

PAXTANG BOROUGH COUNCIL
Regular Business Meeting
November 21, 2006

President Spackman called the monthly meeting of the Paxtang Borough Council to order at 7:17 pm, followed by the Pledge of Allegiance to the Flag, which was led by Mayor Stambaugh.

Roll Call was taken.

Council Members present:

Council President	F. Joseph Spackman
Vice-President	John Ninosky
	E. Denny Beaver
	Heather Misiti
	Virginia Panza
	John Rowe
	Deborah Seneca – absent

Mayor:	Keldeen Stambaugh
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Borough Manager/Chief	Kenneth Beard
Borough Engineer	W. Max Shradley
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 of October 17th, 2006 as well as the Special Meeting of October 2nd, 2006 and to approve same. The motion was seconded by Councilman Rowe. The motion was carried unanimously.

TREASURER'S REPORT

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

REPORT OF THE FIRE CHIEF

Chief Zwigart presented Council with a written report on the monthly activities for the Fire Company and Fire Police. Chief Zwigart read a letter from the Fire Chief of the Colonial Park Fire Company thanking them for the excellent service extended to Colonial Park regarding two recent structure fires. Vice-President Ninosky extended his appreciation for their assistance with the Halloween Parade and for Trick or Treat Night. The Chief also reported that he has received formal notification that the grant application for new apparatus from the federal government has been denied for this year.

REPORT OF THE MANAGER

- **Request for Executive Session:** Manager Beard made a request for an Executive Session, to be conducted before adjournment, to discuss labor and contract issues for uniform and non-uniform employees.
- **Citizen Complaint:** Manager Beard received a communication from a citizen of Susquehanna Township in regard to rainwater retention on the east side of Paxtang Avenue at the Beth El Cemetery. This water retention could possibly be due to a blockage in the drainage system that leads under the roadway to the west side along the power lines. Manager Beard has been in contact with personnel from the cemetery who will be contacting PennDOT to address this situation.

- **Building Masonry Project:** Manager Beard stated the repointing and resealing of the back wall in the gymnasium has been accomplished and the bill has been paid.
- **Yard Sale:** A Community wide yard sale was held on October 21st. Participation was lower than anticipated.
- **Halloween Parade/Trick or Treat:** Both events went very well and were incident free.
- **Fall Clean up:** The anticipated expense to the Borough for Fall Clean Up could be \$1,700.00. The Borough received approximately \$260.00 from the service fee charged to participating residents. Advertising for this event was posted on the Borough website and the “sandwich board” was placed in front of the Borough building. Manager Beard received comments from residents that they would like to see more advertising for this service and to abolish the service fee charged to those participating.
- **Dauphin County Comp Plan/DCED Mini Comp Plan RFP:** Manager Beard received communications from Dauphin County and the Tri County Planning Commission regarding the County Comprehensive Plan. Manager Beard met with area Township Managers and a representative from the Tri County Planning Commission. He has also spoken with Rettew Associates regarding this matter to which Rettew has given their endorsement acknowledging it would be beneficial to the Borough in regard to the proposal of the Mini Comp Plan. Manager Beard sent a letter indicating that the Borough has endorsed the Dauphin County Comprehensive Plan. In regard to the DCED Grant and the Mini Comp Plan RFP, Manager Beard indicated he would like to table decision on this matter until he has received more of the formal evaluations and feedback from Council members.
- **Laskowski Eagle Scout Project:** Manager Beard explained the Eagle Scout project proposed by Mr. David Laskowski. Mr. Laskowski is seeking monetary support from Council for approximately \$500.00 if need be due to a possible shortfall in anticipated donations.

*3) Vice-President Ninosky made a motion to subsidize up to \$500.00, if needed, for David Laskowski’s Eagle Scout project. The motion was seconded by Councilwoman Misiti. The motion carried unanimously.

- **Cell Tower Update:** With regard to the cell tower proposed for the Paxtang Cemetery, Manager Beard indicated T Mobile is ready to proceed and will either apply for a building permit or they will appeal directly to the Zoning Hearing Board. T-Mobile anticipates their building permit being rejected due to conflicts with existing ordinances. Manager Beard has been in contact with their solicitor as well as the solicitor for the Zoning Hearing Board and will proceed as soon as the paperwork is received. Manager Beard mentioned that the Borough can have input in the appeals process if they would like to do so.
- **Request for Police Hire:** Manager Beard asked Council for authorization to hire a part-time police officer upon a satisfactory background check.

*4) Vice-President Ninosky made a motion to approve the hiring of Joshua Reager as a part-time police officer when the Chief of Police is satisfied with his background investigation. The motion was seconded by Councilman Beaver. The motion was carried unanimously.

- **PMRS Excess Interest:** Manager Beard was notified by the Pennsylvania Municipal Retirement System that they generated excess interest and asked for direction to invest this interest. After consultation with the Administration Committee, Manager Beard notified PMRS to direct this excess to the Municipal Account.

- **Crossing Guard Update:** Manager Beard has been in contact with the Paxtang Principal, Robert Stewart, and the school district, who have made the determination that they do not want any crossing guards at their stations prior to 8:30 a.m. This would ultimately result in the school having students on site prior to the time when school staff supervision will be available. Unless otherwise directed, the Borough will adhere to this policy set by the school district.
- **Cats with No Name:** Manager Beard distributed a letter from a non-profit organization called *Cats with No Name*. This organization offers a spay/neutering clinic for cats and would like to use the gym on an ongoing basis to house the cats in crates while awaiting pickup from their owners.

*5) Vice-President Ninosky made a motion to offer *Cats With No Name* the gymnasium one day per quarter for the calendar year 2007 only, and to make an evaluation after that time period. The motion was seconded by Councilwoman Panza. After discussion was held as to the mission, history, and practices of the organization, the motion was carried by a vote of 3 to 2 with Councilman Rowe and Councilwoman Misiti abstaining from the vote.

- **Request for Handicapped Parking:** Manager Beard received a request on behalf of Eda Youtz of 3011 Greenwood Street for the designation of a Handicapped Parking Space. Manager Beard indicated he feels there is a legitimate need and it will not impact the area to any great extent. The Manager recommends to Council that they approve the installation of the requested handicapped parking space.

*6) Vice-President Ninosky made a motion to designate a handicapped parking space at 3011 Greenwood Street. The motion was seconded by Councilwoman Panza. The motion was carried unanimously.

- **Application for Conditional Use:** Manager Beard received a Conditional Use application from a resident who desires to conduct a private computer consulting business from within their home in as R-2 District. Manager Beard is waiting for additional information from the applicant before finalizing the permit.
- **Leaf Collection:** Manager Beard reported receiving several complaints concerning the time it is taking for the collection of the leaves and the quality of work being done in leaf collection. A delay in the leaf collection was partly due to the fact that the truck needed extensive work and was out of service for a week. Rainy weather conditions have also contributed in making collection difficult and labor intensive. Manager Beard and Councilman Beaver spoke with the Highway employees and found that from 9:30 a.m. till 11:30 a.m. along with three Community Service workers from DCP, they were only able to accomplish the cleaning of one side of Duke Street from 29th Street to 32nd Street and that the street still showed signs of debris upon their completion of the area. Leaf collection will continue until weather forces a halt or until the streets are sufficiently cleared.
- **Police Report:** Chief Beard referred to his written report provided to Council. Vice-President Ninosky acknowledged his appreciation and thanked Chief Beard, the Police Department, and the Fire Police for their assistance with the Halloween Parade.

AUDIENCE PARTICIPATION:

- William Miller, of 444 North 32nd Street, stated his concern on the status of the Public Works employees. Mr. Miller met with Mr. Schmoltz and Mr. Wevodau. Mr. Miller indicated that Mr. Wevodau would reverse his decision and once again take on the duties of Codes Enforcement Officer. Mr. Miller also indicated that Mr. Schmoltz was in agreement with this arrangement.

At this point President Spackman asked Manager Beard to inform Council of his conversation with the Public Works employees. Manager Beard indicated that he, along with Councilman Beaver, met with the Public Works employees offering to reinstate both employees to full-time status with the stipulation that

Mr. Wevodau would perform Code Enforcement for a designated 16 hours a week. Manager Beard indicated the employees rejected that proposal.

- Mary Rosenkrans of 430 North 32nd Street made inquiry as to the status of the Public Works Employees and the length of time taking for the collection of leaves.

Mayor Stambaugh explained that the reduction in hours was made in order to provide for code enforcement efforts through another source. Manager Beard explained that last year, due to a backlog of Code issues, he asked Mr. Wevodau to assume code enforcement responsibilities. Throughout the negotiations it was agreed that Mr. Wevodau and Mr. Schmoltz would both handle Code issues during the course of their duties. Their salaries would be increased, but not their work hours. This agreement was in effect until September of 2006. Manager Beard noted that at the August Council meeting, several citizens expressed their concern that code issues were not being adequately addressed, properties were not being maintained, and there was not an adequate enforcement of the Borough property maintenance codes. Council subsequently made a determination that more hours must be devoted to code enforcement. When Mr. Wevodau and Mr. Schmoltz resigned as Code Enforcement Officers, Council was forced to seek alternatives to provide for ongoing property maintenance and code enforcement to address the complaints heard at the August Council meeting.

- Joanne Miller of 444 North 32nd Street made inquiry as to the status of the Public Works employees in regard to their hours of work.

Manager Beard stated that inquiries were made to other municipalities and that if the residents would like to have a full time Code Enforcement Officer, that the borough would be looking at approximately \$35,000 or more to fill that position with a qualified applicant. Mayor Stambaugh explained that the Public Works employees worked four days at their regular full time job of maintenance throughout the borough which was separate and aside from the Code issues.

- Gerald Mannix of 2915 Brookwood Street made inquiry as to the duties of the Code Enforcement Officer.

Manager Beard said the duties range from property maintenance, code enforcement, code inspections, Ordinance enforcement, and building inspections depending on the nature of the issue and the employee's level of certification. He indicated that the employees did not overextend themselves with regard to their training and certification and that if they had concerns they did have resources to turn to. Inspections exceeding their expertise could be turned over to a third party vendor, one of which could be MDIA, who already manages the borough electrical inspections.

President Spackman stated that Manager Beard and Councilman Beaver made a proposal to Mr. Wevodau and Mr. Schmoltz. That proposal was that both would be reinstated to full time hours, with the provision that Mr. Wevodau would resume duties as Code Enforcement Officer. President Spackman asked for a motion. Councilman Rowe made a motion to endorse the Manager's proposal. The motion was seconded by Vice-President Ninosky. Manager Beard asked for a clarification. The motion offered the same proposal that had been presented to Mr. Wevodau and Mr. Schmoltz from Councilman Beaver and himself and that was rejected by both employees. President Spackman stated that according to Mr. Miller, Mr. Wevodau and Mr. Schmoltz have now agreed to the original proposal presented to them by Manager Beard and Councilman Beaver. President Spackman asked Manager Beard exactly what was offered to Mr. Wevodau and Mr. Schmoltz. Manager Beard indicated he offered to bring them both back at the full time rate with benefits, full time hours, along with the understanding that Mr. Wevodau would work at least 16 but no more than 20 hours doing code enforcement work exclusively, and that Mr. Schmoltz would continue do highway work. Councilman Rowe amended his original motion as follows: Councilman Rowe withdrew his motion and introduced a motion that Manager Beard extend the same offer tomorrow morning to both Mr. Schmoltz and Mr. Wevodau.

No vote taken at this time and President Spackman announced at 8:08 p.m. that Council would retire to Executive Session to discuss personnel matters.

President Spackman resumed the public meeting at 8:27 p.m.

Councilman Rowe stated he was one of the two Council members not here for the original meeting concerning this matter and will personally see that what was discussed in the Executive meeting will be followed through with so that these employees will be brought back to full-time status. Councilman Rowe indicated he is withdrawing his initial motion, and is introducing a motion to stating the following:

*7) Councilman Rowe made a motion that Council authorize Manager Beard and Councilman Beaver, the Chairman of the Administrative Committee, to continue with the current offer that has been extended between both attorneys and they will continue those negotiations and to authorize them to offer reinstatement if those negotiations can be agreed upon.

Manager Beard asked to offer alternate language as follows: to authorize the Borough Manager and Councilman Beaver to reinstate the two employees to full-time status provided an equitable settlement can be reached between the parties. The motion was seconded by Councilwoman Misi. The motion was carried unanimously.

- George Murphy inquired if the No Parking signs will be put back up at Fleming's Sub Base located at 3697 Derry Street.
- Cory Noell of 3441 Derry Street thanked Council on the action taken concerning the Public Works Employees.
- Teri Guerrisi of 102 Paxtang Avenue thanked Council on the action taken concerning the Public Works Employees and the issue of the crossing guards.
- Murv Grunden of 3323 Brisbane Street presented the following information to Council:

The Paxtang Historical Society met and elected Angela Zook as President. Pat Appleby had resigned as President as a result of moving from Paxtang, but is still a member of the Board. January 8th, 2007 is the next scheduled meeting for the Society, and will be held at the Hershey Derry Township Historical Society, 40 Northeast Drive, Hershey, at 7:00 p.m. The meeting will consist of a tour of the Historical Society facility. Snow date is January 15th.

Citizens Advisory Committee meetings are held the Saturday before the Council meeting. There is a need to get members out to the meetings. The committee is working on a means of helping Senior Citizens in the Borough with snow removal and similar needs. They are looking for better advertising for the Yard Sale and Fall Clean Up. This committee could use more members.

The Crime Watch is not in active service at this time.

REPORT OF THE MAYOR

Mayor Stambaugh encouraged everyone to attend the community tree lighting ceremony on Sunday, December 3rd, at 6:00 p.m. at the Borough Building. Mayor Stambaugh pointed out that the phone card insert in the Paxtang Post has a wrong listing for the Mayor.

REPORT OF THE SOLICITOR - No Report

REPORT OF CODES ENFORCEMENT

Manager Beard issued 5 permits. Consultation was held with Engineer Shradley concerning the permits and Manager Beard would like Council's ratification of this action.

*8) Vice-President Ninosky made a motion to approve the permits issued upon consultation of the Borough Engineer. The motion was seconded by Councilman Rowe. The motion was carried unanimously.

REPORT OF THE ENGINEER - No Report

COMMITTEE REPORTS

Administrative:

Councilman Beaver gave an overview of the proposed budget for 2007. With the millage and the \$10.00 Solid Waste increase, residents would be looking at a tax increase of approximately \$50.00 per household. Instituting the EMS tax of \$52.00 is being considered. Solid Waste is proposed at \$220.00. No change in the Sewer rate of \$140.00. Real Estate Tax is proposed at 8.06 mills, Fire Tax no change at .38 mills, and Highway Tax no change at .75 mills for a total millage of 9.19.

*9) Vice-President Ninosky made a motion to approve the First Reading of the 2007 budget and to advertise and publish in accordance with the requirements of the Borough Code. The motion was seconded by Councilwoman Panza. The motion was carried unanimously.

Councilman Beaver presented for the First Reading Tax Ordinance # **603**.

*10) Vice-President Ninosky made a motion to advertise the consideration of Tax Ordinance # **603** for 2007. The motion was seconded by Councilwoman Panza. . Mr. Ninosky amended the motion to accept the First Reading of Tax Ordinance # **603** with the correction of the word evaluation to read valuation in the third paragraph under Section I. The motion was carried unanimously.

Highway:

No Report

Property and Recreation:

No Report

Public Safety:

No Report

Public Relations:

Councilwoman Panza indicated the deadline for submission of information to the Paxtang Post is January 5th, 2007.

Health and Sanitation:

Councilman Rowe presented, Ordinance # **604**, Amendment to the Solid Waste Ordinance for the First Reading.

*11) Vice-President Ninosky made a motion to publish Ordinance # **604**. The motion was seconded by Councilwoman Panza. Solicitor Laskowski proposed a correction be made under SECTION 7 to read, "This Section 7 is as hereinafter set forth is amended to read as follows". Vice-President Ninosky restated his motion to publish Ordinance # **604**, as amended. The motion was seconded by Councilwoman Panza. The motion was carried unanimously.

UNFINISHED BUSINESS

No Business to Report

NEW BUSINESS

No Business to Report

COMMUNICATIONS

Manager Beard received a letter from Sue Kompare and a letter from Mike Powers expressing their concern over the situation with the Public Works Employees.

A communication was received from Christopher Knerr with Rettew, in reference to the Dauphin County Comprehensive Plan. Mayor Stambaugh asked if we were going to follow through with the Comp Plan in December in order as to not lose time or grant money. Manager Beard indicated that any action would be contingent upon the formal evaluation process. Council members were advised to make sure they gave Manager Beard their evaluation.

PRESENTATION OF BILLS

*12) Vice-President Ninosky made a motion to pay the bills. The motion was seconded by Councilwoman Panza. The motion was carried unanimously.

ADJOURNMENT

*13) Councilman Rowe made a motion to adjourn the meeting. The motion was seconded by Councilwoman Panza. The motion was carried unanimously. The meeting was adjourned at 8:57 p.m.

Secretary

1. Reading of Minutes
2. Reading of Treasurers Report
3. Subsidize Laskowski Eagle Scout Project
4. Hire Police - Joshua Reager 12. Tax Ord. 603
5. Cats With No Name
6. Handicapped Parking – 3011 Greenwood
7. Reinstatement - Public Works Employees
8. Approve Permits
9. First Reading Budget 2007
10. Ord. 603
11. Ord. 604
12. Pay Bills
13. Adjourn