

PAXTANG BOROUGH
Municipal Building 3423 Derry Street
Regular Business Meeting
July 17, 2012

Vice-President Beaver 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.

Vice-President announced a change in the order of the Regular Business Meeting in order for Council to consider the appointment of Nathan A. Martin to Borough Council. Mr. Beaver continued with the reading of **Resolution No. 11-12**, a resolution appointing Nathan A. Martin, a registered elector of the Borough of Paxtang to the office of Council Member.

*1) Councilwoman Borne Fuller made a motion to approve **Resolution 11-12** appointing Mr. Martin as a member of the Paxtang Borough Council. Motion seconded by Councilwoman Kipp. Motion carried.

Manager Beard presented for Council a letter from Nathan A. Martin, resigning from his position as Auditor for the Borough of Paxtang, effective July 17, 2012.

*2) Councilwoman Borne Fuller made a motion that Council accept the resignation of Mr. Martin as Auditor. Motion seconded by Councilwoman Kipp. Motion carried.

At this point Ms. Jeannette Chelgren, Notary Public, administered the Oath of Office of a Council Member. to Nathan A. Martin.

Roll Call was taken.

Council Members Present

Council Vice-President E. Denny Beaver

Council Members

Frank O. Forsyth
Sheilah Borne Fuller
Lynn Kipp
Nathan A. Martin
Raymond Patackis

Mayor Keldeen L. Z. Stambaugh arrived at 8:33 p.m.

Members Absent

Council President John R. Ninosky Sr.

Borough Officials

Borough Manager/Chief Kenneth E. Beard
Borough Solicitor J. Stephen Feinour
Borough Engineer Max Shradley – absent
Fire Chief Todd Zwigart – absent

MINUTES ZONING ORDINANCE REVISION

*3) Councilwoman Borne Fuller made a motion to dispense with the reading of the Minutes from the Zoning Ordinance Revision Public Meeting on May 15, 2012 and to approve the same. Motion seconded by Councilwoman Kipp. Motion carried.

MINUTES REGULAR BUSINESS MEETING

*4) Councilwoman Borne Fuller made a motion to dispense with the reading of the Minutes from the Regular Business Meeting of May 15, 2012 and to approve the same. Motion seconded by Councilwoman Kipp. Councilwoman Borne Fuller amended her motion to read: Minutes from the Public Meeting on **June 19** and the Regular Business Meeting of **June 19, 2012**. Motion seconded by Councilwoman Kipp. Motion carried.

TREASURER'S REPORT

*5) Councilwoman Borne Fuller made a motion to dispense with the reading of the Treasurer's Report for the month of June and to approve the same. Motion seconded by Councilwoman Kipp. Motion carried.

REPORT OF THE FIRE CHIEF

Chief Zwigart was serving as the President of the Dauphin County Fire Chiefs Association this evening and would not be in attendance. Vice-President Beaver read for Council a written report of the Fire Company and Fire Police activities for the month of June and offered Council the opportunity for questions and comments.

REPORT OF THE MANAGER

Seminars: In addition to future seminars presented to Council members prior to the Regular Business Meeting, Manager Beard presented information on Stormwater Management Training scheduled for August 23rd at the Derry Township Municipal Building at a cost of \$10.00 per person. Manager Beard reminded Council that reservations are due for the Dauphin Lebanon County Boroughs Association dinner on July 20th. The meeting will take place on Tuesday, July 24th.

CONSIDERATION OF ZONING ORDINANCE 631

Manager Beard presented for Council's consideration **Ordinance 631**

*6) Councilman Forsyth made a motion to adopt **Ordinance No. 631** including revisions dated June 6, 2012 and those set forth in the document entitled "RETTEW Project No. 09-01143-007, Considerations for Revisions to Paxtang Borough Zoning Ordinance, dated May 3, 2012, Revised June 6, 2012". Motion seconded by Councilwoman Borne Fuller.

Vice-President Beaver offered the floor to Mr. David Newcomer, co-owner of Johnny's Discount Furniture located at 3430 Derry Street. Mr. Newcomer stated he is in agreement with the signage as set forth in the current Zoning Ordinance as long as the opportunity exists to be "grandfathered" under the new Zoning Ordinance with regard to signage. Manager Beard stated he has not heard anything further from any representative of the Paxtang Cemetery since the Workshop meeting on June 25, 2012 with regard to proposed plans or comments. Motion carried after discussion.

2011-2012 STREET PROJECTS

Microsurfacing projects from 2011 and 2012 contracts have been completed. Invoices have been received from Stewart & Tate as follows: \$21,015.70 for 2012 and \$59,777.60 for 2011. Funding would be available through Liquid Fuels. Manager Beard asked that Council authorize payment contingent upon a review from by Borough Engineer for accuracy.

*7) Councilman Forsyth made a motion to pay the bills. Motion seconded by Councilwoman Kipp. Councilman Patackis received a request from a resident asking that the work crew taper the paving alongside their driveway and asked if Manager Beard received any calls asking for requests of this nature. Manager Beard said that he had not. Motion carried after discussion.

PARK TERRACE STEPS

Mr. John Bricker is in the finishing stages of reconstructing the steps leading from Park Terrace to the Greenbelt between Brisbane and Greenwood Streets. As a precautionary measure, "cold patch" has been applied at the end of the steps to divert any possible accumulation of water until the steps are finished. Councilman Patackis requested that the handrail at the steps be secured. Vice-President Beaver suggested Manager Beard look into the request of Councilman Patackis.

WEED SPRAYING

Manager Beard has been advised that the Department of Environmental Protection now requires that in order for a municipality to be involved in the spraying of vegetation, the person doing so must be qualified as a "Certified Pesticide Applicator" whether the product is commercial grade, a product readily available to the general public, or a product of an organic nature. Costs associated with training would be approximately \$160.00 with recertification every three (3) years. Additional training would be required within the three (3) year period at an additional cost.

Torching, taking no action, or asking Borough residents to personally tend to weeds at the curb line in front of their property were presented as options. Councilman Patackis suggested using weed trimmers, but asked that the poison Ivy, Sumac, and Oak at the Park Terrace steps and playground be eradicated. Councilwoman Kipp suggested having an employee certified to spray the common areas and playground. Councilman Patackis asked if the School District should be responsible for maintaining the area at the Park Terrace steps leading to the Greenbelt due to students using these steps to walk to school. Manager Beard said the school district is not responsible for the upkeep in that area. Councilwoman Borne Fuller asked if a currently employed full time Borough employee would be considered for certification. Manager Beard said that would be the case. Discussion was held on possibly paying wages for a certified employee from another municipality to spray throughout Paxtang. Manager Beard stated this would be cost prohibitive. Manager Beard could contact Penbrook to see if they would accept half the costs associated with certification. Assistance would be dictated by the work schedule and convenience of Paxtang staff.

Councilwoman Borne Fuller asked if Paxtang would tend to the common areas and then advise residents how to mitigate their own weeds as she believes it would be labor intensive to have a full time employee eradicate weeds throughout the entire Borough. Councilman Forsyth said a sprayer would be attached to a tractor and weeds would be sprayed as the tractor was driven along the curb line. Manager Beard said this has been the method of past practice.

*8) Councilwoman Kipp made a motion to authorize one Borough employee to be certified to spray for weeds. Motion seconded by Councilman Forsyth. Councilman Martin asked from what means funding would be available for training. Manager Beard said funding could be available from Highway General Services or Parks and Recreation noting neither of these accounts are adequately funded, as an expenditure for training was not anticipated in the Budget. Motion carried after discussion.

CDBG GRANTS 2011

Manager Beard signed two Dauphin County Department of Community and Economic Development (DCED) grants on behalf of the Borough for “eligibility purposes only” for *CHANNELS Food Rescue* and *Just for Today Recovery Services*. Hold Harmless Agreements will be obtained from these organizations. Manager Beard acknowledged that Council previously authorized this action in 2011.

RED CROSS

Manager Beard presented for Council’s consideration an agreement with the Red Cross authorizing EMA Deputy Director, Mr. Wenger, to serve as an instructor for CPR, AED, and First Aid under the direction of the Manager. Training would be available for Borough employees and members of the Fire Company. Manager Beard anticipates a savings as opposed to the manner in which training is currently offered.

*9) Councilman Forsyth made a motion to adopt the Red Cross agreement. Motion seconded by Councilwoman Kipp. Motion carried.

GREENBELT OWNERSHIP

A Title Search has been conducted for the parcel of land situated south of Derry Street extending to the railroad tracks adjacent to the Visiting Nurses Association (VNA) located at 3315 Derry Street. Documentation can be found on page 95 of the 2012 Minute Book. Manager Beard would like to proceed with an offer and have the Borough Solicitor draw up the necessary paperwork.

*10) Councilman Forsyth made a motion authorizing the Borough Manager to proceed with plans. Motion seconded by Councilwoman Kipp. Councilman Patackis asked if the trail would traverse diagonally through the common area, as some residents are concerned that the trail would disrupt the play area. Manager Beard said the trail would meander through the area and for the most part the area on the east side would remain untouched. Motion carried after discussion.

NATIONAL NIGHT OUT

Manager Beard asked Council to authorize overtime for Police for National Night Out scheduled for Tuesday, August 7th.

*11) Councilwoman Borne Fuller made a motion authorizing overtime for Police to staff National Night Out. Motion seconded by Councilwoman Kipp. Motion carried.

STREET CLOSURES

Manager Beard has received two requests for street closures for the purpose of holding block parties for National Night Out. Manager Beard asked Council to approve these requests along with any other reasonable requests that might be presented.

*12) Councilman Forsyth made a motion approving the road closures as presented to Manager Beard and any other closures as the Manager sees fit. Motion seconded by Councilwoman Borne Fuller. Councilwoman Borne Fuller asked if it was correct to assume that subsequent requests would be honored with no need to be brought before Council. Manager Beard indicated this would be the case as long as the motion on the floor was carried. Motion carried.

Councilman Patackis asked for clarification on Police overtime. Manager Beard replied overtime would be for extra officers called out in addition to the duty officer for the duration of the event.

BUNK ROOM HEAT/AIR

The air-conditioning systems in Council Chambers and the Fire House bunk-room have been found to be in need of repair or possible replacement. The bunk room unit is antiquated and parts are no longer available. Replacement of the unit is inevitable at some point in time. The unit has been repaired on a temporary basis. Manager Beard asked Council if they would like to accept a quote as presented for the bunk-room, obtain competitive bids, or have the unit repaired. The quote submitted while below the threshold of \$10,000.00 for the mandatory requirement to obtain competitive bids, it is still several thousand dollars. Funding would be available from the Capital Reserve Building account. Councilman Forsyth suggested accepting the quote. The quote was submitted by the appointed plumbing inspector for the Borough, that being Timothy Folk of Folk and Garber. Solicitor Feinour was asked his opinion on this matter. Solicitor Feinour felt there was no conflict of interest.

Manager Beard will have the unit in Council Chambers inspected and if the unit needs replaced, will look into replacing both units with a heat pump capable of servicing Council Chambers and the bunk room independently. Manager Beard asked Council for authorization to explore alternatives and proceed with the least expensive option. Councilman Patackis suggested having both units checked to see if they can be repaired.

Vice-President Beaver asked for a motion authorizing the Borough Manager to explore options with authorization to act before the next Regular Business Meeting.

*13) Councilman Forsyth made a motion authorizing the Borough Manager to move forward. Manager Beard asked Council to consider authorization to obtain competitive bids and if the bunk room unit can be repaired for the quote from Folk and Garber to proceed. If the two can be tied together economically, the Borough Manager will report the findings back to Council. Councilman Forsyth amended the motion as requested by Manager Beard. Motion seconded by Councilwoman Kipp. Councilwoman Borne Fuller asked for clarification regarding the motion on the floor. Manager Beard replied he would contact Folk and Garber for an inspection of the unit in Council Chambers and if the unit can be repaired he would proceed with obtaining three bids for the bunk room unit. If the unit in Council Chambers cannot be repaired Manager Beard will look into alternatives. If the project can be accomplished for under \$10,000.00, Manager Beard will proceed but if it is over \$10,000.00, findings will be presented back to Council. Motion carried after discussion.

HALLOWEEN PARADE

Manager Beard met with Lions Club President, Mr. Jack Thomas. Mr. Thomas said that he would give consideration to changing the date of the Halloween Parade in the future but that plans are already in place for 2012. Consideration will be given to a change in the parade route for 2012 due to the Bonnymead bridge project. Manager Beard said it would not be necessary to meet with Lions Club members for further discussion. Manager Beard is concerned with the congestion created at the reviewing stand and the dilemma with spectators running into the street to gather candy. Vice-President Beaver stated this was an issue at the Independence Parade as well. Councilwoman Kipp believes these concerns would be alleviated if the parade route would wind throughout the Borough. Manager Beard disagreed, stating people naturally congregate at the reviewing stand and it is the area where parents pick up their children at the conclusion of the parade. Vice-President Beaver commented on the precarious manner in which motorized four-wheelers

presented themselves in the Independence Parade. Councilwoman Kipp said this matter would be taken into consideration when planning the 2013 Independence Parade.

ARLE Grant

Manager Beard reported Rettew Associates should be proceeding with reapplying for the Automated Red Light Enforcement (ARLE) Grant at a cost of \$800.00 to \$1,000.00. Documentation can be found on page 95 of the 2012 Minute Book.

SHADE TREE-SIDEWALKS

In response to the article in the Paxtang Post relating to sidewalk repairs, all inquiries will be brought to the attention of the Shade Tree Chairman, Mr. Rodger Fail. Shull's Tree Service will be removing approximately 10 tree stumps and will be involved in the pruning of Borough Shade Trees as well. The amount of pruning will coincide with current available funding. Issues of safety will be addressed on an immediate basis.

SAUSSAMAN PARK REQUEST

A request has been received from Joe Stretch of Swatara Township asking for use of Saussaman Park for softball practice on Sunday mornings in August of 2012. Manager Beard responded to Mr. Stretch authorizing use of the park with the stipulation that it does not interfere with rentals or organized athletic teams. Manager Beard offered Council the opportunity for comment. No discussion from Council was presented.

RESOLUTION 12-12

Manager Beard submitted for Council's consideration **Resolution No. 12-12**, a resolution requesting PennDOT authorize the Borough to place a banner across Derry Street for the advertisement of the Fire Company's Annual Crabfest.

*14) Councilwoman Borne Fuller made a motion to adopt **Resolution No. 12-12**. Motion seconded by Councilwoman Kipp. Motion carried.

POLICE REPORT

Chief Beard presented a report of activities of the Police Department for the month of June and offered Council the opportunity for questions and concerns.

CHIEFS OF POLICE

Chief Beard has committed the Borough to the Capital Area Regional Police Testing (to establish a list of eligible applications for full time police positions) that will take place in September of 2012.

REQUEST FOR EXECUTIVE SESSION

Manager Beard requested Council consider an Executive Session to discuss personnel issues and matters of potential litigation. Vice-President Beaver said that he would honor this request before payment of the bills.

AUDIENCE PARTICIPATION

Mr. Murvin Grunden of 3323 Brisban reported that the Paxtang Historical Society would host their annual picnic at 6:00 at Saussaman Park on Monday, August 6th. Mr. Grunden welcomed all to attend.

REPORT OF THE MAYOR

Manager Beard stated Mayor Stambaugh extends her regrets for not being able to attend as she had a previous commitment. She did want to inform Council that among her activities for the month that she presided over a wedding ceremony.

REPORT OF THE SOLICITOR

No Report from Solicitor Feinour

REPORT OF CODES ENFORCEMENT

Codes Enforcement Officer Ed Wenger presented Council with his written report for the month of June and offered Council the opportunity for questions and concerns. Mr. Wenger explained the protocol for issuing citations to homeowners for property maintenance violations.

REPORT OF THE ENGINEER

Due to the absence of Engineer Shradley, Manager Beard presented the written report of Engineer Shradley and offered Council the opportunity for questions and comments.

COMMITTEES

Administration – Vice-President Beaver attended a meeting of the Capital Region of Governments where the topic of discussion dealt with Stormwater Management, MS-4 mandates that will be forced upon municipalities, and the new permit application requirements and responsibilities..

Highway – No Report from Councilman Forsyth

Property and Recreation – Councilwoman Kipp expressed her gratitude to Council for approving the Independence Parade, thanking Special Fire Police Captain Murv Grunden and his staff, the Fire Department, Public Works Employees, Saul Schmolitz and Ed Wenger along with Borough Manager Kenneth Beard for their assistance with the parade.

Councilwoman Kipp reported Patriot Camp held in June was a success.

Public Safety – Councilwoman Borne Fuller reported that contract negotiations with the Teamsters Union representing the Police are ongoing.

Health and Sanitation –No Report from Councilman Patackis

UNFINISHED BUSINESS

Manager Beard reported no Unfinished Business

NEW BUSINESS

Manager Beard reported no Unfinished Business

COMMUNICATIONS

Manager Beard read a letter from Mr. David Newcomer, co-owner of Johnny's Discount Furniture located at 3440 Derry Street. Mr. Newcomer is of the understanding that Johnny's Discount Furniture would be "grandfathered" into the new Zoning Ordinance regarding to their current window signage. Councilman Martin asked what the protocol was for a request of this nature. Manager Beard said that starting this evening there would be a one-year period where individuals can register "existing nonconformities". Manager Beard will review the Ordinance to see if a request form is required or if a letter of intent would be sufficient.

Mayor Stambaugh entered at this point – 8:33 p.m.

Manager Beard suggested a notice be placed in the Paxtang Post advising residents of the adoption of the ordinance along with requirements for registering "existing nonconformities".

Manager Beard said the Zoning Ordinance has been advertised in the Patriot News as required by law, articles were placed in the Paxtang Post over the past year, as well as appearing on the Borough website for the past three (3) months. Information on this topic can be found in past Council Minutes, which are posted on the Borough web site as well. A Public Hearing, which is required by law, was held for the public to voice their opinions and concerns. Solicitor Feinour said the Ordinance has been advertised in the Dauphin County Law Recorder and is documented at the Dauphin County Library.

Councilman Patackis suggested the Public Hearing, announcements and advertisements be taken care of before documents are sent through the required channels. Vice-President Beaver stated the Public Hearing

may not be held until the Ordinance has been reviewed and presented to the proper authorities. Manager Beard stated the Borough has followed the required steps as identified by law.

Manager Beard presented a communication from Mr. Jeffrey Watson of 329 Paxtang Avenue advising he has been inundated with solicitors in the evening requesting invoices from UGI and PPL. Mr. Watson would be willing to address this matter at a Regular Business Meeting.

Manager Beard indicated no Police record of residents calling nor are there any permits registered by PPL or UGI through the Borough office. Councilwoman Kipp suggested placing an article in the Paxtang Post addressing the protocol for vendor/soliciting in the Borough.

At this point, 8:40 p.m. Vice-President Beaver announced Council would retire to Executive Session for the purpose of discussing personnel issues and possible litigation.

At 9:00 p.m. Vice-President Beaver reconvened the Regular Business Meeting reporting that matters relating to personnel and possible litigation were discussed. Vice-President Beaver asked if there were any matters up for discussion.

*15) Councilman Forsyth made a motion to dismiss two part-time officers that have not been fulfilling their contracted requirement of shifts per month. Motion seconded by Councilwoman Borne Fuller. Councilman Martin asked if these positions will need to be backfilled or if Chief Beard has officers willing to work. Manager Beard said he would like to replace the officers should be able to find applicants eager for the opportunity to work. After discussion, motion carried. Councilman Forsyth requested the officers be required to return any and all equipment purchased by the Borough for use when they were in the employ of the Borough.

PRESENTATION OF THE BILLS

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

ADJOURNMENT

*17) Councilwoman Borne Fuller made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Kipp. Motion carried. Vice-President Beaver declared the Regular Business Meeting to be adjourned at 9:03 p.m.

Secretary

1. Minutes
2. Treasurer's Report
3. Minutes Zoning Ordinance Revision Public Hearing
4. Minutes June 19, 2012
5. Treasurer Report June 2012
6. Adopt Ordinance 631 – Zoning Revision
7. Pay Stewart and Tate Street Projects 2011 and 2012
8. Authorize Certified Pesticide Applicator
9. Red Cross Agreement
10. Land Acquisition Visiting Nurse Association – Greenbelt
11. National Night Out – Police Overtime
12. National Night Out – Road Closures
13. Air Condition Heating Units Bunk room and Council Chambers
14. Resolution 12-12 Crabfest Banner
15. Terminate Two Police Officers
16. Pay Bills
17. Adjourn