

**PAXTANG BOROUGH COUNCIL**  
**Municipal Building 3423 Derry Street**  
**Regular Business Meeting**  
**June 16, 2009**

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
	Heather LaCour
	Virginia Panza
	Deborah Seneca – entered at 7:23 p.m.

Council Members Absent	John Rowe
Mayor	Keldeen Stambaugh

**Borough Officials**

Borough Manager-Chief	Kenneth Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	J. 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 May 20, 2009 and to approve the same. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**REPORT OF THE TREASURER**

\*2) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report from the Regular Business Meeting of May 20, 2009 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 on the monthly activities for the Fire Company and Fire Police activities for the month of April and offered a verbal explanation as well. Bid advertisements have been placed in local newspapers for the sale of two Fire Company vehicles, a 1990 Ford Bronco and a 1994 Ford Crown Victoria.

**REPORT OF THE MANAGER**

**Seminars:** Information on future seminars was sent to Council members prior to the Regular Business Meeting. Council was afforded the opportunity for questions or comments.

**DCNR Grant:** Paperwork has been submitted for the DCNR grant relating to the relocation of the Greenbelt trail and playground at the Lower Field. Manager Beard would like to take this matter off the agenda until October of 2009, as he does not anticipate further communication from DCNR until such time.

**Paxtang Avenue Curbs:** Payment has been received from all property owners involved with this project with the exception of one individual who had previously requested relief from payment. Manager Beard asked Council for their final decision as to how they would like this situation handled. Vice-President Beaver suggested placing a lien on the property. Solicitor Feinour informed Council to anticipate an expense of approximately \$300.00 in order to follow through with the lien.

\*3) Vice-President Beaver made a motion to place a lien on the remaining property for the amount owed.. Motion seconded by Councilwoman Panza. Motion carried.

President Ninosky directed Solicitor Feinour to take the steps necessary to effectuate the lien.

**Liquid Fuels Audit:** The Auditor General's office conducted an audit of the 2007-2008 Liquid Fuels Account and found everything to be in order.

**Health Department Agreement:** The Pennsylvania Department of Agriculture has implemented a uniform web-based food safety inspection and reporting system where health officers will be able to enter food facility inspection records on line for public viewing. The PA Department of Agriculture will furnish the computer, software, and required training for the Health Officer. The computer shall become the property of the Borough at the end of the agreement.

Councilwoman Seneca entered at this point – 7:23 p.m.

\*4) Councilwoman Panza made a motion to accept the computer and have our food service inspections on line. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**Playground Mulch:** Manager Beard informed Council the cost of mulch for Saussaman Park and the Lower Field would be \$880.00. Manager Beard will check with Penbrook Borough to see if they would be willing to contribute any mulch that they may have left over when finished with their projects. Vice-President Beaver said funding would be available through the Capital Reserve Recreation account.

\*5) Councilwoman Borne Fuller made a motion to authorize the use of \$880.00 to purchase mulch for the playground. Motion seconded by Councilwoman Panza.

Mr. Ray Patakis asked if it was possible to fence in an area at the lower field in the proximity of the creek. President Ninosky suggested Manager Beard evaluate the situation, offer his opinion on how to address the situation, and advise as to the approximate cost involved. Motion carried after discussing the concern of Mr. Patakis.

**Gym Rental-Fundraiser:** At the May 20, 2009 Regular Business Meeting, Mr. Luke Schrader requested use of the gymnasium to host a bingo event for the benefit of the Epilepsy Foundation. Manager Beard conferred with Solicitor Feinour and they agree that since the Borough has been made aware of the proposed use and the fact that Mr. Schrader does not have the appropriate license to legally host this event, that Council consider denying this request.

\*6) Vice-President Beaver made a motion to deny the request of Mr. Schrader for use of the gym for Small Games of Chance. Motion seconded by Councilwoman Panza. Councilwoman Panza asked if Council was correct in that Mr. Schrader has not obtained the proper license. Solicitor Feinour stated he has been in contact with Mr. Schrader and as of this date Mr. Schrader has not obtained the required license. Motion carried after comments from Solicitor Feinour.

**Gym Rental-Hours of Use:** A request has been received from a resident who would like to rent the gymnasium from 8:00 p.m. to 12:00 a.m.. on a Saturday evening. Manager Beard referred Council to the gymnasium regulations, indicating the hours of use requested are in direct conflict with the gymnasium

guidelines. President Ninosky suggested Council consider denying this request based on the conflict with the existing gymnasium guidelines.

\*7) Vice-President Beaver made a motion to deny this specific request presented by Manager Beard as the proposed completion time (midnight) exceeds the existing regulations. Motion seconded by Councilwoman Borne Fuller. Motion carried.

**General Code:** Manager Beard sent correspondence from General Code to Council members prior to the meeting reminding them that the deadline for responding to suggestions as outlined is August 3<sup>rd</sup>. Vice-President Beaver recommended informing General Code that the Borough has applied for a CDBG grant for updating the Borough Zoning and Subdivision and Land Development Ordinances. Manager Beard does not believe the Zoning Ordinance will be ready for codification during the time frame of the contract with General Code due to the fact the County has not released the funding as of this date and the RFP has not been advertised for bid. Manager Beard feels this should be reserved for further adoption. Engineer Shradley suggested keeping General Code advised as to future developments regarding the grant. If at all possible, Vice-President Beaver would like to see this information presented within the contract time frame as opposed to waiting for adoption at a later date.

**Auditor Compensation:** There has been a change in the Borough Code addressing compensation for Auditors. Borough Code now states compensation shall be set at a rate between \$5.00 and \$10.00 per hour as opposed to a previously sated flat fee. President Ninosky suggested a compensation pay rate of \$8.00 per hour.

\*8) Councilwoman Borne Fuller made a motion to approve \$8.00 per hour for the Auditor compensation Motion seconded by Councilwoman Panza. Motion carried.

**Crossing Guard Compensation:** A \$100.00 Red Lobster gift card was purchased for Mr. Murvin Grunden in appreciation for volunteering as a substitute crossing guard during the 2007-2008-school season. Mr. Grunden has once again provided services during this school season and Manager Beard asked Council to consider a similar recognition for Mr. Grunden.

\*9) Councilwoman Borne Fuller made a motion to purchase a gift card in the amount of \$100.00 for a restaurant chosen by the Grundens. Motion seconded by Councilwoman Panza. Motion carried. Council expressed their gratitude to Mr. Grunden for stepping in and covering vacancies when needed.

**Greenbelt Request:** A letter has been sent to the City of Harrisburg supporting legislation prohibiting motor vehicle traffic within the Capital Area Greenbelt except for vehicles necessary for maintenance, law enforcement, and emergency purposes. Manager Beard asked Council to consider joining with the City in eliminating motorized vehicles from the Greenbelt and to authorize the Borough Manager and Borough Solicitor to take whatever steps are necessary to comply with the City. Manager Beard will contact Solicitor Feinour to see if it is necessary to enact an Ordinance in order to satisfy the lease agreement held between the Borough and the City.

\*10) Vice-President Beaver made a motion authorizing the Borough Manager and Borough Solicitor to research the possibility of implementing an Ordinance for prohibiting motorized vehicles in the Parkway. Motion seconded by Councilwoman Panza. Motion carried.

**Memorial Day Picnic:** Manager Beard reported the Memorial Day picnic was a success and that after expenses were paid, there was an overage of \$971.28. Manager Beard reminded Council of their desire to apply the surplus from the community picnic towards any potential deficit in the Recreation Program in order to pay summer recreation employees. President Ninosky stated any further excess after compensating summer recreation employees would be funded back to the recreation budget.

**Humane Society Contract:** Manager Beard is waiting to hear from a representative of the Humane Society regarding clarification of language in their recent contract proposal.

**Non-Uniform Pension:** Manager Beard is waiting to hear from Mr. Leonard Ferrara, the Administrator for the non-uniform pension plan, regarding an overage paid into the plan in 2008.

**Gateway Shrubbery:** The landscaped area surrounding the Welcome Sign at 29<sup>th</sup> and Derry Street has been cleared and shrubbery has been trimmed.

**Roof Repairs:** Manager Beard has been advised of a more suitable product (Mulehide) for repair of the highway garage roof than the GEO Cell material previously planned for. Council originally authorized an expenditure of \$1,500.00 for the repair of the roof. Since there is an additional expense of \$398.00 for the new material, Manager Beard asked Council to consider authorizing the additional expense.

\*11) Vice-President Beaver made a motion to revoke Council's prior approval to expend \$1,500.00 for repair of the roof. Motion seconded by Councilwoman Panza. Motion carried.

\*12) Vice-President Beaver made a motion to approve the quote from ABC Supply Co. for \$1,898.10 to repair the garage roof. Motion seconded by Councilwoman Panza. Motion carried.

**Street Projects:** Microsurfacing for Kelso, Rutherford, Brisban, Quince, Apple, Walker, and Old Paxtang Avenue south of Derry Street should begin in July. During the reconstruction of Quince and Plum Streets, a sinkhole was discovered. A cost overrun will be associated with the repair of the sinkhole. Manager Beard mentioned that millings from the reconstruction project were used as fill around the playground at the lower field and that topsoil and grading will take place shortly.

**Storm Water Inlet:** Manager Beard asked Council to consider the repair of a storm water inlet at the corner of Wilhelm and Apple Streets at an approximate cost of \$1,070.00. This is an area that has been prone to pooling of water that has the potential for attracting mosquitoes. Engineer Shradley noted that grading this area to the down stream side should help eliminate the pooling of water.

\*13) Vice-President Beaver made a motion to approve the paving of the "mosquito pond" at Apple and Wilhelm Streets. Motion seconded by Councilwoman LaCour. Motion carried.

**Police Vehicle:** Chief Beard asked Council to consider the purchase of a new motor at a cost of \$1,600.00 for one of the police vehicles. Vice-President Beaver advised that funding for the repairs is available through the Capital Reserve Vehicle account.

\*14) Vice-President Beaver made a motion to repair the vehicle. Motion seconded by Councilwoman Panza. Motion carried.

**Police Bicycle:** Chief Beard informed Council the Borough has two patrol bicycles and that Penbrook Borough has expressed in interest in purchasing one of the bicycles.

\*15) Vice-President Beaver made a motion to donate the bicycle to Penbrook Borough. Motion seconded by Councilwoman Panza. Chief Beard stated the bicycle has recently been serviced and is in very good condition. Mr. Ray Patakis asked Council why the Paxtang Police does not use the bicycles as a means of patrol. Chief Beard stated it is not practical to use a bicycle as a primary vehicle. Chief Beard advised Council that if it was their desire to use a bicycle as a primary vehicle, it would require two officers fill a shift in order to provide backup. Motion carried after the explanation by Chief Beard.

**Police Report:** Chief Beard referred Council to the written report regarding police activities for the month of May. Chief Beard stated that a resident was arrested on charges of being in violation of 'Megan's Law', possession of drugs, and domestic assault.

#### **AUDIENCE PARTICIPATION:**

Ray Patakis of 205 North 31<sup>st</sup> Street reported back to Council his opinion that the Borough not proceed with the "Tree Vitalize" grant program sponsored by Dauphin County and DCNR due to the fact the grant is strictly for the purpose of planting trees and not for tree removal. Mr. Patakis believes the Borough should continue with the "Municipal Challenge" grant and revisit the "Tree Vitalize" grant if need be at a later date. Mr. Patakis anticipates the planting of approximately 12 trees in mid October.

**REPORT OF THE MAYOR** – No Report

**REPORT OF THE SOLICITOR** -No Report

**REPORT OF CODES ENFORCEMENT**

Codes Enforcement Officer Ed Wenger referred Council to his written report for the month of May.

**REPORT OF THE ENGINEER**

Engineer Shradley reported the annual Municipal Separate Storm Sewer System permit report has been completed and has been submitted to the State. The Annual Community Development Block Grant for updating the Subdivision and Land Development Ordinance is due by July 15, 2009.

**COMMUNICATIONS**

*Administration* – President Ninosky informed Council that it is time for contract negotiations regarding the non-uniform employees and the Teamsters Union. President Ninosky appointed Councilwoman Sheilah Borne Fuller and Vice-President E. Denny Beaver to engage in negotiations along with Borough Manager Kenneth Beard. President Ninosky suggested using the services of labor council at the discretion of the appointed committee.

As a means of keeping Council up to date budget wise, Vice-President Beaver referred Council to a comparison chart relating to revenue from 2008 and the projected revenue for 2009.

*Highway* – No Report

*Property and Recreation* – No Report

*Public Safety* – No Report

*Public Relations* – Councilwoman LaCour would like to have articles for the Paxtang Post by Friday, June 19<sup>th</sup>.

*Health and Sanitation* – No Report

**UNFINISHED BUSINESS** – No Report

**NEW BUSINESS** – Vice-President Beaver would like to discuss plans for renovating the highway garage at the June Workshop.

**COMMUNICATIONS** – Manager Beard referred Council to an electronic communication from a former resident, a Mr. Cory Patnode expressing his concerned of what he believes to be a lack of community activities in the Borough for youth and suggested Borough representatives take measures to revive Paxtang.

**PRESENTATION OF THE BILLS**

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

**ADJOURNMENT**

\*17) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. At 8:15 p.m. President Ninosky adjourned the Regular Business Meeting.

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Secretary

1. Minutes
2. Treasurer's Report
3. Paxtang Avenue Curb Project – Lien
4. PA Dept of Agriculture –Health Dept Agreement – Food Inspections
5. Purchase Mulch for Playgrounds
6. Deny Gym Use – Hours of Use
7. Deny Gym Use – Small Games of Chance
8. Auditor Compensation
9. Compensation – Mr. Grunden – Crossing Guard
10. Ordinance – Research – Gas Powered Vehicles – Greenbelt
11. Revoke Prior Motion to Repair Highway Garage Roof
12. Repair Highway Garage Roof
13. Storm Water Inlet – Repair – Wilhelm and Apple
14. Repair Police Vehicle – Motor
15. Donate Patrol Bicycle – Penbrook
16. Pay Bills
17. Adjourn