

**PAXTANG BOROUGH COUNCIL**  
**Regular Business Meeting**  
**July 15, 2008**

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
Council Vice-President	E. Denny Beaver

Council Members	Sheilah Borne Fuller
	Heather Lacour
	Virginia Panza
	Deborah Seneca
	John Rowe – entered at 7:33 p.m.

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

**MINUTES**

\*1) Vice-President Beaver made a motion to dispense with and approve the Minutes from the Regular Business Meeting of June 17, 2008. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**TREASURER'S REPORT**

\*2) Vice-President Beaver made a motion to dispense with and approve the Treasurer's Report from the Regular Business Meeting of June 17, 2008. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**REPORT OF THE FIRE CHIEF**

Chief Zwigart referred Council to his written report for the month of June.

**REPORT OF THE MANAGER**

Manager Beard announced the following seminars:

July 29<sup>th</sup> – Dauphin-Lebanon County Borough Association Dinner at the Steelton Boat Dock.

August 5<sup>th</sup> – Rapid Response Training – The Role of Public Health in a Multi Agency Response to Zoonomatic Avian Influenza at the Wildwood Center, HACC Campus.

August 14<sup>th</sup> – Budgeting Tools and Techniques, Essential Tools for Executive Municipal Operations.

August 21<sup>st</sup> – PA Municipal Legal Update Program.

Sept 18<sup>th</sup> - PENN PRIME Risk Management Seminar at State College. President Ninosky gave approval for Manager Beard and the Borough Secretary to attend.

Sept 24-25<sup>th</sup> – 2008 Labor and Employment Law Seminar sponsored by The Employment Alliance of Municipalities along with Reed, Smith and PSAB.

Trash Contract: At a recent Workshop those Council present expressed a desire to continue with the provisions of trash collection as stated in our current contract but to seek cost projections for an addendum that would provide bulk pick up services at the rate of one bulk item per week. If acceptable to Council, Manager Beard will proceed with preparing the documents, present them to the solicitor for his review, and advertise for contracts.

\*3) Vice-President Beaver made a motion to advertise contracts for trash collection, beginning February, 2009. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Lightening Strike: Manager Beard informed Council that he is in the process of assessing the damages associated from a recent storm.

Spring Clean Up: Waste Management has informed Manager Beard that the cost of services for Spring Clean Up will be \$4,290.78.

Werner Tree Update: Manager Beard reported that the tree in question at 514 Park Terrace has been removed. This follows the request of Mr. Werner and the recommendation of Mr. Ray Patakis, Chairman of the Shade Tree Commission.

Harrisburg Sewer Ordinance: In order to comply with new Federal mandated treatment regulations, our present Sewer Ordinance will need to be updated.

\*4) Vice-President Beaver made a motion to advertise the Sewer Ordinance once the Borough Solicitor has supplied the necessary changes. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Killian Property: Documentation has been executed regarding the request from Mr. Killian of 3103 Duke Street concerning the construction of a carport by a previous owner and the fact that it intrudes beyond Mr Killian's property line onto the grounds of an unopened street. Manager Beard suggested the possibility of offering residents in this area the opportunity to enter into an agreement regarding property usage relating to the unopened street.

Dauphin County Coop Grant: Manager Beard informed Council as to the availability of an Inter Municipal Cooperation Grant. This is a matching grant for up to \$50,000.00. Manager Beard asked Council for authorization to proceed with advertising an Inter Municipal Cooperation Ordinance with Penbrook and Dauphin County for a cost not to exceed \$12,500.00.

\*5) Vice-President Beaver made a motion to authorize Manager Beard to move forward and advertise an Inter Municipal Cooperation Ordinance. Motion seconded by Councilwoman Panza. Vice-President Beaver asked for a cost breakdown for the County as well as each municipality. Manager Beard responded that the County would offer \$25,000.00 and each municipality would be responsible for \$12,500.00. Motion carried.

Paxtang Avenue Curb: Funds have been received and letters will be addressed to residents within the next month.

Saussaman Park Request: A request was received from Mr. James Cavanaugh for the gratis use of the park and pavilion on Saturday September 6<sup>th</sup>. Mr. Cavanaugh is associated with the Prison Action Committee of Christian Churches United and would like to use the field for the purpose of holding a softball game between the men's work release program inmates and employees from probation and parole. The decision was made to offer use of the park and pavilion but to charge the fee of \$100.00 as stated in the guidelines for use of the pavilion for Non Borough establishments.

Councilman Rowe entered at this point – 7:33 p.m.

Saussaman Park Request: A request was received from Michael Bowmaster, Chairman of the Swatara Paxtang Softball Association, for use of the field for the months of July and August. The Manager's decision was made to approve his request with the understanding that SPSA would need to adjust their schedule due to the possibility that the pavilion was already reserved for activities involving the youth soccer association and/or private functions.

National Night Out: Tuesday, August 5<sup>th</sup> has been designated as National Night Out. A request for the closure of Brisban St. between Quince and Kelso was received from Murv Grunden as well as a request for the closure of Park Terrace from 524 to 525 Park Terrace from Ms. Deborah Seneca.

Manager Beard recommended the closure of Park Terrace between Ivy Lane and Brookwood Street as an alternative to closing Park Terrace between 524 and 525 due to safety issues. Ms. Seneca advised Council residents have already been informed as to the change in the traffic pattern for this evening. Manager Beard suggested the host provide a written notice to their neighbors as a reminder indicating the flow of traffic for this particular event.

Manager Beard asked Council to consider authorizing the Chief/Manager to approve additional requests as necessary and appropriate, to provide overtime for additional police officers, and to authorize the services of the Special Fire Police.

\*6) Councilman Rowe made a motion to allow the Chief/Manager authorization to approve additional requests as he sees necessary and appropriate, to provide overtime for the additional police officers, and authorization for the services of Special Fire Police. Motion seconded by Vice-President Beaver. President Ninosky asked Chief Beard as to how many officers would be needed. Chief Beard informed Council that he would like to provide three officers in addition to the Officer on duty. Motion carried.

Councilwoman Seneca abstained from the vote due to the conflict of interest

Codification: Manager Beard will be meeting with Mr. Warren Elliott of General Code to discuss his proposal for codification. President Ninosky gave authorization for Manager Beard to go forward with securing the services of Mr. Elliott.

Police Report: Chief Beard referred Council to the written reports regarding activity for the months of May and June. Chief Beard offered a verbal explanation as well. Due to recent residential burglaries, Chief Beard offered a reminder to the audience to keep their doors and windows locked.

PMRS: Manager Beard sent a request to PMRS for an actuarial study to determine the cost to bring probationary periods back to three months retroactively. As of this date the study has not been completed. A discrepancy was noted in a table received from PMRS versus the documents the borough has on files that dictated what Council chose to do with the excess interest awarded. The discrepancy has been accounted for and there is no need to take any further action. Manager Beard also mentioned that a request was put in adjust Officer Barrick's date of eligibility 9 days earlier.

Labor Negotiations: Negotiations are continuing with regard to the Police contract. Manager Beard asked Council to consider an Executive Session at the conclusion of the Regular Business Meeting to discuss personnel and legal matters.

#### **AUDIENCE PARTICIPATION**

Murv Grunden of 3323 Brisban Street presented the following:

- August 4<sup>th</sup> - Paxtang Historical Society will hold their meeting at 6:30 p.m. at Saussaman Park with a presentation by the Camp Curtin Historical Society entitled "Harrisburg during the Civil War". Non members are invited to attend the covered dish event
- August 5<sup>th</sup> – The 25<sup>th</sup> Anniversary of National Night Out. Residents requesting road closures for block parties should contact the borough office.
- John and Dawn Palmer have been tending to the "common area" located at Park Terrace and Brisban Street. Mulch for this area will be obtained from Swatara Township for a project in the near future.
- Mr. Grunden indicated a need for better communication from the Borough to the residents for Spring Clean Up 2009.
- Mr. Grunden expressed his gratitude for the installation of a new waste receptacle in front of Dr. DeLeo's office.

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

#### **REPORT OF CODES ENFORCEMENT**

Codes Enforcement Officer Ed Wenger referred Council to his written report and offered a verbal explanation as well.

Mayor Stambaugh asked Chief Beard to clarify the rules and regulations concerning skateboarding throughout the Borough. Chief Beard stated skateboarding is not permitted on sidewalks or on certain streets as outlined in our Ordinance and that damage caused by skateboards would fall under criminal mischief.

### **REPORT OF THE SOLICITOR**

With respect to a recent purchase and sale of a hydraulic rescue tool by the Fire Company, Solicitor Feinour recommended that the Borough Council ratify the sale of the “Combo Unit” to the Steelton Fire Company and the application of the proceeds towards the purchase of a newer rescue tool. Solicitor Feinour suggested in the future the borough adopt a policy that when fire or rescue equipment is to be purchased utilizing borough funds that the Fire Company first advise Borough Council and secure approval.

\*7) Councilman Rowe made a motion to ratify the sale of rescue equipment to the Steelton Fire Company and the application of the proceeds to the purchase of rescue tools. Motion seconded by Vice-President Beaver. Motion carried.

\*8) Councilman Rowe made a motion to move forward and adopt a policy that any equipment purchased with Borough funds must first have the approval of Borough Council as well as any equipment being considered for disposal that was purchased with Borough funds must have approval from Council first, unless the equipment is no longer in serviceable condition. Motion seconded by Vice-President Beaver. Motion carried.

### **REPORT OF THE ENGINEER**

Engineer Shradley referred Council to his written report summarizing the status of projects performed for the Borough by Rettew Associates for the month of June.

- Crack Sealing was been completed and the micro-surfacing will be scheduled in the next couple of weeks.
- The reconstruction/resurfacing project for the two unnamed alleys is now complete.
- GPS equipment has been ordered and the sewer television project will begin when the equipment has arrived.
- Deeds are being researched regarding the Pike Street right-of-way issue.
- A meeting will be scheduled in September for the mini comp plan. Councilwoman Seneca would like to see the meetings changed to Monday, Wednesday, or Friday mornings.
- A memo was sent to the Borough office outlining the status of the Dauphin County Greenway Study.
- Rettew is in the process of completing the MS4 Annual Report.
- Structural calculations were submitted for the proposed highway garage.

### **COMMITTEES**

*Administration* – Vice-President Beaver along with other representatives to CAPTAX will be researching options regarding the collection of the Earned Income Tax.

*Highway* – No Report

President Ninosky asked for a report regarding obtaining street signs. Manager Beard informed Council that several options were being explored.

*Property and Recreation*- No Report

*Public Safety* – Vice-President Beaver stated negotiations have begun relating to the police contract. Vice-President Beaver addressed his concerns regarding vehicles parking next to the Municipal Building along the alley causing congestion for those traveling through to the municipal parking lot. Councilwoman LaCour asked what policy was set in place for individuals soliciting throughout the borough. Manager Beard explained our policy and acknowledged that all individuals must register at the borough office and carry a borough issued permit. Councilwoman LaCour expressed her gratitude for the officer responsible for addressing the issue of vehicles parking next to the curbs painted yellow designating “No Parking”

*Health and Sanitation* – No Report

*Public Relations* – Councilwoman LaCour informed Council that the Paxtang Post should be ready for delivery shortly.

**UNFINISHED BUSINESS** – Manager Beard made note that two retention walls located by City Park Drive have been rebuilt by the Greenbelt Association.

Manager Beard will enter into negotiations with M&T Bank for the purpose of leasing a portion of their parking lot for a nominal fee or a no fee lease agreement with the provision that the borough could possibly maintain the area. Potential use could be for establishing a Park and Ride, overflow or a snow emergency lot.

**NEW BUSINESS** – No Report

**COMMUNICATIONS** – No Report

**PRESENTATION OF THE BILLS**

\*9) Vice-President Beaver made a motion to pay the bills. Motion seconded by Councilman Rowe. Motion carried.

At 8:13 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing possible litigation along with personnel and labor issues.

At 9:15 p.m. President Ninosky reconvened the regular business meeting.

\*10) Vice-President Beaver made a motion to terminate Part-Time Officers, Harlacker and Shellenhamer in their probationary period. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Vice-President Beaver acknowledged that a letter will be sent to the officers advising them to return their equipment and of their option to request a hearing.

Councilwoman Borne Fuller requested clarification regarding a citizen's complaint. Chief Beard stated a new procedure will be implemented regarding traffic stops and that our officers will be attending a "sensitivity training" seminar.

At 9:18 p.m. President Ninosky announced that Council would retire to Executive Session to discuss personnel matters and possible litigation.

At 9:33 p.m. President Ninosky reconvened the regular business meeting after discussing a potential litigation matter. President Ninosky noted the communication referenced by Councilwoman Borne Fuller was concerning a police matter and is being investigated by Chief Beard, Pennsylvania Human Relations Commission, The Department of Justice, and Ms. Linda Thompson.

\*11) Councilman Rowe made a motion to adjourn the regular business meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. President Ninosky adjourned the regular business meeting at 9:35 p.m.

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Secretary

1. Minutes
2. Treasurer Report
3. Advertise Trash contract
4. Advertise Sewer Ord
5. Advertise Inter Municipal Coop Ord.
6. Police Overtime – National Night Out

7. Ratify Sale of Fire Equipment
8. Policy, Sale/Disposal Equipment
9. Pay the Bills
10. Terminate Police Officers John Harlackner and Ryan Shellenhamer
11. Adjourn