

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
September 15, 2009

President Ninosky called the monthly meeting of the Paxtang Borough Council to order at 7:15 p.m., followed by the Pledge of Allegiance to the Flag.

Roll Call was taken.

Council Members Present

Council President	John R. Ninosky Sr.
Council Vice-President	E. Denny Beaver

Council Members	Sheilah Borne-Fuller Virginia Panza Heather LaCour
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Mayor	Keldeen Stambaugh
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Council Members Absent	John Rowe Deborah Seneca
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Borough Officials

Borough Manager-Chief	Kenneth Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	J. Stephen Feinour

Borough Officials Absent	Fire Chief Todd Zwigart
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MINUTES

*1) Vice-President Beaver made a motion to dispense with the reading of the Minutes from the Regular Business Meeting of August 18, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE TREASURER

*2) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report from the Regular Business Meeting of August 18, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE FIRE CHIEF

Chief Zwigart is attending at a meeting of the Dauphin County Chiefs Association and therefore will not have a report for this evening.

REPORT OF THE MANAGER

Seminars: Information on future seminars was sent to Council members prior to the Regular Business Meeting. Council was afforded the opportunity for questions or comments.

Pension MMO: Manager Beard asked for Council's consideration in certifying the MMO for the Police Pension and the Non-Uniform Pension Plans.

*3) Vice-President Beaver made a motion to certify the MMO. Motion seconded by Councilwoman Panza. Motion carried.

Halloween: Manager Beard informed Council that the Paxtang Lions Halloween Parade will be held on the Tuesday, October 27 and Trick-or-Treat will be held on the evening of Thursday, October 29th.

Resolution 12-09: At the August 18th, 2009 Regular Business Meeting, Resolution 12-09, a Resolution placing an announcement banner crossing Derry Street for the Paxtang Fire Company's Annual Crabfest was passed. Councilman John Rowe, who is also the Vice-President of the Paxtang Fire Company, seconded this Resolution. Due to the conflict of interest with Mr. Rowe and his association with the Fire Company, Manager Beard asked Council to reconsider Resolution 12-09 making it retroactive to August 18th, 2009.

*4) Vice-President Beaver made a motion to approve Resolution 12-09, placing the banner for the Crabfest retroactive to August 18th of 2009. Motion seconded by Councilwoman Panza. Motion passed.

Paxton Presbyterian Church: Manager Beard informed Council that to date the Borough has incurred costs in the amount of \$3,652.96 relating to the subdivision plan to separate the Manse from the property of the Paxton Presbyterian Church. Of this amount, \$2,039.81 was incurred subsequent to the March 17th, 2009 Regular Business Meeting at which time Council recommended advising the Church that the Borough would consider any and all further additional costs to be reimbursable. Solicitor Feinour suggested the Church bear all costs incurred once the plans have been submitted and to present an invoice to the Church accordingly. Manager Beard stated this expense to be approximately \$1,000.00.

*5) Vice-President Beaver made a motion to bill the Paxton Presbyterian Church for costs from the time they submitted their plan to the Borough to its completion. Motion seconded by Councilwoman Borne Fuller. Councilwoman Panza asked for a clarification of the amount that would be billed to the Church. Manager Beard said the total was approximately \$836.09. Manager Beard recommended adopting a policy for any future requests of this nature. Solicitor Feinour suggested a review of the fee schedule might be in order. Manager Beard noted these issues could be addressed during the process of ordinance codification. After discussion, motion carried.

Recycling Containers: Manager Beard stated the Borough has exhausted the available supply of recycle containers and asked Council to consider the possibility of upgrading to a larger 30-gallon receptacle. Mayor Stambaugh said she is in favor of upgrading to a 30-gallon container and suggested placing an order for approximately 500. Once information has been received from Waste Management on pricing, options will be discussed as to how the containers would be made available to homeowners.

Town Meeting: Manager Beard informed Council that Vice-President Beaver would like to schedule a Town Meeting on Thursday, October 15th, to be held in the Municipal Gymnasium. The purpose for this meeting is to discuss the 2010 Budget process and to receive input from Borough residents. Manager Beard stated negotiations regarding the Comcast franchise agreement through CAPCOG are nearing completion and that by state law a public hearing is required. Manager Beard suggested presenting the Comcast franchise agreement at the time of the Town Meeting.

*6) Councilwoman Borne Fuller made a motion to hold and advertise a Town Meeting on Thursday, October 15th for the purpose of discussing the 2010 Budget proposal and the Comcast franchise agreement. Motion seconded by Vice-President Beaver.

Discussion followed. President Ninosky recommended opening the meeting at 6:30 with a discussion on the Comcast agreement, followed by the presentation of the Budget. President Ninosky suggested having the Budget available for public review at 6:00 p.m. Engineer Shradley will also have information available regarding Stormwater Management. After discussion, Motion carried.

WPAA Basketball: Manager Beard has received a formal request from the Wilhelm-Paxtang Athletic Association for use of the municipal gymnasium for fall/winter basketball. With no objection from Council, Manager Beard will acknowledge their request and accept their schedule..

Saussaman Park: Manager Beard stated that over the weekend of September 12th, damage occurred to the Women's restroom and a new lavatory fixture will need to be installed. Discussion was held on the possibility of the restrooms being on "auto lock" with entrance to the facility through the means of a key for each use instead of having the facilities opened throughout the duration of an event. President Ninosky and Mayor Stambaugh suggested a letter be written to Mr. Wes Bower, President of the Swatara Youth

Soccer Association reminding him of the obligation of the association to be diligent in securing the restroom facilities after each event. As an option, the soccer association could make arrangements to secure a Port-A-Potty if they so desire. Manager Beard questioned the idea of having the association turn in their Borough issued keys. Mayor Stambaugh and President Ninosky were in agreement with Manager Beard and suggested a letter be written to the soccer association advising them of the decision of Council to rescind their keys. Vice-President Beaver suggested having the facilities checked routinely at dusk to make sure the restrooms are secured.

*7) Councilwoman Panza made a motion to rescind the keys from the soccer association due to delinquent use of the keys. Motion seconded by Councilwoman LaCour.

Vice-President Beaver voiced his concern with rescinding the keys and would like to give the association enough time to make arrangements to have a Port A Potty delivered. President Ninosky believes a one-week notice should be adequate. After discussion, motion carried.

PPL Day of Caring: PPL held their annual community “Day of Caring” on September 11th, where they cleared the area from the back of the Paxtang Grill at 3323 Derry and the Visiting Nurse Association at 3315 Derry Street. PPL provided these services at no cost to the Borough. Manager Beard expressed his gratitude to Vice-President Beaver for participating in this event.

United Water: United Water will be filing for a rate increase on Wednesday, September 16th. United Water is seeking permission to increase base rates by approximately 16 percent. United Water indicates there will be no increase in charges associated with public fire hydrants.

Use of Gym: A request has been received from the Dauphin County Office of Juvenile Probation asking for use of the gymnasium for tactical training purposes. They anticipate using the gymnasium for approximately six (6) to nine (9) days a year from 8:00 a.m. until 4:30 p.m. Manager Beard suggested allowing use of the gymnasium on a gratis basis.

*8) Vice-President Beaver made a motion to allow the Dauphin County Office of Juvenile Probation use of the gym on a gratis basis. Motion seconded by Councilwoman Panza. Motion carried.

Shade Tree Grant: Manager Beard has received information on a “Tree Vitalization” grant program sponsored by Dauphin County and DCNR. Mr. Ray Patakis, Chairman of the Shade Tree Commission, stated at the June 27th Regular Business Meeting that it was his opinion the Borough not proceed with this grant as this program is strictly for the planting of trees and not for tree removal.

Leaf Machine: Manager Beard informed Council the leaf machine has been repaired and the original proposal from Stephenson Equipment was for \$7,179.45 but the Borough actually paid \$4,950.22 by having a considerable amount of work done by Borough Public Works employees.

Road Closure: Manager Beard received a request from Town and Country Day School located at 290 Brisban Street, requesting closure of Greenwood Street between Murdock and 30th Street for Thursday, October 8th. They are also asking permission for use of basic Borough tools to aid in the installation of a playground for the school and community use. Councilwoman Borne Fuller asked for a status report concerning an overflow of trash at this location which was brought to the attention of Council at the August 18th, 2009 Regular Business Meeting. Manager Beard said he has not received any additional complaints on this matter at this time.

*9) Vice-President Beaver made a motion to provide street closure and lend basic tools, no power equipment. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Vice-President Beaver informed Council that if anyone is interested, Town and Country was in need of volunteers.

Central Westmoreland County COG: Manager Beard received a letter from Central Westmoreland County COG regarding their vehicle lease purchase program. The cost for membership is \$175.00 per model year. Manager Beard suggested forgoing their offer, as he does not anticipate a vehicle purchase within the next calendar year.

Kelso Street Parking: Regarding a concern with the installation of a “private” parking sign on Kelso Street, Manager Beard researched the issue and found that on April 20, 1993, a prior Council passed a motion to install permit parking in front of 12 and 14 Kelso Street. Although the matter in question pertains to 13 Kelso Street, Manager Beard found this to be the only reference to permit parking in this area. Manager Beard and Solicitor Feinour agree that the prior Council acted improperly by having the signs installed by a simple motion. After consulting with Solicitor Feinour, Manager Beard believes the most appropriate action would be to have Council consider a motion to remove all permit parking signs from Kelso Street.

*10) Vice-President Beaver made a motion to remove all permit parking signs from Kelso Street. Motion seconded by Councilwoman Panza. Councilwoman Panza asked if this motion would include the removal of any signs intended for disabled parking. Manager Beard said this motion would not include signs designated for disabled parking, as a separate Borough Ordinance would cover this matter. After discussion, motion carried.

Police Report: Chief Beard referred Council to the written report regarding police activity for the month of August and offered a verbal explanation as well.

Request for Executive Session: Manager Beard asked Council to consider an Executive Session for the purpose of discussing personnel matters. President Ninosky said he would honor that request at the end of the Regular Business Meeting.

AUDIENCE PARTICIPATION

Mr. Murvin Grunden of 3323 Brisban Street informed Council that in the absence of Fire Chief Todd Zwigart, he was prepared to entertain questions from the audience and report back to Chief Zwigart. Vice-President Beaver indicated he would like to see a five (5) and ten (10) year vision plan submitted from the Fire Company.

Mr. Grunden reminded Council of the Crabfest Saturday, September 19th. Tickets are available during the evenings at the Fire Station at a cost of \$40.00. If tickets are still available before the event, they may be purchased at the door for a donation of \$50.00. Those interested in volunteering for this event may contact Mr. Grunden or Chief Zwigart.

Mr. Grunden expressed his gratitude to the Borough and everyone involved with the upkeep of the gardens at the “Greenbelt Commons”.

The Paxtang Historical Society will hold their meeting on Monday, October 5th at the Paxton Presbyterian Church.

REPORT OF THE MAYOR – No Report

REPORT OF THE SOLICITOR – No Report

REPORT OF CODES ENFORCEMENT

Codes Enforcement Officer Ed Wenger referred Council to his written report for the month of August and offered a verbal explanation as well.

REPORT OF THE ENGINEER – No Report

COMMITTEE REPORTS

Administration- Vice-President Beaver informed Council of the upcoming budget and encouraged committee chairs to contact him as soon as possible with their budget proposal for 2010.

Highway – No Report

Property and Recreation – No Report

Public Safety – No Report

Public Relations – Councilwoman Lacour informed Council that articles for the Paxtang Post are due by Friday, September 18th.

Health and Sanitation – No Report

UNFINISHED BUSINESS – Manager Beard informed Council that he has purchased two hard drives in anticipation of revamping the Borough's current computer system. The cost of this conversion would be approximately \$1,000.00. Monies for this project would be available through the Liquid Fuels and Sewer accounts.

NEW BUSINESS – No Report

COMMUNICATIONS

Manager Beard presented the following communications:

- A letter from Ms. Sue Kompare of 3200 Duke Street concerning the issue of a barking dog within her neighborhood. Manager Beard indicated the situation is being handled as equitably as possible.
- A letter from Ms. Wendy Baker of 3214 Derry Street expressing her gratitude to Borough officials and volunteers for stopping by and introducing themselves during National Night Out held on Tuesday, August 4th.
- A letter from the Pennsylvania State Association of Boroughs urging municipalities to reaffirm their position regarding the subject of Deferred Retirement Option Plans as drafted by House Bill 1828. PSAB is opposed to passage of this bill.

PRESENTATION OF THE BILLS

*11) Councilwoman Borne Fuller made a motion to pay the bills. Motion seconded by Vice-President Beaver. Motion carried.

At 8:05 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing labor issues and potential litigation.

At 8:15 p.m. President Ninosky reconvened the Regular Business Meeting, announcing that potential litigation, personnel, and labor issues were discussed.

ADJOURNMENT

*12) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. At 8:16 p.m. President Ninosky adjourned the Regular Business Meeting.

Secretary

1. Minutes
2. Treasurer's Report
3. Certify MMO – Uniform and Non Uniform
4. Res. 12-09 – Crabfest Banner
5. Bill Paxton Presbyterian Church – Subdivision Plans -Manse
6. Town Meeting – October 15, 2009
7. Soccer Association – Rescind Restroom Keys – Pavilion
8. Gym Use – Dauphin County Juvenile Probation
9. Street Closure-Greenwood – Town and Country Day School
10. Remove Permanent Parking Signs – Kelso Street
11. Pay Bills
12. Adjourn