

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
December 21, 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 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	Lynn Kipp Virginia Panza Raymond Patackis
Mayor	Keldeen L. Z. Stambaugh

Council Members Absent:

Sheilah Borne Fuller
Deborah Seneca

Borough Officials

Borough Manager-Chief	Kenneth E. 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 November 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 for the month of November, 2010, 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 for the month of November and offered a verbal explanation as well. Chief Zwigart reported on the status of a new recruit. President Ninosky thanked Chief Zwigart for lending assistance to Santa during his annual visit throughout the Borough.

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 8th Annual Pennsylvania Farm Show Public Officials Day Luncheon to be held on Thursday, January 13th at 12:00 noon in the Farm Show Complex Cafeteria.
- Pennsylvania State Association of Boroughs (PSAB) is seeking nominations for Outstanding Council Member of the Year Award. Nominations need to be submitted to PSAB by March 1 of 2011.

- Police Civil Service Training scheduled for February and March.

Zoning Update: Copies of the Zoning Ordinance Update are available in the Borough office for those interested in reviewing the material.

Highway Garage: Pioneer Pole Buildings will be returning to the project in order to double the amount of roof trusses, as well as mounting a triple truss in the middle of the building to accommodate a hoist. This project is planned for Thursday, December 23rd. Electric service will be “roughed in” shortly thereafter. Engineer Shradley is in agreement with the work proposed by Pioneer Pole. This should bring the building in line with specifications as outlined in the original contract awarded to Pioneer Pole Buildings.

Property Sub-Division: Mr. David Raup, owner of a semi-detached dwelling known as 3777 and 3779 Derry Street, has submitted a request to the Zoning Hearing Board seeking the necessary variances to divide the two properties. Said properties are currently listed as one deed. The Zoning Hearing Board has approved the request and the matter is now before Council to consider a Sub-Division in order to place the two properties on separate deeds. The plan has been brought before the Dauphin County Planning Commission. The Commission has stated their comments, many of which have been echoed by the Borough Engineer. Manager Beard asked Council to consider granting the sub-division with the proviso that they conform to all eight points of interest as outlined by Engineer Shradley and that all fees have been satisfied.

*3) Vice-President Beaver made a motion to approve the sub-division upon satisfaction of the Borough Engineer’s comments and payment of fees. Motion seconded by Councilwoman Panza. Motion carried.

Safety Committee: The Safety Committee has now received State Certification. The Safety Committee has been in existence for approximately one and one half years and was created with the purpose of generating a safer workplace environment. The Borough will benefit from a five (5) percent reduction in the Worker’s Compensation premium for the year 2011 due to the fact the Committee has obtained certification. The committee consists of Borough Manager Kenneth Beard, Secretary Faye Clark, Public Works Employees Saul Schmolitz, and Edward Wenger, Police Officer Rodney Zwigart, along with Fire Chief Todd Zwigart and Lt. Denny Howe.

Humane Society: Manager Beard asked Council for authorization to proceed with negotiations in regards to a possible contract with the Humane Society. This contract covers the drop off of dogs only; cats are not included in their agreement. Officials designated by the Borough will be the only persons permitted to drop off stray dogs. It was the decision of Council to authorize Manager Beard to enter into negotiations with the Humane Society regarding contract issues at a cost to be discussed at a later date.

2011 Meeting Dates: Manager Beard presented a prospective list of meeting dates for the year 2011 for Council’s consideration. Due to Election Day falling on the third Tuesday in May, it was the decision of Council to move the Regular Business Meeting to Wednesday the 18th. There were no further comments or objections and the meeting dates will be properly advertised.

Vacancies: Manager Beard has received a letter of resignation from Ms. Jill Rowe, effective December 31, 2010, indicating that she has moved her place of residence outside of the Borough, thus making her ineligible to serve on the Civil Service Commission.

*4) Councilwoman Panza made a motion to accept Ms. Rowe’s letter of resignation with regret. Motion seconded by Councilwoman Kipp. Motion carried.

Manager Beard advised Council of the need to fill the following vacancies: Auditor (1 position) and Zoning Hearing Board (1 position). President Ninosky suggested posting the vacancies on the Borough web site. Manager Beard has been in contact with Ms. Follett, regarding a possible candidate to fill the newly created Civil Service Commission vacancy.

Civil Service Report: Manager Beard asked Council to consider the Civil Service Commission report submitted by the Secretary, Ms. Linda Follett. Manager Beard made note that paragraph two should read: *“no meeting is required to be held in 2011”*. Ms Follett will provide a corrected cover letter.

*5) Vice-President Beaver made a motion to accept the Civil Service Report. Motion seconded by Councilwoman Panza. Motion carried.

Stormwater Management Ordinance: Manager Beard presented for Council’s consideration **Ordinance No. 622**, an Ordinance implementing the requirements of the Dauphin County Stormwater Management Plan. Manager Beard informed Council that the Ordinance has been reviewed by the Borough Solicitor and has been properly advertised.

*6) Vice-President Beaver made a motion to approve **Ordinance No. 622**. Motion seconded by Councilwoman Panza. Motion carried.

Floodplain Ordinance: Manager Beard stated that before the Floodplain Ordinance is offered to Council for consideration, the Ordinance would need to be forwarded to County, Federal, and State agencies. Manager Beard asked Council for authorization to forward this Ordinance to the proper authorities.

*7) Vice-President Beaver made a motion to forward the Ordinance to PEMA, FEMA and the Dauphin County Conservation District. Motion seconded by Councilwoman Panza. Motion carried.

Flagpole Repair: As stated at the November 16, 2010 Regular Business Meeting, the flagpole was knocked down recently by a construction vehicle. A new pole has been installed and reimbursement from the insurance carrier representing the company responsible for the damage is to be expected shortly.

Harrisburg City Sewer Billing: Manager Beard and Solicitor Feinour met with representatives from other local municipalities and their Solicitors, along with a forensic accountant, to review the option of proceeding with a forensic accounting investigation of sewer billings from 2007. Based on percentages and population, the cost to the Borough would amount to \$532.18. Manager Beard recommended Council proceed and authorize expending \$532.18 for this service.

*8) Councilwoman Kipp made a motion to accept the proposal as stated. Motion seconded by Councilwoman Panza. Motion carried.

Street Signs: US Secretary of Transportation Ray LaHood has withdrawn a decision mandating municipalities replace their current street signs to conform to new regulations. These regulations included newer reflective letters, larger fonts, and a mix of capitalized and lower case lettering. Manager Beard reminded Council that even though it is not mandated to replace signs at this time, quite a few signs within the Borough are in need of being replaced.

FMLA: Without objection from the Teamsters Union, the Family And Medical Leave Act policy has now been implemented for all Borough employees.

Police Hire: Jason Cleck has been hired as a Part-Time Patrol Officer. Chief Beard expects Officer Cleck to report for duty very shortly.

Police Report: The Officer responsible for providing the written Police Report was unable to do so. Chief Beard offered Council a verbal explanation of police activities for the month of November. Chief Beard advised all in attendance to keep their vehicles locked as several thefts from vehicles have been reported. A vehicle recently ran into the porch of a house in the 3500 block of Derry Street. Since the vehicle came in contact with an oil tank on the premises, representatives from the Hazardous Materials Response Team (HAZMAT) were called to the scene. HAZMAT signed off after a review of the situation. Chief Beard informed Council that the hazmat situation may require further action at some point in time.

Request for Executive Session: Manager Beard asked Council to consider an Executive Session to discuss labor and potential litigation matters. President Ninosky will honor this request at the end of the Regular Business Meeting.

AUDIENCE PARTICIPATION

Ms. Sandra Reber of 3769 Sharon Street, Swatara Township voiced her concerns with people using the “Yellow Zone” at the Paxtang Elementary School to drop off students. Ms. Reber believes this creates a safety issue by compromising the line of vision for the Safety Patrol. Ms. Reber would like the Police to be more pro active in issuing citations. Ms. Reber would like to see the presence of adult crossing guards in addition to the use of students. Ms. Reber asked if it would be possible to designate a “student drop off zone”. Ms. Reber inquired if Crossing Guard Coordinator Mr. Daniel Keich, and Principle Robert Stewart have any authority to approach vehicles advising that they are parked in a “Yellow Zone”.

Ms. Jordyn Reber of 3769 Sharon Street, Swatara Township voiced her concerns that as a crossing guard at Swan and Rutherford Streets, vehicles stopping in the “Yellow Zone” compromise her line of vision. Ms. Reber stated she has in the past approached vehicles advising them of the “Yellow Zone”. Ms. Reber asked if Mr. Keich and Principal Stewart could say something to people parked in the “Yellow Zone” or if they were just allowed to observe.

Chief Beard said that he is not an advocate of non-uniform personnel approaching vehicles. The present Ordinance was enacted as “No Parking” not “No Stopping, Standing, Parking”. Under the Vehicle Code, these vehicles are not considered “parked”, but as “stopped” in the “Yellow Zone” and this could be why Officers are not aggressive in issuing tickets. Chief Beard stated that if Public Works employees are available, they could possibly help with crossing at the school since the Borough has already appointed them as official crossing guards.

Chief Beard informed Council that in order to establish a “No Parking, Stopping, Standing” area and the designation of a “Loading Zone”, a traffic study would need to be carried out by a professional engineer. If Council would like to change this to a “No Parking, Stopping, Standing” area, Chief Beard suggested that Solicitor Feinour draft an Ordinance for review at the January Regular Business Meeting. President Ninosky was in agreement. In the meantime, President Ninosky suggested Chief Beard remind Officers to make the effort to provide enforcement and then reevaluate the possible need for a traffic study.

Mayor Stambaugh asked if a “Drop Off” area could be designated in front of the school. Chief Beard believes this area is adequate for this purpose but people have taken it upon themselves to extend parking in to the “Yellow Zone”.

President Ninosky asked if a citation could be issued based upon information given to them by a parent, as long as the parent supplying this information would be willing to testify at the Hearing. If necessary, Chief Beard would be willing to draft a document for parents to use.

Vice-President Beaver voiced his concern with parents approaching vehicles and the need to appear at a Hearing to testify against a parent. Vice-President Beaver asked if the previous traffic study conducted for the installation of the “No Parking” sign would be sufficient for establishing a “No Parking, Standing, Stopping” area. If this were the case, there would be no need to draft a new Ordinance. Discussion was held on the possibility of Mr. Keich taking pictures of the license plates of vehicles in the “Yellow Zone”.

Ms. Jordyn Reber informed Council that she has in the past written down license plate numbers from vehicles in the “Yellow Zone”

President Ninosky took this time to thank Ms. Sandra Reber and her daughter Jordyn Reber for presenting Council with their concerns and that hopefully a solution would be forthcoming. President Ninosky suggested making a motion authorizing the Borough Solicitor to draft an Ordinance so that enforcement could be Borough-wide and not just at the school.

*9) Vice-President Beaver made a motion authorizing the Borough Solicitor to prepare an Ordinance for “No parking, stopping, standing”. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE MAYOR – Mayor Stambaugh received a request that Council Minutes be posted on the Borough website. Manager Beard said Minutes from the Regular Business Meetings are posted on the Borough website. Mayor Stambaugh informed Council that she has recently been named as the Co-Chair to the Enrollment Study Committee for the Central Dauphin School District.

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 November and offered Council the opportunity for questions and comments.

REPORT OF THE ENGINEER – Engineer Shradley referred Council to his written report for the month of November and offered Council the opportunity for questions and comments.

COMMITTEE RPEORTS

Highway – No Report due to the absence of Councilwoman Seneca

Property and Recreation – Councilwoman Kipp questioned Manager Beard if he had confirmed the parade route for the Patriot Parade scheduled for July 4th with PennDOT. Manager Beard stated PennDOT has requested a more specific time frame with regard to road closures and that they have concerns with traffic not being able to be routed with ease into Harrisburg City. Manager Beard asked Fire Captain Murv Grunden if he felt he would be able to adequately staff all traffic control points, as Borough Police would not be detailed for this event. President Ninosky asked Captain Grunden if Borough Officials would be able to assist with traffic control provided they went through appropriate Fire Police training. Captain Grunden said he would be in need of approximately 24 persons and that it was his preference to use trained Fire Police.

Public Safety – No Report due to the absence of Councilwoman Borne Fuller

Public Relations – Councilwoman Panza said the Paxtang Post newsletter should be ready for delivery the first week in January.

Health and Sanitation – No Report

Administration – Vice-President Beaver offered the **Second Reading** of the proposed Budget for 2011 for Councils consideration. If this budget is adopted, there would be no increase in the millage for Real Estate, Highway, or Fire taxes. The fees would also remain the same for Sewer and Solid Waste.

*10) Councilwoman Panza made a motion to pass the Budget as presented and on behalf of Council, thanked Vice-President Beaver for his dedication and commitment. Motion seconded by Councilwoman Kipp. Councilman Patackis asked if the draft was made available for public comment on the Borough website. Manager Beard said the Budget is available for inspection at the Borough office, and that he would look into making it available on the website. Councilman Patackis asked by what method the public was made aware that the Budget was available for comment. President Ninosky said the Budget is discussed every year at the Regular Business Meetings in November and December. Manager Beard will contact Ms. Mary Klaus, a reporter with the Patriot News, indicating that the Budget is available for review. Councilwoman Panza will also address the Budget in the next issue of the Paxtang Post. Manager Beard stated he is not aware of any requests being received in the office to review the Budget. Mayor Stambaugh received a request asking if there would be a tax increase for 2011. There was no further discussion after Mayor Stambaugh informed them that there would be no increase in taxes. Motion carried with Councilman Patackis casting a No vote.

Ordinance No. 623 - Manager Beard presented for Council's consideration **Ordinance No. 623**, an Ordinance fixing the Tax Rate for 2011 at a rate of 9.6 for the general Borough purposes, .38 for Fire Protection, and .75 mills for Highway, for a total tax rate of 10.73 mills.

*11) Vice-President Beaver made a motion to adopt **Ordinance No 623**. Motion seconded by Councilwoman Panza. Motion carried.

Ordinance No. 624 - Manager Beard presented for Council's consideration, **Ordinance No. 624**, an Ordinance fixing the 2011 Sewer Rate at \$50.00 per residential dwelling. Commercial charges are outlined under the Schedule of Charges in the proposed Ordinance.

*12) Vice-President Beaver made a motion to adopt **Ordinance No. 624**. Motion seconded by Councilwoman Panza. Motion carried.

Ordinance No. 625 - Manager Beard presented for Council's consideration **Ordinance No. 625**, an Ordinance providing for the collection and disposal of Solid Waste and fixing the rate at \$230.00 per dwelling unit.

*13) Vice-President Beaver made a motion to adopt **Ordinance No. 625**. Motion seconded by Councilwoman Panza. Motion carried.

UNFINISHED BUSINESS: No Report

NEW BUSINESS: No Report

COMMUNICATIONS

Manager Beard read a communication from Ms. Darlene Harris, Council President for the City of Pittsburgh asking that Paxtang Borough adopt an Ordinance and/or Resolution supporting their position against Marcellus Shale. The City of Pittsburgh is committed to enacting an Ordinance that will ban hydro-fracturing natural gas drilling. President Ninosky asked Manager Beard to draft a letter thanking them for the letter but that Council does would not be supporting their venture. Mayor Stambaugh said she would be willing to sign the letter as well.

At this point Manager Beard concluded his presentation and wished all in attendance a Merry Christmas.

PRESENTATION OF THE BILLS

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

At 8:23 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing labor and potential litigation issues.

At 8:44 President Ninosky reconvened the Regular Business Meeting announcing that labor and potential litigation matters were discussed.

ADJOURNMENT

President Ninosky declared the Regular business Meeting to be adjourned at 8:45 p.m.

Secretary

1. Minutes
2. Treasurer's Report
3. Approve Sub-Division 3777-3779 Derry – David Raup
4. Resignation – Jill Rowe – Civil Service
5. Accept 2010 Civil Service Commission Report
6. Adopt Ord No. 622 – Stormwater Management
7. Borough Solicitor – Draft Floodplain Ord
8. Forensic Accounting – Hbg City Sewer Billings – 2007
9. Solicitor Prepare Ordinance – “No Parking, Stopping, Standing”
10. Adopt 2011 Budget
11. Adopt Ord 623 – Tax Rate 2011
12. Adopt Ord 624 – Sewer Rate 2011
13. Adopt Ord 625 – Solid Waste Rate 2011
14. Pay Bills