

THE BOROUGH OF LITTLESTOWN
10 South Queen Street ▪ Littlestown, PA 17340 ▪ Council Chamber
BOROUGH COUNCIL MEETING ▪ NOVEMBER 10, 2014

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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 Baird presiding.

Council Members Present:

Council President, Ron Baird
Council Member Betty Bucher
Council Member, Joyce Weatherly
Council Member, Terry Moser
Mayor, James Eline, Sr.

Council Members Excused:

Council Vice President, Charlene Westcott
Council Member, Dave Wheeler

Additional Borough Representation:

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

Others in Attendance:

Richard Messinger
Bryan Westfall
Christina Clarius
David Fritz

MINUTES

***OCTOBER 28, 2014 MEETING
MINUTES***

A motion was made by Council Member Bucher and seconded to waive the reading of the October 28, 2014 minutes and approve as written. Motion adopted.

**APPROVAL AND
PAYMENT OF BILLS**

ACCOUNTS PAYABLE

A motion was made by Council Member Bucher and seconded to approve the accounts payable for the General, Pool, Water and Sewer Funds from October 23, 2014 through November 5, 2014 in the amount of \$599,915.75. Motion adopted.

PAYROLL

A motion was made by Council Member Bucher and seconded to approve the payroll from October 23, 2014 through November 5, 2014 in the amount of \$39,444.97. Motion adopted.

NON-AGENDA ITEMS

DISPLAY NATIVITY AT SQUARE

Mrs. Renner has acquired a Nativity and would like to put it on loan to the Borough for the holiday season. The set consist of; Mary, Joseph, baby Jesus and an Angel). Mrs. Renner will have a stable built which the Angel will hang on.

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Mrs. Renner is part of a Committee and she came across an article where the benefactor is a 92 year old billionaire and an owner of an NFL football team which chooses to stay anonymous. An application was submitted and approved therefore resulting in the Nativity being sent for public display for Littlestown.

The Nativity was made in Mt. Cobb, PA and hand painted in Ohio. It is made of space age plastic. There will also be a sign erected stating this is a gift to the people of Littlestown. Mrs. Renner will hold all of the responsibility for the Nativity while it is displayed.

A question arose to the fact of the legality of displaying the Nativity in public. Mrs. Renner produced the History of Nativity Scene at Chicago's Daley Plaza. This became a legal battle when the Mayor and Council decided to take the Nativity Scene down from the lobby of City Hall.

Mrs. Renner further explained how displaying a Nativity in public became legal. In case number 867C10746, Grutzmacher v. Public Building Commission, in U.S. District Court for the Northern District of Illinois, Eastern Division, Senior Federal District Judge James B. Parsons ruled on December 4, 1989 that the Public Building Commission was enjoined from discriminating against all forms of religious expression and ordered the Public Building Commission to permit Grutzmacher to erect a Nativity Scene display during the Christmas season. This expensive lawsuit was won against opposition from the American Jewish Congress, ACLU, American Atheists, and the circulators of a petition opposing the Nativity Scene signed by the Late Joseph Cardinal Bernardin, Catholic Archbishop of Chicago.

After consulting with the Borough Solicitor Council made the following motion:

A motion was made by Council Member Bucher and seconded to allow Mrs. Renner to place a Nativity Scene through the Holiday Season on the square with the understanding that Mrs. Renner will hold all responsibility for the Nativity Scene. Council President Baird stated that this was a non-agenda item and asked for public comments. No public comments were received. **Motion adopted.**

NEW BUSINESS

NEW IT COMPANY

A motion was made by Council Member Moser and seconded to approve Spartan Computers to perform monthly system monitoring, network analysis, troubleshoot equipment and the purchase of a new server along with migration labor not to exceed \$8,579.63. Motion adopted.

***MR. WHARTON SECOND REQUEST
OCTOBER W/S BILL***

Council had denied this request at their October 14, 2014 meeting. Mr. Wharton had a leak and was seeking reduction in his October bill. Council re-affirmed their denial and the option to set up a payment plan.

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***CDBG ADA RAMP PROJECT
REBID***

A motion was made by Council Member Bucher and seconded to authorize HRG to re-scope the CDBG ADA Ramp Project to be within the grant amount and to rebid upon the Borough Managers approval. Motion adopted.

UNFINISHED BUSINESS

FIRE COMPANY PLANS

Since there few unknowns with the Fire Company Plans and the Council not receiving the updated plans. It was decided that a meeting would be called with the Fire Company and Borough representatives to discuss such plan before a decision would be made.

The Director of Public Works did pull and test the meter for accuracy and according the test that was performed the meter did test accurate. Council asked Ms. Clarius to get them information on the power washer and they informed her that they would look further into this but in the meantime it was suggested to Ms. Clarius to set up a payment arrangement with the front office.

***OCKER AVENUE EXTENDED
SMITH PROPERTY DAA***

A motion was made by Council Member Bucher and seconded to approve the Developer Approval Agreement between the Borough of Littlestown and Donald R. Smith and Darlene D. Smith. Motion adopted.

CLARIUS W/S BILL REQUEST

Council President Baird informed Ms. Clarius that there was nothing that could be done with her water/sewer bill from October. In order for the meter to register water had to go through it. It has also been the policy/procedure of not only this Council but past Councils not to reduce water/sewer bills.

Borough Manager Kellar informed Ms. Clarius that he would work out a payment plan for her.

RECESS

Council President Baird recessed the meeting of the Littlestown Borough Council at 7:40pm for personnel matters and potential litigation.

RECONVENE

The meeting of the Littlestown Borough Council was reconvened at 7:47pm.

ADJOURN

With no further business the meeting of the Littlestown Borough Council was adjourned at 7:47pm.

Sandy Conrad
Secretary/Treasurer
(SEAL)