

840

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

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/Borough Manager, Charles Kellar
Directory of Public Works, Tim Topper
Borough Engineer, Josh Fox
Borough Consultant, Jared Schumacher
Chief Water/Sewer Operator, Chris Stroup

Borough Authority Members Present:

Chairperson Karen Louey
Authority Secretary/Treasurer Marilyn Zanger
Authority Member Dave Westcott
Authority Member Pam Snyder

Borough Authority Members Excused:

Authority Member Rick Adams

Others in Attendance:

Lou Small
Richard Messinger
Scott Small
Steve Laughman
Joyce Weatherly
Dick Peeling
Ken White
Craig Paskoski, Evening Sun
William Sheely
Jess Haines, Gettysburg Times
Terry Moser
Fred Miller

APPROVAL OF MINUTES

***JANUARY 10, 2012
MEETING MINUTES***

Council Member Bateman made a motion seconded by Council Member Bucher to waive the reading of the January 10, 2012 minutes and approve as written. Motion carried unanimously.

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

841

**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 January 1, 2012 through January 19, 2012 in the amount of \$11,878.06. Motion carried unanimously.

Council Member Bateman made a motion seconded by Council Member Bucher to approve the payroll form January 1, 2012 through January 19, 2012 in the amount of \$39,524.90. Motion carried unanimously.

Council Member Bateman made a motion seconded by Council Member Bucher to approve the Revenue and Expenditure report for the month of December. Motion carried unanimously.

NEW BUSINESS

***HIRING OF SAMUEL NAPIER
ASSIST. WATER/SEWER OPERATOR***

Council Member Bucher made a motion seconded by Council Member Westcott to hire Samuel Napier to fill the Assistant Water/Sewer Operator position. Council President Sharpless asked for comments and questions. *Karen Louey asked Council what the starting salary would be. Secretary/Treasurer Conrad informed Council that the salary should be part of the motion.* Council Member Bucher made a motion seconded by Council Member Bucher to amend the motion to include a starting salary of \$35,000.00, which equates to \$16.83 per hour. Following the completion of the probationary period his salary will increase to \$37,086.40, which equates to \$17.83 per hour. Motion carried unanimously.

Council Member Bucher made a motion seconded by Council Member Westcott to hire Samuel Napier with a starting salary of \$35,000.00, which equates to \$16.83 per hour. Following the completion of the probationary period his salary will increase to \$37,086.40, which equates to \$17.83 per hour. Motion carried unanimously.

RECESS

Council President Sharpless recessed the meeting of Council at 7:15pm to allow the Borough Authority to go into session.

BOROUGH AUTHORITY

The meeting of the Littlestown Borough Authority was call to order at 7:15pm with Authority Chairperson, Karen Louey presiding.

***APPLICATION FOR PAYMENT No. 3
PSI PUMPING, INC.***

Authority Member Westcott made a motion seconded by Authority Member Snyder to authorize Application for Payment No. 3 for Contract 11-1 to PSI Pumping, Inc. in the amount of \$162,261.59. Motion carried unanimously.

***APPLICATION FOR PAYMENT No. 1
FAYETTEVILLE CONTRACTORS***

The Borough Engineer, Josh Fox is not recommending that Payment No. 1 for Contract 11-4 be paid due to the procedures established for Application for Payment have not been followed by the contractor.

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

842

HRG RETAINER AGREEMENT

Authority Secretary, Zanger made a motion seconded by Authority Member Westcott to approve the Retainer Agreement from the Borough's Engineering Firm, HRG and to authorize Authority Chairperson, Karen Louey to sign such agreement. Motion carried unanimously.

AUTHORIZATION FOR ADDITIONAL SERVICES – CHAPTER 94

Authority Member Westcott made a motion seconded by Authority Secretary Zanger to approve the Authorization for Additional Services for the 2011 Chapter 94 Report. Motion carried unanimously.

AUTHORIZATION FOR ADDITIONAL SERVICES – WWTP BNR UPGRADE

Authority Member Westcott made a motion seconded by Authority Secretary Zanger to approve the Authorization for Additional Services for the WWTP BNR Upgrade Project which includes: Replacement/Upgrade of Existing Emergency Generator, New Electrical Building and New Influent Pump Station. Motion carried unanimously.

ADJOURN

Authority Member Westcott made a motion seconded by Authority Member Snyder to adjourn the meeting of the Littlestown Borough Authority. Motion carried unanimously.

The meeting of the Littlestown Borough Authority was adjourned at 7:21pm.

RECONVENE

Council President Sharpless reconvened the meeting of the Littlestown Borough Council at 7:21pm.

NEW BUSINESS (Cont'd)

***APPLICATION FOR PAYMENT NO. 3
PSI PUMPING, INC.***

Council Member Bateman made a motion seconded by Council Member Bucher to authorize Application for Payment No. 3 for Contract 11-1 to PSI Pumping, Inc. in the amount of \$162,261.59. Motion carried unanimously.

***APPLICATION FOR PAYMENT NO. 1
FAYETTEVILLE CONTRACTORS***

The Borough Engineer, Josh Fox is not recommending that Payment No. 1 for Contract 11-4 be paid due to the procedures established for Application for Payment have not been followed by the contractor.

HRG RETAINER AGREEMENT

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Retainer Agreement from the Borough's Engineering Firm, HRG and to authorize the Council President, Paul Sharpless to sign such agreement. Motion carried unanimously.

AUTHORIZATION FOR ADDITIONAL SERVICES – CHAPTER 94

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Authorization for Additional Services for the 2011 Chapter 94 Report with an amount not to exceed \$2000.00. Motion carried unanimously.

843

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

**AUTHORIZATION FOR ADDITIONAL
SERVICES – WWTP BNR UPGRADE**

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Authorization for Additional Services in the amount of \$21,610.00 plus reimbursable expenses for the WWTP BNR Upgrade Project which includes: Replacement/Upgrade of Existing Emergency Generator, New Electrical Building and New Influent Pump Station. Motion carried unanimously.

ROYAL FARMS

Representatives from Royal Farms, Mr. Casey Deller and Mr. Jeff Bainbridge, came before Council to discuss paragraph 16 of the Developers Approval Agreement (DAA). On June 28, 2011 the Littlestown Borough Council signed and approved the DAA. The agreement was sent to Royal Farms for signature however upon receipt of the DAA Royal Farms was not satisfied with the wording of paragraph 16. Paragraph 16 states:

“Developer acknowledges and agrees that, subsequent to the completion of the signalization project referred to in Paragraph 12, hereinabove and Developer’s commencement of operation of its subject Royal Farms store, the Borough shall have the right, in its reasonable discretion, to impose a “no left turn” designation relative to the subject premises’ North Queen Street exit, if and/or when the Borough’s Engineer advises the Borough that, based upon the results of said Engineer’s traffic study, an immediate safety hazard exists and that such change is necessary in order to prevent or remedy such safety hazard. A copy of the traffic study report shall be promptly submitted to Developer for its review. The reasonable expense for the completion of the traffic study shall, upon demand, be reimbursed unto the Borough by the Developer should the study support that an immediate safety hazard exists and further support the imposition of a “no left turn” designation in order to prevent or remedy such safety hazard.”

According to Royal Farms the language above is not what was discussed at a previous meeting with the Council. PennDot has already approved the left turn, so in order to change it to a “no left turn” the Borough would have to have adequate “crash data” to show such safety hazard. Even then such data would have to be reviewed by PennDot which would determine if such change is adequate. Mr. Deller and Mr. Bainbridge would like to see paragraph 16 read to where all the financial burden would not fall on Royal Farms. A suggestion was made that paragraph 16 could read that if a hazard exists and adequate “crash data” is available then the Borough and Royal Farms would agree on a third party to perform a traffic study and the costs for such study would be split 50/50. Council and the Royal Farms Representatives seemed to agree to that however Council President Sharpless informed Mr. Bainbridge and Mr. Deller that due to the sudden loss of the Borough’s Solicitor, John White, the Borough could not move forward until they get a new legal counsel. Mr. Bainbridge and Mr. Deller fully understood and would not want the Borough to agree upon any changes to Paragraph 16 unless and until they had legal counsel.

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

844

FIRE CHIEF, SCOTT SMALL

The Fire Chief, Scott Small of the Alpha Fire Company presented and reviewed the EMS and Alarm Data from January 1, 2011 through December 31, 2011 with Council.

FUND BALANCE POLICY

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Fund Balance Policy. Council President Sharpless asked for questions or comments. *Council Member Wheeler stated that District needed to be changed to Borough and on page 2 under Delegation of Responsibility, Borough Council should be added to line 1 (nonspendable) and 2 (restricted) and line 1 (nonspendable), line 2 (restricted) and line 4 (assigned) should read "shall be" not "may be".* **Council Member Bateman made a motion seconded by Council Member Westcott to amend the motion to District needed to be changed to Borough and on page 2 under Delegation of Responsibility, Borough Council should be added to line 1 (nonspendable) and 2 (restricted) and line 1 (nonspendable), line 2 (restricted) and line 4 (assigned) should read "shall be" not "may be". Motion carried unanimously.**

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Fund Balance Policy, with the following changes:

- **Change "District" to "Borough"**
- **Page 2 under Delegation of Responsibility, Borough Council should be added to line 1 (nonspendable) and 2 (restricted) and line 1 (nonspendable)**
- **Page 2 under Delegation of Responsibility, line 2 (restricted) and line 4 (assigned) should read "shall be" not "may be".**

Motion carried unanimously.

CAPITAL ASSET POLICY

Council Member Bateman made a motion seconded by Council Member Westcott to approve the Capital Assets Policy as written. Motion carried unanimously.

RE-OPEN THE 2012 BUDGET

Council Member Bateman made a motion seconded by Council Member Bucher to reopen the budget. Motion carried unanimously.

**2012 BUDGET AMENDMENTS
DEBT BOND PAYMENTS**

Council Member Bateman made a motion seconded by Council Member Bucher to approve the following 2012 budget amendments for the Debt Bond Payments:

- **To add and increase Cash Balance Forwarded, 01.399.000 by \$206,987.50**
- **To increase Debt Bond Payment, 01.470.000 by \$206,987.50**
- **To increase Water Rents, 06.378.100 by \$50,000.00**
- **To increase Debt Bond Payment, 06.470.000 by \$50,000.00**
- **To transfer \$33,842.50 from, Capital Reserves, 06.492.300, to Debt Bond Payment, 06.470.000**
- **To increase Sewer Rents, 08.364.100 by \$140,000.00**

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

845

- To increase Debt Bond Payment, 08.470.000 by \$140,000.00
- To transfer \$91,837.50 from, Capital Reserves, 08.492.300, to Debt Loan Payment, 08.470.000

Council President Sharpless asked if there were any questions or comments. *Karen Louey suggested to Council to increase the mileage by at least ¼ instead of using Capital Reserves because sooner or later the budget will call for a tax increase and if you increase in small increments then it will prevent one large increase later down the road.* **Motion carried unanimously.**

2012 BUDGET AMENDMENTS
PUBLIC WORKS/CODE OFFICER

Council Member Bateman made a motion seconded by Council Member Bucher to approve to the following 2012 budget amendments for the Public Works/Code Enforcement Officer:

- Transfer \$6115.20 from, Patrolman 5 – New Officer, 01.410.090, to Laborer 1 – New, 01.430.010
- Transfer \$62.40 from , Patrolman 5 – New Officer, 01.410.090 to Laborer 1 – New, 06.430.010
- Transfer \$62.40 from, Patrolman 5 – New Officer, 01.410.090 to Laborer 1 – New, 08.430.010

Motion carried unanimously.

2012 BUDGET AMENDMENTS
SECRETARY/TREASURER

Council Member Bateman made a motion seconded by Council Member Westcott to approve the following 2012 budget amendments for the Secretary/Treasurer:

- Transfer \$1934.40 from, Patrolman 5 – New Officer, 01.410.090, to Secretary/Treasurer, 01.405.000
- Transfer \$1047.81 from, Patrolman 5 – New Officer, 01.410.090, to Secretary/Treasurer, 06.405.000
- Transfer \$1047.81 from, Patrolman 5 – New Officer, 01.410.090, to Secretary/Treasurer, 08.405.000

Motion carried 5-1 with Council President Sharpless casting the opposing vote.

2012 BUDGET AMENDMENTS
OFFICER SALARIES

Council Member Bateman made a motion seconded by Council Member Westcott to approve the following 2012 budget amendments for the Officer Salaries:

- To transfer \$366.55 from, Sergeant #1, 01.410.050 to Patrolman 5 – New Officer, 01.410.090
- To transfer \$350.94 from, Patrolman 3, 01.410.030 to Patrolman 5 – New Officer, 01.410.090
- To transfer \$1098.06 from, Patrolman 5 – New Officer, 01.410.090, to Patrolman 1, 01.410.010
- To transfer \$493.95 from, Patrolman 5 – New Officer, 01.410.090, to Patrolman 4, 01.410.040

Motion carried unanimously.

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

846

**ADVERTISE PROPOSED
2012 BUDGET AMENDMENTS**

Council Member Bucher made a motion seconded by Council Member Bateman to advertise the following notice:

“NOTICE is hereby given, pursuant to and in accordance with Section 1311 of Pennsylvania’s Borough Code (53 P.S. §46311.), that the proposed amended budget of the Borough of Littlestown for fiscal year 2012 is available for public inspection, during regular business hours, at the office of the Borough Secretary, Littlestown Borough Office, located on the first (1st) floor at 10 South Queen Street, Littlestown, Adams County, Pennsylvania 17340. The Littlestown Borough Council intends to consider and potentially adopt the proposed amended 2012 budget during its Tuesday, January 24, 2012 regular public meeting, commencing at 7:00 o’clock PM, prevailing time, in the Borough Council Meeting Room (1st Floor) of the Littlestown Borough Office, 10 South Queen Street, Littlestown, Adams County, Pennsylvania 17340. The proposed amended 2012 budget contemplates various budget line item transfers/re-appropriations, but no change to the levy and tax rate.”

Council President Sharpless asked for comments or questions. Council Member Wheeler asked how Council can advertise such notice when the meeting date in the advertisement is this evenings meeting. Council Member Bucher rescinded the motion.

MEDIA INFORMATION POLICY

Council Member Westcott made a motion seconded by Council Member Bateman to approve the Medial Information Policy as written. Motion carried unanimously.

**REPORTS OF BOARDS
COMMITTEES & COMMISSIONS**

PLANNING COMMISSION

SANDUSKY LEE PROPERTY

Council President Sharpless stated that Subdivision plan review for Sandusky Lee property at Keystone Street and Lakeview Drive will be postponed until the February 14, 2012 meeting of Council.

SMOKE SHOP, 2 E. KING ST.

Council Member Bateman made a motion seconded by Council Member Wheeler to approve the recommendation from the Planning Commission to approve the Smoke Shop located at 2 East King Street, for the retail sale of tobacco products. Motion made unanimously.

RECREATION BOARD

RECREATION FIELD APPLICATION

Council Member Wheeler made a motion seconded by Council Member Bateman to approve the recommendation from the Recreation Board to approve the Recreation Field Application Form which requires a copy of liability insurance with all dates requested and that a nonrefundable fee of \$100.00 per field is required upon approval to the Borough Office. Motion carried unanimously.

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ JANUARY 24, 2012

847

SUMMER RECREATION

Council Member Wheeler made a motion seconded by Council Member Bateman to approve the recommendation from the Recreation Board to allow the Summer Recreation Program run from June 18, 2012 to July 27, 2012 and to use the Alloway Creek Building. Motion carried unanimously.

REPORTS

MAYOR

Mayor, James Eline, Sr. turned over \$90.00 to the Borough Clerk for fines collected from 12/22/2011 to 01/17/2012.

CHIEF OF POLICE

The report prepared by the Chief of Police Charles Kellar was submitted to Council. There was nothing further to add.

BOROUGH MANAGER

The report prepared by the Borough Manager Charles Kellar was submitted to Council. There was nothing further to add.

DIRECTOR OF PUBLIC WORKS

The report prepared by the Director of Public Works Tim Topper was submitted to Council. There was nothing further to add.

BOROUGH ENGINEER

The report prepared by the Borough Engineer, Josh Fox was submitted to Council. Mr. Fox gave a summarization of his report.

BOROUGH CONSULTANT

The report prepared by the Borough Consultant James Schumacher was submitted to Council. Mr. Schumacher had a PowerPoint Presentation which outlined the Strategic Planning Report and Funding Programs Report.

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 9:50pm.

RECONVENE

Council President Sharpless reconvened the meeting of Council at 10:50pm and the public was invited back in.

No action was taken.

ADJOURN

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

The meeting was adjourned at 10:50pm.

Sandy Conrad
Secretary/Treasurer

(SEAL)