

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
September 20, 2011

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
Deborah Seneca

Mayor

Keldeen L. Z. Stambaugh

Council Members Absent

Sheilah Borne Fuller

Borough Officials

Borough Manager	Kenneth E. Beard
Borough Solicitor	J. Stephen Feinour
Borough Engineer	W. Max Shradley
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 August 16, 2011 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 from the Month of August, 2011 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE FIRE CHIEF

Chief Zwigart presented a written report of Fire Company and Fire Police activities for the month of August. Chief Zwigart noted that National Night Out went well, indicating he appreciates the fact that Paxtang has not taken this event to a centralized location as some other municipalities do and allows residents to participate in block parties, thus devoting the evening to meeting neighbors.

REPORT OF THE EMA DIRECTOR

EMA Director Robin Bloss reported that 18 single-family dwellings received minor damage due to flooding associated with Tropical Storm Lee on September 7th. Grace's Derry Beverage, located at 3697 Derry St., received major damage, and Corl Communications, located at that same address, received damage to supplies housed in two trailers in the parking lot. Mr. Bloss mentioned that two other businesses received minor damage. President Ninosky took this time to express his gratitude to Mr. Bloss for his dedication and service during the recent storm related events.

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 and concerns.

PPL DAY OF CARING

Manager Beard reported the Annual PPL Day of Caring has been postponed due to recent weather events. If rescheduled, the anticipated work project would be to continue the clearing of the Capital Area Greenbelt with supervision from Mr. Norman Lacasse of the Capital Area Greenbelt Association.

TRI-COUNTY PLANNING COMMISSION NOMINATION

The Dauphin Southwest Plan Development Section of the Tri-County Planning Commission is currently represented by Mr. Denny Beaver and Mr. Bill Hawk of Lower Paxton Township. The Commission is requesting the nomination of two individuals from this Section to serve as voting members on the Commission. Mr. Beaver indicated he would like to be considered for reappointment. President Ninosky suggested Council resubmit Mr. Beaver's name to the Commission.

*3) Councilwoman Kipp made a motion to resubmit the name of Mr. E. Denny Beaver as a representative to the Tri-County Planning Commission. Motion seconded by Councilman Patackis. Motion carried.

ORDINANCE NO. 626

Manager Beard presented for Council's consideration **Ordinance No. 626**, an ordinance amending the Sanitary Sewer Ordinance to conform to the regulations and ordinance of the City of Harrisburg regarding Industrial and Commercial Waste Pre-Treatment.

*4) Vice-President Beaver made a motion to approve **Ordinance No. 626**. Motion seconded by Councilwoman Kipp. Motion carried.

REQUEST FOR GROUP HOME

Manager Beard received a request from *Samara*, a 501C non-profit organization interested in acquiring the house at 120 Quince Street. *Samara* is a private service contracted by Dauphin County Social Services for Children and Youth to provide intensive programming for parents and children. Manager Beard has submitted their request to the Municipal Planner, Mr. Chris Knarr of Rettew Associates and Borough Engineer, Mr. Max Shradley. A variance will be required of *Samara* if they wish to proceed.

HIGHWAY SIGN REPLACEMENT

The United States Department of Transportation Federal Highway Administration has issued a new directive eliminating the deadline for retrofitting regulatory street signs. (Documentation can be found on page 36 of the 2011 Minute Book). Engineer Shradley believes PennDOT has eliminated the deadline as well. Manager Beard will continue with implementing a Retro Reflectivity Plan.

STREET LIGHT TRANSFER

PPL has contracted with the firm Sunesys to install fiber-optic lines on Derry Street and as a result the brackets and wiring for the Borough Christmas decorations will need to be moved. Costs associated with this project would be submitted to Sunesys for reimbursement. Manager Beard asked Council what course of action, if any, they would like to take. President Ninosky suggested a motion be made authorizing the Borough Manager to proceed with the bidding process if it becomes necessary.

*5) Councilwoman Panza made a motion authorizing the Borough Manager to proceed with the bidding process if it becomes necessary. Motion seconded by Councilwoman Kipp. Motion carried.

GYM REQUEST – DAUPHIN COUNTY JUVENILE PROBATION

Manager Beard presented for Council a request from the Dauphin County Office of Juvenile Probation asking for gratis use of the municipal gymnasium for tactical training purposed during the week of October 17th through the 21st.

*6) Councilwoman Kipp made a motion allowing the Dauphin County Office of Juvenile Probation use of the gymnasium without cost. Motion seconded by Councilman Patackis. Motion carried.

GYM REQUEST – PAXTANG ART ASSOCIATION

Manager Beard presented for Council a request from the Paxtang Art Association for use of the municipal building and gymnasium for their Fall and Winter Art Classes and Art Show scheduled for November 2011.

*7) Councilwoman Kipp made a motion allowing the Paxtang Art Association use of the gymnasium for their Art Classes and Art Show. Motion seconded by Councilman Patackis. Motion carried.

GYM REQUEST – PRIVATE ENTERPRISE

Manager Beard presented for Council a request from an individual requesting to rent the municipal gymnasium to conduct a 'Fitness Boot Camp' during the months of December, January, and February. Manager Beard noted that the times listed in the request would most likely be in conflict with the Wilhelm-Paxtang Athletic Association and existing rentals. President Ninosky reminded Council that a request of this nature was presented awhile back which Council rejected, as it was viewed as a "for profit venture". President Ninosky felt that it would be best to follow suit and deny the request.

*8) Councilwoman Panza made a motion to deny the request as presented. Motion seconded by Vice-President Beaver. Motion carried.

FLOOD RECAP – SEWER ISSUES

The municipal basement received approximately four (4) inches of water during Tropical Storm Lee on September 7th. Items are being identified for replacement or reconstruction and repairs might need to be made at some point in time. Due to a forceful amount of water pressure, a manhole located on the Capital Area Greenbelt near the Five Senses Garden become dislodged, sending sewer water into the surrounding ground. Manager Beard met with Engineer Shradley and authorized Rogele Inc. to make the necessary repairs to the manhole. The work was accomplished without bidding and prior to council's review due to the immediate necessity to complete the work and the fact that a State of Emergency had been declared by the Borough. President Ninosky asked if it was possible to recover these funds from the Federal Government. Manager Beard said it was too early to tell, but having the State of Emergency declared enabled him to have the work done without obtaining competitive bids. Manager Beard anticipates the cost to be several thousand dollars, which is available through the Sewer Fund.

EAGLE SCOUT PROJECT

Life Scout Alex Kosick would like to install two roofed picnic bench and table units in the area of the Greenbelt. Manager Beard proposed one unit be placed at the entrance to Paxtang Commons off Derry Street and the second unit placed towards the back of Paxtang Commons Park along the creek. Public Works employees will be assisting with 'in kind' services by way of digging post holes for the units. Councilwoman Seneca voiced her concern with having a picnic table installed along the creek and asked for a more family friendly venue. Manager Beard mentioned that spacing could be an issue if the picnic table were to be located more towards the ball field. President Ninosky suggested Manager Beard move ahead with the project but contact Jeff Myers, the Athletic Director, for his thoughts on the location.

MICROSURFACING

Crack sealing is tentatively scheduled to begin around Monday, September 26th, with microsurfacing to follow occur approximately two weeks following the crack sealing.

TRASH CONTRACT

Waste Management, the Borough's current trash agent, has presented a one-year contract extension for an amount of \$5,268.00 above the current yearly rate for the succeeding twelve (12) months. President Ninosky believes this increase is reasonable and is content with the services provided by Waste Management. Mr. Tom Stang, Director of Marketing for Waste Management, was in attendance to entertain questions or concerns from Council. Councilwoman Panza would like the Borough to be included on the "call" list when Waste Management needs to notify municipalities to a change in the regular collection day due to holidays or other unforeseen events. Mr. Stang stated that their "auto dial system" does not dial individual homeowners within the Borough, as Waste Management does not bill homeowners individually and does not therefore have their individual phone numbers. The Borough is listed as a "One Bill Call to the Borough". Mayor Stambaugh suggested changes in collection dates be put on the Borough

web site. Councilwoman Panza said notification of residents could be made through the proposed “Call Blaster” that Manager Beard is in the process of establishing. Councilman Patackis asked if the quote of \$5,268.00 is below that of the first year of a three-year contract. Mr. Stang stated that the quote was in fact less than that of the first year of a new three-year contract.

*9) Vice-President Beaver made a motion to accept an extension for one year from Waste Management. Motion seconded by Councilwoman Panza. Motion carried.

SHADE TREE

Manager Beard informed Council that the removal of shade trees continues throughout the Borough and that the Shade Tree Budget will be reviewed with regard to monies available for planting and trimming. Manager Beard will be conferring with Shade Tree Commission Chairman Faili to modify some budget line items to adapt to current needs for the remainder of the year

CDBG SALDO

Manager Beard has not received much interest from anyone wanting to participate in reviewing and evaluating a Request for Proposal (RFP) for the Sub-Division and Land Development Grant. Manager Beard would now like to approach Solicitor Feinour for assistance. President Ninosky authorized Manager Beard to contact Solicitor Feinour.

PENBROOK REQUEST

A request from Penbrook Borough has been received to detail Police and Special Fire Police for their Halloween Parade.

*10) Vice-President Beaver made a motion to approve the Penbrook Halloween Parade request. Motion seconded by Councilwoman Panza. Motion carried.

HALLOWEEN PARADE

A formal request has been received from the Paxtang Lions Club to conduct the annual Halloween Parade on Tuesday, October 25th, and for permission to solicit assistance with outside Fire Police. Assistance from Paxtang Fire Police was granted under the “blanket policy” presented to Council in January, 2011.

*11) Councilwoman Panza made a motion to provide assistance per the request from the Paxtang Lions. Motion seconded by Vice-President Beaver. Mayor Stambaugh would like “No Parking” signs placed at the “staging” area on South 38th Street. Manager Beard indicated that the east side of the street to which the Mayor referred is actually private property and the west side is under the jurisdiction of Swatara Township.

TRICK OR TREAT

Manager Beard commented that Trick-or-Treat would take place on Thursday, October 27. President Ninosky acknowledged the statement.

FIRE TRUCK BIDS

Manager Beard presented for Council two sealed bids for the sale of the Mack Pumper Truck. Manager Beard opened the bids at that time and they were read as follows:

- a sealed bid from Allen Jacobs and Todd Zwigart in the amount of \$4,500.00
- a sealed bid from Amanda Beidler of Manheim, PA in the amount of \$4,550.00

Manager Beard informed Council that the advertisement stipulated that the Borough reserved the right to reject any and all bids. Manager Beard will look to Solicitor Feinour for his opinion. President Ninosky suggested this matter be tabled until an opinion was offered from the Borough Solicitor. Councilman Patackis asked if contact had been made with Mary Klaus and the Pennsylvania Pump Primers Association, as they might be interested in knowing about the availability of the Pumper. Manager Beard said he did in fact attempt to make a contact to Ms. Klaus but did not receive a response. President Ninosky suggested the matter be tabled until Solicitor Feinour offered his opinion and to bring the subject up at the next Regular Business Meeting.

*12) Vice-President Beaver made a motion to table the matter. Motion seconded by Councilwoman Kipp. Manager Beard reminded Council that they could address the issue at the upcoming Workshop, which is a regular scheduled meeting, and has been advertised. President Ninosky was in agreement with the suggestion from Manager Beard. Vice-President Beaver withdrew his motion. President Ninosky asked

that the matter be deferred until the Monday, September 26th Workshop to consider the bids and seek the advise from the Borough Solicitor.

FIRE POLICE REQUEST

Manager Beard received a request from Derry Township seeking assistance with traffic control from the Special Fire Police for the Hershey Half-Marathon on Sunday, October 16th. Fire Police Captain Murvin Grunden indicated assistance would be offered by Paxtang Fire Police.

PENSION MMO

Manager Beard asked for Council's consideration in certifying the Minimum Municipal Obligation (MMO) for the Uniform Employees at \$42,527.00 and the Non-Uniform Employees at \$10,336.30.

*13) Councilwoman Panza made a motion to certify the MMO for Uniform and Non Uniform Employees. Motion seconded by Vice-President Beaver. Motion carried.

RESOLUTION 8-11

Manager Beard presented for Council's consideration **Resolution 8-11**, A Resolution waiving the five (5%) contribution or contributions of any kind by members of the Police Department to the Pennsylvania Municipal Retirement System for the uniformed pension plan.

*14) Vice-President Beaver made a motion adopting **Resolution 8-11**. Motion seconded by Councilwoman Panza. Councilwoman Seneca asked for an explanation of **Resolution 8-11**. Manager Beard explained that the police do not pay into their pension, as this is a contractually negotiated item and the Borough funds the necessary contributions into their Pension Plan.

POLICE REPORT

Chief Beard presented for Council a report on police activity for the month of August and offered a verbal explanation as well.

REQUEST FOR EXECUTIVE SESSION

Manager Beard asked Council to consider an Executive Session to discuss personnel matters and potential litigation. President Ninsoky said he would honor that request at the end of the Regular Business Meeting.

AUDIENCE PARTICIPATION

Mr. Murvin Grunden of 3323 Brisban Street presented the following:

- Mr. Grunden took this time to thank Council for allowing the Historical Society use of Saussaman Park for their August picnic. The Historical Society will meet on October 3rd at the Paxton Presbyterian Church at 7:00 p.m. Reverend David Biser will speak about John Harris Jr.
- Mr. Grunden informed Council that the Special Fire Police will receive training in the following areas: Advanced Fire Police, Legal Concepts for Fire Police, and Communications and Public Relations for Fire Police. The courses mentioned are all 16-hour courses for which certificates are issued to those completing training. Funding is available through the Volunteer Fire Relief Association.
- Fire Police will be assisting Derry Township Police for the Hershey Half Marathon on Sunday, October 16th. This marathon benefits the Children's Miracle Network.
- Mr. Grunden took this time to offer his gratitude to Fire Chief Zwigart and Police Chief Beard for all their support they offer to the Fire Police.
- The Special Fire Police will be receiving three (3) new members, bringing membership to a total of eight (8).
- The 5-K Run for Colonial Park, Lower Paxton Township has been postponed due to weather conditions. Paxtang Special Fire Police will assist when a new time and date is established.

President Ninosky took this opportunity to thank Captain Grunden for not only his service and dedication, but to all the members of the Special Fire Police as well.

REPORT OF THE MAYOR

Mayor Stambaugh reported that the Dauphin-Lebanon County Boroughs' Association dinner meeting would be held on Tuesday, October 11th. Steelton Borough will host the meeting.

The committee for the 100th Anniversary of the Incorporation of the Borough of Paxtang will be held on Thursday, September 22nd. The committee will be approaching organizations in and around Paxtang for support and planning.

REPORT OF THE SOLICITOR

No Report from Solicitor Feinour

REPORT FROM CODES ENFORCEMENT

Manager Beard referred Council to the Codes report from Codes Enforcement Officer Wenger and offered Council the opportunity for questions or concerns.

REPORT OF THE ENGINEER

Engineer Shradley referred Council to his written report and offered Council the opportunity for questions or concerns.

COMMITTEE REPORTS

Administration – Vice-President Beaver indicated that he was beginning to work on the proposed Budget for 2012. President Ninosky reminded Council that the Public Meeting on Tuesday, October 18th will offer the public an opportunity to voice their questions and concerns with regard to budget issues.

Highway- Councilwoman Seneca would like Council to consider sponsoring Patriot Camp for 2012.

*15) Councilwoman Seneca made a motion that the Borough consider hosting Patriot Camp for June 25th through June 29th at Saussaman Park. Motion seconded by Councilwoman Panza. Motion carried.

Property and Recreation – No Report from Councilwoman Kipp.

Public Safety – Due to the absence of Councilwoman Borne Fuller, no report was presented.

Public Relations – Councilwoman Panza reported that the Paxtang Post was now ready and available for delivery.

Health and Sanitation – No Report from Councilman Patackis

UNFINISHED BUSINESS

Mayor Stambaugh asked if the Public Hearing was advertised in the Post. Councilwoman Panza directed Mayor Stambaugh to the article stating the meeting would take place on October 18th beginning at 7:15 in the gymnasium and that the upcoming budget would be discussed at that time. Councilwoman Seneca will put this information on the Borough web site as well.

NEW BUSINESS

No Business to Report

COMMUNICATIONS

Manager Beard read a communication from resident David and Dana Shade of 3529 Brisban St. thanking Officer Corkle for his service with regard to an incident at their residence on August 18th.

Manager Beard referred Council to a letter received from Johnny's Discount Furniture and asked Council if they would like him to read the full text. This letter was previously sent to Council Members. President Ninosky stated it since it was already sent to Council that that was sufficient enough.

PRESENTATION OF THE BILLS

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

At 8:12 p.m. President Ninosky announced that Council would retire to Executive Session to discuss potential litigation.

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

SCHOOL PARKING

Manager Beard has been in contact with Officer Zwigart, who indicates that things are going well with regard to the parking issues at the Paxtang Elementary School. Officer Zwigart pointed out that the Borough Ordinance only specifies “No Parking”, not “ No Stopping, Standing, or Parking”. Manager Beard said the Ordinance was amended to specify “No Parking” zones. Manager Beard said the current Ordinance would need to be amended to read “No Stopping, Standing, or Parking”. President Ninosky indicated he feels that it is necessary to amend the Ordinance. President Ninosky called for a motion to instruct the Borough Solicitor to amend the ordinances to state “No Stopping, Standing, or Parking” for that area in front of the elementary School entrance.

*17) Vice-President Beaver made a motion to instruct the Borough Solicitor to amend the necessary ordinance to include the wording “No Stopping, Standing, or Parking”. Motion seconded by Councilwoman Panza. Motion carried. President Ninosky asked if Manager Beard felt the violation fee would need to be adjusted. Manager Beard felt the current fee is justified. Motion carried after discussion.

ADJOURNMENT

*18) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Panza. Motion carried. At 8:45 p.m. President Ninosky adjourned the Regular Business meeting.

Secretary

1. Minutes
2. Treasurer’s Report
3. Tri County Planning – Denny Beaver
4. Approve Ord 626 – Amend Sewer – Harrisburg City
5. PPL-Sunesys – Fiber Optic – Bid
6. Gym Use – Dauphin Co. Juvenile Probation
7. Gym Use – Paxton Art Association
8. Gym Use – Deny – Boot Camp
9. Extend Trash Contract One Year
10. Penbrook Halloween Parade – Fire Police
11. Paxtang Lions Halloween Parade
12. Award Bid –Mack Engine – Motion Withdrawn
13. Certify Pension MMO
14. Adopt Res. 8-11 – Pension Plan
15. Host Patriot Camp June 2012
16. Pay Bills
17. Amend No Parking Ordinance – Paxtang Elementary School
18. Adjourn