

PAXTANG BOROUGH COUNCIL  
Municipal Building 3423 Derry Street  
Regular Business Meeting  
May 18, 2011

Vice-President Beaver called the monthly meeting of the Paxtang Borough Council to order at 7:18 p.m., followed by the Pledge of Allegiance.

Roll Call was taken.

**Council Members Present:**

Council Vice-President	E. Denny Beaver
Council Members	Sheilah Borne Fuller Lynn Kipp Virginia Panza Raymond Patackis
Mayor	Keldeen L. Z. Stambaugh arrived at 7:19 p.m.

**Council Members Absent**

Council President	John R. Ninosky, Sr. Deborah Seneca
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**Borough Officials**

Borough Manager-Chief	Kenneth E. Beard
Borough Solicitor	Joshua Bonn – Nauman Smith
Borough Engineer	W. Max Shradley

**Borough Officials Absent**

Fire Chief	Todd Zwigart – Absent
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**MINUTES**

\*1) Councilwoman Panza made a motion to dispense with the reading of the Minutes from the Regular Business Meeting of April 19, 2011 and to approve the same. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**TRESURER'S REPORT**

\*2) Councilwoman Panza made a motion to dispense with the reading of the Treasurer's Report from the Month of April 19, 2011 and to approve the same. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Mayor Stambaugh arrived at this point – 7:19 p.m.

**REPORT OF THE FIRE CHIEF**

Due to the absence of Fire Chief Todd Zwigart, no report was presented.

**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.

**Memorial Day Picnic:** Manager Beard will circulate a sign up sheet to Council Members asking for their assistance with the Anthony Surace-Clyde Stohler Memorial Day picnic to be held on Monday, May 30<sup>th</sup>.

**Arbor Day:** Manager Beard extended his gratitude to all who were able to attend the Arbor Day ceremony that was held on Friday, April 29<sup>th</sup> at the Paxtang Elementary School.

**Highway Garage:** Plans for providing water and sewer services to the new highway garage are proceeding along. Public Works employees will be restoring the grounds located at 32 South Paxtang Avenue from damage done during construction as soon as they are able to do so. Manager Beard asked Council to consider authorizing Rettew Associates to conduct a survey of the property lines for the municipal building as well as the municipal parking lot at an approximate cost of \$2,200.00. As this survey is being done to identify property lines for the installation of a sanitary sewer line, funding for this project is available through the Sewer Fund.

\*3) Councilwoman Panza made a motion authorizing Rettew Associates to conduct a survey of the municipal building and parking lot property lines for the purposes of installing sewer lines contingent upon approval from Solicitor Feinour. Motion seconded by Councilwoman Kipp. Motion carried.

**Pavilion Request:** A request has been received from the Lenker Manor - Paxtang Womens Club requesting that all fees associated with renting the pavilion be waived for their use on June 12<sup>th</sup> for their picnic.

\*4) Councilman Patackis made a motion to waive all fees associated with the rental of the Saussaman Park pavilion as requested by the Lenker Manor - Paxtang Womens Club. Motion seconded by Councilwoman Borne Fuller. Motion carried. Councilwoman Kipp abstained from the vote due to a conflict of interest..

**Central Dauphin School District MOU:** Manager Beard presented to Council a Memorandum of Understanding (MOU) between the Central Dauphin School District and the Borough Police Department. This Agreement outlines the procedure for investigating incidents occurring on school property. Manager Beard stated the Borough Solicitor has reviewed the document and has no objection. Barring no opposition from Council, the agreement will be executed.

**Resolution 5-11:** Manager Beard presented for Council's consideration **Resolution No. 5-11**, A Resolution of the Borough Council of the Borough of Paxtang to adopt the Hazard Vulnerability Assessment and Mitigation Plan Update for the Borough of Paxtang.

\*5) Councilwoman Panza made a motion to Adopt **Resolution 5-11**. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**2011 Street Projects:** Manager Beard presented bids received from E.J. Breneman and Stewart & Tate Inc. It is the opinion of Manager Beard and Engineer Shradley that Council award the bid as lowest bidder to Stewart and Tate for the base bid, and to include both alternate bids at a cost of \$71,645.05.

\*6) Councilwoman Borne Fuller made a motion to award the base bid with both alternates for the street project to Stewart & Tate in the amount of \$71,645.05. Motion seconded by Councilwoman Panza. Motion carried.

Councilman Patackis asked that since United Water has replaced water lines on Duke from 30<sup>th</sup> to 32<sup>nd</sup> Streets due to an earlier water main break, if they would be offering to help with the costs associated with repaving. Manager Beard said that at this point there has been no commitment from United Water. Councilwoman Borne Fuller asked if this project would result in "prevailing wages". Engineer Shradley said that prevailing wages would not go into effect since microsurfacing is considered a maintenance operation and not a construction project.

**Call Blaster:** Manager Beard offered for Council's consideration a mass-calling plan from Anteil Inc. amounting to \$9.95 per month that allows for the activation of 125 calls. Councilwoman Borne Fuller asked if there would be a charge even if there were no need to activate the program. Manager Beard stated a charge would be incurred even if the service was not put into action. Councilwoman Kipp asked if there was a need for this service on a monthly basis. Manager Beard believes the potential for this service is warranted and could be used to alert homeowners for a wide variety of reasons and not just limited to emergency situations. It was discussed that the most favorable method of contact would be by way of a phone number provided by the homeowner. Vice-President Beaver suggested discussing this matter at a future Workshop.

\*7) Councilwoman Panza made a motion authorizing Anteil to provide a basic level "Message Blaster" plan for the Borough. Motion seconded by Councilwoman Kipp. Motion carried.

**Sewer Update:** Manager Beard and Solicitor Feinour met with representatives of the consortium regarding the Harrisburg City with regard to the alleged underpayment of sewer billings from 2007.

**Executive Session:** Manager Beard asked Council to consider an Executive Session at the end of the Regular Business Meeting to discuss matters of potential litigation personnel issues.

**Zoning Update:** With no objection from Council, Manager Beard will forward the project to the Borough Solicitor for his input and then to the Dauphin County Planning Commission for their review.

**CDBG Application:** At the April Regular Business Meeting, Manager Beard suggested pursuing a grant for a Comprehensive Shade Tree Study. Chris Knarr of Rettew Associates will contact representatives of the Dauphin County DCED to inquire as to the validity of securing a grant of this nature. Manager Beard would like permission from Council to seek an alternative proposal relating to downtown restoration if a Shade Tree Study is not feasible. Council extended a 'go ahead' for Manager Beard to pursue the CDBG grant in a manner to which he felt was appropriate and beneficial to the Community.

**DCNR Grant:** Manager Beard has received authorization from DCNR to proceed with the installation of the playground equipment located at "Paxtang Commons", otherwise known as the lower ball field.

**Police Resignation:** Chief Beard offered for Council's consideration the resignation of Tony Calaman as a part time police officer. Although he was hired, Mr. Calaman did not put in any time as an Officer with the Borough. Mr. Calaman and Chief Beard mutually agreed that it would be in the interest of both parties to part ways.

\*8) Councilwoman Panza made a motion to accept the resignation of Tony Calaman with regret. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**Police Vehicle:** Chief Beard presented for Council's consideration a proposal to purchase a new Ford Crown Victoria on a three-year lease program. This purchase would replace one of two Police cruisers currently in service. Councilwoman Borne Fuller and Councilwoman Kipp asked if this purchase was accounted for in the Budget. Vice-President Beaver stated that \$29,673.00 was included in the General Fund Budget with the intent to offset a deficit in the Capital Reserve (Vehicle) Fund. The lease payment would be made from the Capital Reserve Fund.

\*9) Councilwoman Panza made a motion to lease a 2011 Crown Victoria. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**Police Report:** Chief Beard presented to Council a verbal report of police activity for the month of May. Councilman Patackis inquired as to why a written report is no longer presented to Council members. Chief Beard stated he now obtains a written report directly from METRO. Mayor Stambaugh and Councilman Patackis asked for an explanation for the change. Chief Beard informed Council that since he pulls the information from METRO, the officer previously in charge of the written report could now be put back on the road. Chief Beard asked Council what they are looking for and would like for him to present. Councilman Patackis said he would like to be able to view the statistics relating to incidents as mentioned. Councilwoman Kipp asked Chief Beard as to where he was getting his information. Chief Beard stated the information is from a computer print out and that he could copy the information to those that were interested.

### **AUDIENCE PARTICIPATION**

Mr. Murvin Grunden of 3323 Brisban Street presented the following information:

- May 25<sup>th</sup> - The Paxtang Elementary School is having a Community Day and students will be visiting the Fire Station.
- August 25<sup>th</sup> - The Paxtang Historical Society has received an invitation to give a presentation on the history of the Paxton Presbyterian Cemetery.
- Mr. Grunden questioned the status of photographs submitted to the Pennsylvania Association of Boroughs for their 100<sup>th</sup> Anniversary mosaic. Manager Beard said he would make some inquiries.

- Mr. Grunden asked Manager Beard if he and Ms. Skinner of the Paxton Cemetery have come up with an appropriate Eagle Scout project for her son, Colon Skinner. Manager Beard said they have not made a decision as of this point in time.
- August 1<sup>st</sup> - The Paxtang Historical Society will host a picnic at Saussaman Park starting at 6:00 p.m. Everyone is welcome. Past and present residents of Paxtang will be encouraged to attend and pen their thoughts, experiences and memories of Paxtang. Findings will be compiled and offered for display at the 100<sup>th</sup> Anniversary celebration of Paxtang in 2014.
- August 2<sup>nd</sup> - Tuesday, August 2<sup>nd</sup> is designated as National Night Out. Mr. Grunden has registered the Borough for his event.

Rodger Fail of 3407 Rutherford Street presented the following information that has been brought to his attention. Mr. Fail believes these issues are beyond the authority and scope of the Shade Tree Commission and would like some guidance from Council.

- A homeowner wants to sell their house and needs to replace their sidewalk due to it being raised from Shade Trees. To what extent would the homeowner be allowed to repair the sidewalk. The Commission's initial position has always been that one does not harm the tree, but realizes that at times, trees have to be sacrificed or modified to a certain degree to accommodate other real world issues.
- A homeowner states roots from Shade Trees were creating problems in their lawn and wants the trees removed. Normally the Commission would adamantly decline this request unless the tree was weak or diseased and neither of these trees in question are in that state. The homeowner has offered to replace the trees with Honor Trees should their request be granted.. Mr. Fail stated that the issue of who would be responsible for expenses relating to the tree removal has not been approached at this time.
- A homeowner would like to repair their retaining wall and sidewalk for safety reasons. A Shade Tree is located within the boundaries of the proposed work site. The tree is not in the healthiest of state and would probably have to be removed within the next five years.

Mr. Fail questioned how the Commission should respond to residents wanting to make modifications to their property involving the removal of a Shade Tree and who would be responsible for the cost of removing the tree. Mr. Fail is not in favor of the Commission taking a tree down at the request of a homeowner and if the owner would like the tree taken down, Mr. Fail believes it should be at the expense of the homeowner. Mr. Fail also stated that giving this option to a homeowner would in fact undermine the whole purpose of the Shade Tree Commission. Mr. Fail asked for direction if residents wanting to cut tree roots approach him.

Mr. Fail asked that when it comes to the proposed location of tree plantings, which takes precedence, the opinion of the homeowner or The Shade Tree Commission. Mr. Fail commented that if the Commission allows just anyone to state they where they do or do not want a tree planted, the decision could have an impact throughout the Borough.

Councilman Patackis believes that safety should precede aesthetics. Mr. Fail would prefer to see a gradual approach to the taking of trees as opposed to a rapid plan of removal in order to maintain the appearance of the community. Mr. Fail stated he is completely in favor of putting together a comprehensive plan as Manager Beard outlined earlier in the meeting and is in complete support of proceeding with the Shade Tree Study.

Councilman Patackis feels that if a homeowner needs to replace their sidewalk in order to sell their home, the tree is in the way, and the tree cannot survive, then the tree should be removed. Councilman Patackis also mentioned that "ramping" of the sidewalk could be a suitable alternative to tree removal. If the roots are so badly involved with the space that it interferes with the structural stability of the tree, Councilman Patackis feels the tree must be removed. Mayor Stambaugh stated her opinion that in these cases the homeowner should be responsible for costs involved.

Mayor Stambaugh asked if a homeowner were allowed to remove a tree at their cost, would they be required to use a tree service approved by the Borough. Mr. Faill said that yes, that would be the stipulation. The size of the tree could be taken into consideration as the tree could possibly be removed by Borough Public Works employees.

Mr. Faill stated the Ordinance dealing with sidewalk requirements is fairly restrictive and feels the Ordinance might need to be reviewed and modified in order to allow for more options. Mayor Stambaugh asked if there is some kind of enforcement set in place for residents who cut or trim Shade Trees. Manager Beard responded there is a means for enforcement.

Vice-President Beaver suggested this topic be discussed at a future Workshop. Mr. Faill mentioned that a Shade Tree meeting is scheduled for Tuesday, June 14<sup>th</sup> at 7:00 p.m. in Council Chambers. Vice-President Beaver encouraged Council to attend the Shade Tree Commission meeting if they so desire.

**REPORT OF THE MAYOR** – Mayor Stambaugh reported that the Dauphin Lebanon County's Borough Association held their dinner meeting at the Crossroads Restaurant located in Grantville on Thursday, April 28<sup>th</sup>. Mayor Stambaugh noted there was discussion on the possibility of having someone with expert knowledge of Shade Trees be a guest speaker at a future Association meeting, as this is a topic of interest of other Boroughs as well.

**REPORT OF THE SOLICITOR** – No Report from Joshua Bonn, attending in the absence of solicitor Feinhour.

**REPORT OF CODES ENFORCEMENT** – Codes Enforcement Officer Ed Wenger referred Council to his written report for the month of May and offered Council the opportunity for questions and comments.

**REPORT OF THE ENGINEER** – Engineer Shradley indicated he is in the process of preparing the MS4 Stormwater Management Report and will present the document for signatures shortly.

#### **COMMITTEE REPORTS**

*Administration* – No Report from Vice-President Beaver

*Property and Recreation* – Councilwoman Kipp reported she is in charge of children's games for the Memorial Day Picnic and will be seeking assistance from others as well. It was the decision of Council to decline the offer from METRO Bank for 'METRO Man' to participate at the picnic.

*Public Safety* – Councilwoman Borne Fuller informed Council that the new Fire Engine would be in service on Monday, May 23<sup>rd</sup>. The Fire Company will be hosting a "Housing" for their new Pierce Pumper on Saturday, June 4<sup>th</sup> and would be using the municipal gymnasium from 11:00 a.m. until 5:00 p.m. Manager Beard requested that the Fire Company forward any and all plans and requests for the event to the Borough office. This would include information on the possible need to close down the municipal parking lot as well as the use of any borough resources.

*Public Relations* - Councilwoman Panza informed Council that the deadline for submission of articles for the *Paxtang Post* would be Wednesday, June 15.

*Highway* – Due to the absence of Councilwoman Seneca, no report was presented.

*Health and Sanitation* - Councilman Patackis indicated that he would be submitting an article for the *Paxtang Post* for those interested in information about a 'Trap, Neuter, and Return' program for animals.

**UNFINISHED BUSINESS** – No Report

**NEW BUSINESS** – Mayor Stambaugh stated that the City of Harrisburg would be celebrating the 4<sup>th</sup> of July by setting off a display of fireworks on the evening of July 3<sup>rd</sup> from City Island. Mayor Stambaugh noted that since the fireworks can be seen from Saussaman Park, that Council consider open the park to the

community on the evening of July 3<sup>rd</sup>. Mayor Stambaugh requested that the restroom facilities be available as well. Vice-President Beaver acknowledged support of the event. Councilman Patackis stated there is a need for a flagpole at Saussaman Park and asked that one be made available. Manager Beard informed Council that he is working on obtaining one.

#### **COMMUNICATIONS**

Manager Beard read a letter from Fire Chief Todd Zwigart and President Thomas Leach addressed to Council members inviting them to the “Housing” of the new 2011 Pierce Pumper on Saturday, June 4<sup>th</sup> at 2 p.m.

#### **PRESENTATION OF THE BILLS**

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

At 9:06 p.m. Vice-President Beaver announced that Council would retire to Executive Session for the purpose of discussing potential litigation and personnel matters.

At 9:15 p.m. Vice-President Beaver reconvened the Regular Business Meeting announcing that potential litigation matters had been discussed relating to Harrisburg City sewer billings.

\*11) Councilwoman Panza made a motion to approve the engagement of Scott T. Wyland of the Law Firm of Hawke, McKeon & Sniscak, LLP, pursuant to the terms of the engagement memorandum dated May 2, 2011 to represent the interest of the Borough of Paxtang with other municipalities in efforts towards the resolution of the dispute with the City of Harrisburg over past and future sewer rates. Motion seconded by Councilwoman Kipp. Motion carried.

#### **ADJOURNMENT**

Vice-President Beaver declared the Regular Business Meeting to be adjourned at 9:18 p.m.

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Secretary

1. Minutes
2. Treasurer’s Report
3. Survey Municipal Property
4. Waive Fees – Saussaman Park – Lenker Manor Paxtang Womens Club
5. Adopt Res 5-11 Hazard Vulnerability Assessment and Mitigation Plan
6. Award Street Microsurfacing – Stewart and Tate
7. Pursue Message Blaster
8. Resignation – Tony Calaman – Police
9. Lease Police Cruiser
10. Pay Bills
11. Engage Hawke, McKeon & Sniscak – Harrisburg Sewer Billings