

PAXTANG BOROUGH COUNCIL
Regular Business Meeting
April 30, 2007

President Spackman 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	F. Joseph Spackman
Council Vice-President	John Ninosky

E. Denny Beaver
Heather LaCour
Virginia Panza
John Rowe
Deborah Seneca

Mayor	Keldeen Stambaugh
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Borough Manager/Chief	Kenneth Beard
Borough Engineer	Chris Knerr
Borough Solicitor	Stanley Laskowski
Fire Chief	Todd Zwigart

MINUTES

*1) Vice-President Ninosky made a motion to dispense with the reading of the Minutes from the Regular Business Meeting from March 20, 2007 and to approve same. The motion was seconded by Councilman Rowe. Motion carried.

FINANCIAL REPORT

*2) Vice-President Ninosky made a motion to dispense with the reading of the Treasurers Report and to approve same. The motion was seconded by Councilman Rowe. Motion carried.

REPORT OF THE FIRE CHIEF

Chief Zwigart presented his report Council on the monthly activities for the Fire Company and Fire Police. During the preceding month the Fire Police hosted the Dauphin County Fire Police Association's regular meeting. Also, the Fire Company carried out a "Fill the Helmet" fundraiser. The Chief reported that he has been approached by the Paxton Presbyterian Church, which is looking into providing a "Knox Box" security access system for the Fire Company.

*3) Vice-President Ninosky made a motion that Council endorse, by whatever means necessary, the Fire Company's proposed grant for new apparatus. The motion was seconded by Councilman Rowe. Motion carried.

REPORT OF THE MANAGER:

Manager Beard presented the following:

Former employee Charles Wevodau has filed an appeal with the Unemployment Compensation Board of Appeals. Manager Beard has forwarded copies of the correspondence to Councilman Beaver and Vice-President Ninosky. If action is needed, Manager Beard suggested a call for an Executive Session.

Mr. Chris Knerr has been designated by Rettew Associates as the representative to the Borough for the Mini-Comp Plan. Citizen representation is still needed. Meetings should start in May, and continue for the next several months.

Notice has been received from the Dauphin County Economic Development Agency of an upcoming grant for which the Borough is eligible. Manager Beard had a meeting with the Borough Engineers and the Mayor at which time the Borough Engineers felt it would be appropriate to apply for this grant to go for a complete zoning study and development of a new zoning ordinance.

*4) Vice-President Ninosky made a motion to authorize the Borough Manager to prepare the appropriate grant to submit to Dauphin County Economic Development. The motion was seconded by Councilman Beaver. Motion carried.

Manager Beard was asked by EMA Director Robin Bloss and Deputy Director Ed Wenger to extend gratitude to all that attended the TMI drill on April 11th.

The Community Yard Sale is scheduled for June 9th. Spring Clean Up is scheduled for June 16th.

Manager Beard recommended hiring Melinda Dennis for the summer recreation program.

*5) Vice-President Ninosky made a motion to hire Melinda Dennis. The motion was seconded by Councilman Rowe. Motion carried.

The Memorial Day Picnic is scheduled for May 28th. Council will be called upon for their anticipated help during the picnic. Manager Beard asked for permission to deploy the Fire Police to assist during this event.

*6) Vice-President Ninosky made a motion to deploy Fire Police to assist with the Memorial Day Picnic. The motion was seconded by Councilman Rowe. Motion carried.

Previously an inquiry had been made if there were any plaques and bases on hand for use in the Honors Tree program. It was found that there were none on hand and without objection from Council, new plaques will be ordered and bases will be prepared as well.

A schedule has now been received from Swatara Youth Softball Association regarding the use of Saussaman Park. Arrangements have been made to resolve any conflicts and to permit the use of the field by the Softball Association

The Arbor Day celebration has been scheduled for May 19th at 10:00 at the Community Activity Area at Park Terrace and Brisban Street.

Manager Beard received inquiries from some residents that Council look into doing whatever is necessary to have FEMA redefine the flood plain. Manager Beard made the following observations:

- There are a number of people paying for flood insurance that have not had water issues in the past 35 years and are listed in the Federal 50 and 100 year flood plains.
- According to Rettew Associates it will require a substantial amount of money to accomplish a study for FEMA review, most likely in exceeding ten thousand dollars.
- Municipalities conducting a reevaluation could actually have an increase in their flood plain area due to development.

Manager Beard explained the Borough flood plain and referred the matter to Council for any further action. It was decided to table the matter and to take no action at this time.

The following audits have been conducted during the past month:

- Borough Audit is complete and has been properly advertised and posted.
- Non-Uniform Pension. The Borough owes \$8,155.00 for last years contribution. The pension administrator, Mr. Leonard Ferrara suggests investing these monies in the Franklin Templeton Founding Funds. Discussion was held on moving the non-uniform pension from a 'Target Benefit Plan' to a 'Money Purchase Plan', which provides for a fixed contribution based on the employee's salary.

*7) Vice-President Ninosky made a motion to pay \$8,155.00 into the Franklin Templeton Founding Fund. The motion was seconded by Councilman Rowe. Motion carried. Solicitor Laskowski suggested that a change in the Non-Uniform Pension plans might need a Resolution.

- The Pennsylvania Auditor's General Office has conducted an audit of the non-uniform pension plan.
- The Pennsylvania Auditor's General Office has conducted an audit of the Liquid Fuels accounts and the highway improvement projects associated with them.

Police Report:

Chief Beard presented Council with a written statistical report for the month of March. Chief Beard offered a verbal explanation of the written report as well. Chief Beard advised Council that he has presented A prospective General Order for the Police Department for Taser to the Mayor for her approval.

Chief Beard reported that Councilwoman Seneca conducted a study of parking and traffic issues at the Paxtang Elementary School. In conducting research for this project, there is no evidence to indicate that the Borough post or otherwise authorized the existing 'No Parking Zone' for the school bus stop. The Borough is prepared to initiate a traffic study to provide the school district with an appropriate No Parking Zone based on their bus traffic. The summer months will be used to paint and post the area properly for enforcement at the beginning of the new school year. An Ordinance change will be required before enforcement can take place.

Chief Beard stated Officer Katrina Fiala is now on her own in regard to Police duty. Chief Beard asked Council for permission to hire Wade Bloom as a Part-Time Police Officer.

*8) Vice-President Ninosky made a motion to hire Wade Bloom as a Part-Time Police Officer at the recommendation of Chief Beard. The motion was seconded by Councilman Beaver. Motion carried.

Chief Beard referred Council to a proposal for a lease agreement renewal for the copy machine in the Police office. This lease renewal provides for an upgrade with a replacement pre-owned copier that is warranted and serviced for the life of the lease.

*9) Vice-President Ninosky made a motion that the Borough enter into a contract with Harrisburg Copiers for the lease of a pre-owned Toshiba Copier. The motion was seconded by Councilman Rowe. Motion carried.

Chief Beard presented a memorandum of understanding from the Dauphin County District Attorney's Office for consideration. This Memorandum regards the formation a Dauphin County Child Abduction Response Team. This is a team comprised of mutual aid officers from several municipalities under the umbrella of the District Attorney, similar in concept to the Crisis Response Team, the Drug Task Force, the County Accident Reconstruction Team, and the Evidence Team. The design of the program is to provide a number of officers and investigators available on an immediate notice should there be a child abduction. The Borough has been asked to supply a member to the team and as of this date there has not been a response from the department for a volunteer. Chief Beard felt the Borough should move forward and agree in principal to the memorandum and agree to participate in the team.

*10) Vice-President Ninosky made a motion for the Borough to participate in the Dauphin County Child Abduction Response Team as outlined in the memorandum of understanding. The motion was seconded by Councilman Rowe. Motion carried.

AUDIENCE PARTICIPATION

Murv Grunden reported the Citizens Advisory Committee received a call for assistance from the Borough to look into a hardship situation of a resident on 32nd Street. Mr. Grunden will contact Mayor Stambaugh on this matter.

The Historical Society has completed and submitted a 'History of Paxtang' for use on the Borough web site.

Mr. William Culwell of BCE Construction presented a proposal to Council to rent the property at of 2930 Derry Street with the option to purchase it. Mr. Culwell would purchase the property and rent it back to the Borough. The area of this building is approximately 9,682 square feet. In addition to the purchase price, approximately \$56,000.00 of renovations, which includes \$20,000.00 for electrical work, could be expected. Discussion was held on the possibility that other expenses might be incurred. Further discussion

of this proposal was tabled for a scheduled Workshop Meeting. Councilwoman LaCour will develop a Task Force to develop information..

George Murphy of 213 Kelso Street made inquiry of Council if they were aware if the resident is conducting a business at Kelso and Rutherford Street in the form of a plant nursery. After discussion it was decided to have the Borough Code Officer look into this matter.

REPORT OF THE MAYOR

Mayor Stambaugh stated a constituent questioned the leash law. Mayor Stambaugh indicated to the resident that this matter was scheduled for discussion at tonight's meeting.

With regard to the ongoing Paxtang Avenue curb issue, the Borough will be receiving financial assistance for the difference that PennDOT actually projected and what the Borough was actually billed. Mayor Stambaugh recommended making payments over a period of time to PennDOT. Discussion was held as to how to bill the residents. Solicitor Laskowski suggested developing an agreement with PennDOT to spread the payments to PennDOT out over a number of years. Considerable discussion followed as to where the money would come from to pay the Borough invoice from PennDOT. Manager Beard suggested billing the residents on the Avenue and as the money is received, to turn the money over monthly to PennDOT.

*11) Vice-President Ninosky made a motion to authorize the Borough Solicitor to enter into negotiations with PennDOT to make arrangements for a payment plan with the Office of General Council, and that the office staff generate bills to be issued to the affected homeowners on Paxtang Avenue, and that payment should be made due and payable within 120 days of the issuance of the invoice. The motion was seconded by Councilman Rowe.

Councilman Beaver asked that a letter be sent with each of the bills explaining the collection procedure and the adjusted amounts due from each resident. After discussion, the motion carried. Vice-President Ninosky thanked Mayor Stambaugh for all the work done on this project.

REPORT OF THE SOLICITOR

Solicitor Laskowski would like to see a copy of the letter sent to the residents on Paxtang Avenue regarding the curb issue before they are sent out.

The Solicitor reported that the Leash Law, when the Borough Ordinance was codified, was overlooked and inadvertently omitted. Solicitor Laskowski referred Council to Dogs Running at Large Ordinance he has produced and distributed.

Solicitor Laskowski referred Council to the proposed changes to the Rental Housing Ordinance and asked Council to consider advertising the Leash Law Ordinance, along with the Rental Housing Ordinance. He reminded Council that they previously authorized the Solicitor to advertise these.

*12) Councilman Rowe made a motion to authorize the solicitor to advertise the Leash Law and Rental Housing Ordinance together. The motion was seconded by Councilwoman Panza. Manager Beard asked Council to review the language before advertising. Discussion was held on the issue of having a dog on a leash or in control of the owner without a leash. President Spackman stated that an animal should be on a leash. Mayor Stambaugh asked if it would be possible to have a gated area for unleashed dogs at some point in time. Solicitor Laskowski stated he would advertise the Ordinance with language stating: "on a leash under the control and direction of its owner or custodian". Motion carried.

Solicitor Laskowski referenced Section IV A-2 of the Police General Order for Tasers. He asked that the word "latex" be stricken due to people being sensitive to latex. Solicitor Laskowski asked if the use of Tasers on minors was covered. Manager Beard said this is covered in training.

Solicitor Laskowski inquired if the Capital Area Tax Bureau has sent updated information to the Borough. Manager Beard stated the information has been received.

Information was received from Tax Collector Helen Koser regarding W.S. Miller & Sons. Solicitor Laskowski feels Ms. Koser is proceeding along the proper course of action.

Solicitor Laskowski explained the Local Government Debt Act and procedures for borrowing from the Sewer Fund as a general matter.

REPORT OF CODES ENFORCEMENT

Manager Beard presented Council with a written report for the month of March. A Resolution is being prepared for the purpose of increasing permit fees. A new building permit is also being implemented. Councilman Beaver made inquiry to the status of a building permit for 3909 Montour Street. Manager Beard will look into this situation.

REPORT OF THE ENGINEER

Mr. Chris Knerr reported on the following:

- Contracts have been signed for the Walker Street reconstruction project and a pre-construction meeting will be scheduled.
- COG bid for 2007 road projects. The unit breakdown has been received for the bids from Hempt Brothers, the apparent low bidder. The recommendation is to award Hempt Brothers the contract.

*13) Vice-President Ninosky made a motion to follow the recommendation of the Engineer and award the street resurfacing contract to Hempt Brothers. The motion was seconded by Councilman Rowe. Discussion from Mr. Knerr stated the streets for this project are Park Terrace, Eastman and Cherry. In addition to this, measurements were obtained for South Paxtang Avenue on the eastern side of the main roadway, with an estimate of costs based on the unit price for the Hempt bid of \$5,650.00. If Council wishes to have this work performed, it is recommended that Council make a motion to approve a change order for the estimated work and authorize a signature by the Council President. Manager Beard reminded Council that at last's months meeting the question was raised as to who has the responsibility of maintaining South Paxtang Avenue by Neill's Funeral Home. It was determined this area is the responsibility of the Borough. Solicitor Laskowski suggested amending the motion to include the names of the streets involved in the project and to approve the change order for South Paxtang Avenue. The motion was amended by Vice-President Ninosky to include Park Terrace, Eastman, Cherry, and to include the change order for South Paxtang Avenue. The motion was seconded by Councilman Rowe. Motion carried.

The steering committee for the Mini Comp Plan will hold its first meeting on Thursday, June 14th 4:00 to 6:00 pm. A monthly report will be initiated by Mr. Knerr for the purpose of updating Council.

COMMITTEE REPORTS

Administration

Manager Beard informed Council of their obligation to provide life insurance for the Police Officers and the need to discuss options for this benefit. Council's decision was to turn the matter over to the Administrative Committee for their review.

Highway

Manager Beard presented Council with the following bids for a new highway truck through three different contracts and vendors: 1. Elizabethtown Dodge (Costars contract), \$29,760.00, 2. Day Fleet, Montoursville, PA (Harrisburg City Contract) \$29,433.00 which includes \$100 fee to piggyback on the contract and, 3. Hoffman Ford (Department of General Services Contract), \$29,680.00. The Manager asked for authorization to piggyback a snowplow and salt spreader package at a cost of \$10,000.00, in addition to the truck purchase and to lease the entire package through Ford Motor Credit Municipal Leasing. A portion of the monies for this purchase will be allocated through Liquid Fuels. President Spackman asked if the low bidder could challenge the Borough if they were not chosen. Solicitor Laskowski stated this would not be the case since the purchase would be made through a Government program and not through a bidding process.

*14) Vice-President Ninosky made a motion to order the highway truck from Hoffman Ford and piggyback the plow and salt spreader package. The motion was seconded by Councilman Beaver. Motion carried. Discussion was held on the method of disposal for the old truck including keeping the truck, advertise and take the highest bid, go through auction, donate, or find a municipal buyer. Councilwoman LaCour mentioned a mosquito concern at Apple Street and Wilhelm Road due to a puddle in this area. Manager Beard will refer this matter the Engineer for review.

Councilwoman Seneca mentioned some new street signs have been put into place. If the Borough would be receiving the Street Sign Name Grant, reimbursement would be available through this grant for the cost involved in putting these signs into place.

The Tour D Belt is scheduled for June 3rd.

Councilwoman Seneca discussed the possibility of looking into the condition of sidewalks in the Borough. After much discussion it was decided to table the matter until the next Council meeting.

Property and Recreation

A schedule has been received for softball for the use of Saussaman field and the office is now waiting for the soccer schedule. One of the basketball backboards is broken. Manager Beard recommended not fixing the backboard due to the expense involved. Basketball can still be played 'half court' style.

*15) Vice-President Ninosky made a motion to take out the broken backboard and pole at Saussaman Park. The motion was seconded by Councilman Rowe. Motion carried.

Manager Beard informed Council that the Borough will begin enforcing the updated 2006 International Property Code, and Uniform Construction Code on May 1st.

Councilwoman LaCour will send out an email asking for help in filling one hour time slots for the Memorial Day picnic.

Public Safety – No Report

Public Relations – No Report

Health and Sanitation

Councilman Rowe presented Council with Resolution 5-07 in reference to a ban on smoking within the indoor spaces of the properties owned by the Borough of Paxtang. Solicitor Laskowski made inquiry as to how one would enforce this ban and what the penalties would be for violation. After much discussion President Spackman asked Fire Chief Zwigart for his comment. President Spackman requested that his decision not to get involved in personnel or internal issues with the fire department be on record. Chief Zwigart stated the Trustees brought this matter to the Executive Board but this matter has not been brought to the Fire Company at large as of yet. Chief Zwigart does not feel there is a concern with smoking in the Engine Bay.

Chief Zwigart suggested looking into the possibility of a filtration system. Councilman Rowe discussed at length the issues of smoking and his wish for Council to take a stand on this situation. President Spackman asked Solicitor Laskowski for his opinion at the next Council meeting.

*16) Councilman Beaver made a motion to table this discussion till next Council meeting. The motion was seconded by Councilwoman Panza. Motion carried.

UNFINISHED BUSINESS – No Report

NEW BUSINESS – No Report

COMMUNICATIONS –

Manager Beard presented the following:

Robert C. Edwards Scholarship Application – Deadline May 14th

Seminar for Assessing your Financial Condition – May 31st Cumberland County

Invitation to the Camp Hill Memorial Day parade – May 28th

Seminar for Safeguarding Flood Plan Resources – May 9th Cumberland County

Labor Seminar sponsored by McNees, Wallace and Nurick – June 1st

A letter from the Office of Chief Council Highway Claims and Construction and Claims Division

Letter from PennDOT indicating Liquid Fuels being received \$35,498.94

Letter of Commendation to Officer Harry Morrison for assisting Borough resident

Letter from Principal Robert Stewart in reference to the traffic situation.

Memo Round table discussion for County and Municipal Recycling Coordinators May 24th
2010 Census Local Update of Census Addresses Program
Dinner by Keystone Area Council honoring Judge John Cherry
PSAB Convention – June 24th

PRESENTATION OF BILLS

*17) Councilman Rowe made a motion to pay the bills. The motion was seconded by Councilwoman Panza. Motion carried.

ADJOURNMENT

*18) Vice-President Ninosky made a motion to adjourn the regular business meeting. The motion was seconded by Councilman Rowe. Motion carried. President Spackman adjourned the regular business meeting at 9:35 p.m.

Secretary

1. Approval of Minutes
2. Approval of Treasurer's Report
3. Endorse Fire Co. Grant
4. Prepare DCED Grant
5. Hire Summer Recreation employee.
6. Deploy Fire Police - Memorial Day
7. Non Uniform Pension Plan - Invest
8. Hire PT Officer – Wade Bloom
9. Toshiba Copier Lease
10. Dauphin Co. Child Abduction Response Team
11. Authorize Solicitor, Payment Plan Paxtang Ave. Curbing
12. Advertise Leash & Housing Rental Agreement
13. Award Bid Hempt Bros. Street Project
14. Purchase Highway Truck
15. Backboard Saussaman Park
16. Table Res. 5-07 Smoking Ban
17. Pay Bills
18. Adjourn