

PAXTANG BOROUGH COUNCIL  
Municipal Building 3423 Derry Street  
Regular Business Meeting  
February 16, 2010

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, led by Mayor Stambaugh.

Roll Call was taken.

**Council Members present**

Council President	John R. Ninosky Sr.
Council Vice President	E. Denny Beaver
Council Members	Sheilah Borne Fuller Lynn Kipp Virginia Panza Raymond Patackis Deborah Seneca – arrived at 7:19 p.m.
Mayor	Keldeen L. Z. Stambaugh

**Borough Officials**

Borough Manager-Chief	Kenneth E. Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	Stephen Feinour
Fire Chief	Todd Zwigart

**MINUTES**

\*1) Vice-President Beaver made a motion to dispense with the reading of the Minutes of the Regular Business Meeting of January 19, 2010 and to approve the same. Motion seconded by Councilwoman Borne Fuller. Manager Beard asked that the Minutes of December 2009 be amended to read: ***Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report for the month of December 2009 and to approve the same. Motion seconded by Councilwoman Panza.***

Solicitor Feinour asked that the Minutes of January 19, 2010, under the Report of the Manager, be amended to read: ***Resolution 2-10 as opposed to Ordinance 2-10.*** Motion carried.

**TREASURER'S REPORT**

\*2) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report for the month of January, 2010, and to approve the same. Motion seconded by Councilwoman Panza.

Vice-President Beaver presented Council with a corrected copy of the 2009 Ledger. Salaries associated with the Fire Department and EMA were originally posted incorrectly. The entries have now been posted to their proper account.

\*3) Vice-President Beaver made a motion to dispense with the reading of the corrected copy of the 2009 Ledger and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

**REPORT OF THE FIRE CHIEF**

Chief Zwigart referred Council to his written report for the Fire Company and Fire Police for the month of January 2010. Chief Zwigart stated that a special meeting of the Fire Company was held on January 27<sup>th</sup> for the purpose of discussing the acquisition of fire apparatus. The subject was put to a vote with the consensus being that the Department would look to the possible purchase of a new engine, rather than a 'rescue-engine'.

Councilwoman Seneca arrived at this point – 7:19 p.m.

### **REPORT OF THE MANAGER**

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

**Yard Sale:** It was the decision of Council to schedule Community Yard Sales for Saturday, June 5<sup>th</sup> and Saturday, August 21<sup>st</sup>.

**Snow Removal:** Manager Beard expressed his viewpoint that the Public Works employees did an excellent job of keeping the Borough roads clear during the recent snowstorms. Manager Beard has received positive comments from several residents expressing their gratitude for the manner in which the Borough has handled the removal of snow. President Ninosky and Councilwoman Borne Fuller articulated their sentiments as well. Manager Beard commented that the Borough has an Ordinance for establishing a Snow Emergency, which mandates the removal of vehicles on Paxtang Avenue, Derry Street, and 29<sup>th</sup> Street. Manager Beard suggested Council might want to consider modifying the present Ordinance under the new codification.

**Playground Equipment:** The Department of Conservation and Natural Resources (DCNR) has announced that the Borough has been awarded \$41,000.00 for the Greenbelt Trail and Park Improvement Project. The project budget calls for an expenditure of \$17,600.00 for the installation of playground equipment. This area will be for children two (2) to five (5) years of age.

\*4) Councilwoman Borne Fuller made a motion to authorize Councilwoman Kipp and the Borough Manager to select and proceed with the purchase of playground equipment at a cost not to exceed \$17,000.00. Motion seconded by Councilwoman Panza. Motion carried.

**Zoning Update:** A steering committee should be established in order to provide guidance in developing the Borough's new Zoning Ordinance Map. Manager Beard recommended the committee be comprised of Vice-President Beaver, Codes Enforcement Officer Ed Wenger, the Borough Manager, as well as resident-at-large, Mr. David Transue.

**Softball Request:** Manager Beard has received a request from the Swatara-Paxtang Softball Association for use of Saussaman Park for their practices and games. The Association would also like to place a banner on the fence facing Paxtang Avenue acknowledging the 2009 SGSL Junior Girls Championship.

\*5) Councilwoman Borne Fuller made a motion to approve use of the softball field and to hang a temporary sign recognizing their accomplishment. Motion seconded by Vice-President Beaver. Motion carried.

**Electrical Service:** Manager Beard has received a request from Chief Zwigart stating that the Fire Company would like to have electrical service installed to their shed that is located at the back of the Municipal Building. The Fire Company would “piggyback” off the service to the highway garage and would be responsible for expenses with regard to the electricity that they use. Vice-President Beaver recommended holding off on this matter until renovations are underway on the highway garage. Manager Beard suggested moving the meter base onto the electrical pole if possible and run a feed line into the garage and then run an additional feed line into the shed. Manager Beard also stated that at this point in time he does not see an equitable solution to their request. President Ninosky suggested revisiting this matter at a later date.

**2010 Census:** A letter has been received from the Dauphin County Office of County Commissions requesting that the Borough make a public endorsement encouraging residents to participate in the upcoming 2010 Census Count. President Ninosky suggested placing a notice in the Paxtang Post, thus giving residents the opportunity to choose if they would like to participate.

**PSAB Programs:** The Pennsylvania State Association of Boroughs (PSAB) is celebrating their 100 Year Anniversary and is in the process of preparing a photo mosaic of all the Commonwealth's Boroughs. Manager Beard presented information on scholarships available through PSAB. Manager Beard will consult PSAB for their opinion on posting items of this nature on the Borough web site.

\*6) Vice-President Beaver made a motion to participate in the PSAB photo mosaic. Motion seconded by Councilwoman Borne Fuller. Motion carried. Manager Beard will consult with Mr. Grunden of the Paxtang Historical Society for their input regarding the photo mosaic

**Paxtang Diner:** The Paxtang Diner located at 3302 Derry Street will reopen under new management in the near future. The mural depicting Paxtang Borough will be removed from the dining room and Manager Beard asked Mr. Grunden if he would be interested in securing a photo of this mural for historical purposes.

**PA Borough Councils Association:** This Association assists Council members with networking and building leadership skills. The 2010 dues are \$25.00, which would cover all council members. It was the decision of Council to table this matter in order to obtain more information about this association.

**Civil Service Commission Report:** Manager Beard stated that the Civil Service Commission held their biannual meeting and asked Council to consider their report.

\*7) Vice-President Beaver made a motion to accept the Civil Service Commission report for 2009. Motion seconded by Councilwoman Panza. Motion carried.

Manager Beard will consult with the Commission to ascertain what law firm they retain for legal council.

**Records Retention/Destruction:** Representatives from the Pennsylvania Historical and Museum Commission Bureau of Archives and History met with Manager Beard and Secretary Clark in order to offer assistance with recommendations regarding record retention and disposal as outlined in the Municipal Records Manual. As mandated by the Commission, a comprehensive list of all documents will be presented to Council before their destruction. The Borough has in its possession business ledgers that no longer hold any value and under the guidelines of the retention schedule may in fact be destroyed. It was the opinion of the representatives that the ledgers not be destroyed as these items are of historical value. There is a provision for loaning documents out on a semi-permanent basis with the stipulation that the documents are returned to the Borough upon request. Mr. Grunden has called a board meeting of the Historical Society to see if they would be interested in acquiring these documents. It was the decision of Council to entertain a relationship between the Historical Society and the Borough, if they so agree, and if they can store the documents in a secure manner.

**Paxton Presbyterian Church Request:** A letter has been received from the Paxton Presbyterian Church asking to use the pavilion at Saussaman Park free of charge. President Ninosky believes it should be made clear that this request is for gratis use of the pavilion only and would not in any way be considered as a “blanket” exemption from any other permit fees(s) set in place by Borough policy.

\*8) Vice-President Beaver made a motion to approve the request to waive the fees for church activities at Saussaman Park. Motion seconded by Councilwoman Kipp. Motion carried.

**Police Reports:** Chief Beard referred Council to written reports regarding police activities for the months of December, 2009 and January, 2010 and offered a verbal explanation as well. Councilman Patackis asked Chief Beard for a year-end report on police activities. Chief Beard stated monthly reports are presented at the Regular Business Meeting and suggested Councilman Patackis present his request to the Public Safety Committee and/or Mayor Stambaugh. Councilman Patackis proceeded to make inquiry to Mayor Stambaugh for a year-end report in addition to monthly reports. Mayor Stambaugh indicated that if Councilman Patackis so desired, he could review copies of the monthly reports at the Borough office. It was the decision of Council to continue receiving monthly reports and forgo a year-end report.

**Highway Truck Accident:** Mr. Beard reported that an accident occurred in the municipal parking lot involving the highway truck operated by Public Works employee, Mr. Wenger, Manager Beard indicated the incident is being investigated by another agency and is waiting for a final report. Knowing the facts of this incident, Chief Beard is of the opinion that the Borough is not at fault and will submit the final report to Council when it is available.

**Park Terrace Animal Complaint:** Chief Beard apprised Council of the status of the complaint Ms. Sue Kompare of 3200 Duke Street presented at the Regular Business Meeting of January 19, 2010 regarding excessive barking of dogs from the property at 320 Park Terrace. Chief Beard stated that the circumstances did occur over an extended period of time, complaints raised in an official capacity to the Borough were to a lesser extent, and the situation was handled as equitably as possible. Chief Beard commented that residents should call police as the situation of concern is in progress. The opportunity is offered to anyone that has ever called and made a complaint to contact the police. If they so desired to continue and make a complaint and wanted the police to follow through, they must agree to appear at the hearing if it becomes necessary. Until December of 2009 that invitation was in fact declined. A complaint was received from Ms. Kompare in December of 2009 at which time Ms. Kompare agreed to appear at a hearing. At that point Officer Rodney Zwigart proceeded to issue a citation to the owner of the dog(s). The owner of the dog(s) requested a hearing in front of Magisterial Judge Smith and the hearing was held. Judge Smith at this point has continued the hearing without a decision indicating that if no further infractions were reported to the police for six (6) months, which is the length of time of the continuance, Judge Smith would find the defendant “not guilty”. A separate complaint was received from a property owner indicating that the dog(s) in question confronted one of his tenants. As of this date the tenant, to the knowledge of Chief Beard, has not come forward to the police to register a formal complaint. A letter from Ms. Kompare was in fact presented at the September 15, 2009 Regular Business Meeting and documentation can be found on page 389 of the 2009 Minute Book. Chief Beard indicated the situation is being handled as equably as possible given the situation and at this point we await the decision of Judge Smith. The owner of the dog(s) is aware of the situation and is working towards alleviating the problem.

**Executive Session:** Manager Beard asked Council to consider an Executive Session for the purpose of discussing personnel issues and potential litigation. President Ninosky indicated he would honor that request at the end of the Regular Business Meeting.

#### **AUDIENCE PARTICIPATION**

**Mr. Murvin Grunden of 3323 Brisban Street**, along with Mrs. Grunden, expressed their gratitude to Borough Council and the Highway Department for the manner in which snow removal was handled during the last snowstorms and for making sure the streets were clear. The Historical Society will meet on April 5<sup>th</sup> at the Paxton Presbyterian Church at 7:00 p.m. Mr. Grunden informed Council that the Borough would be celebrating their 100<sup>th</sup> Anniversary on July 3<sup>rd</sup>, 2014. Mayor Stambaugh suggested an article of interest be placed in the Paxtang Post as well as the web site indicating they may contact Mayor Stambaugh if they are interested in assisting with this event.

#### **REPORT OF THE MAYOR**

Mayor Stambaugh, along with several members of Council, the Borough Manager, and Borough Secretary, attended the Dauphin-Lebanon Boroughs Association hosted by Steelton Borough in the last week of January. Paxtang, along with Penbrook Borough, will co-host the next meeting on Tuesday, April 27<sup>th</sup> at the Penbrook Municipal Building.

#### **REPORT OF THE SOLICITOR** – No Report

**REPORT OF CODES ENFORCEMENT** – Codes Enforcement Officer Ed Wenger referred Council to his written report. President Ninosky expressed his gratitude to Mr. Wenger for the manner in which the Public Works employees handled the removal of snow during the recent storms.

**REPORT OF THE ENGINEER** – Engineer Shradley informed Council of the streets that are designated for microsurfacing or reconstruction for the year 2010. The Chapter 94 Report, which is the annual waste load management report for the sanitary sewer system, is ready for submission to the Harrisburg City Authority. The annual permit report to the Municipal Separate Storm Sewer System (MS4) is due within the next few months. Updated information regarding the FEMA Floodplain Ordinance will need to be sent to the County within the next month or two.

## **COMMITTEE REPORTS**

*Administration* – Vice-President Beaver referred Council to information regarding the demolition of the present highway garage and the construction of a new Pole Building at a cost of approximately \$20,000.00. Mayor Stambaugh asked if there would be room to store a large crate for the confinement and detention of stray animals found occasionally within the Borough. Vice-President Beaver indicated that he would anticipate adequate space to accommodate this request. Councilman Patackis asked if this structure had a steel roof and if the pitch of the roof could sustain the weight associated with snow pack. Vice-President Beaver will obtain the specifications from the company and will pass this question along to the Borough Engineer. Councilwoman Borne Fuller asked what the life expectancy would be compared to a cinder block structure. Vice-President Beaver said the steel structure is calculated to have a life expectancy of approximately 25 years. Engineer Shradley advised Vice-President Beaver to be sensitive to the issue of the prevailing wage laws when dealing with the cost of the structure.

\*9) Councilwoman Borne Fuller made a motion directing the Chairman of the Administration Committee to proceed in developing specifications, prepare for bid, and make determinations as to the potential cost of the structure. Motion seconded by Councilwoman Panza. Motion carried.

*Highway* – No Report

*Property and Recreation* – No Report

*Public Safety* – Councilwoman Borne Fuller publicly commended members of the Fire Company as they collectively and individually did their due diligence regarding the discussion of purchasing fire apparatus and assures that the Borough is in good hands, especially after hearing the comments and heartfelt feelings from the members represented at their meeting on January 28<sup>th</sup>. President Ninosky also acknowledged that the meeting was carried out in a very respectful matter.

*Public Relations* – Councilwoman Panza has been able to solicit local businesses for the purpose of placing advertisements in the *Paxtang Post* to help defray the cost of publication. To this date Councilwoman Panza has acquired \$740.00 in donations.

*Health and Sanitation* – No Report

**UNFINISHED BUSINESS** – No Report

**NEW BUSINESS** – No Report

**COMMUNICATIONS** – Manager Beard read a letter from the family of Michael Powers expressing their gratitude for the concern shown to them regarding the recent funeral for Mike.

## **PRESENTATION OF THE BILLS**

\*10) Councilwoman Borne Fuller made a motion to pay the bills. Motion seconded by Councilwoman Panza. Motion carried.

At 9:00 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing personnel issues and potential litigation.

At 9:18 p.m. President Ninosky reconvened the Regular Business Meeting announcing that potential litigation matters and personnel issues were discussed.

## **ADJOURNMENT**

\*11) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Panza. Motion carried. At 9:20 p.m. President Ninosky adjourned the Regular Business Meeting.

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Secretary

1. Minutes
2. Treasurer's Report
3. 2009 Ledger – Corrected Copy
4. Purchase Playground Equipment
5. Saussaman Field – SPSA Softball
6. PSAB Mosaic – PSAB Anniversary
7. Accept Civil Service Commission Report
8. Paxton Presbyterian Church – Waive Fee –Pavilion
9. Authorize Chairman – Administration Committee – Proceed with Specs Highway Garage
10. Pay Bills
11. Adjourn