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THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ APRIL 23, 2013

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:

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

Council Members Excused:

Council Member, Dave Wheeler

Additional Borough Representation:

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

Borough Authority Present:

Chair, Karen Louey
Vice Chair, David Westcott
Secretary, Marilyn Zanger
Member, Terry Moser
Member, Pam Snyder

Others in Attendance:

Jill Wolfe
Tim Fuhrman
Richard Messinger
Clark Smith
Harry McKean
Fred Miller
Richard Selby

MINUTES

***APRIL 9, 2013 MEETING
MINUTES***

A motion was made by Council Vice-President Bateman and seconded to waive the reading of the April 9, 2013 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 April 4, 2013 through April 17, 2013 in the amount of \$74,955.24. Motion adopted.

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PAYROLL

A motion was made by Council Vice-President Bateman and seconded to approve the payroll from April 4, 2013 through April 17, 2013 in the amount of \$40,221.17. Motion adopted.

REVENUE & EXPENDITURE REPORT

A motion was made by Council Vice-President Bateman and seconded to approve the Revenue and Expenditure Report as written for the month of March. Motion adopted.

NEW BUSINESS

2012 AUDIT REPORT

A motion was made by Council Member Westcott and seconded to approve the 2012 Audit report as written and prepared by Rotz & Stonesifer. Motion adopted.

RECESS

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

BOROUGH AUTHORITY

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

**APPLICATION FOR PAYMENT NO. 3
T-A-H CONSTRUCTION**

A motion was made by Borough Authority Vice-Chair Westcott and seconded to approve Application for Payment No. 3 to T-A-H for contract 12-1 in the amount of \$213,365.70. Motion adopted.

**APPLICATION FOR PAYMENT NO. 2
SWAM ELECTRIC CO.**

A motion was made by Borough Authority Secretary Zanger and seconded to approve Application for Payment No. 2 to Swam Electric Co., for contract 12-2 in the amount of \$3,330.90. Motion adopted.

**CHANGE ORDER NO. 1
SWAM ELECTRIC CO.**

A motion was made by Borough Authority Vice-Chair Westcott and seconded to approve Change Order No. 1 from Swam Electric Co., for Contract 12-2 in the credit amount of \$32,990.93. Motion adopted.

ADJOURN

A motion was made by Borough Vice-Chair Westcott and seconded to adjourn the meeting of the Littlestown Borough Authority. Motion adopted.

The meeting was adjourned at 7:20pm.

RECONVENE

Council President Baird reconvened the meeting of the Littlestown Borough Council at 7:20pm.

NEW BUSINESS (Cont'd)

**APPLICATION FOR PAYMENT NO. 3
T-A-H CONSTRUCTION**

A motion was made by Council Vice-President Bateman and seconded to approve Application for Payment No. 3 to T-A-H for contract 12-1 in the amount of \$213,365.70. Motion adopted.

**APPLICATION FOR PAYMENT NO. 2
SWAM ELECTRIC CO.**

A motion was made by Council Vice-President Bateman and seconded to approve Application for Payment No. 2 to Swam Electric Co., for contract 12-2 in the amount of \$3,330.90. Motion adopted.

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CHANGE ORDER No. 1
SWAM ELECTRIC CO.

A motion was made by Council Vice-President Bateman and seconded to approve Change Order No. 1 from Swam Electric Co., for Contract 12-2 in the credit amount of \$32,990.93. Motion adopted.

LUMBER STREET PHASE II BID

Borough Engineer, Josh Fox informed Council that the Lumber Street Phase II Bidding Process was not ready at this time to be bid out.

J.P. HARRIS ASSOCIATES
AGREEMENT

A motion was made by Council Member Westcott and seconded to approve a three year agreement with J.P. Harris Associates, LLC., to collect Delinquent Borough Per Capita Taxes. Motion adopted.

AMERICAN TOWER LEASE
EXTENSION AGREEMENT

Borough Solicitor, King informed Council that after reviewing the agreement to extend the term of the lease for AT&T, he found that it was not necessary for the Borough to do because the original lease was not up and in the original agreement the lease will automatically renew for four additional five year terms.

PUBLIC HEARING

CCRC TEXT AMENDMENT

Borough Solicitor, King opened the Public Hearing at 7:30pm and stated that this was a public hearing to consider an Ordinance that would amend Article 700, Section 710 of the Borough of Littlestown Zoning Ordinance, Chapter 73 of the Littlestown Borough Code. This amendment would repeal and remove subsection B.1.a. (4), which requires one of the two residential arrangements at a CCRC to be a Nursing or Skilled Unit.

Attorney Adam Wolfe, represented the land owner, Mr. Clark Smith. Mr. Wolfe informed Council that it was a necessary change because at this time no developer would be interest in developing a nursing facility with a skilled unit. This is something that could be added later down the road as there becomes a need for one. The owner of the property would like to be able to at least get the nursing facility started and as Mr. Wolfe state earlier the expansion of a skilled unit could be presented later down the road.

Mr. Wolfe also conveyed that the piece of property was not benefitting Littlestown and if a nursing facility was to be placed there it would create jobs and tax revenue for the town.

Ms. Karen Louey, Mr. Richard Selby and Mr. Fred Miller expressed that there was a need for a skilled unit because more jobs would be created with a skilled unit and when residents of Littlestown were ready to move into a facility they would have all the different levels of care that were necessary and needed. If a skilled unit did not exist then once the patient reached that level of care they would have to move to a different location that offered a skilled unit. They also expressed that the ordinance was developed with a skilled unit for a reason which was to look out for the residents of Littlestown. It offered a place where residents could stay in their home town and be able to receive all the levels of care in one place.

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With no further comments the hearing was closed at 8:00pm.

A motion was made by Council Vice-President Bateman and seconded to approve an ordinance of the Borough of Littlestown, Amending the Borough of Littlestown Zoning Ordinance, Chapter 73 of the Littlestown Borough Code, by amending the Provisions regarding a Continuing Care Retirement Community (CCRC). A roll call vote was taken:

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

Motion adopted 3-2.

REPORTS

Mayor

The Mayor reported that he had turned in \$350.00 in fines and restitution on April 14, 2013 to the Borough Clerk.

Chief of Police

Chief Kellar reported the following items:

- The dodge police car was out of the shop. At this time it seemed to be running normal.
- Two new cars have been found. The secretary and I will be going to look at the cars this week.

Borough Manager

Borough Manager Kellar updated Council on the following items:

- The Siren will be ordered in the next week or so.
- The picnic tables for the pool have been delivered. Members of the Rotary Club will be setting up a day and time to go back to the park to assemble them.
- Council will receive two options for water/sewer rates at their May 14, 2013 meeting. The new rates will be in place for the October 1, 2013 billing.

Borough Engineer

Wastewater Treatment Plant Upgrade

Work continues on-site with forming, reinforcing, and pouring of the concrete walls for the Aerobic Digester, the walkway for the Anaerobic Tank, excavation for the electrical building footers, and miscellaneous yard work. Demolition is scheduled to begin for the existing equalization tank within the next two weeks.

NON-AGENDA ITEMS

***CONDITIONAL USE HEARING
DECISION – MARK AUSTIN***

A motion was made by Council Vice-President Bateman and seconded to approve the conditional use application for 27 West King Street, which consisted of an addition of seven (7) apartments in an existing building. Council President Baird stated that this was a non-agenda item and asked for public comments. Motion adopted 4-1 with Council President Baird Abstaining.

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***REQUEST FOR REDUCED WATER
TO FILL A POOL - HARRIET***

A motion was made by Council Member Westcott and seconded to deny the request from Shawn Harriet asking for consideration for a reduced water usage rate during the time his pool would be filled. Council President Baird stated that this was a non-agenda item and asked for public comment. **Motion adopted.**

REPORTS OF BOARDS

PLANNING COMMISSION – APRIL 11, 2013 MEETING

PINE CREEK STRUCTURES

No action was taken because the new plans had not been reviewed by the Borough Engineer. Therefore this will be re-visited at the May 14, 2013 meeting of Council.

***SUBDIVISION AND LAND
DEVELOPMENT AMENDMENTS***

No amendments to the Subdivision and Land Development Ordinance had been received by the Borough Council therefore no action could be taken.

***RELOCATION OF THE SNOWBALL
STAND – DEB TRASK***

A motion was made by Council Member Westcott and seconded to approve the recommendation from the Planning Commission to allow the Snowball Stand be relocated to the corner of North Queen Street and Carroll Street subject to meeting all Zoning requirements. Motion adopted 3-2 with Council President Baird and Council Member Weatherly casting the opposing votes.

Recreation Board – April 16, 2013

***REQUEST FROM STEVE LAUGHMAN
SOFTBALL FIELDS***

A motion was made by Council Member Bucher and seconded to approve the recommendation from the Recreation Board to approve the request from Steve Laughman to use 2 softball fields at the Community Park and the field at Maple Avenue for Saturday, August 24, 2013 contingent upon field availability and certificate of insurance being received. Motion adopted.

REQUEST FROM THE CLASS OF 2008

A motion was made by Council Member Bucher and seconded to approve the recommendation from the Recreation Board to approve the request from the Class of 2008 to allow a DJ to set up at the Community Park on June 29, 2013 for their five year class reunion. Motion adopted.

RECESS

Council President Baird recessed the meeting of the Littlestown Borough Council for an executive session to discussion potential litigation and personnel matters.

The meeting recessed at 9:22pm

RECONVENE

The meeting of the Littlestown Borough Council reconvened at 10:02pm with the following action:

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FCI SETTLEMENT OFFER

A motion was made by Council Member Westcott and seconded to offer FCI a final settlement in the amount \$146,536.78. Motion adopted.

ADJOURN

Council President Baird adjourned the meeting of the Littlestown Borough Council at 10:03pm.

Sandy Conrad
Secretary/Treasurer

(SEAL)