

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
July 20, 2010

President Ninosky called the monthly meeting of the Paxtang Borough Council to order at 7:17 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.
Vice-President	E. Denny Beaver

Council Members	Virginia Panza Sheilah Borne Fuller Lynn Kipp Raymond Patackis
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Council Members Absent	Deborah Seneca
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Mayor	Keldeen L. Z. Stambaugh
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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 of the June Regular Business Meeting and to approve the same. Motion seconded by Councilwoman Borne Fuller. Motion carried.

TREASURER'S REPORT

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

REPORT OF THE FIRE CHIEF

Chief Zwigart referred Council to his written report for the month of June and also reported that the Fire Company held a Pig Roast and Chicken Bar-B-Q.

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.

EPA MS4 Violation: Manager Beard is of the opinion that the provisions listed by the Environmental Protection Agency (EPA) regarding the MS4 permit have either been met or will be met by the end of 2010. Completion of these provisions should satisfy the Administrative Order as presented by the EPA.

Playground Status: Manager Beard will be meeting with a representative from the Department of Conservation and Natural Resources (DCNR) to discuss the revised plans for the playground located at the "Lower Field".

Dedication of Lower Field: For clarity purposes, Manager Beard believes it would be beneficial to officially adopt a name for the area generically referred to as “the Lower Field”. Manager Beard suggested this topic be referred to an upcoming Workshop Meeting.

Pavilion Requests Gratis Use: Manager Beard presented for Council’s consideration the following requests for gratis use of the pavilion at Saussaman Park:

- Crossroads Baptist Church, for the purpose of a congregational picnic
- Tri-County Association for the Blind, for the purpose of a company picnic

It was the sense of Council to deny these requests for gratis use of the pavilion and hold the Associations to the conditions as outlined in the *Rules and Regulations for Use* policy for the pavilion.

*3) Councilwoman Borne Fuller made a motion to deny the requests from the Crossroads Church and the Tri-County Association for the Blind. Motion seconded by Councilwoman Panza. Motion carried.

Pavilion Request-Extended Hours: Manager Beard presented for Council’s consideration a request from a Borough resident for use of Saussaman Park after the stated hours as noted in the *Rules and Regulations for Use* policy for the pavilion/park in order to show a children’s movie in conjunction with a children’s party.

*4) Vice-President Beaver made a motion to approve the request as presented by Manager Beard. Motion seconded by Councilwoman Kipp. Motion carried. Councilwoman Borne Fuller abstained from the vote due to a conflict of interest.

Capital City Adventure Challenge: Manager Beard presented for Council’s consideration a request from Capital City Adventure Challenge asking permission for their annual event to pass through the Borough on Saturday, September 25th. In the past, the Borough has provided Fire Police for this event.

*5) Vice-President Beaver made a motion to allow the Capital City Adventure Challenge to have access through the Borough contingent upon approval from Captain Murv Grunden regarding the availability of Fire Police. Motion seconded by Councilwoman Panza. Motion carried.

Snow Reimbursement: A grant from PEMA/FEMA to reimburse Paxtang for costs incurred in clearing the roadways as a result of the snowstorm in February, 2010 has been approved. Reimbursement funding in the amount of \$3,185.97 has now been received.

Susquehanna EMS: At this point in time, Manager Beard has no new business to report regarding the quality of service available to the Borough through Susquehanna Township EMS and will keep Council informed of any new developments.

Borough E-Mail: Manager Beard asked Council if they would like to revisit the issue of setting up an email account for the Mayor. Comcast has indicated that the Borough has the maximum number of free e-mail accounts in use at this time. Mayor Stambaugh will pursue other avenues of possibly securing a website so residents are able to contact her with any questions or concerns that they may have. President Ninosky asked Manager Beard to see what he could do about this situation.

Street Microsurfacing: While the microsurfacing project has been completed, it was finished in a less than satisfactory manner. A request has been made to have this project redone by the contractor, Asphalt Paving systems. Engineer Shradley and Manager Beard recommended payment to Asphalt Paving Systems in the amount of \$25,864.36 contingent upon their satisfaction of the finished project.

*6) Councilman Beaver made a motion to pay Asphalt Paving Systems for the micorsurfacing contingent upon the satisfaction of Manager Beard and Engineer Shradley. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Street Reconstruction: Reconstruction is scheduled to start on Plum, Cherry, and Queen Streets in the next few weeks. This project should be finished by the first week of August.

Zoning Ordinance Update: The Steering Committee continues to meet on a regular bases to discuss issues regarding updating the Zoning Ordinance. Manager Beard believes the project could extend beyond what it

was originally funded for, but trusts the Borough will in fact benefit in the long run due to the commitment and dedication of the committee members to this project.

Resolution No. 6-10: The Fire Company has approved the purchase of a custom pumper and execution of a contract with Pierce Manufacturing. Manager Beard presented for Council's consideration **Resolution No. 6-10**, a Resolution of the Borough Council of the Borough of Paxtang to authorize the borrowing of funds from the Sewer Fund to facilitate the purchase of a custom fire pumper, along with provisions for the repayment of those funds. This purchase is contingent upon the completion of a Memorandum of Understanding (MOU) by and between the Fire Company and Borough Council. At this point in time, an MOU has yet to be executed.

Councilman Patackis stated that he felt it was necessary to secure the advice of a Grant review officer from Homeland Security and he inquired if contact had been made with such an individual. Vice-President Beaver replied that Fire Company Vice-President, Mr. John Rowe, stated that a representative had been spoken with and the Fire Company was satisfied with the outcome of that discussion. Manager Beard, along with Vice-President Beaver, spoke with a Homeland Security representative and discussed the manner in which the Fire Company handled the solicitation process with Pierce Manufacturing. At that point Manager Beard and Vice-President Beaver met with Fire Chief Zwigart, Deputy Fire Chief Turner, and Mr. George Drees, Fire Marshall for Susquehanna Township. After their meeting, a decision was made to accept proposals through sealed bids. President Ninosky asked Fire Chief Zwigart and Deputy Fire Chief Turner if they had anything to add. Neither had anything to more to present.

Manager Beard referred Council to the last paragraph of **Resolution No 6-10** which states "And it is further resolved that the action proposed by this Resolution is contingent upon the execution of a Memorandum of Understanding by and between the Borough Council of the Borough of Paxtang and the Paxtang Fire Company No. 1 and adopted by both organizations, enumerating any and all terms and conditions of this loan." President Ninosky thanked Manager Beard for bringing this matter to the attention of Council and feels confident that all parties will be able to execute the MOU in a satisfactory manner.

*7) Councilwoman Panza made a motion to adopt **Resolution 6-10**. Motion seconded by Vice-President Beaver. Motion carried.

Highway Garage: Sealed bids were received and opened on July 15th in Council Chambers. Three bids were received for consideration; Pioneer Pole Buildings, B&B Pole Buildings, and Doubletree Structures. Manager Beard offered for Council's consideration the bid from Pioneer Pole Buildings, the low bidder, in the amount of \$37,655.00 for the construction of the new highway garage.

*8) Vice-President Beaver made a motion to award the bid to Pioneer Pole Buildings in the amount of \$37,655.00. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Federal Surplus Purchase: Manager Beard informed Council that the front-end loader has been delivered but there are some maintenance issues that need to be addressed. Manager Beard feels the issues can be worked through but will contact Federal Surplus and make inquiry as to if the loader could be returned and the purchase price refunded.

Resignation: Manager Beard presented a letter of resignation from Officer Todd Harrer and asked that Council accept Officer Harrer's resignation with regrets.

*9) Vice-President Beaver made a motion to accept the resignation of Officer Todd Harrer with regrets. Motion seconded by Councilwoman Borne Fuller. Motion carried.

President Ninosky asked Manager Beard to convey his gratitude to Officer Harrer for his service to the Borough.

Police Report: Chief Beard offered for Council the written report for June and offered a verbal explanation as well.

National Night Out: Tuesday, August 3rd is designated as National Night Out. Manager Beard has received two requests from residents requesting road closures in order to hold block parties and anticipates receiving additional requests. Chief Beard asked Council to approve the road closures as presented to him

and to allow authorization to approve additional requests as he sees necessary and appropriate. Councilman Patackis asked Council if they would consider holding an informational/demonstration type event at the municipal building in lieu of block parties. Manager Beard and Mayor Stambaugh explained that the whole purpose of National Night Out is to devote the evening to meeting your neighbors and that the Borough has a tradition of holding block parties during this event and encouraged more to do so.

Halloween Proposal: Manager Beard has received a request from a resident asking if Council would consider a Borough-wide Halloween party at the “Lower Field” in lieu of Trick-or-Treat. Councilwoman Kipp is of the opinion that due to the fact the Police and others promoted so much activity on Paxtang Avenue, that the residents be reimbursed for costs incurred for treating all the children. Councilwoman Panza noted that participating in Trick-or-Treat is at the discretion of each homeowner. Manager Beard said that the Police and Fire Department devote time and effort on Paxtang Avenue and Derry Street because that is where their services are needed the most and expressed his gratitude to the Fire Company and other organizations for providing a safe evening for the children. Manager Beard suggested Council look into issuing an identification band to Borough children and pointed out that the decision to participate ultimately rests upon the individual homeowner. Mayor Stambaugh commented that she is not in favor of replacing Trick-or-Treat with a Borough sponsored party. Manager Beard would like to discuss this matter at a future Workshop.

Fire Police Request: Palmyra Borough Police Department is requesting assistance from the Paxtang Fire Police for their 250th Anniversary Parade on Saturday, September 25th.

*10) Vice-President Beaver made a motion to approve the request for Fire Police contingent upon approval from Fire Police Captain Murv Grunden. Motion seconded by Councilwoman Panza. Motion carried.

Request for Executive Session: Manager Beard asked Council to consider an Executive Session for the purpose of discussing legal issues. President Ninosky said he would honor that request at the end of the Regular Business Meeting, prior to adjournment.

AUDIENCE PARTICIPATION

Mr. Murv Grunden invited all to attend the Historical Society’s “Pot Luck” picnic on August 2nd at Saussaman Park. The Tittingers, a Father and Son musical team, will provide entertainment.

Mr. Grunden stated that the “Lower Field” was at one time the site of an ice dam and asked if this fact might somehow be considered when adopting an official name for the “Lower Field”.

REPORT OF THE MAYOR

“Crossings Hospice” of the Visiting Nurse Association will sponsor a butterfly release, located at “Paxtang Commons”, on Saturday, August 14th. Mayor Stambaugh will contact Fire Police Captain Murv Grunden in regard to possibly having the Fire Police offer assistance for this event.

*11) Vice-President Beaver made a motion to approve the Hospice Butterfly Release at the Greenbelt Commons and to authorize the Fire Police to offer assistance. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Mayor Stambaugh would like to hold a Community Night in 2011 at “Paxtang Commons”. It has come to her attention that fireworks set off by the City of Harrisburg can be seen at Saussaman Park and would like to incorporate this into a Borough social event. Mayor Stambaugh would also like to see “First Fridays” start back up again. On the first Friday of each month, residents are encouraged to patronage their favorite Paxtang restaurant and enjoy a meal and conversation with their neighbors.

REPORT OF THE SOLICITOR – No Report

REPORT OF CODES ENFORCEMENT – Codes Enforcement Officer Ed Wenger referred Council to his written report and offered an explanation as well. Councilwoman Kipp asked Mr. Wenger why a resident on Montour Street was required to remove their fence. Mr. Wenger stated that the resident was instructed to remove the fence as it had been constructed in conflict with zoning regulations.

Mr. Wenger expressed his gratitude to Council for the fruit basket sent in honor of the birth of his son, Jacob Thomas, and for allowing him the opportunity for “flex time” during this blessed event.

REPORT OF THE ENGINEER – No Report

COMMITTEE REPORTS

Administration – Vice-President Beaver stated that Mrs. Beaver is doing well and that she appreciated receiving the fruit basket that Council recently sent to her. Vice-President Beaver will attend a Dauphin County Tax Committee meeting at which they will be appointing a Tax Collector. Vice-President Beaver will also attend a Tri-County Regional Planning Committee meeting.

Highway – No report was presented due to the absence of Councilwoman Seneca,.

Property and Recreation – No Report

Public Safety – No Report

Public Relations – The deadline for articles for publication in the Paxtang Post is August 15th. Please submit items to Councilwoman Panza and the Borough office for documentation and retention purposes.

Health and Sanitation – No Report

UNFINISHED BUSINESS – No Report

NEW BUSINESS – No Report

COMMUNICATIONS

Manager Beard presented the following communications: Mr. John Crissman, Defensive Tactics and Firearms Instructor for Dauphin County Juvenile Probation, thanking Council for allowing them use of the municipal gymnasium for training purposes.

Heidi J. Kline, thanking the Borough for sponsoring *Patriot Camp* recently held at Saussaman Park.

Mayor Stambaugh expressed her gratitude and appreciation to Councilwoman Seneca and to all those involved in presenting the week long program entitled *Patriot Camp* at Saussaman Park.

PRESENTATION OF THE BILLS

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

AUDIENCE PARTICIPATION

Mr. Jeffrey Gingrich of 102 Paxtang Avenue is of the opinion that Borough trees in front of his residence need trimmed and are creating a concern for safety. He intends to look to the Borough if his residence is damaged from a fallen limb. An extensive “trim” list has been presented to Shull’s Tree Service, who offered a quote of \$6,500.00 to complete approximately one half of the list. Mr. Gingrich’s tree has in fact been added to this listing, but Manager Beard could not make any guarantees, unless directed otherwise, that the trees in question would make the first cut-off. Councilman Patackis suggested looking into shifting funds from within the Shade Tree budget in order to provide funding for this task. Councilwoman Panza said that approximately \$1,040.00 was obtained from area businesses which paid for the 2010 publication of the Paxtang Post and that this amount could be used to help finance the Shade Tree fund. Councilman Patackis suggested forgoing stump removal at this particular point and to concentrate on issues that might possibly be of a safety concern. Council asked Manager Beard to review and reprioritize the list on the basis of safety issues. President Ninosky stated he believes there is approximately \$4,000.00 in the Budget for pruning and removal. President Ninosky suggested moving the \$1,000.00 designated for the “planting” of trees to the “trimming” account of the Shade Tree Budget and suggested that the PEMA reimbursement of approximately \$3,000.00 received for snow removal could be used towards tree trimming. Manager Beard stated that by his account Shade Tree has \$3,000.00 for tree trimming. President Ninosky stated he would be willing to approve up to \$10,000.00 for the list presented to Shull’s.

*13) Councilwoman Panza made a motion to authorize Manager Beard to expend \$10,000.00 out of the General Fund for Shade Tree trimming as indicated on the list that has been compiled for Shull's Tree Service and to revisit the issue if this amount does not address the entire listing. Motion seconded by Councilwoman Kipp. Vice-President Beaver asked for a clarification as to the amount being authorized to be spent for trimming. President Ninosky indicated the \$10,000.00 is not an additional \$10,000.00 to expand funds to \$17,000.00, but a total of \$10,000.00 from funds already in Shade Tree plus the allocations as mentioned earlier this evening. After discussion, motion carried.

At 8:47 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing potential litigation and personnel issues.

At 9:19 p.m. President Ninosky reconvened the Regular Business Meeting announcing that potential litigation and personnel issues were discussed.

*14) Vice-President Beaver made a motion to have the Borough Solicitor prepare an ordinance dealing with the spending of tax monies. Motion seconded by Councilwoman Borne Fuller. Councilman Patackis asked for a clarification as to the spending of tax monies. Vice-President Beaver said this Ordinance would deal with the spending of all Borough Tax monies including Fire tax monies.

Vice-President Beaver withdrew his original motion.

*15) Vice-President Beaver made a motion to request that the Borough Solicitor investigate such an Ordinance dealing with the spending of tax monies. Motion seconded by Councilwoman Borne Fuller. Motion carried.

ADJOURNMENT

President Ninosky declared the Regular Business Meeting to be adjourned at 9:22 p.m.

Secretary

1. Minutes
2. Treasurer's Report
3. Deny Crossroads and Tri-Co. Gratis use of Pavilion
4. Saussaman Park – Hours of Use
5. Capital City Adventure Challenge
6. Pay APS – Microsurfacing
7. Res 6-10 – Fire Pumper
8. Award Bid – Highway Garage – Pioneer Poles
9. Resignation – Officer Todd Harrer
10. Fire Police Assistance –Palmyra
11. Hospice Butterfly Release
12. Pay Bills
13. Expend \$10,000.00 for Shade Tree Trimming
14. Authorize Solicitor Prepare Ord – Spending Tax Monies (withdrawn)
15. Authorize Solicitor Investigate an Ord – Spending Tax Monies

