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**THE BOROUGH OF LITTLESTOWN**  
**10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber**  
**BOROUGH COUNCIL MEETING ▪ AUGUST 14, 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 Baird presiding.

**ATTENDANCE**

**Council Members Present:**

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

**Council Members Excused:**

Council Member Paul Sharpless

**Borough Authority Member Present:**

Authority Chair Karen Louey  
Authority Member Chair David Westcott  
Authority Member Pam Snyder

**Borough Authority Members Excused:**

Authority Sec/Treas. Marilyn Zanger

**Additional Borough Representation:**

Borough Solicitor, Todd King  
Borough Solicitor, Bob Campbell  
Secretary/Treasurer, Sandy Conrad  
Chief of Police/Borough Manager, Charles Kellar  
Borough Engineer, Josh Fox  
Director of Public Works, Tim Topper

**Others in Attendance:**

Charles Garver  
Rebecca Baugher  
Richard Messinger  
Dave Westcott  
Steve Laughman  
Fred Miller  
Bryan Westfall  
Gina Cellinese  
Mark Walters, Gettysburg Times  
Michelle Hoffman  
Michele Lowman  
Craig Paskoski, Evening Sun  
Joyce Weatherly  
Terry Moser  
Mary Bowman  
Ruth Reagan

***RESIGNATION OF PAUL SHARPLESS***

**A motion was made by Council Member Wheeler to accept the resignation of Paul Sharpless from his position of Council Member effective August 13, 2012. Motion adopted.**

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***APPOINTMENT TO THE FINANCE COMMITTEE***

Council President Baird appointed Council Vice President Bateman as the Chairman of the Finance Committee.

**PUBLIC COMMENTS**

A few residents from Lumber Street were present to voice their opinions regarding Lumber Street and the flow of traffic. Some residents were in favor of leaving the traffic flow as is and others were in favor of making the street one way. Council President Baird informed the residents that the Streets and Transportation Committee will be setting up a meeting that will directly address the issue(s) of Lumber Street. Borough Manager Kellar informed the residents of Lumber Street that they will be informed of the meeting via a flyer being delivered to all the residents on Lumber Street.

**RECESS**

Council President Baird recessed the meeting of Council at 7:15pm for the meeting of the Borough Authority.

**BOROUGH AUTHORITY**

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

***CHANGE ORDER NO. 4  
FAYETTEVILLE CONTRACTORS***

**A motion was made by Authority Member Westcott and seconded to approve Change Order No. 6 to Fayetteville Contractors for Contract 11-4 in the credit amount of \$6,740.12. Motion adopted.**

***RESOLUTION – GENERAL  
OBLIGATION NOTE***

**A motion was made by Authority Member Westcott and seconded to adopt a Resolution approving the issuance of a General Obligation Note by the Borough of Littlestown for the purpose of providing interim financing for the planning, design, purchase, acquisition, construction and improvements to the Sewer System; further authorizing and approving an addendum to a certain lease agreement with the Borough. Motion adopted.**

***ADJOURN***

**A motion was made by Authority Member Westcott and seconded to adjourn the meeting of the Littlestown Borough Authority. Motion adopted.**

The meeting of the Littlestown Borough Authority was adjourned at 7:27pm.

**RECONVENE**

Council President Baird reconvened the meeting of the Littlestown Borough Council at 7:27pm.

**NEW BUSINESS**

***ORDINANCE – GENERAL  
OBLIGATION BOND***

**A motion was made by Council Member Wheeler and seconded to adopt an Ordinance authorizing and directing the issuance of a General Obligation Note, Series of 2012, in the principal amount not to exceed \$4,500,000, as permitted by and pursuant to the Local Government Unit Debt Act. Motion adopted.**

***POLICIES AND PROCEDURES ON***

**A motion was made by Council Member Westcott and seconded to**

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**TAX-EXEMPT BONDS**

adopt the Policies and Procedures on Tax-Exempt Bonds. Motion adopted.

**MINUTES**

**JULY 24, 2012 MEETING MINUTES**

A motion was made by Council Vice President Bateman and seconded to waive the reading of the July 24, 2012 minutes and approve as written. Motion adopted.

**APPROVAL AND  
PAYMENT OF BILLS**

**ACCOUNTS PAYABLE**

A motion was made by Council Vice President Bateman and seconded to approve the accounts payable for the General, Pool, Water and Sewer Funds from July 18, 2012 through August 7, 2012 in the amount of \$18,062.51. Motion adopted.

**PAYROLL**

A motion was made by Council Vice President Bateman and seconded to approve the payroll from July 18, 2012 through August 7, 2012 in the amount of \$72,231.04. Motion adopted.

**NEW BUSINESS (Cont'd)**

**CHANGE ORDER NO. 4  
FAYETTEVILLE CONTRACTORS**

A motion was made by Council Vice President Bateman and seconded to approve Change Order No. 6 to Fayetteville Contractors for Contract 11-4 in the credit amount of \$6,740.12. Motion adopted.

**REQUEST FROM ERNEST SPAMER  
COMMUNITY CROP WALK**

A motion was made by Council Vice President Bateman and seconded to grant permission to conduct the annual Littlestown Community Crop Walk within the Borough on Sunday, October 14, 2012, starting at 1:00pm. Motion adopted.

**GOOD OLD DAYS – FREE YARD  
SALES**

A motion was made by Council Vice President Bateman and seconded to approve free yard sales during the Good Old Days Event on August 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>, 2012. Motion adopted.

**AT&T LEASE EXTENSION OPTION**

Council President Baird stated that this was brought before Council at their March meeting and at that time Council rejected their offer to extend the lease for 99 years.

A motion was made by Council Vice President Bateman and seconded to table the American Tower Lease Extension Option offer. Motion adopted.

**HIRE LIFEGUARDS**

A motion was made by Council Vice President Bateman and seconded to hire Katie Claycomb as a Lifeguard with an hourly rate of \$7.92/hr. Council President Baird stated that this was a non-agenda item and asked for public comments. Motion adopted.

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***APPOINTMENT TO THE FINANCE  
COMMITTEE***

Council President Baird appointed Council Member Westcott to the Finance Committee.

**REPORTS**

**Mayor**

Mayor James Eline, Sr., on behalf of the Fire Company thanked everyone for their hardwork in making the carnival a success this year. He also reminded everyone to come down and support Good Old Days .

**Chief of Police/Manager**

Chief of Police/Borough Manager, Charles Kellar informed Council of the following:

- All the permits for the Good Old Days are completed and Officers will be making their presences know during the event.
- The new officers have completed their training and they are out and on their own.
- The draft budget is in the process of being completed and should be ready in a couple weeks to be presented to the Finance Committee.
- Everything has been finalized with the PA Labor Relations Board regarding the changing of the Police Bargaining Unit.
- The permits for Royal Farms are completed and the total permit costs were around \$27,000.00.
- The well down by the Storage Facilities on South Queen Street needed to have the pump replaced which cost around \$6,500.00.
- There are some issues on Lumber Street that need to be addressed and corrected. There will be another construction job conference to address these issues.
- Some of the stop signs have been removed from Walnut and Lumber and temporary signs will need to be put back in place.
- There is a land issue regarding the land that the sewer plant is currently on which is owned by the Borough Authority and the land that the Maintenance Facility is currently on which is owned by the Borough of Littlestown. The upgrades to the sewer plant facility entails construction to take place on a part of the land owned by the Borough and Union Township will not release permits until there is a consolidation of the properties however you cannot consolidate two properties that are owned by two different entities.

Solicitor Campbell recommended that the Borough of Littlestown deed over the property that the Maintenance Facility currently sits on and then the Borough Authority prepare a lease back agreement.

***BOROUGH OF LITTLESTOWN TO  
DEED A PARCEL OF LAND TO THE  
BOROUGH AUTHORITY***

**A motion was made by Council Member Westcott and seconded to Authorize the Borough Solicitor to prepare a deed from the Borough Authority for the parcel of land in Union Township owned by the Borough of Littlestown and to authorize the Council President and Borough Secretary to sign the deed. Council President Baird stated**

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**that this was non-agenda item and asked for public comments. Motion adopted.**

**RECESS**

Council President Baird recessed the meeting of Council at 8:07pm for the meeting of the Borough Authority.

**BOROUGH AUTHORITY**

The meeting of the Littlestown Borough Authority was call to order at 8:07pm with Authority Chair, Karen Louey presiding.

***BOROUGH TO LEASE BACK  
A PARCEL OF LAND TO THE  
BOROUGH OF LITTLESTOWN***

**A motion was made by Authority Member Westcott and seconded to consolidate tracks of Land that will now be owned by the Authority for the purposes of allowing Union Township to issue building permits and to authorize the Authority Chair and the Authority Secretary to sign such documents. Authority Chair Karen Louey stated that this was non-agenda item and asked for public comments. Motion adopted.**

***ADJOURN***

**A motion was made by Authority Member Westcott and seconded to adjourn the meeting of the Littlestown Borough Authority. Motion adopted.**

The meeting of the Littlestown Borough Authority was adjourned at 8:08pm.

**RECONVENE**

Council President Baird reconvened the meeting of the Littlestown Borough Council at 8:08pm.

**REPORTS (Cont'd)**

**Director of Public Works**

Mr. Topper stated that he turned in his report earlier to Borough Council. He also informed Council that he placed the inspection report from DEP in their mailboxes. There are some issues on Lumber Street that have not been dealt with yet due to the fact that the contractors have not been out there.

**Borough Engineer**

**Contract 11-4 Lumber Street Utility & Roadway Improvements**

Contractor continues to work on site that generally includes installation of curbing and sidewalk as well as demolition of the remaining existing roadway.

**Wastewater Treatment Plant Upgrade**

A pre-bid conference was held on August 1, 2012. The Land Development Plan has been conditionally approved by Union Township.

**NEW BUSINESS (Cont'd)**

***RESOLUTION FOR  
REIMBURSEMENT  
PENNVEST***

**A motion was made by Council Vice President Bateman and seconded to adopt a reimbursement resolution for the WWTP project costs. Motion adopted.**

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**Resolution to Submit  
Financial Assistance  
PENNVEST**

**A motion was made by Council Vice President Bateman and seconded to adopt a Resolution to submit financial assistance application to the Pennsylvania Infrastructure Investment Authority (PENNVEST). Motion adopted.**

**Resolution for Letter of  
Responsibility**

**A motion was made by Council Vice President Bateman and seconded to adopt a resolution for letter of responsibility for application of financial assistance to the Pennsylvania Infrastructure Investment Authority (PENNVEST). Motion adopted.**

**REPORTS (Cont'd)**

**Borough Solicitor**

Solicitor King informed Council that Chapter 29-1(A) of the Littlestown Borough Code states that it is unlawful to store junked or abandoned motor vehicles, while chapter 29-1(A)(1)&(2) define abandoned vehicles. Chapter 29-1(A)(2) is unaffected by a Court ruling because it only finds a car to be abandoned based on something about it that creates a dangerous situation, which is exactly what the Court ruling said a municipality needed to do. The first sentence in Chapter 29.1(A)(1), however, is directly overruled by a court holding because it states a car without registration and inspection is automatically invalid. The court holding does make it impossible to cite someone for violation of the chapter based on them having a car without current registration or inspection. Therefore, the Borough's options are to revise the offending sentence, or simply instruct the zoning officer to simply not enforce based on that sentence.

Council after hearing their options instructed the zoning officer to simply not enforce based on the sentence that reads, "a car without registration and inspection is automatically invalid".

**REPORTS OF BOARD  
COMMITTEES AND COMMISSIONS**

**PLANNING COMMISSION**

**July 12, 2012 Meeting:  
*CONSIGNMENT SHOP AND TATTOO  
STUDIO AT 1 WEST KING STREET***

**Motion was made by Council Vice President Bateman and seconded to approve the recommendation from the Planning Commission to approve a Consignment Shop and Tattoo Studio at 1 West King Street. Motion adopted with Council Member Westcott casting the opposing vote.**

**August 9, 2012 Meeting:  
*CHILD CARE HOME OCCUPATION  
609 PRINCE STREET***

**Motion was made by Council Vice President Bateman and seconded to approve the recommendation from the Planning Commission to approve a Child Care Home Occupation at 609 Prince Street. Council President Baird stated that this was non-agenda item and asked for public comments. Motion adopted.**

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**PERSONNEL COMMITTEE**

***HIRE KAREN SKINNER TO FILL THE  
PART-TIME BOROUGH CLERK  
POSITION***

A motion was made by Council Member Bucher and seconded to extend a conditional job offer to Karen Skinner for the position of Assistant Borough Clerk at a salary of \$10.00/hr with a \$0.50 increase after the 90 day probation period contingent upon a satisfactory evaluation from the Borough Manager. Motion adopted.

**RECESS**

Council President Baird recessed the meeting of the Littlestown Borough Council at 8:44pm for an executive session to discuss personnel and potential litigation.

**RECONVENE**

The meeting of the Littlestown Borough Council was reconvened at 9:22 pm and the public was invited back in.

***SAM NAPIER AND BRYAN  
WESTFALL BACK-PAY***

A motion was made by Council Vice President Bateman and seconded to give Sam Napier and Bryan Westfall back-pay from from when their 90 day probation ended to the day Council approved their permanent status. Council President Baird stated that this was non-agenda item and asked for public comments. Motion adopted.

***SCHOOL CROSSING GUARD  
NOT TO RENEW AGREEMENT***

A motion was made by Council Member Westcott and seconded to give appropriate notice to the Littlestown School Board that the Borough of Littlestown will not be renewing the contract of November 2012 for the Crossing Guards. Council President Baird stated that this was non-agenda item and asked for public comments. Motion adopted.

**ADJOURN**

A motion was made by Council Vice President Bateman and seconded to adjourn the meeting of the Littlestown Borough Council. Motion adopted.

The meeting was adjourned at 9:24pm.

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**Sandy Conrad**  
**Secretary/Treasurer**

**(SEAL)**