

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
April 21, 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 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 Heather LaCour Virginia Panza John Rowe – entered at 7:26 p.m. Deborah Seneca – entered at 7:16 p.m.
Mayor	Keldeen Stambaugh
Borough Manager-Chief	Kenneth E. Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	J. Stephen Feinour
Fire Chief	Todd Zwigart

MINUTES – Mini Comprehensive Hearing

Manager Beard offered for Council's consideration the Minutes of the Mini Comprehensive Public Hearing held on March 17, 2009 with the following corrections: Vice-President Beaver was inadvertently recorded as being present for the meeting and should be placed on the absentee list. The third from last paragraph currently reads "Let the record 'state' there were no questions or comments offered from the audience". Manager Beard recommended the sentence read, "Let the record 'reflect' there were no questions or comments offered from the audience".

Councilwoman Seneca entered at this point – 7:16 p.m.

*1) Vice-President Beaver made a motion to approve the Minutes of the Mini Comprehensive Hearing with the corrections as requested by Manager Beard. Motion seconded by Councilwoman Panza. Motion carried.

MINUTES – Regular Business Meeting

Manager Beard offered for Council's consideration Minutes of the Regular Business Meeting held on March 17, 2009. He asked that, for clarity purposes to describe the work performed by the Borough Solicitor and Borough Engineer relating to the Paxton Presbyterian Church sub-division project, that the sentence structure in paragraph 4 of page 2 be amended.

*2) Vice-President Beaver made a motion to approve the Minutes from the Regular Business Meeting of March 17, 2009 with the changes as requested by Manager Beard. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE TREASURER

*3) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report from the Regular Business Meeting of March 17, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

RESOLUTION 09-09: President Ninosky read for Council's consideration Resolution 09-09, a resolution commending the action and initiative of Mr. Anthony Forlizzi and Sheet Metal Specialists for their service to the Borough of Paxtang.

*4) Vice-President Beaver made a motion to adopt **Resolution 09-09**. Motion seconded by Councilwoman Panza. Motion carried.

At this point Council presented a copy of the Resolution to Mr. Forlozzi, and was given the opportunity to express their gratitude.

REPORT OF THE FIRE CHIEF

Chief Zwigart referred Council to his written report for the month of March 2009 and offered a verbal explanation as well. Chief Zwigart offered his thanks to those that were able to support the Fire Company by attending the recent St. Patrick's Day fundraiser sponsored by the Paxtang Grill. President Ninosky expressed his gratitude to Chief Zwigart for the manner in which the Department responded to a house fire in the Borough. Councilwoman Borne Fuller expressed her sentiments as well.

REPORT OF THE MANAGER

Information on future seminars was sent to Council members prior to the Regular Business Meeting. Manager Beard offered Council an opportunity for discussion.

TMI Drill: On behalf of the EMA Directors, Manager Beard thanked Council for their participation in the TMI drill on April 14th. President Ninosky noted that it is of great assurance in knowing that the Borough has a competent disaster plan set in place and offered his gratitude to EMA Director Mr. Robin Bloss and EMA Deputy Director Mr. Ed Wenger for organizing the drill.

DCNR Grant: The grant will be filed electronically on Wednesday, April 22. A copy will be on file in the office for public review. The cost factor is approximately \$80,000.00. It is anticipated that a local match of \$40,000.00 will be provided through in-kind services. Without objection from Council, Rettew Associates will proceed to file the grant on behalf of the Borough.

CDBG 2009-2010: A grant has been approved, but not yet received, from the County for approximately \$25,000.00 to restructure the zoning ordinance and sub-division and land development. This allotment will not be enough to finish the project. Manager Beard would like to apply for an additional funding opportunity in order to finish the Sub-division and Land Development Ordinance.

*5) Vice-President Beaver made a motion authorizing Manager Beard to move forward and apply for funding for the SALDO project. Motion seconded by Councilwoman Panza. Motion carried.

Manager Beard has asked Rettew Associates to develop a Request For Proposal for professional services for the development of a zoning ordinance map. Manager Beard asked for Council's approval to advertise the RFP for the purpose of obtaining bids.

*6) Vice-President Beaver made a motion to authorize Manager Beard to advertise the RFP. Motion seconded by Councilwoman Panza. Motion carried.

Paxton Presbyterian Church: Solicitor Feinour will be in contact with David Wion, solicitor for Paxton Presbyterian Church, regarding submission of a finalized plan for a proposed property sub division.

Town Meeting: A Town Meeting is scheduled for Tuesday, April 28th, at 7:00 p.m in the Municipal gymnasium. The meeting has been advertised in the Patriot News, as well as on the Borough web site and posted on the signboard in front of the Municipal Building. Ms. Mary Klaus from the Patriot News has also been notified of the meeting and has expressed her interest in attending..

Councilman Rowe entered at this point – 7:26 p.m.

Animal Complaints: Manager Beard informed Council that the office has been receiving complaints regarding skunks and asked Council if they would like to address the issue. Council took no action. The Borough has also been receiving complaints regarding stray dogs. The Humane Society will not accept strays due to the fact the Borough does not have a contract with them. Manager Beard has been in contact with a representative from the Humane Society and they would be willing to offer the Borough a contract based on an estimated animal count that the Borough would need services for. Once the credit was exhausted, the Humane Society would bill the Borough per animal brought into the facility. The fee per animal is the same whether or not the contract number was exceeded.

Mayor Stambaugh recommended an authority figure from the Borough be authorized to contact the Humane Society in order to drop off an animal. Councilwoman Seneca wanted confirmation from the Humane Society that the animals brought to the facility were strays from the Borough. President Ninosky recommended considering a contract with the stipulation the Humane Society would not accept an animal unless it has been confirmed from the Borough Office or by a Borough Police Officer that the animal was a stray from the Borough and that the Borough was willing to accept the fee. President Ninosky feels Council should reconsider pursuing a contract if the Humane Society is not willing to accept these terms. President Ninosky recommended Council consider a budget of \$1,000.00 and authorize Manager Beard to pursue a contract as long as the Humane Society is willing to accept our requirements.

Councilwoman Seneca stated she would rather pursue a contract for the minimum amount required by the Humane Society since the fee per animal is the same whether or not the initial contract number is exceeded. Councilman Rowe supported the opinion of Councilwoman Seneca. Mayor Stambaugh suggested a contract budget of \$750.00.

*7) Councilman Rowe made a motion to enter into a contract with a limit of \$750.00, contingent upon the fact that the Borough Manager finds out whether or not the Humane Society will take steps to ensure that the animal was from the Borough. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Shade Tree: Manager Beard reintroduced a request from Mr. George Simpson of 519 Park Terrace requesting removal of two Borough trees due to the possibility of roots causing damage to his sewer system and sidewalk. Mr. Simpson has provided documentation regarding this matter.

A question was asked if the trees are healthy or not. Manager Beard said Mr. Simpson's major complaint is not the health of the trees but that the trees have grown into his sewer system and is pushing his sidewalk up. Councilwoman Seneca referenced Mr. Simpson's letter indicating the trees were overgrown and filled with dead branches.

Mr. Simpson is requesting Council give the same consideration to him as they did for Mr. Arch Werner who requested his trees be removed due to possible root damage to his sewer system. Council was divided on their recollection as to whether the health of the Werner tree was a contributing factor in the decision for its removal. Councilwoman Borne Fuller asked to have the Minutes researched and to have confirmation from the Shade Tree Commission as to what the condition of the Werner tree was.

Mr. Grunden asked why a tree was removed at Kelso and Derry that was said to be in the way of sewer lines. Manager Beard said a professional indicted the tree had already been heavily damaged from a previous fire, but could have possibly survived a few more years. However once equipment was brought in to excavate the sewer line, the tree would have been significantly compromised.

Vice-President Beaver suggested the Shade Tree Commission evaluate the Simpson tree and report back their recommendation. President Ninosky asked Council to consider possibly deeding the trees to the property owners so that the Borough is not in the business of determining whether or not a tree will be removed.

Roof Repairs: Manager Beard informed Council there is a significant roof leak in the garage and presented Council with three possible options, (a) leave “as is” for now, (b) replace the roof, or (c) provide temporary repairs at an approximate cost of \$1,500.00. Vice-President Beaver recommended the roof be repaired as opposed to being replaced. Councilman Rowe asked what happened to the possibility of replacing the present garage with a Pole Barn. Vice-President Beaver stated the Pole Barn presented expenses that would add to the original cost and rather than proceed without any grant funding, the project was put on hold.

*8) Vice-President Beaver made a motion to repair the garage roof at a cost of approximately \$1,500.00. Motion seconded by Councilman Rowe. Motion carried.

Street Cleaning: Arrangements have been made with Swatara Township for street sweeping the week of May 11th.

Street Projects 2009: Engineer Shradley made a recommendation to Council to reconstruct Plum Street, move ahead with the existing microsurfacing and defer the reconstruction of Quince Street to a later year. Engineer Shradley could also put both streets out for bid for reconstruction, with Quince Street as an alternate project, and if the bids are appealing, the Borough might be able to afford the cost of both projects. The two projects could be combined into one bid for reconstruction, place one advertisement, and obtain a quote for each project with the understanding that it would be the decision of Council to award both or just one project.

*9) Vice-President Beaver made a motion to approve the bidding for microsealing and bidding for the reconstruction of Quince and Plum. Motion seconded by Councilwoman Panza. Motion carried.

Arbor Day: Manager Beard encouraged Council to attend the Arbor Day celebration at “Paxtang Commons” on Saturday, April 25th at 10:00 a.m. The Chairman of the Shade Tree Commission, Mr. Patakis would like Council to consider moving funds from within the Shade Tree budget to accommodate the purchase of trees. Manager Beard recommended Mr. Patakis be given the \$1,200.00 that has been budgeted for planting, felt it was unwise to comply with this request for additional monies, but would bring the issue before Council. President Ninosky stated he was not in favor of moving monies from within the Shade Tree budget. Mr. Patakis has applied for a Pennsylvania Urban and Community Forestry challenge grant in the amount of \$1,500.00. Mayor Stambaugh informed Council that the grant has been awarded and the first installment of \$750.00 has been received. Manager Beard stated that he was not aware that the grant had been approved. Councilman Rowe recommended that Mr. Patakis be authorized to purchase trees as he requested.

*10) Councilman Rowe made a motion to award Mr. Patakis \$1,200.00 per the budget set for planting trees plus the grant funding of \$1,500.00. Seconded by Councilwoman Seneca. Motion carried.

Pavilion Rules: Manager Beard presented for Council’s consideration revised rules and regulations for the pavilion at Saussaman Park, as well as a fee schedule. It was the decision of Council that those reservations already on the books would be grandfathered and that anyone scheduling after passage of these rules would be adhering to the new guidelines. Councilwoman Seneca asked if a resident would have to be current on their taxes in order to reserve Borough facilities and if this requirement could be included into the regulations. Council took no action on this matter. Councilwoman Seneca asked if the Paxtang Elementary School and PTO would be included as “non-profit” and therefore be exempt from the rental fee. Councilman Rowe said organizations could petition Council for an exemption, but would be required to show proof of non-profit status.

Manager Beard asked if there was any interest in regulating dogs at the rental site. Council did not feel this would be an issue due to the fact that the Borough already has a 'leash law' ordinance. Mayor Stambaugh asked if there were rules and regulations for the lower ball field. Manager Beard reported there have not been any issues regarding the use of the lower field.

*11) Vice-President Beaver made a motion to pass the Rules and Regulations for use of Saussaman Park. Motion seconded by Councilwoman Panza. Motion carried.

Police Applications: To date Manager Beard has received two police applications. One background check has been completed and one is still in the process.

COPS Grant: The COPS grant has been submitted for approximately \$250,000.00.

Police Report: Chief Beard referred Council to the written report regarding activities for the month of March. President Ninosky commended Chief Beard for the manner in which he and his officers approached and handled a rather intense police incident. Councilman Rowe commented that he had been in contact with a citizen who was impressed with the quick action taken by Chief Beard who was responding to a recent house fire in the Borough. Councilman Rowe expressed his appreciation and gratitude to Chief Beard and the Fire Company for the efforts put forth in order to contain this fire.

AUDIENCE PARTICIPATION

Mr. Grunden of 3323 Brisban Street thanked Council and for use of the municipal gymnasium for the Historical Society meeting on April 6th. Mr. Grunden thanked the Public Relations Committee for a “job well done” on the Paxtang Post.

REPORT OF THE MAYOR

No Report

SOLICITOR

Solicitor Feinour encouraged Council to visit the Office of Open Records website in order to familiarize themselves with requests and decisions regarding electronic communications. Any type of email between a municipal official or employee regarding the municipal business or activities is deemed to be a public record regardless if the message was sent from a personal computer to another personal computer or whether or not the municipal office or Solicitor was copied. Solicitor Feinour informed Council that the Right To Know Law deems public records to be records in the hands of third persons relating to agency activities including email communications.

Councilman Rowe asked if Borough correspondence stored on a personal computer would be subject to a request for information. Solicitor Feinour said the RTK request would come to the Borough because the request would be viewed as that being in the possession of a third person. The question is in how the third party person would respond to the request if they had the documentation. Solicitor Feinour proposed that an email retention and disposition policy be compiled and presented to Council at the next Regular Business Meeting.

REPORT OF CODES ENFORCEMENT

Codes Enforcement officer Ed Wenger referred Council to his written report for March. Mr. Wenger thanked those that were able to participate in the TMI drill on April 14th. Mr. Wenger informed Council this plan could also be adapted to accommodate an “all hazard drill” as well.

REPORT OF THE ENGINEER

Engineer Shradley referred Council to his written report and offered a verbal explanation as well. Mapping for the GIS is underway and should be completed by next month. The municipal separate storm sewer system permit (MS4) report is due by June. The Borough will have to apply for a new permit since new regulations will be out in late September, 2009. Rettew Associates will send a representative to a meeting later in the week on this subject matter.

COMMITTEES

Administration – No Report

Highway – Councilwoman Seneca voiced her concern with vehicles parking illegally at the Paxtang Elementary School causing what she believes to be a safety hazard for the safety patrol and instructed Chief Beard to initiate enforcement in this area. Chief Beard posed the question to Council as to what action they would like to see take place. President Ninosky stated it was the wishes of Council to have an officer at this location in order to issue tickets or warnings at the discretion of the Department. Mayor Stambaugh agreed with Council's request.

Chief Beard asked Council if they were willing to sacrifice the coverage offered by the officer stationed at the Paxtang Avenue crossing in order to cover the school. Councilwoman Seneca thought there would be no sacrifice involved. President Ninosky suggested the patrol vehicle already stationed at the Avenue crossing continue to be parked there, have the officer secure the vehicle, and walk the approximate one and one half blocks to the school in order to establish a presence.

Property and Recreation – No Report

Public Safety – Vice-President Beaver informed Council that the Police contract defines an increase of 4.5 percent be awarded to the officers retroactive to January 2009. Vice-President Beaver believes this obligation has been carried out. Councilwoman Panza asked if the contract had a contingency for the officers to counter with a challenge. Vice-President Beaver said there was a provision for the officers to challenge their schedule and that they had until May 1st to do so.

Public Relations – Councilwoman LaCour thanked those that contributed articles to the Paxtang Post and offered her thanks to those that were able to help deliver the newsletter. Councilwoman LaCour gave a reminder to please deliver the Post to area businesses.

Health and Sanitation – No Report

UNFINISHED BUSINESS – No Report

NEW BUSINESS - No Report

COMMUNICATIONS – No Report

PRESENTATION OF THE BILLS

*12) Councilman Rowe made a motion to pay the bills. Motion seconded by Councilwoman Borne Fuller. Motion carried

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ADJOURNMENT

*13) Councilman Rowe made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. At 8:30 p.m. President Ninosky adjourned the Regular Business Meeting.

Secretary

2. Minutes – Regular Business Meeting
3. Treasurer’s Report
4. Res. 09-09 – Mr. Anthony Forlizzi
5. Apply Funding - SALDO
6. Advertise RFP – Zoning Map
7. Pursue Humane Society Contract
8. Repair Garage Roof_
9. Advertise Street Reconstruction-Microsealing
10. Shade Tree- Purchase Trees
11. Rules & Regulations – Saussaman Park
12. Pay Bills
13. Adjourn