

**PAXTANG BOROUGH COUNCIL**  
**Municipal Building 3423 Derry Street**  
**Regular Business Meeting**  
**August 18, 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 Virginia Panza John Rowe Deborah Seneca
Mayor	Keldeen Stambaugh

<b>Council Members Absent</b>	Heather LaCour
-------------------------------	----------------

**Borough Officials**

Borough Manager-Chief	Kenneth 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 the reading of the Minutes from the Regular Business Meeting of August 18, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

**REPORT OF THE TREASURER**

\*2) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

**REPORT OF THE FIRE CHIEF**

Chief Zwigart referred Council to his written report on the activities for the Fire Company and Fire Police for the month of July 2009 and offered a verbal explanation as well. Members of the Fire Company offered free smoke detectors, and other items relating to fire safety to Borough residents during the recent National Night Out that was held on August 4<sup>th</sup>. Chief Zwigart will be making arrangements to have the light towers available for Trick-or-Treat night which is scheduled for Thursday, October 29<sup>th</sup>. The Fire Company will sponsor a Pulled Pork take out dinner on Saturday, August 22.

**REPORT OF THE MANAGER:**

**Seminars:** Information on future seminars was sent to Council members prior to the Regular Business Meeting. Council was afforded the opportunity for questions or comments.

**Resolution No. 10-09:** Manager Beard presented for Council's consideration Resolution No. 10-09, a Resolution formalizing the appointments of E. Denny Beaver as a voting delegate to the Dauphin County Tax Collection Committee and Tax Collector, Ms. Helen Koser, as the alternate.

\*3) Councilman Rowe made a motion to approve Resolution 10-09. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**Resolution No. 11-09:** Manager Beard presented for Council's consideration Resolution No. 11-09, a Resolution waiving the five (5%) contribution or contributions of any kind by members of the Police Department to the Pennsylvania Municipal Retirement System for the uniformed pension plan.

\*4) Vice-President Beaver made a motion to approve Resolution 11-09. Motion seconded by Councilwoman Panza. Motion carried.

**Resolution No. 12-09:** Manager Beard presented for Council's consideration Resolution No. 12-09, a Resolution requesting authorization from the Pennsylvania Department of Transportation to erect an announcement banner crossing Derry Street for the Paxtang Fire Company's Annual Crabfest and Pig Roast.

\*5) Councilwoman Borne-Fuller made a motion to approve Resolution 12-09. Motion seconded by Councilman John Rowe. Motion carried.

**Yard Sale:** A Community Yard Sale will be held on Saturday, August 29<sup>th</sup>. With no objection from Council, Manager Beard will proceed with advertising this event.

**COPS Grant:** Chief Beard informed Council that although Paxtang's proposal was not chosen in the first round award announcement for the COPS Hiring Recovery Program (CHRP), Paxtang's application would remain under a "pending" status for future consideration.

**CDBG Grants:** Preparation is underway to advertise the RFP for the Zoning Ordinance/Map. Manager Beard, along with Mr. Chris Knerr of Rettew Associates, were in attendance at the County Commissioners Hearing regarding the 2010 CDBG grant concerning the final portion of the zoning and SALDO development.

**MS4:** The Municipal Separate Storm Sewer System permit application has been prepared and submitted by Rettew Associates.

**Codification:** Manager Beard reported that since he has not received any comments or suggestions from Council regarding the basic structure of the codification, he would proceed as originally planned.

**Non-Uniform Pension:** Manager Beard and Vice-President Beaver met with Mr. Leonard Ferrara, the pension administrator for the non-uniform pension plan, along with an attorney specializing in drafting pension documents. Mr. Ferrara stated the pension plan is antiquated and does not meet current IRS requirements. Mr. Ferrara proposed redrafting the agreement at a cost of approximately \$7,500.00. The current pension plan is a Target Benefit Plan, which the Borough is obligated to maintain under the collective bargaining agreement for the two Public Works employees. The plan also includes the Borough Secretary, who is a non-union employee. Manager Beard believes it would not benefit the Borough to move these employees out of the system, but indicated Mr. Ferrara would recommend the Borough proceed with a Money Purchase Option for all new hires. Manager Beard said the cost to transfer to the Money Purchase Option would be \$2,000.00 over and above the \$7,500.00 estimated cost to redraft the current pension plan document. Manager Beard reminded Council of the overpayment made into the pension in the amount of \$5,548.00 in 2008 which can be applied to this year's payment.

\*6) Vice-President Beaver made a motion to approve the pension upgrade to bring it into compliance with IRS rules. Motion seconded by Councilman Rowe. Motion carried.

**Leaf Machine:** Manager Beard received an estimate from Stephenson Equipment Inc. in the amount of \$7,179.45 for repairs to the Borough leaf machine. Manager Beard believes the estimate could be reduced substantially by having the itemized maintenance work performed by Borough Public Works employees. Manager Beard estimated the cost of a new machine to cost between \$45,000.00 and \$50,000.00. Vice-President Beaver noted funding for the proposed repairs would be available through the Solid Waste account.

\*7) Vice-President Beaver made a motion to go forward with repairing the leaf machine and to have as much work done 'in house' as possible. Motion seconded by Councilwoman Born Fuller. Motion carried.

**National Night Out:** Manager Beard was able to visit the various events held throughout the Borough and informed Council that he felt the evening went very well. Manager Beard took this time to offer his thanks to the Fire Company for their assistance with National Night Out.

**Street Projects 2009:** An invoice for \$35,838.35 has been received from Asphalt Paving Systems for the 2009 street microsurfacing project. The Borough Engineer has reviewed this invoice and Manager Beard asked Council to consider payment to Asphalt Paving Systems. Funding for this project is available through the Capital Reserve Highway account.

\*8) Vice-President Beaver made a motion to pay Asphalt Paving in the amount of \$35,838.35. Motion seconded by Councilwoman Panza. Councilman Rowe questioned the original proposal from Asphalt Paving. Manager Beard stated the original invoice was for an approximate cost of \$38,000.00 and that the project did in fact come in under bid. After discussion, motion carried.

**Shade Tree:** Manager Beard informed Council that an invoice was received from Shull's Tree Service in the amount of \$4,500.00. This invoice is for the removal of nine (9) trees along with stump removal and the trimming of one (1) additional tree.

**Police Report:** Chief Beard referred Council to the written report regarding police activity for the months of June and July and offered a verbal explanation as well. Officer Todd Harrer, who has been offered a provisional appointment as a police officer, has completed the certification process and will be sworn in by Mayor Stambaugh on Wednesday, August 29th. Chief Beard has received an application from an individual seeking employment as a part-time officer. Chief Beard asked for Council's permission to hire another part-time officer. President Ninosky stated that Chief Beard has a "blanket" authorization to hire any and all appropriate candidates for part time work.

**Request for Executive Session:** Manager Beard asked Council to consider an Executive Session for the purpose of discussing personnel matters. President Ninosky said he would honor that request at the end of the Regular Business Meeting.

President Ninosky asked Chief Beard how soon Officer Harrer would be available for training once he has taken his Oath. Chief Beard said that once Officer Harrer receives his uniform and equipment, he would be ready to go.

#### **AUDIENCE PARTICIPATION:**

**Mr. Murvin Grunden** of 3323 Brisban Street noted he did not have anything to report at this time for the Fire Police, Citizens Advisory Committee, or the Historical Society. President Ninosky, speaking for Council and the Mayor offered their appreciation to Mr. Grunden for offering his assistance during the recent Butterfly Release sponsored by "Crossing Hospice" of the Visiting Nurse Association.

**Mr. and Mrs. Whitley Simmons** of 2904 Brisban Street expressed their concerns regarding a constant overflow of trash and the abundance of soiled diapers littering the ground at the Town and Country Day School, located at 2910 Brisban Street. Mrs. Simmons distributed pictures depicting the conditions at Town and Country to members of Council. Councilwoman Panza and Mayor Stambaugh asked if it was a possibility for Town and Country to obtain a larger dumpster or obtain additional dumpster from their waste hauler in order to alleviate this problem.

Manager Beard has been in contact with Waste Management and explained that Waste Management has stated that the logistics of trying to maneuver a waste truck into the site location for pick up is not conducive to a larger size dumpster. Manager Beard noted Town and Country has asked that Waste Management provide a proposal for more frequent pick-ups, which Waste Management has done.

Mayor Stambaugh asked Mrs. Simmons what the conditions were like while Town and Country was under the direction of the previous owner. Mrs. Simmons stated that the school was not in operation when they purchased their house and therefore they could not comment.

Manager Beard said that at one time the establishment housed a grade school. When the present owners wanted to purchase the property, one of the issues raised by the Borough was to what impact the day care would have in addition to the grade school. The fact that Mrs. Simmons mentioned her concerns of soiled diapers littering the property is obviously indicative that the day care has brought about a significant impact. The present owners applied for a variance, the issues were brought to the attention of the Zoning Hearing Board, and the variance was, in fact, granted. Councilwoman Borne-Fuller asked what action the Borough would be able to take if Town and Country chooses not to accept the proposal from Waste Management for additional trash pick up. Manager Beard said a written warning would be given and then thereafter a citation could be issued.

Mr. Simmons said the patrons of Town and Country also contribute to the circumstances by depositing their own personal trash at will as they come and go. Mr. Simmons suggested that if Manager Beard has future discussions with Town and Country, he asks them to please take a few minutes at the end of the day and patrol their property. Mayor Stambaugh said a possible recommendation would be to send letters to the parents of the students noting the situation and to be mindful of placing trash in its proper place.

President Ninosky thanked Mr. and Mrs. Simmons for bringing this matter to the attention of Council. Mrs. Simmons thanked Manager Beard for all his help and attention to this matter.

**Ms. Brenda Noell of 19 North 30<sup>th</sup> Street** has been in contact with a Borough resident requesting a “private” parking space be installed on the west side of Kelso immediately north of Derry Street. Ms. Noell inquired as to what the requirement was for installing the “private” parking sign located at 13 Kelso Street. Mayor Stambaugh advised she is also aware of the situation and has been in contact with Manager Beard regarding this issue.

Manager Beard stated at this point in time that the Borough does not have an Ordinance to govern such a request.

Vice-President Beaver noted one cannot designate a space on a highway for the exclusive use of one individual but a space could be designated as “handicapped”. Ms. Noell feels Kelso Street is not a “highway” but rather a side street. Councilman Rowe stated that by PennDOT definition Kelso Street is a “highway”. Councilman Rowe said in reference to the “private” parking sign at 13 Kelso Street, he is not sure as to who authorized the installation of the sign as the Borough has no provisions for a “private” parking space, and that there is no enforcement value associated with this sign.

### **REPORT OF THE MAYOR**

Mayor Stambaugh stated that she was able to attend many of the events held on National Night Out and commented that the evening went well. Mayor Stambaugh was present at the 3<sup>rd</sup> Annual Butterfly Release held at the Greenbelt Commons and thanked Mr. Murvin Grunden for offering his assistance with crossing pedestrians for the event. The Mayor will be attending the Dauphin County EIT Collection seminar along with delegate Denny Beaver on August 19<sup>th</sup>.

Mayor Stambaugh inquired as to the procedure for securing a “handicapped” parking space. Manager Beard said that a traffic study would need to be conducted to outline the justification of posting a “handicapped” sign and then Council would in turn act upon that particular request by modifying the existing parking ordinance. Mayor Stambaugh said that when she first received this request, she was under the impression that the resident wanted a “handicapped” sign but after discussing the matter with Manager Beard she was made aware that the request was actually for a “private” parking space. Manager Beard has been in contact with the resident, that being Ms. Hugo of 3404 Derry Street and he stated that if Council would want to designate a “private” space for Ms. Hugo and Ms. Hugo alone, an Ordinance would need to be acted upon. Manager Beard suggested to Ms. Hugo that she should feel free to write Council informing them of her request. Mayor Stambaugh believes the only option available to Ms. Hugo would be to request a “handicapped” space.

Manager Beard said Ms. Hugo questioned the installation of the “private” parking sign posted at 13 Kelso Street. He said that the sign very well could have been posted by a prior Council. Manager Beard said Council could establish restricted parking on Kelso for a certain number of feet from the curb through a permit and would defer to the Solicitor to draft appropriate language. President Ninosky asked if the sign at 13 Kelso Street should be removed. The Manager said the sign could be taken down unless documentation is found authorizing its placement. Manager Beard has researched the matter and has not any justification or any action taken by Council regarding the placement of the sign. President Ninosky believes there is no need for the sign to be there if it cannot be enforced. Manager Beard confirmed that the sign is not enforceable. Solicitor Feinour asked if there was off street parking available for this resident. Manager Beard said he believes she could park behind her building, but that would require Ms. Hugo to walk from the back of her building to the front of her residence anyway.

Councilwoman Seneca asked if the parking lines on Kelso Street have been realigned as she believes there is one less parking space. Manager Beard said the spaces are identical to where they were before and that the spacing was done according to the applicable PennDOT specifications. Public Works employee Mr. Ed Wenger confirmed the Managers statement and said that he marked the curbs before the road was resurfaced in order to reference the spaces and that there is actually one additional space than before. Office.

Councilman Rowe commented that he had questioned Chief Beard as to how many documented complaints there have been regarding parking issues for the 100 block of Kelso Street. Councilman Rowe stated Chief Beard could not tell him of any such incidents. The Councilman questioned why painted lines for parking were put down in this area. Councilwoman Seneca said she is in favor of the painted lines as this helps keep vehicles parked in an orderly fashion. Mayor Stambaugh expressed a concern with vehicles parking next to the “yellow” curb on Brisbane Street. Manager Beard suggested Mayor Stambaugh place a call to the Police when she observes a violation.

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

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

Codes Enforcement Officer Ed Wenger referred Council to his written report for the month of July and offered a verbal explanation as well. Mr. Wenger reported that the property at 300 North 31<sup>st</sup> is in dire need of being cleared of an excessive overgrowth of vegetation and is proceeding through the proper channels in order to remedy this situation. Mr. Wenger has asked Solicitor Feinour for his opinion on posting repeat code violators on the Borough web site and the Paxtang Post. Solicitor Feinour noted he would research this request.

At this time Mr. David A. Wion of the law firm of Wion, Zulli, & Seibert, Mr. Randy Allen of Dauphin Engineering, Mr. Ronald Wix, an Elder member and Chair of the Parsonage Committee of the Paxton Presbyterian Church, and Mr. James Holtzman, a member of the Paxton Presbyterian Church Parsonage Committee, were recognized by President Ninosky. Mr. Wion, on behalf of the group, indicated that they have come before Council seeking approval of the subdivision plan regarding the division of the plot for the Manse to separate this building from the Paxton Presbyterian property.

Mr. Wion informed Council that no development will occur under this plan and that the plan is the two-line subdivision in the lower right-hand corner of the property. The rest of the tract will remain “as is” and the improvements, the structure, and other existing conditions will remain exactly as. Mr. Wion stated this is not a land development plan, but a subdivision plan.

Mr. Wion stated that the Borough Engineer has reviewed the latest revision to the subdivision proposal; addressing the sight distance for traffic departing the parsonage from the driveway onto Wilhelm Road. Citing a large hedge that currently exists at the south side of the driveway, and that the Zoning Ordinance requires certain minimum sight distances that may be blocked by this hedge, the Borough Engineer has asked that the plan be changed to demonstrate what that sight distance is and to the extent that it is affected by the hedge, if necessary, an assurance that the hedge will be removed. Mr. Wion stated that they have already complied with the engineer’s request.

Mr. Wion asked Council how they would like to proceed with the presentation of each request modification. President Ninosky suggested Council proceed with obtaining a recommendation from the Borough Codes Officer and the Borough Engineer on each modification followed by a motion for each modification.

Mr. Wion presented five modifications to the Borough's Land Subdivision Ordinance the Church had requested in a letter to Borough Council on June 29<sup>th</sup> 2009.

\*9-13) At the conclusion of each modification being presented President Ninosky entertained a motion, which was properly seconded to accept that specific modification. Each modification was accepted by a favorable Council vote.

President Ninosky suggested a motion be made to grant a waiver as requested by the Paxton Presbyterian Church regarding the screen planting requirement relating to the Borough Zoning Ordinance.

\*14) Councilman Rowe made a motion to waive the screen planting requirement. Motion seconded by Vice-President Beaver. Motion carried.

Mr. Wion recommended to Council that they consider approving the subdivision plan as presented and with the modifications and waivers as approved. With no objections from Codes Enforcement Officer Mr. Wenger or Mr. Shradey, the Borough Engineer, President Ninosky suggested a motion be presented to accept the recommendation requested by Mr. Wion.

\*15) Councilman Rowe made a motion to accept the request as presented by Mr. Wion. Motion seconded by Vice-President Beaver. Motion carried.

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

Engineer Shradley informed Council that the DEP will extend the Municipal Separate Storm Sewer System permit until March 2011 and the application should be submitted in September of 2010.

#### **COMMUNICATIONS**- No Report

*Administration* – Vice-President Beaver informed Council that planning for the 2010 Budget is scheduled for September and recommended holding a Town Meeting in October, 2009. Vice-President Beaver will also be attending a Budget seminar sponsored by PSAB on August 25<sup>th</sup>.

*Highway* – No Report

*Property and Recreation* – On behalf of Councilwoman LaCour, Manager Beard passed along her apology for her absence and reminded Council that submission of articles for the Paxtang Post should be in by September 11<sup>th</sup>.

*Public Safety* – No Report

*Public Relations* -No Report

*Health and Sanitation* –No Report

#### **UNFINISHED BUSINESS** – No Report

#### **NEW BUSINESS** – No Report

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

\*16) Councilwoman Borne fuller made a motion to pay the bills. Motion seconded by Councilman Rowe. Motion carried.

At 8:55 p.m., President Ninosky announced that Council would retire to Executive Session for the purpose of discussing potential litigation and personnel issues.

At 9:15 p.m., President Ninosky reconvened the Regular Business Meeting announcing that potential litigation and employment issues were discussed.

**ADJOURNMENT**

\*17) Councilman Rowe made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. At 9:16 p.m., President Ninosky adjourned the Regular Business Meeting.

---

Secretary

1. Minutes
2. Treasurer's Report
3. Res. No 10-09 EIT Delegates
4. Res. No 11-09 PMRS Waive Officer Contributions
5. Res. No 12-09 Crabfest Banner
6. Non-Uniform Pension Upgrade
7. Repair Leaf Machine
8. Pay Asphalt Paving – Microsurfacing Project
9. Approve Modifying Topographic Data Requirement
10. Approve Modification of Preliminary Plot Requirement
11. Approve Modification of Monument Requirement
12. Approve Modification of Sidewalks Requirement
13. Approve Modification of Street trees Requirement
14. Paxton Presbyterian Church – Waive Screenplanting
15. Paxton Presbyterian Church – Approve Subdivision - Manse
16. Pay Bills
- 17..Adjourn