

**THE BOROUGH OF LITTLESTOWN  
232 NORTH QUEEN ST, COMMUNITY ROOM  
LITTLESTOWN PA 17340  
BOROUGH COUNCIL MEETING ▪ OCTOBER 10, 2023**

**CALL TO ORDER**

The Borough Council met in session and the meeting was called to order at 6:30p.m. with Council President Rosendale presiding.

**Council Members Present:**

James Eline, Sr. Mayor  
Craig Rosendale, President  
David Westcott, Vice President  
James Long, Member  
Betty Bucher, Member  
Brent Sheely, Member

**Council Members Excused**

Terry Moser, President ProTem

**Additional Borough Representation:**

Charles Kellar (Borough Manager)  
Sandy Conrad (Secretary/Treasurer)  
Todd King (Borough Solicitor)  
Logan Jury (HRG Water/Wastewater Staff Professional)

**Authority Members Present:**

Karen Louey, Chair  
David Westcott, Vice-Chair  
Don Harper, Secretary  
Tim Mayers, Member

**Authority Members Excused:**

Terry Moser, Member

**Public in Attendance:**

Joyce Weatherly  
Grace Beaton  
Harry McKean  
Jennifer Beskid  
Fred Riedel  
Linda Birch  
Lawrence Birch  
Charles McKean  
Susanne Johnson

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**MINUTES*****SEPTEMBER 26, 2023***

**A motion was made by Council Member Bucher and seconded by Council Vice President Westcott, to approve the September 26, 2023, meeting minutes as written. Motion approved.**

**APPROVAL AND PAYMENT OF BILLS*****ACCOUNTS PAYABLE***

**A motion was made by Council Member Bucher and seconded by Council Vice President Westcott, to approve the accounts payable report from September 22, 2023, to October 5, 2023, in the amount of \$169,923.71. Motion approved.**

***PAYROLL***

**A motion was made by Council Member Bucher, and seconded by Council Member Long, to approve the payroll report from September 22, 2023, to October 5, 2023, in the amount of \$59,222.04. Motion approved.**

**UNFINISHED BUSINESS*****ATOMIC AVENUE***

Arthur Barnes is looking to purchase Atomic Avenue. According to the Borough Solicitor the Deed from IH Crouse to Rebert created the lot. The deed is now owned by Mr. Barnes. It stems from a plan created in 1950. As is referenced in case law, where a street is shown on a plan, whether recorded or not, it is essentially offered for dedication. The Borough Code and state statutes on highways and streets both indicate that a Borough has 21 years to accept the dedication of a street. Here, there has been no acceptance by the Borough and there has been no attempt at opening or the use of the alley as a public way. Based on that, the Borough has lost the ability to open a street.

In addition, case law all state that, if the grantor (IH Crouse in this case) had title to the center of the road (they did as

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they owned the whole parcel) and uses the side of a street as a boundary line (Atomic Avenue is the boundary for Barnes and his neighbor), then grantees like Mr. Barnes, take title in fee simple to the center of the unopened street,

so long as the grantor (Crouse) did not reserve the land by clear implication. An example of that would be if Crouse took the land and created a separate deed and conveyed it to someone else. Thus, it appears the owners of the property are the neighboring parcels, but there are several deeds from IH Crouse to the Borough from 1946 to the 70's. The legal descriptions are not clear as to where they are. Most say they are for streets, but few reference what street. There is one for Ocker Avenue that mentions Ocker by name. The initial thought is that none of deeds are for Atomic Avenue.

The answer would be to have the adjoining owners of Atomic Avenue file a quiet title, however in order to have a clean title the individuals would have to research the property to ensure that it is not deeded to anyone.

Council agreed with the Solicitor to allow the adjoining property owners to research the property to ensure that they would have a clean title. If it was found that the Borough did own, it then Council would revisit the request.

### **NEW BUSINESS**

#### ***LIFETEAM EMS PRESENTATION***

Mr. Joshua Nelson from LifeTeam EMS did not show to give his presentation. The Borough Secretary will contact him to see if he wishes to reschedule.

#### ***DRAFT NUISANCE***

Council President Rosendale stated that the draft nuisance ordinance was before Council to review and come back with comments at the next meeting.

### **BOROUGH AUTHORITY**

#### ***GERRICK OVERLOOK KAGARISE EXTENSION AGREEMENT & EASEMENT***

An agreement between Kagarise and Spencer Development, LLC was signed September 25, 2023. The agreement is to extend Borough Line Road on either side to allow the extension of St. John Road to connect

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with Michelle Way (the “Extension”); and to provide for such easement for and relating to the creation and maintenance of the extension.

In addition, Spencer Development is also stating that stormwater plans have been submitted for review by the engineers. Spencer Development would be looking to discharge stormwater onto the Borough/Authorities property.

Borough Engineer Fox did send his comments which stated that no plans have been received or reviewed by HRG and it is his recommendation that the Borough nor the Authority accept any stormwater discharge onto their property.

**A motion was made by Authority Vice Chair Westcott and seconded by Authority Member Mayers and seconded by Authority Member Mayers, to adopt HRG’s recommendation not to accept any stormwater discharge on Borough/Authority property and**

***ADJOURN***

**A motion was made by Authority Vice Chair Westcott and seconded by Authority Member Mayers, to adjourn the meeting of the Littlestown Borough Authority and to require the necessary information needed by HRG to be sent. Motion approved.**

The meeting of the Littlestown Borough Authority was adjourned at 7:00pm.

**REPORTS**

***MANAGER***

Borough Manager Kellar reported the following to Council:

- Sewer plant work continues. The Ultraviolet system is completed
- Working with HRG to develop the SCATA system
- Mayberry Development is going well. The road entrance on the PennDot road is completed. There are some manhole issues that were found while PennDOT was working on the road.

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- The handicap ramp curb project is going along very well. Phase 1 is completed and phase 2 is in the process of being completed in a week or two.
- Sewer relining has been completed. Currently working of the manhole rehab from Charles to Borough Line.
- A draw down test was performed on Well #6, Lumber Street well. It looks like the well is pulling 60 gallons a minute. Working on recasing the well and the well will be put back online but it will take some time.
- New police and code vehicles are in. The code vehicle is in service, and the police vehicle will be in service in about a week.
- Cops are doing mandatory training.
- The water ban is still on. It won't be lifted until the one major well is back online.

**PUBLIC COMMENTS**

Jennifer Beskid as if the nuisance ordinance would be available to the public once adopted and online. Council President Rosendale stated that once Council finalizes the Ordinance it will be advertised for adoption and at that time Public can comment on the ordinance and once the ordinance is adopted it will be posted online.

Jennifer also asked if a traffic study or if the concern of traffic was questioned with the proposed Dunkin Doughnuts. Several Council Members stated that the Planning Commission reviewed the plans and traffic was one of their concerns. The way the drive-through will be set up should not cause any traffic issues.

Susan Johnson stated she was concerned about EMS services and fund raising. The annual membership for EMS have gone out and some residents may not be aware of the changes/future of the EMS service. She feels that the public should be aware of what is going on. She asked what would happen in someone renews their membership and the EMS service changes?

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Fred Riedel with the Alpha Fire Company stated that the membership will be good for the period it normally would have been. He further stated that nothing has been done in secret, there isn't anything to inform the public of at this time because the Alpha Fire Company is still in the research phase of trying to decide about the future of the EMS. He further stated that ultimately the Borough is responsible for Fire and EMS, however the Alpha Fire Company is taking on the responsibility of finding a solution for the future. If Alpha is unsuccessful then the Borough would need to take over. At this time though Alpha has been working with the Borough to come to a solution that is best not only for Alpha but also for the residents of Littlestown.

**ADJOURN**

With no further business the meeting of the Littlestown Borough Council was adjourned at 7:30p.m.

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**Sandy Conrad  
Borough Secretary/Treasurer**

**(SEAL)**