

PAXTANG BOROUGH
Municipal Building 3423 Derry Street
Regular Business Meeting
September 18, 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, led by Mayor Stambaugh.

Roll Call was taken.

COUNCIL MEMBERS PRESENT

Council Vice-President	E. Denny Beaver
Council Members	Frank O. Forsyth Lynn Kipp Nathan A. Martin Raymond Patackis
Mayor	Keldeen L. Z. Stambaugh

COUNCIL MEMBERS ABSENT

Council President	John R. Ninosky
Council Member	Sheilah Borne Fuller

BOROUGH OFFICIALS

Borough Manager/Chief	Kenneth E. Beard
Borough Solicitor	Joshua Bonn of Nauman Smith
Borough Engineer	W. Max Shradley
Fire Chief	Todd Zwigart – Absent

MINUTES

*1) Councilman Forsyth made a motion to dispense with the reading of the Minutes from the August 21, 2012 Regular Business Meeting and to approve the same. Motion seconded by Councilman Martin. Motion carried.

TREASURER'S REPORT

*2) Councilman Forsyth made a motion to dispense with the reading of the Treasurer's Report for the month of August 2012 and to approve the same. Motion seconded by Councilman Martin. Motion carried.

REPORT OF THE FIRE CHIEF

Vice-President Beaver advised Council there would be no report from Fire Chief Todd Zwigart due to his attending a Fire Chief's Association meeting.

REPORT OF THE MANAGER

Information regarding future seminars was sent to Council members prior to the Regular Business Meeting.

RESIGNATION OF AUDITOR

Manager Beard presented a letter of resignation from Mr. Devon Alleman as Auditor effective September 11, 2012.

*3) Councilwoman Kipp made a motion to accept the resignation of Mr. Devon Alleman as Auditor for Paxtang Borough. Motion seconded by Councilman Forsyth. Motion carried. Persons interested in filling the vacancy should contact Manager Beard.

PPL DAY OF CARING

Pennsylvania Power Light (PPL) held their annual community “Day of Caring” on September 7th at which time they removed several trees from the Greenbelt area at the Paxtang Commons Park. PPL provides their services at no cost to the Borough. Per the request of Councilman Patackis, Manager Beard will advise Capital Area Greenbelt Representative, Mr. Norman LaCasse to contact the Shade Tree Commission if and when a PPL “Day of Caring” would be scheduled for 2013.

HALLOWEEN AND TRICK OR TREAT

Manager Beard asked Council for authorization to hold the annual Halloween Parade on Tuesday, October 23rd in anticipation of a formal notification from the Paxtang Lions Club. Manager Beard asked for consideration to schedule Trick or Treat for Thursday, October 25th if Council so desired.

*4) Councilman Martin made a motion to approve the pending request from the Paxtang Lions Club to hold the Paxtang Halloween Parade on Tuesday, October 23rd and to approve Trick of Treat on October 25th. Motion seconded by Councilwoman Kipp. Councilman Forsyth abstained from the vote. Motion carried.

2012 STREET PROJECTS

Manager Beard said the 2012 Street Project on Duke Street is proceeding along taking into account daily weather conditions.

GREENBELT TRAIL

A proposal has been received from Schuylkill Paving Company in the amount of \$7,750.00 to pave the Greenbelt Trail at Paxtang Commons Park. This quote includes paving of the parking lot as well. Manager Beard received a complaint from a resident stating they felt the Greenbelt Trail was not considered to be a necessary project. Manager Beard has been in contact with this resident explaining the progress, ideas and plans for the area and that the project was made possible through a Pennsylvania Department of Conservation and Natural Resources grant that was awarded to the Borough.

GREENBELT OWNERSHIP

The Borough Solicitor will be drawing up the necessary paperwork for the acquisition of a parcel of land located south of Derry Street extending to the railroad tracks adjacent to the Visiting Nurses Association. (Documentation can be found on page 110 of the 2012 Minute Book) The Borough Engineer has completed a field survey of the area.

STREET PROJECTS

Councilman Patackis asked if UGI Utilities is required to notify the Borough office before they start a project within the Borough. Engineer Shradley said they may notify the Borough after the fact if the work is classified as an emergency; otherwise they should contact the Borough office before work commences. Engineer Shradley informed Council that UGI is notified every Spring with regard to streets the Borough has proposed for repairs.

DECISIONS DAY CARE

Decisions Day Care located at 2910 Brisban Street is now officially owned by the US Department of Agriculture. Manager Beard asked Council to consider the use of Borough staff to clear over growth from the property and invoice the Department of Agriculture for costs involved with bringing the property into compliance with Borough Code. Vice-President Beaver asked for a Motion authorizing the Borough Manager to handle the situation as he sees fit.

*5) Councilwoman Kipp made a motion authorizing the Borough Manager to handle the situation. Manager Beard asked Council if they objected to funding associated with the cleanup be made available through the Capital Reserve fund. The fund would be reimbursed through the Department of Agriculture. Councilwoman Kipp amended her motion to include that monies be made available from the Capital Reserve fund with reimbursement from the Department of Agriculture. Motion seconded by Councilman Martin. Motion carried. Manager Beard said the property would be brought into line to where property maintenance violations would no longer be an issue but at this point did not have a projection for costs.

MS-4 REPORT

The Municipal Separate Storm Sewer System (MS-4) permit renewal has been submitted along with the \$500.00 application fee.

HEATING/AIR CONDITIONING UNITS

Manager Beard reported that at the August 21, 2012 Regular Business Meeting, Council awarded a bid to Environmental Controls and Services (ECS) to replace the air conditioning and heating units in the Fire House bunkroom, Council Chambers, administration and police offices. While ECS was not the low bid, they were able to satisfy the bid specifications. Folk and Garber submitted the low bid but were not able to fulfill the requirements as presented in the proposal. Eshenaur Fuels also presented a bid, but their proposal was significantly higher than quotes submitted by ECS and Folk and Garber. (Documentation can be found on page 111 of the 2012 Minute Book).

A requirement of the proposal was to provide a system capable of independent temperature zoning for the three (3) specified areas. Manager Beard informed Council that all three (3) contractors were given the same criteria for the purpose of submission of bids. In order for ECS to provide independent zoning for the three (3) offices, there would be an additional charge in the amount of \$1,979.00. Council did not have this information at the August Regular Business Meeting when Council awarded the bid to ECS. Manager Beard asked what direction Council would like to take in view of this new information.

*6) Councilwoman Kipp made a motion to approve the bid from ECS. Motion seconded by Councilman Forsyth. Motion carried. Manager Beard informed Council that the Borough Solicitor has signed off noting the manner in which the information was presented falls within the guidelines with respect to the bidding procedure.

GAMING GRANT

An application for a Dauphin County Local Share Municipal Grant for been applied for in the amount of \$114,982.50. This grant would be used to continue the Capital Area Greenbelt Trail project, the installation of a pedestrian bridge across the creek and paving. Vice-President Beaver asked if the area being acquired-at the Visiting Nurses Association would also include the area behind the Paxtang Grill. Manager Beard said that was not the case. Plans are available in the Borough office for those interested in viewing the project.

PENBROOK HALLOWEEN REQUEST

Penbrook Borough is requesting the services of one officer to assist with their Halloween Parade on Thursday, October 18th.

*7) Councilman Forsyth made a motion to detail one officer for the Penbrook Halloween Parade. Motion seconded by Councilwoman Kipp. Motion carried.

FIRE POLICE REQUEST

A request has been received from the Grantville Fire Company asking assistance from the Paxtang Fire Police for the "Move Me Madness Half Marathon" on Saturday, September 22. Fire Police Captain Murv Grunden is agreeable to the request.

*8) Councilman Martin made a motion to approve the request as presented. Motion seconded by Councilwoman Kipp. Motion carried.

PENSION MINIMUM MUNICIPAL OBLIGATION

Manager Beard asked Council for a motion to accept the Minimum Municipal Obligation (MMO) for Uniform and Non Uniform Pension Plans.

*9) Councilwoman Kipp made a motion to accept both plans. Motion seconded by Councilman Martin. Motion carried.

RESOLUTION 13-12

Manager Beard presented for Council's Consideration **Resolution 13-12**, a Resolution waiving the five (5%) contribution or contributions of any kind by full time members of the Police Department to the Pennsylvania Municipal Retirement System.

*10) Councilman Martin made a motion to adopt **Resolution 13-12**. Motion seconded by Councilwoman Kipp. Councilman Patackis asked if this practice was comparable with area municipalities. Manager Beard said this is a contractual requirement. Motion carried after discussion.

POLICE REPORT

Chief Beard presented a report of activities of the Police Department for the month of August and offered Council the opportunity for questions and concerns. Councilman Patackis asked if all the statistics offered on the report would be relayed to the Pennsylvania State Police (PSP). Chief Beard stated all matters except the following would be reported to PSP: Warrants and Services, Assists to Other Jurisdictions, Business Checks/Foot Patrols, Parking Problems, Parking Tickets Issued, Burglar Alarms/911 Hang Ups, Animal Problems, and Neighborhood Disturbances. Councilwoman Kipp asked for a status report with regard to enforcement of the "No Stopping, Standing, or Parking" signs on the south side of the 2900 Block of Derry Street as discussed at the January 17, 2012 Regular Business Meeting. Councilman Forsyth said he has not been aware of vehicles receiving tickets, indicating vehicles are not parking in this vicinity as they were before the installation of the new signs.

REQUEST FOR EXECUTIVE SESSION

Manager Beard requested Council consider an Executive Session for the purpose of discussing matters of potential litigation. Vice-President Beaver said this request would be honored at the end of the Regular Business Meeting.

AUDIENCE PARTICIPATION

Ms. Shirley Grunden of 3323 Brisban Street and President of the Paxtang Historical Society reported that the Historical Society would be holding a meeting on Monday October 1st at 7:00 p.m. at the Paxton Presbyterian Church. Mr. David Klinepeter will present a portrayal of Andrew A. Curtain, Governor of Pennsylvania during the Civil War. Ms. Grunden welcomed all to join the meeting.

Mr. Rodger Faill of 3409 Rutherford Street and Chairman of the Shade Tree Commission informed Council that the Commission has submitted an application for a Tree Vitalize Grant that would provide funding for a 2013 Spring planting. Mr. Faill stated the Commission comprised a list of possible locations within the Borough for a 2012 Fall planting. The list would be subject to species availability and budget limitations. Mr. Faill requested to be notified when a resident would be cutting the roots of a Shade Tree in order to repair their sidewalk.

Mr. Faill asked if the cost of tree removal due to sidewalk repairs would be drawn from the Shade Tree Budget. Vice President Beaver said it had been the decision of Council that the Shade Tree Commission would monitor a tree for a two (2) year period (if the roots were cut) and if the tree was to be removed, the Borough would be responsible for the expenditure. Mr. Faill said he could think of approximately one (1) to two (2) dozen trees that would be severely weakened to the point where they might not survive a two (2) year observation period and would need to be removed within one week to one month after their root system was cut.

Councilman Forsyth suggested budgeting more for tree removal and less for planting in the 2013 budget. Vice-President Beaver reminded Council that the Borough would be incurring major expenses in 2013 due to uniform and non-uniform contract negotiations and legal fees associated with negotiations and could not comment at this point if additional funding could be allocated for the Shade Tree Commission.

Councilman Forsyth thought the issue of tree removal could be controlled to a point by being selective with the area(s) considered for sidewalk inspections, and that it could take six (6) months before the entire Borough would be inventoried.

Vice-President Beaver informed Council that the current Shade Tree Budget is set at \$21,000.00 and does not see that amount significantly increased for 2013. Vice-President Beaver stated the trees located

between the curb and sidewalk are the responsibility of the Shade Tree Commission and tree removal costs would be taken from the Shade Tree budget and emergency issues would be addressed on an as need basis.

Vice-President Beaver said property owners would be responsible for costs associated with sidewalk repairs. Councilman Patackis asked if the homeowner would be responsible for the installation of curbing (if need be) at the same time as the repair of the sidewalk. Manager Beard said the two items would not necessarily need to be accomplished at the same time. Mayor Stambaugh was of the understanding that if a street was scheduled for repairs, the cost associated with curbing would be the responsibility of the Borough. Manager Beard said this is the normal plan of action to be considered.

Mr. Faill said the Shade Tree Commission would submit their budget for 2013 and if funding is exhausted due to sidewalk issues, the Commission would then return to Council for consideration of additional funding. Vice-President Beaver acknowledged that he could not guarantee additional funding.

Councilwoman Kipp requested Mr. Faill look at several trees along Derry Street, Montour Street, and Paxtang Avenue as trees are sprouting "off shoots". Mr. Faill acknowledged the growth described is vigorous in nature and thanked Councilwoman Kipp for bringing this to his attention.

Ms. Deborah Seneca of 515 Park Terrace presented a narrative and slide show of Patriot Camp held at Saussaman Park during the week of June 25 through June 29th. The program was comprised of 127 students with representation from 18 municipalities. Each day was "theme" oriented with discussions and activities revolving around the designated topic for that particular day. Ms. Seneca asked Council to consider authorizing Patriot Camp for the week of June 24 through June 28th for 2013.

*11) Councilwoman Kipp made a motion authorizing Patriot Camp to use the grounds again as requested for 2013. Motion seconded by Councilman Forsyth. Motion carried.

REPORT OF THE MAYOR

No Report from Mayor Stambaugh

REPORT OF THE SOLICITOR

No Report from the Solicitor

REPORT OF CODE ENFORCEMENT

Vice-President Beaver presented for Council the code report for the month of August as written by Codes Enforcement Officer, Mr. Ed Wenger. Opportunity was offered to Council for questions and concerns. Councilwoman Kipp asked for a status on the possibility of raising the monetary threshold for a Building Permit. Vice-President Beaver said this issue would be addressed in the Codification of Ordinances.

REPORT OF THE ENGINEER

Engineer Shradely referred Council to his written report indicating that the items as listed had been addressed during this evenings meeting.

COMMITTEES

Administration – Vice-President Beaver anticipates having information on the 2013 Budget available for the Town Hall meeting, which will be held in conjunction with the Regular Business Meeting on Tuesday, October 16th.

Highway – No Report from Councilman Forsyth

Property and Recreation – No Report from Councilwoman Kipp

Public Safety – Due to the absence of Councilwoman Borne Fuller, Vice-President Beaver reported that police negotiations are ongoing.

Public Relations – Councilman Martin reported that the Borough held a community wide Yard Sale on Saturday, September 8th. Councilwoman Kipp thanked Councilman Martin for having ten (10) new Yard

Sale signs made. These signs were designed to be reusable and will be stored in the Borough highway garage.

UNFINISHED BUSINESS

Councilman Martin asked for an update on the waste hauler contract. Councilman Patackis asked if a letter of intent would be sent out to prospective bidders. Manager Beard said the contract would be addressed by way of a legal advertisement. Manager Beard does not anticipate any changes to the contract, as it was the desire of Council at the August Regular Business Meeting not to change the basic elements or components of the contract. Councilman Patackis asked if any provisions would be made for “Tag a Bag” for those who would possibly qualify for a reduced rate. Manager Beard does not believe this is possible as the Borough is designated as a “Single Point Billing” instead of billing homeowners individually thus resulting in a reduced rate for residents.

Mayor Stambaugh informed Manager Beard that a formal request from the Paxtang Lions Club asking for consideration to hold the Halloween parade has now been forwarded to the Borough office.

NEW BUSINESS

Councilman Forsyth reported that a property owner in the Borough had a sewer issue that found its way into the Borough sewer mains, thus causing the Borough to incur unexpected expenses. Councilman Forsyth asked if it was possible to invoice the property owner to recoup monies spent on clearing Borough lines and if Council would like to seek reimbursement for the entire cost or just a certain percentage. Joshua Bonn said he could look into the issue. The Borough purchased equipment at approximately \$1,300.00 to assist with clearing lines and Public Works employees were involved with the project for approximately two (2) full workdays. Swatara Township televised Borough lines using Township equipment and has not billed the Borough for their services. Councilman Forsyth does not desire to seek compensation for the equipment purchased, just time for services provided by Public Works employees. Councilman Martin asked if the property owner was found to be in violation of Borough Code, if they could be fined instead of seeking reimbursement for expenses incurred. Vice-President Beaver suggested waiting to hear from the Borough Solicitor and then discussing possible options.

COMMUNICATIONS

Manager Beard reported no Communications.

At this point, 8:38 p.m. Vice-President Beaver announced that Council would retire to Executive Session for the purpose of discussing potential litigation and personnel issues.

At 8:55 p.m. Vice-President Beaver reconvened the Regular Business Meeting reporting that matters relating to potential litigation and personnel issues were discussed.

PRESENTATION OF THE BILLS

*12) Councilman Forsyth made a motion to pay the bills. Motion seconded by Councilwoman Kipp. Motion carried.

ADJOURNMENT

Vice-President Beaver declared the Regular Business Meeting to be adjourned at 8:56 p.m.

Secretary

1. Minutes
2. Treasurer’s Report
3. Resignation – Auditor Devon Alleman
4. Authorize Halloween Parade and Trick or Treat
5. Decisions Day Care – 2910 Brisban St. Clear Property
6. Award Bid – ECS A/C Heating – Additional Charge – Zoning

7. Penbrook Halloween Parade – Detail one Officer
8. Grantville Fire Company – Special Fire Police
9. MMO- Pensions
10. Adopt **Resolution 13-12** Waive Pension Contribution by Police
11. Authorize Patriot Camp 2013
12. Pay the Bills