President Baird feels that someone should be here to answer questions.

Council President Sharpless stated that this was a non-agenda item and asked Public Comments.

Dave Westcott asked why the last Borough Manager was fired. Borough Solicitor White stated that Borough Council as a whole stated that their performance was not satisfactory. Mr. Westcott asked about the previous Borough Manager. Borough Secretary/Treasurer Conrad stated that the previous Borough Manager resigned to take a position elsewhere. Mr. Westcott was concerned with where the money was going to come from and if taxes were going to increase.

Council President Sharpless stated that there was not going to be an increase in water/sewer rates nor taxes.

Ms. Nicole Farace feels that there should be a Borough Manager to handle situations because when she had issues regarding the construction behind her house she approached Council and they informed her that they were not aware of the situation because there was no Borough Manager.

Ms. Joyce Weatherly inquired about the qualifications a person needs to apply for the Borough Manager.

Council President Sharpless stated that they need a minimum of 5 years of municipal, managerial, fiscal and grant writing experience. A BA in public administration or related field and MPA preferred.

Ms. Louey stated that a Borough Manager is needed but feels that when the Council does look for a Manager they need to take the same approach they did when they were looking for a Chief of Police.

A roll call vote was called by Council President Sharpless:

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Council Member Westcott – No
Council Member Wheeler – No
Council Member Bucher – Yes
Council President Sharpless – Yes
Council Member Bateman – No
Council Vice-President Baird – Yes

Vote 3-3, Mayor James Eline broke the tie in favor of the motion.

***TENTATIVELY ADOPT
A PROPOSED 2012 BUDGET***

Council Member Bucher made a motion to tentatively adopt a proposed amended budget. Motion died due to a lack of a second.

***APPOINT CHIEF KELLAR
AS INTERIM BOROUGH
MANAGER***

Council President Sharpless informed Council that Chief Charles Kella has offered to fill the position of Borough Manager for 2012 at no additional pay.

Council Member Baird made a motion seconded by Council Member Wheeler, to appoint Chief Charles Kellar as Interim Borough Manager for 2012. Council President Sharpless stated that this was a non-agenda item and asked for public comments. Members of the public commended Chief Kellar for his generous offer. Motion carried unanimously.

REPORTS

MAYOR

Mayor, James Eline, Sr. turned over \$605.00 to the Borough Secretary/Treasurer for fines collected from 11/16/2011 to 12/22/2011.

CHIEF OF POLICE

Chief Kellar stated that there is a concern with Riden Alley and he is recommending that it be made one way coming out to East King Street. Council President Sharpless referred this to the Streets and Transportation Committee.

BOROUGH ENGINEER

Borough Engineer, Josh Fox gave Council an update on Contract 11-1 Water System Improvements. Josh is also asking Council to authorize Tim Topper to approve Change Order No. 2 for contract 11-1 not to exceed \$5,800.00.

Council Member Wheeler made a motion seconded by Council Member Bateman, to authorize the Director of Public Works, Tim Topper to approve Change Order No. 2 for Contact 11-1 not to exceed \$5,800.00 for replacement of the well discharge piping, check valves, and wiring at Well No. 2 and Well No. 5, replacement of the well pump at Well No. 5, and delete the fencing at EP 102. Motion carried unanimously.

BOROUGH CONSULTANT

Jared Schumacher, filling in for Jim Schumacher, informed Council that he and his father should have a copy of the grants master plan in Councils packets for the January 24th meeting and also on January 24th they will be discussing some possible dates for the strategic planning session.

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NON-AGENDA ITEM

ASSISTANT CLERK

Council Member Wheeler made a motion seconded Council Member Bateman, to advertise for the position of the part-time Assistant Borough Clerk. Motion carried unanimously.

PUBLIC COMMENTS

Members of the public were very concerned and upset over the amount of non-agenda items that were brought forward this evening.

Mr. Ivan Lufrii took the opportunity to thank the Council on behalf of the Historical Society for the use of the 2nd floor room.

RECESS FOR EXECUTIVE

Council President Sharpless recessed the meeting of Council to go into an executive session to discuss personnel and potential litigation. The meeting was recessed at 9:44pm.

RECONVENE

Council President Sharpless reconvened the meeting of Council at 10:20pm and the public was invited back in.

No action was taken.

ADJOURN

Council Member Bateman made a motion seconded by Council Member Westcott to adjourn the meeting of Council. Motion carried unanimously.

The meeting was adjourned at 10:22pm.

Sandy Conrad
Secretary/Treasurer

(SEAL)