

PAXTANG BOROUGH COUNCIL  
Municipal Building 3423 Derry Street  
Regular Business Meeting  
March 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.

Roll Call was taken.

**Council Members present**

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

Council Members	Lynn M. Kipp Virginia Panza Raymond Patackis Deborah Seneca
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<b>Council Members Absent</b>	Sheilah Borne Fuller
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Mayor	Keldeen L. Z. Stambaugh – arrived at 7:23 p.m.
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**Borough Officials**

Borough Manager-Chief	Kenneth E. Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	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 February 16, 2010 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

**TREASURER'S REPORT**

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

**REPORT OF THE FIRE CHIEF**

Chief Zwigart is presiding over the meeting of the Dauphin County Fire Chiefs Association and therefore will not be present to report this evening.

**REPORT OF THE MANAGER**

**Seminars:** In addition to information regarding future seminars sent to Council prior to the Regular Business Meeting, Manager Beard presented the following:

- Webinar, "Census 2010", March 23 and March 29.
- Webinar, PSAB Council/Mayor Roles and Responsibilities Tuesday, April 6<sup>th</sup>

Councilman Patackis asked if it was possible to join with area municipalities to share costs and network with other Borough members. Manager Beard said PSAB has set guidelines and he believes the Borough should follow their policy as outlined.

### **Playground Equipment**

A contract in the amount of \$14,917.95 has been received from Bitting Recreating Inc. for playground equipment that will be installed at the lower ball field. This project was made possible through a grant awarded from the Department of Conservation and Natural Resources for the Greenbelt and Park Improvement Project. Manager Beard acknowledged the contract came in under the original budget, set at \$17,000.00.

Mayor Stambaugh entered at this point – 7:23 p.m.

### **Zoning Update**

The Steering Committee for the Zoning Update will hold their initial meeting on Thursday, March 25<sup>th</sup>. Borough resident, Mr. David Transue will serve as resident-at-large.

### **Gym Request**

The Visiting Nurse Association is seeking an exemption from rental fees for use of the gymnasium on Thursday, April 21<sup>st</sup> to sponsor a luncheon for their volunteers.

\*3) Councilwoman Kipp made a motion to waive the rental fee for April 21<sup>st</sup>. Motion seconded by Councilman Patackis. Councilwoman Seneca asked on what grounds the rental fee would be waived and if Council has granted this type of request in the past. Councilwoman Kipp stated she believes Council should support their request, as they are a business within the Borough. Mayor Stambaugh is of the opinion that this would open the door for any business to use the facility free of charge. The Motion carried with Ninosky, Beaver, Kipp, and Patackis voting for adoption and Seneca and Panza opposing.

### **Gym Request**

The US CENSUS Bureau is seeking an exemption from rental fees for use of the gymnasium for the week of March 22nd through the 26<sup>th</sup> to train CENSUS 2010 workers.

\*4) Councilwoman Panza made a motion to waive the rental fee. The motion died without action for lack of a second.

### **Floodplain Management Ordinance**

Manager Beard asked Council to consider advertising the Floodplain Management Ordinance once the final version has been approved. Solicitor Feinour indicated the Ordinance calls for the establishment of the position of Floodplain Administrator and recommended the Codes Enforcement Officer fill this position. Manager Beard was in agreement with Solicitor Feinour.

\*5) Vice-President Beaver made a motion to advertise the Floodplain Management Ordinance when it is completed. Motion seconded by Councilwoman Panza. Motion carried.

### **Lions 5K Run**

The Paxtang Lions Club is seeking assistance from the Fire Police for their 5K Run, scheduled for Saturday, May 8<sup>th</sup>. Captain Murvin Grunden acknowledged that Fire Police would be offering their services for this event.

### **St. Margaret Mary School**

Ms. Deborah Calhoun, Race Director for St. Margaret Mary is seeking assistance from the Fire Police for a 5K Run scheduled for Saturday, March 27<sup>th</sup>. This event will take place through the Borough of Penbrook.

\*6) Councilwoman Panza made a motion authorizing the Fire Police to assist with the St. Margaret Mary 5K Run. Motion seconded by Vice-President Beaver. Motion carried.

### **Recycle Containers**

Manager Beard is waiting for delivery of new 30-gallon recycle containers from Waste Management. It was the decision of Council to offer residents one new container at no charge. Residents may purchase replacement containers at a cost of \$7.50.

### **Art Association Donation**

A donation has been received from the Art Association in the amount of \$500.00. Manager Beard asked Council to consider using the funds for the purchase of decorative pole banners in the downtown area.

Manager Beard noted the cost to be approximately \$250.00 per unit. Manager Beard suggested the Art Association be contacted to see if they would be willing to design a Borough Logo for the banners. Vice-President Beaver suggested bringing this matter up at the Workshop scheduled for March 29<sup>th</sup>.

#### **PSAB Programs**

Manager Beard reported that the Borough would follow through with the photo mosaic program sponsored by the Pennsylvania State Association of Boroughs (PSAB) portraying the Commonwealth's Boroughs. Manager Beard will have information regarding the Pennsylvania State Association of Boroughs Robert C. Edwards Foundation Scholarship on the Borough website.

#### **PA Borough Councils Association**

This Association assists Council members with networking and leadership skills. Dues for 2010 are \$25.00 which would cover all Council members. President Ninosky suggested moving forward and joining the Association.

\*7) Councilwoman Panza made a motion to join the PA Borough Councils Association at a fee of \$25.00. Motion seconded by Vice-President Beaver. Motion carried.

#### **Highway Truck Accident**

At the Regular Business Meeting of February 16, 2010 it was reported that one of our highway vehicles was involved in an accident where a young child was struck. (Documentation can be found on page 417 of the 2010 Minute Book.) Manager Beard has received the final report stating the Borough operator was not at fault in any way. Patrolman Jeremy Barrick of Swatara Township, who is also a member of the Dauphin County Accident Reconstruction Team, conducted the investigation and produced the report.

#### **Police Report**

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

#### **Pennsylvania Borough News Article**

Mr. Chris Knarr of Rettew Associates has been elected as the Cumberland County Planning Commission Chairman. Mr. Knarr was also appointed as Secretary for the Tri-County Regional Planning Commission serving Cumberland, Dauphin and Perry Counties. An article on the accomplishments of Mr. Knerr appears in the March issue of the *Pennsylvania Borough News*.

#### **AUDIENCE PARTICIPATION**

**Mr. Murvin Grunden of 3323 Brisban Street** advised that the Paxtang Historical Society would participate in the photo mosaic sponsored by PSAB. Mr. Grunden will submit photos to the Borough office. The office in turn will present the photos to PSAB. Paxton Presbyterian Church will provide an environmentally controlled storage area to house documents that no longer hold administrative worth to the Borough, but do, in fact, have historical value. (Documentation can be found on page 417 of the 2010 Minute Book.)

\*8) Vice-President Beaver made a motion to enter into an agreement with the Historical Society to loan, for an indefinite period of time, documents deemed to be of historical value, with the provision that the documents be properly stored. Motion seconded by Councilwoman Panza. Motion carried.

The Paxtang Historical Society will meet on Monday, April 5<sup>th</sup> 7:00 p.m. at the Paxton Presbyterian Church. Guest speaker Steven Russell will give a presentation on Thaddeus Stevens.

#### **Mr. George Bowman of 2902 Brisban Street**

Mr. Bowman presented Council with background information concerning property maintenance issues from years past, as well as a property maintenance citation recently received from the Codes Enforcement Officer. Mr. Wenger issued the citation regarding limbs from a private tree of Mr. Bowman's that was hanging over onto a public sidewalk. Mr. Bowman requested that Manager Beard and Mr. Wenger visit the site and offer an evaluation to which they honored.

Mr Bowman requested a hearing before Magisterial District Judge Smith, at which time he was found guilty and a fine was levied upon Mr. Bowman. President Ninosky asked Mr. Bowman if he paid the fine. Mr. Bowman replied that he had not and would be appealing the matter to the Dauphin County Court.

President Ninosky asked Mr. Bowman what the outcome of that hearing was. Mr. Bowman replied that DJ Smith's ruling was upheld by the Common Pleas Judge and he was found guilty of the charge.

Mr. Bowman stated that at the conclusion of the hearing before Judge Smith, he felt that Officer Corkle intimidated him and had violated his person. Mr. Bowman said he brought this to the attention of Manager Beard indicating he was interested in bringing assault charges against Officer Corkle and having an independent investigation carried out. President Ninosky stated that he was aware of that request and it was his understanding that the issue was turned over to the Dauphin County Criminal Investigation Division, that the investigation was performed, and that no wrongdoing was found on behalf of Officer Corkle.

Mr. Bowman asked President Ninosky if he would be interested in interviewing the parties involved in this situation. President Ninosky stated that an investigation had taken place and the report indicated there was no misconduct on the part of Borough employees.

Manager Beard asked President Ninosky to consider letting him read a portion the investigative report. At this point Mr. Bowman interrupted Manager Beard. President Ninosky informed Mr. Bowman that this was not a trial or a hearing. President Ninosky instructed Manager Beard to continue with the reading of the report that was conducted by Detective Jerome Wood, with the assistance of Detective Chief John Goshert of the Dauphin County Criminal Investigative Division.

Manager Beard continued with the reading of the report. Mr. Bowman interrupted the meeting by means of a verbal outburst and continued to interrupt Manager Beard, indicating that he did not care if he was "kicked out" of the meeting. President Ninosky then asked Mr. Bowman to please leave the meeting. Manager Beard once again continued with the reading of the investigative report only to have Mr. Bowman interrupt him again. At this point President Ninosky instructed Mr. Bowman to please leave.

At this point Mr. Bowman left the meeting - 8:23 p.m.

Manager Beard continued with the reading of the report noting the investigation was concluded without further action.

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

If anyone is interested in participating on the committee for the 100<sup>th</sup> Anniversary of the incorporation of Paxtang Borough, they should contact Mayor Stambaugh. Paxtang Borough will co-host the Dauphin-Lebanon Boroughs Association Dinner with Penbrook Borough 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. Council was given the opportunity for questions or comments.

#### **REPORT OF THE ENGINEER**

Engineer Shradley reported he is waiting for the results from the microsurfacing bid project through CapCOG. Engineer Shradley will meet with Manager Beard to discuss the need for base repair work prior to microsurfacing. Council was given the opportunity for questions or comments.

**COMMITTEE REPORTS** - *Administration*- Vice-President Beaver said that he, and other Borough officials, would be meeting on Wednesday, March 17<sup>th</sup> regarding renovations for the highway garage. Vice-President Beaver stated that one of those invited is Mr. Daniel Rosario, a full time code official, is requesting an hourly rate of \$40.00 for his services to draw up specifications for the highway garage.

\*9) Councilwoman Panza made a motion authorizing the spending of monies to draw up specifications for the highway garage. Motion seconded by Vice-President Beaver.

Councilman Patackis asked if the Public Works employees were given the opportunity to offer their input regarding this matter. Vice-President Beaver said the Public Works employees have been involved with the project from the beginning.

*Highway – No Report*

*Property and Recreation – No Report*

*Public Safety – No Report*

*Public Relations* – Councilwoman Panza said the format for the Paxtang Post is in the process of being revamped and offered her apology for any possible inconvenience that might have occurred due to the omission of time sensitive articles. Councilwoman Panza reported she has collected approximately \$900.00 from Borough businesses wishing to help defray the cost of publishing the Paxtang Post by purchasing advertising space for upcoming issues. The deadline for submitting articles is May 15<sup>th</sup>.

*Health and Sanitation – No Report*

**UNFINISHED BUSINESS** – No Report

**NEW BUSINESS** – Councilman Patackis mentioned that the handout relating to the Rules of Council do not list duties or responsibilities for the Public Safety Committee or the Office of the Treasurer. Manager Beard will look into obtaining this information.

### **COMMUNICATIONS**

Manager Beard presented the following communications:

- A communication from Mr. James Everhart inquiring if the Borough would list meetings for the Huntingtons Disease Support Group on the Borough Community calendar.

- A letter from former Council President Jim Schmidt regarding a ticket he received for parking “against” traffic in the 3600 block of Pear Alley. Manager Beard stated “No Parking” signs are not posted in alleys and substantial costs would be involved in posting the alleys in such a manner for proper enforcement. Manager Beard stated that posting the alleys could represent a hardship for some residents.

- A letter from Mr. James Dermes, Paxtang Lions Pancake Breakfast Chairman, thanking Council for use of the Borough Gymnasium for the 58<sup>th</sup> Annual Lions Pancake Breakfast. Mr. Dermes also expressed his gratitude to the Paxtang Fire Company as well as to Borough employees for their assistance and service given to this event, thus making it such a success.

### **PRESENTATION OF THE BILLS**

\*10) Vice-President Beaver made a motion to pay the bills. Motion seconded by Councilwoman Panza. Motion carried.

### **ADJOURNMENT**

\*11) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Panza. Motion carried. At 8:37 pm. President Ninosky adjourned the Regular Business Meeting.

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Secretary

1. Minutes
2. Treasurer Report

3. Waive Rental Fee – Gym – Visiting Nurses Association 4 Aye 2 Nay
4. Waive Rental Fee – Gym – US CENSUS – Motion only, no Second
5. Advertise Floodplain Management Ordinance
6. St. Margaret Mary's 5-K Run – Fire Police
7. Join PA Boroughs Council Association
8. Agreement with Historical Society – Loan Documents
9. Funding – Specifications Highway Garage
10. Pay Bills
11. Adjourn