

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

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.

Roll Call was taken.

Council Members Present

Council President	John R. Ninosky Sr.
Council Vice-President	E. Denny Beaver
Council Members	Sheilah Borne Fuller Virginia Panza Raymond Patackis Deborah Seneca – arrived at 8:17 p.m.

Council Members Absent Lynn Kipp

Mayor Keldeen L. Z. Stambaugh – arrived at 7:17 p.m.

Borough Officials

Borough Manager-Chief	Kenneth E. Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	Stephen Feinour
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 March 16, 2010 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 for the month of March and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE FIRE CHIEF

Chief Zwigart referred Council to his written report for the Fire Company and Fire Police for the month of March. Chief Zwigart acknowledged his gratitude to Public Works employees Saul Schmolitz and Ed Wenger for their quick response in aiding the Fire Department with a recent structure fire in the Borough.

REPORT OF THE MANAGER

Mayor Stambaugh arrived at this point – 7:17 p.m.

Seminars: In addition to information regarding future seminars sent to Council members prior to the Regular Business Meeting, Manager Beard presented the following:

- Dauphin Lebanon Boroughs Association Dinner Tuesday, April 27
- Susquehanna Township Earth Day April 21st.
- Capital Area Greenbelt Association Strategic Planning Meeting Saturday, May 1st at Wildwood Park

Zoning Update

The Steering Committee held their initial meeting to revise and update the Zoning Ordinance & Map and reported that things are going well.

Gas Meters

Manager Beard asked Council to consider the purchase of four combustible gas detection meters at a cost of \$6,182.20. Funding for this project would be available through the Sewer Fund. Manager Beard would like two units reserved for fire apparatus, one unit for a public works truck, and one unit for the sewer trailer. These units would aid workers who would need to perform work in confined spaces.

*3) Vice-President Beaver made a motion to purchase the gas detection meters. The motion died without action for lack of a second.

Rules of Council Amended

Manager Beard proposed that the Rules of Council be amended to read:

Public Safety: It shall be the duty of the Safety Committee to have oversight over the fire department and to the extent that it does not conflict with the duties, responsibilities, and authority of the Mayor; the Police Department. The Public Safety Committee shall also confer with the Codes and Building Inspector, EMA Director, and the Mayor with respect to the duties of the respective offices, which involves the safety of the inhabitants of the Borough.

*4) Vice-President Beaver made a motion to approve the amended Rules of Council as read by Manager Beard. Motion seconded by Councilwoman Panza. Motion carried.

Arbor Day

Arbor Day will be held at the Paxtang Elementary School on Thursday, April 29th at 9:30 a.m.

MS4 Violation

In an Administrative Order received by the Borough, the Environmental Protection Agency is alleging that certain provisions of the MS4 permit as filed were not followed through with or completed. Manager Beard has turned this matter over to the Borough Engineer, Mr. Shradley for further investigation. Manager Beard asked Council to consider a motion authorizing Rettew Associates to proceed with renewing this permit as it is up for renewal in September 2010.

*5) Councilwoman Borne Fuller made a motion to direct Rettew Associates to pursue the MS4 permit renewal and report. Motion seconded by Councilwoman Panza. Motion carried.

DCNR Grant

Notification has been received from the Department of Conservation and Natural Resources stating that the grant application for the relocation of the Greenbelt Trail and Park Improvement Project has been accepted.

Susquehanna EMS

Susquehanna EMS is the current provider of "basic life support services" for the Borough. With the demise of Dauphin Middle Paxton Ambulance, Susquehanna is moving one of their units to the Dauphin Middle Paxton station on Route 225. At the current time, if their primary unit from Susquehanna EMS were committed to a call, the next unit to service the Borough would be from Dauphin Middle Paxton. Manager Beard stated that if Council was not pleased with the service Susquehanna EMS is providing or is going to provide, Council could designate another provider for the Borough. Manager Beard noted that basically there are two options; (A) continue with the current service or, (B) designate another provider. President Ninosky suggested staying with Susquehanna EMS and monitor the situation. Fire Chief Zwigart recommended Council contact County and voice their concerns. Vice-President Beaver advised taking this matter to the Dauphin-Lebanon County Boroughs Association.

Harrisburg Sewer Billing

Manager Beard has received notification from Harrisburg City that the Borough is being billed for \$50,000.00 for sewer payments underpaid since January of 2007. The City is asking that payment be made within 60 days. Manager Beard stated that the Borough has in fact made payment on all invoices received from the City, and has forwarded this matter to the Borough Solicitor. Due to possible litigation, Manager Beard suggested any further discussion on this matter be held at an Executive Session.

Floodplain Management Ordinance

Manager Beard has been in contact with Engineer Shradley regarding any possible modifications that might need to be made to the plan.

Memorial Day Picnic

Manager Beard asked Council to consider a motion to hold the annual Borough Memorial Day Picnic.

*6) Councilwoman Borne Fuller made a motion to hold the Memorial Day Picnic on Monday, May 31st.

Motion seconded by Councilwoman Panza. Motion carried.

Non-Uniform CBA

Manager Beard presented Council with the Non-Uniform Collective Bargaining Agreement for consideration by Council and offered an explanation of their requests and stipulations. President Ninosky commented that this was one of the most expeditiously executed contracts that he can remember and expressed his gratitude to everyone involved with the negotiations. Councilman Patackis asked if the provisions in this contract seemed consistent with comparable Boroughs. Manager Beard stated that if Council rejects the proposal, the committee would move forward with renegotiating the contract. Otherwise, there is no intention to move anything further past the language in this proposal. Council was in agreement that the contract was in line.

*7) Vice-President Beaver made a motion to approve the non-uniform employee contract. Motion seconded by Councilwoman Panza. Councilman Patackis voted "no" as he felt he needed more information. Motion carried.

Summer Recreation Program

Manager Beard asked Council to consider hiring two employees for the summer recreation program at Saussaman Park. This program is run in conjunction with Swatara Township's Summer Recreation Program.

*8) Councilwoman Panza made a motion to authorize the hiring of two employees for the summer recreation program. Motion seconded by Councilwoman Borne Fuller. Motion carried.

Manager Beard has received two applications and anticipates more to follow. Past practice has been to offer the positions to employees that held the position from the previous summer. Manager Beard asked Council if this was their intent for this season as well. Council Members were of differing opinions ranging from offering the positions to the employees that previously held the position the prior season, to opening the positions to all applicants seeking employment. Manager Beard asked Council if they desired the positions to be "open", how far in advance would they suggest placing an advertisement. Manager Beard noted in the past there has not been a need to advertise nor has there been any difficulty in filling the positions. Unless Council felt the applications already submitted were unacceptable, Manager Beard did not believe there would be a need to advertise.

*9) Vice-President Beaver made a motion to amend the motion by Councilwoman Panza to read: authorize the Borough Manager to select two summer recreation employees by whatever means the Borough Manager deems is necessary. Motion seconded by Councilwoman Panza. Motion carried.

National Night Out

Manager Beard asked Council if it was their desire to participate in National Night Out, scheduled for Tuesday, August 3rd.

*10) Councilwoman Borne Fuller made a motion to participate in the National Night Out program. Motion seconded by Councilwoman Panza. Motion carried.

Recycle Containers

The long awaited recycle containers have arrived and are available for Borough residents. Information has been posted on the Borough web site.

COPS Grant

The Office of the Community Oriented Policing Services (COPS) has announced the availability of funding under the COPS Hiring Recovery Program. Manager Beard asked Council if it was their desire to apply for this grant. This matter was discussed at the March 17, 2009 Regular Business Meeting. Documentation can

be found on page 350 of the 2009 Minute Book. At that time it was the decision of Council to pursue the grant, which was later rejected by the Department of Justice.

*11) Councilwoman Borne Fuller made a motion to authorize Manager Beard to complete and submit the COPS grant for one position when received. Motion seconded by Vice-President Beaver. Motion carried.

PennPRIME Grant

Manager Beard stated that he is applying for a PennPRIME Workers' Compensation grant for the purchase of a cabinet to store hazardous materials, along with an additional PennPRIME grant for the purchase of Stop Sticks and a Taser for the Police Department.

Attorney General Grant

Manager Beard is pursuing a grant from the Attorney General's Office for the purchase of Preliminary Breath Testing Devices.

Police Report

Chief Beard referred Council to the written report regarding police activities for the month of March and offered a verbal explanation as well.

At this point Councilwoman Borne Fuller asked to exercise her prerogative as Chairperson of the Public Safety Committee and revisit the issue of the gas meters as mentioned earlier this evening by Manager Beard. Councilwoman Borne Fuller asked Manager Beard for an explanation as to why he felt it was necessary to purchase four meters at this time. Manager Beard stated he feels it is necessary for employees to have the meters when working in and around sewers. Manager Beard asked Council to consider at least two units. One for the sewer trailer and one for a public works truck. Manager Beard also requested a calibration kit. Funding for this purchase is readily available through the Sewer Fund. Manager Beard believes this would improve the capabilities of the Fire Department as well.

*12) Councilwoman Borne Fuller made a motion to direct the Borough Manager to purchase four gas meters for a total cost of \$6,182.20. Motion seconded by Vice-President Beaver. Motion carried.

Councilwoman Seneca arrived at this point 8:17 p.m.

Councilman Patackis asked for an explanation of items being accepted for recycling. Manager Beard encouraged everyone to visit the Borough web site, as there is a link to Waste Management listing items they will, and will not, recycle.

AUDIENCE PARTICIPATION – No Report

REPORT OF THE MAYOR

Mayor Stambaugh will attend the Pennsylvania State Association of Boroughs conference in Pittsburgh and encouraged Council members to attend the Dauphin-Lebanon County Boroughs Association dinner on Tuesday, April 27 at the Penbrook Municipal Building.

The committee for the 100th anniversary of the incorporation of Paxtang Borough has begun meeting.

Mayor Stambaugh would like a table set up at the Memorial Day Picnic with information relating to recycling.

Mayor Stambaugh had the honor of speaking and throwing out the ceremonial first pitch at the Wilhelm Paxtang Athletic Association baseball game. Mayor Stambaugh also attended a softball game sponsored by the Swatara-Paxtang Softball Association.

Mayor Stambaugh submitted her name for consideration to serve as a community member for the committee regarding redistricting within the Central Dauphin School District.

REPORT OF THE SOLICITOR – No Report

REPORT OF THE ENGINEER

Engineer Shradley stated he would look into the Environmental Protection Agency's allegations regarding the MS4 permit. Reports on microsurfacing, reconstruction, and base repairs for the 2010 street project will be presented at the May Regular Business Meeting. The draft for the Zoning Ordinance Update is anticipated to be ready within the next couple of weeks.

REPORT OF CODES ENFORCEMENT

Codes Enforcement Officer Ed Wenger referred Council to his written report and offered an explanation as well. Mr. Wenger indicated there is a concern with a property maintenance violation at 300 North 31st Street and he is looking into having the situation remedied.

COMMITTEE REPORTS – *Administration* - Vice-President Beaver stated that currently he is moving forward with plans to demolish the highway garage and erect a pole building in its place. A meeting is scheduled for Thursday April 29th to further discuss this matter.

Dauphin County Planning Commission meeting was held on Monday, April 19th at Susquehanna Township.

Capital Tax Collection Bureau is in the process of updating their technology in order to compete in today's market.

Vice-President Beaver will attend the Tri-County Regional Planning meeting on Thursday, April 22.

Dauphin County Tax Collection Bureau is preparing to submit the RFP for a tax collector and should be ready for September.

Highway – No Report

Property and Recreation – Manager Beard stated that since Councilwoman Kipp was unable to attend this evenings meeting, information from Councilwoman Kipp will be reported by Public Relations Chairperson, Councilwoman Panza.

Public Safety – No Report

Public Relations – Councilwoman Panza reported that since local businesses were so generous in placing advertisements in the Paxtang Post, publication costs have been completely covered for 2010. Councilwoman Panza asked Council to consider going back to the past practice of inserting cards noting pertinent information that would be beneficial to Borough residents. Councilwoman Panza advised that Councilwoman Kipp was opposed to printing the cards and would prefer the information be published in each edition of the Post. Council considered both of these options and President Ninosky suggested having the information card printed and inserted in the next edition of the Post. There being no objection from Council, Councilwoman Panza will proceed with ordering the cards.

Councilwoman Panza received a request suggesting signs advertising the Community Yard Sale be placed throughout the Borough. Council discussed placing signs at the four ends of the Borough. Councilwoman Panza will look into acquiring these signs.

Health and Sanitation – No Report

UNFINISHED BUSINESS - No Report

NEW BUSINESS

Mayor Stambaugh would like an email address marked for the Mayor and an email address marked for Council in addition to the "suggestion box" set up through the Borough web site. Solicitor Feinour advised Council members to be aware that any electronic communication concerning municipal or agency business is considered a public record regardless of whether the communication is sent on a business computer or

personal computer. Solicitor Feinour advised it is better to restrict communications between personal email addresses. Solicitor Feinour also cautioned Council regarding sending “mass” emails to Council members where the content is asking for an opinion, as this would be in violation of the Sunshine Laws. Manager Beard noted the Borough has one unused email address available to which Mayor Stambaugh stated she would like to be considered for this address. Manager Beard would like to defer this matter in order to gather more information.

Councilman Patackis recommended that Darlene Kvaternik and Jeremy Hower serve on the Shade Tree Commission with Rodger Faill serving as the chairperson. Mr. Patackis would like appointment letters sent to the representatives as a formality.

COMMUNICATIONS

Manager Beard presented the following communications:

- A communication from Borough resident Jim Schmidt thanking the office staff for the letter sent to him regarding the subject of parking in Pear Alley.
- A communication from the Capital Area Greenbelt Association indicating they are applying for a DCNR bureau of recreation and conservation for the replacement of a tractor. The association is required to notify municipalities through which the Greenbelt traverses of their intentions.

PRESENTATION OF THE BILLS

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

At 9:01 p.m. President Ninosky announced that Council would retire to executive Session for the purpose of discussing potential litigation.

At 9:26 p.m. President Ninosky reconvened the Regular Business Meeting announcing that potential litigation matters were discussed and legal opinion was obtained from the Borough Solicitor.

*14) Councilwoman Borne Fuller made a motion to direct the Borough Manager to hold the alleged delinquent bill dated March 18th, 2010 from the City of Harrisburg pending further instruction from the Borough Solicitor. Motion seconded by Vice-President Beaver. Motion carried.

President Ninosky announced the formal appointment of Rodger Faill as chairperson of the Shade Tree Commission along with the appointment of Darlene Kvaternik and Jeremy Hower as commission members. Councilman Patackis suggested the appointment terms of the commission members be staggered.

As the Borough representative to the Dauphin County Tax Committee, Vice-President Beaver would like to approach Kenneth Cramer of Penbrook Borough with the prospect of becoming the alternate for Mr. Beaver and Mr. Beaver in turn would become the alternate for Mr. Cramer. This arrangement would allow Ms. Helen Koser the opportunity to step down from her current position as alternate for Vice-President Beaver.

*15) Councilwoman Borne Fuller made a motion to appoint Mr. Rodger Faill as chairman of the Shade Tree Commission for a five-year term, Ms. Darlene Kvaternik for a four-year term, and Mr. Jeremy Hower for a three-year term. Motion seconded by Councilman Patackis. Motion carried.

President Ninosky declared the Regular Business Meeting to be adjourned at 9:30 p.m.

Secretary

1. Minutes
2. Treasurer Report
3. Purchase Gas Detection Meters – No Second
4. Approve Rules of Council

5. Renew MS4 Permit
6. Memorial Day Picnic
7. Non Uniform Contract
8. Hire Summer Recreation Employees
9. Hire Summer Recreation Employees – Amended
10. National Night Out
11. COPS Grant
12. Purchase Gas Detection Meters
13. Pay Bills
14. Hold City of Harrisburg Sewer Billing March 18, 2010
15. Appoint Shade Tree Commission