

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
December 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	Sheila Borne-Fuller – entered at 7:32 p.m. Heather LaCour Virginia Panza Deborah Seneca
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Mayor	Keldeen L. Z. Stambaugh entered at 7: 32 p.m.
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Council Members Absent	John Rowe
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Borough Officials

Borough Manager-Chief	Kenneth 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 November 17, 2009 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 for the month of November, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF FIRE CHIEF

Chief Zwigart referred Council to his written report on the activities for the Fire Company and Fire Police for the month of November, 2009. Chief Zwigart informed Council that Santa would make a visit throughout the Borough on Saturday, December 19th.

REPORT OF THE MANAGER

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

- The 7th Annual Pennsylvania Farm Show Public Officials Day Luncheon will be held on Thursday, January 14th at 12:00 noon in the Farm Show Complex Cafeteria.
- CAPCOG will be offering two complimentary tickets to their annual meeting and dinner to be held on Monday, January 18th. Additional tickets may be purchased at a cost of \$35.00 each.
- Newly Elected Municipal Officials Training will be held on February 12 and 13.

Reorganization Meeting: Manager Beard informed Council that the Reorganization Meeting would be held on Monday, January 4th at 6:00 p.m. in Council Chambers.

Traffic Signal: The installation of a back up electrical system for the traffic signal at Paxtang Avenue and Derry Street has been completed at a cost of \$850.00 and has been paid in full. Manager Beard asked Council to consider authorizing the purchase of a generator for the system at a cost of \$239.00.

*3) Vice-President Beaver made a motion to purchase a generator at a cost of \$239.00. Motion seconded by Councilwoman Panza. Motion carried.

Unemployment Compensation: Mr. Robin Bloss, EMA Director for the Borough, has applied for unemployment benefits as his place of employment temporarily suspended operations for a period of time in the summer of 2009. Manager Beard has received notification from the Pennsylvania Unemployment Compensation Board that the Borough owes the PUCB \$5.88 due to the fact Mr. Bloss receives a stipend from the Borough for his service as the Borough EMA Director. President Ninosky recommended paying \$5.88 to the PUCB in lieu of incurring unnecessary costs that would be involved with the process of denying their claim.

Highway Garage Roof: Manager Beard advised Council that the highway garage roof is in need of repair and that temporary measures will be taken in order to sustain the roof through the winter months. Manager Beard asked Council to consider moving forward with this project as early as possible in the spring of 2010. Vice-President Beaver stated this issue would be brought up at the January Workshop and encouraged Council members to attend this meeting.

Sewer Construction: Manager Beard asked Council to consider payment to Rogele in the amount of \$6,841.36 for work involving a sewer project on Queen Street. Documentation can be found on pages 400 and 401 of the 2009 Minute Book.

*4) Vice-President Beaver made a motion to pay the invoice from Rogele. Motion seconded by Councilwoman Panza. Motion carried.

RFP: Councilwoman Seneca, Councilman Beaver, Codes Enforcement Officer Ed Wenger, and Borough Manager Kenneth Beard have reviewed the proposals for the Borough Zoning Ordinance Map. While Rettew Associates received the highest evaluation score from committee members. Their presentation also included a bid of \$27,750.00. C.S. Davidson of York offered a bid of \$25,240.00 and received the second high score from committee members. President Ninosky noted the Borough has a strong working relationship with Rettew Associates, and expressed his confidence in their work ethic. Manager Beard noted that bids ranged from \$17,800.00 to \$57,500.00.

*5) Councilwoman Panza made a motion to award Rettew Associates the contract and the authorization to proceed. Motion seconded by Councilwoman LaCour. Motion carried.

Street Light Request: Manager Beard revisited a previous request from a resident for the relocation of a streetlight in the alleyway of the 3200 block of Derry Street. Documentation can be found on page 401 of the 2009 Minute Book. In order to relocate or install a streetlight, Pennsylvania Power and Light would require the Borough retain the streetlight for a period of ten (10) years. Manager Beard, along with Vice-President Beaver, believes it would not be in the best interest of the Borough to move forward with this request at this time. Manager Beard informed Council that there was a report of criminal mischief in Apple Alley in the vicinity of an existing streetlight and even though this area was illuminated, it did not prove to be a deterrent for keeping such activity from occurring.

Police Report: Chief Beard referred Council to the written report regarding police activity for the month of November. Part-Time Officer Bradley Brandt has submitted his resignation from the Department effective November 22. Chief Beard asked Council to consider accepting the resignation of Officer Brandt.

*6) Vice-President Beaver made a motion to accept the resignation of Part-Time Officer Bradley Brandt with regret. Motion seconded by Councilwoman Panza. Motion carried.

Request for Executive Session: Manager Beard asked Council to consider an Executive Session to discuss matters of personnel and potential litigation.. President Ninosky said he would honor the request of

Manager Beard at the end of the Regular Business Meeting. Manager Beard took this opportunity to thank Councilwoman LaCour for her service to the Borough over the last four years as a member of Council. Even though Councilman Rowe was not able to attend this evenings meeting, Manager Beard publicly extended his gratitude to Councilman Rowe for his service to the Borough during his term as a member of Council. Manager Beard extended a Merry Christmas to all in attendance.

AUDIENCE PARTICIPATION

Mr. Murvin Grunden of 3323 Kelso Street indicated there would be no reports for the Paxtang Historical Society, Citizens Advisory Committee, or the Fire Police.

Mr. George Murphy of 213 Kelso Street revisited the issue of overnight vehicle parking in the Borough. This subject was discussed at the November 17th, 2009 Regular Business Meeting. Mr. Murphy commented that while he was a member of prior Council, a maximum weight limitation was established for vehicles parking on Borough streets overnight. Due to this limitation, it would be illegal for a school bus to be parked overnight on certain Borough streets. Manager Beard has been in contact with the driver of the school bus in question and has been advised that the bus will be moved to another location in the Borough.

Mayor Stambaugh and Councilwoman Borne Fuller entered at this point – 7:32 p.m.

REPORT OF THE MAYOR – Mayor Stambaugh stated the annual *Cookies and Crafts* with the Mayor would be held on Sunday, December 20th, from 1:00 p.m. to 3:00 p.m. in the Municipal gymnasium.

REPORT OF THE SOLICITOR – No Report

REPORT OF THE ENGINEER – Engineer Shradley anticipates the State announcing a decision in December regarding the DCNR grant relating to the relocation of the Capital Area Greenbelt and renovation of playground equipment.

Engineer Shradley expressed his gratitude to Council for awarding the RFP to Rettew Associates.

REPORT OF CODES ENFORCEMENT – Codes Enforcement Officer Ed Wenger referred Council to his written report for the month of November and offered a verbal explanation as well.

COMMITTEE REPORTS

Health and Sanitation – No Report

Public Relations – No Report

Public Safety – No Report

Property and Recreation – No Report

Highway – No Report

Administration – Vice-President Beaver presented for Council the **Second Reading** of the proposed Budget for 2010.

*7) Councilwoman Panza made a motion to adopt the 2010 Budget as presented by Vice-President Beaver. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Councilwoman LaCour read for Council's consideration the **Second Reading** of proposed **Ordinance No. 619**, an ordinance fixing the Tax Rate for the fiscal year of 2010 at rate of 9.6 mills for general Borough purposes, .38 mills for Fire Protection, and .75 mills for Highway. for a total tax rate of 10.73 mills.

*8) Vice-President Beaver made a motion to adopt **Ordinance No. 619**. Motion seconded by Councilwoman Panza. Motion carried.

President Ninosky read for Council's consideration the **Second Reading** of proposed **Ordinance No. 620**, an ordinance setting the 2010 Sewer rate at \$50.00 per residential dwelling. Commercial charges are outlined under the Schedule of Charges in the proposed ordinance. On a recommendation by Solicitor Feinour, the words "by law" should follow the word "authorized" under Schedule of Charges Section (D).

*9) Councilwoman Borne Fuller made a motion to approve **Ordinance No. 620** as amended. Motion seconded by Vice-President Beaver. Motion carried.

UNFINISHED BUSINESS

Mayor Stambaugh asked for a status report regarding the purchase of new recycle containers. Manager Beard stated the containers have been ordered and he is waiting for delivery.

NEW BUSINESS

Manager Beard has received notification from Mr. Thomas Wingert of 308 North 30th Street that his vehicle sustained damage due to a fallen branch dropping from a Borough Shade tree. Manager Beard expressed to Mr. Wingert that it has been Council's position in the past to have the individual seek restitution from their insurance company, but that he would bring the matter to Council's attention. President Ninosky indicated the Borough is granted Governmental Immunity and there would be no action on behalf of the Borough.

PRESENTATION OF THE BILLS

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

CORRESPONDENCE

Manager Beard received a letter from Sgt. Brian Zimmerman, Community Services Division Direct Coordinator of Swatara Township Police Department. Sgt. Zimmerman expressed his gratitude to the Paxtang Fire Police for providing traffic control during the Arthritis Foundation's Jingle Bell 5K Walk-Run on December 12, 2010.

At 7:52 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing personnel matters and potential litigation.

At 8:03 p.m. President Ninosky reconvened the Regular Business Meeting, announcing that labor issues as well as potential litigation matters were discussed.

President Ninosky extended a Merry Christmas and a Happy New Year to everyone. President Ninosky took this opportunity to wish Councilwoman LaCour well and expressed his gratitude for the service she has given to the Borough during her term as a member of Council.

ADJOURNMENT

President Ninosky declared the Regular Business Meeting to be adjourned at 8:04 p.m.

Secretary

1. Minutes
2. Treasurer Report
3. Purchase Generator – Traffic Signal Backup
4. Pay Rogele – Sewer Project – Queen St.
5. Award Rettew Assoc. – Zoning Ordinance Map
6. Resignation – Officer Bradley Brandt
7. Adopt 2010 Budget
8. Adopt Ordinance 619- 2010 Tax Rate
9. Adopt Ordinance 620 – 2010 Sewer Rate
10. Pay Bills