

PAXTANG BOROUGH COUNCIL
Regular Business Meeting
April 18, 2006

President Spackman called the monthly meeting of the Paxtang Borough Council to order at 7:16 p.m., followed by the Pledge of Allegiance to the Flag, led by Mayor Stambaugh.

Roll Call was taken.

Council Members present: E. Denny Beaver
 Virginia Panza
 Heather Misiti
 Deborah Seneca
 John Rowe

Council President F. Joseph Spackman

Council Vice President John Ninosky was absent.

Borough Manager/Chief Kenneth Beard
Borough Engineer W. Max Shradley
Borough Solicitor Stanley Laskowski
Fire Chief Todd Zwigart

MINUTES

*Councilman Rowe made a motion to dispense with the reading of the minutes and to approve same. The motion was seconded by Councilwoman Panza. The motion was approved unanimously.

FINANCIAL REPORT

*Councilman Rowe made a motion to dispense with the reading of the Treasurers Report and to approve same. The motion was seconded by Councilwoman Panza. The motion was approved unanimously.

REPORT OF THE FIRE CHIEF

Chief Zwigart reported that the Fire Company responded to 38 calls during the preceding month. Man hours for these calls amounted to 3,838 hours, 14 minutes. There were six Company trainings held: three fire related and three dealing with ropes and knots. Fire Company members participated in a "Fill the Helmet" fundraiser that brought in between \$1,500.00 and \$2,000.00. The Fire Police responded to eight incidents. Fire Police training amounted to forty man hours in March. The Fire Police also received their NIMS training during this period. The Fire Company submitted a grant for a new engine and the proper application has been sent to the Federal Government. Chief Zwigart thanked Mayor Stambaugh, Councilman Rowe, and Manager Beard for their help in this matter.

REPORT OF THE MANAGER

Manager Beard indicated that the proposed site for the cell tower was laid out and that Council has had an opportunity to view the site. Correspondence has been exchanged between Manager Beard, the representative from T-Mobile, and Solicitor Laskowski. Manager Beard stated that from his standpoint nothing has been resolved in the terms of the lease that are still contested. Solicitor Laskowski indicated that he provided Manager Beard with a list of key points for consideration. Manager Beard stated he forwarded the response from T-Mobile to Solicitor Laskowski. The Solicitor indicated that one of the issues still in contest was regarding under what conditions the lease could be terminated. He stated that the current language regarding termination, namely the ability for the Borough to terminate the agreement at a point later in time, would not merit his approval.

Councilman Rowe made note to the fact that the lease as stated would be for 29 years. Solicitor Laskowski requested that Council make a decision in this matter that would give him indication as to the direction that Council would like to proceed.

*Councilman Beaver made a motion to decline the offer from T-Mobile. Councilwoman Panza seconded the motion. Prior to calling the question, President Spackman opened the floor for discussion and for the reception of public opinion.

- Doug Reynolds, of 202 Kelso Street, indicated that he sent correspondence to Manager Beard and Mayor Stambaugh regarding the cell tower. Due to the visual effect on the Borough, Mr. Reynolds suggested the Borough require notification and inclusion as an interested party in any discussions of a cell tower which may impact the Borough and that we think that construction of a tower of this type can be considered an adverse effect. It was his concern that the Borough reserve the right to demand that mitigation be considered a part of any construction. Mr. Reynolds suggested that the words “interested party” and “adverse effect” be included in any resolution being considered. Mr. Reynolds indicated he has prepared letters to the FCC, the State Historical Preservation Office, and the Advisory Council on Historic Preservation and that the correspondence needed to be signed and sent.
- Ryanne Mendez, representing JTB Partners at 3715 Derry Street. Ms. Mendez indicated JTB Partners already have a cell tower located on their property and would be willing to accept one from T-Mobile as well.
- James Griffith, the owner of JTB Partners proposed sharing the T-Mobile revenue 50/50 with the Borough. Mr. Griffith stated the Borough would have no liability or responsibility, just revenue benefits.

Manager Beard commented to amend what was mentioned by Mr. Reynolds. Manager Beard also reminded Council that there was a motion on the floor. If Council so intends, they can adopt a separate resolution to make the necessary notifications indicating that they are an interested party.

Solicitor Laskowski offered the following for discussion and consideration:

1. There is a motion on the floor, no vote is necessary at this time as the motion can be tabled until a later time in this meeting, it could be withdrawn, or it could be tabled until a subsequent meeting.
2. Continue to take public comment.
3. A vote could be taken today.
4. A committee could be put together to explore options available.
5. Resolution could be proceeded with.

President Spackman offered discussion on the options from Solicitor Laskowski. President Spackman reopened the floor for audience participation.

- Ryan Miller of 641 Georgian Place, Swatara Township, stated his views regarding the cell tower.

*Councilman Beaver amended his original motion to read that Paxtang Borough Council will advise T-Mobile that Saussaman Park is not suitable for the construction of a cellular transmission tower because of the adverse historical effects and that the Borough wants to be involved as an interested party in wherever they locate it. Councilwoman Panza agreed to the amendments and affirmed her second of the motion. After opening the floor for Council discussion, President Spackman asked for a vote on the amended motion. The motion was approved unanimously.

Police Contract: Manager Beard advised Council that the police union has rejected the last contract offer and a request was received from their agent to begin contract negotiations again this year. In addition, the Borough will have negotiations with regard to the two non-uniformed employees. Manager Beard recommended to President

Spackman that he appoint two separate committees to negotiate with the respective parties. President Spackman indicated at this point in time the two committees would consist of Manager Beard, Vice President Ninosky, and Councilman Beaver.

Arbor Day: Manager Beard referred to the flyers presented by Councilwoman Misiti, announcing the upcoming Arbor Day program.

Capital Area Tax Collection Representative: Manager Beard indicated he has been in contact with Councilwoman Panza who has advised him that due to a scheduling conflict she will not be able to serve as the representative for the Capital Area Tax Claim Bureau. Councilwoman Seneca indicated she would serve as the representative.

Resolution from Dauphin County Planning Commission: Manager Beard referred **Resolution 9-06** for Council's consideration, a resolution to obtain municipal planning advisory services through the Dauphin County Planning Commission.

*Councilman Rowe made a motion to adopt **Resolution 9-06** as presented. The motion was seconded by Councilwoman Misiti. The motion was approved unanimously.

NIMS Training: Manager Beard advised that the Department of Homeland Security has mandated that elected officials receive training and become certified in the National Incident Management System. Manager Beard stated this can be accomplished through an online course.

Comprehensive Plan Grant: Manager Beard stated he received information from Dauphin County indicating the conditions for obtaining the \$25,000.00 grant for the Comprehensive Plan. This information should be reviewed by Council members before the next meeting.

Penn Prime Grant: Manager Beard reported that because we participate with Penn Prime Trust for both our Workers Compensation and Liability Insurance coverage, we are eligible to apply for two grants in the amount of \$1,000.00 each. Manager Beard has submitted applications for these grants.

BJA Vest Grant: Manager Beard applied to the Bureau of Justice Assistance for 50 percent reimbursement for the vests bought for the police over the last year.

Complaint: Manager Beard received a letter from Mr. Ron Seig of the 3700 block of Derry Street regarding noise pollution caused by the HVAC system at the M&T Bank. Manager Beard asked Solicitor Laskowski to review our noise ordinance. The Code Enforcement Officers have reviewed the matter and indicated there is no violation from their standpoint. Manager Beard is looking into an alternative solution to this matter.

Spring Clean Up and Yard Sale: Manager Beard reminded Council of the Community Yard Sale on May 6th and Spring Clean up on May 13th. Arrangements have been made with Waste Management for May 13th. He noted that a complaint was received that Spring Clean Up had been scheduled on Mothers Day weekend.

Labor Seminar: Manager Beard indicated there is a two day Labor Seminar in State College. Cost is \$150.00. Manager Beard attended this last year and asked Council for direction on the possibility of sending someone this year.

WPAA: Manager Beard stated he received a request from Rod Nichi to overhaul the concession stand at the field. WPAA would supply everything at no cost to the borough.

*Councilman Rowe made a motion to allow WPAA to do renovations to the concession stand with guidance from the Borough Manager as they conduct their renovations at their cost so that borough interests are taken care of. The motion was seconded by Councilman Beaver. The motion was approved unanimously.

PennDot: Manager Beard stated PennDot is providing Bicycle and Pedestrian Transportation Planning and Design Training. Councilman Beaver will take this information to the Greenbelt meeting. Councilman Beaver will attend this training.

Signage Issues: Manager Beard addressed the matter of signage in front of the Borough Building. Codes allow one sign in front of a property at a time. Manager Beard asked for guidance from Council due to the fact that four organizations could be posting signs during the month of May for activities. Solicitor Laskowski indicated any changes with the Zoning Ordinance would need to be authorized, then advertised and if it is a zoning change it would need to be sent to County Planning for review. Discussion was held on sign issues. It was the sense of Council that users “time share” the space in the front of the building, and also to seek others remedies to multiple signs, including using the area at 29th and Derry Streets and the possibility of having the Gymnastic School allow a sign on their property.

AUDIENCE PARTICIPATION

Linda Brillinger of 3630 Montour Street, representing the women of the Paxton Presbyterian Church. Mrs Brillinger stated that she had previously inquired with the Borough Office about reserving the gymnasium for a sale or market type event. She was told that due to the structure of the gymnasium use guidelines, Paxton Presbyterian Church would have to pay rent to use the gym. Mrs. Brillinger asked Council to review the guidelines to include placing Paxton Presbyterian Church in a category that could use the gym on a rent free basis. It was stated this would be looked into.

REPORT OF THE MAYOR

Mayor Stambaugh indicated a Blood Drive will be held at the Municipal Building on May 2nd from 2-7pm. There will be a door to door notification and a mailing to past donors.

A grant application has been submitted to DCED in the amount of \$30,000.00 to help with the parkway project, the lower field and playground equipment.

REPORT OF THE SOLICITOR

Solicitor Laskowski distributed CD's of the Codification of Ordinances. If anyone has questions concerning the CD, contact Manager Beard.

Mayor Stambaugh requested Solicitor Laskowski review a mayoral proclamation naming April as Organ and Tissue Awareness Months. Manager Beard suggested that Mayor Stambaugh would offer a proclamation and that Council could issues a joint Resolution.

REPORT OF CODES ENFORCEMENT

Manager Beard provided a written report on behalf of the codes officers.

REPORT OF THE ENGINEER

Engineer Shradley indicated a pre-construction meeting would be scheduled concerning the road reconstruction project of Oak and Plum Streets.

Engineer Shradley distributed reports outlining the status of the proposed microsealing and crack sealing, including a map of the project. Two bids were received, one from Stewart & Tate in the amount of \$49,570.50 and one from EJ Breneman in the amount of \$40,705.00. Engineer Shradley recommended that Council accept the bid of EJ Breneman and to award the contract to them.

*Councilman Rowe made a motion to award the bid to EJ Breneman for the microsealing and crack sealing as proposed on the Borough map. The motion was seconded by Councilman Beaver. The motion was approved unanimously.

Engineer Shradley informed Council of the storm water management plan for the Spring Creek Water Shed known as Act 167 Study. State law requires the Borough to adopt this by means of an ordinance.

*Councilman Rowe made a motion to allow Solicitor Laskowski to prepare an ordinance for review to enable the Borough to be in compliance with the state enactment of Act 167. The motion was seconded by Councilman Beaver. The motion was approved unanimously.

Engineer Shradley stated resurfacing of Plum is included in the reconstruction project and a pre-construction meeting is planned with Handwerk Construction Inc.

COMMITTEE REPORTS

Administration:

Councilman Beaver will be looking for accounting firms as an alternative for conducting the Borough's Annual Audit. Solicitor Laskowski suggested getting requests for proposals from various firms. Solicitor Laskowski mentioned the possibility of McKonly & Asbury, and Greenawalt & Company. If the Borough chooses to hire an independent auditor, it would require an Ordinance change to move from elected auditors to an independent.

Highway:

No Report

Property and Recreation:

*Manager Beard asked for a motion to extend a letter of opportunity to last years park employees. Councilman Beaver made a motion to authorize said letter of employment. The motion was seconded by Councilwoman Panza. The motion was approved unanimously.

*Councilwoman Misiti made a motion to proceed with the annual Memorial Day Borough picnic. The motion was seconded by Councilwoman Panza. The motion was approved unanimously.

*Manager Beard read a letter of resignation from Jan Chaplick as Chairwoman of the Shade Tree Commission Councilwoman Misiti made a motion to accept the resignation of Jan Chaplick, with regret, from the Shade Tree Commission, effective April 30, 2006. The motion was seconded by Councilwoman Panza. The motion was approved unanimously.

Public Safety:

No Report

Public Relations:

Councilwoman Panza indicated the Borough newsletter is in the process of being completed.

Health and Sanitation:

No Report

UNFINISHED BUSINESS

Murv Grunden asked Manager Beard to give a report from the police. Manager Beard indicated there were 8 serious incidents to report for the month of March. Mr. Grunden questioned the procedure for removal of a vehicle on Quince and Rutherford Street. Manager Beard explained the proper procedures and guidelines for abandoned vehicles.

Mayor Stambaugh wanted to know the status regarding the Paxtang Avenue curb situation. Manager Beard indicated he would follow up on this.

NEW BUSINESS

Councilwoman Seneca mentioned the following has been brought to her attention:

- Kids skateboarding on the Paxtang Elementary School playground at midnight
- Questionable expressions of speech from those playing basketball.
- Complaints concerning 517 Park Terrace in regard to Keystone residents and their conduct outside of the home.
- Issue of weeds on Paxtang Avenue. Discussion was held on lodging a complaint with Mike Keiser of Penn Dot in regard to this matter and to notify individual homeowners as well.

Mayor Stambaugh read a proclamation proclaiming April as Organ and Tissue Donor Awareness Month in Paxtang Borough.

*Councilman Rowe made a motion to adopt **Resolution # 10-06** proclaiming April as Organ and Tissue Donor Awareness Month in Paxtang Borough. The motioned was seconded by Councilwoman Misiti. The motioned was approved unanimously.

Councilwoman Panza asked if Borough residents could have available to them information cards indicating names of Council members and Committee members. President Spackman indicated this decision would be up to the Public Relations committee.

President Spackman mentioned there would be a workshop meeting on Monday, April 24th. Councilman Rowe will chair this meeting. Items for the agenda include signage concerns. All agenda items should be directed to Councilman Rowe.

COMMUNICATIONS

Manager Beard reported the following communication being received::

- Notification from PSAB of a Labor Seminar in State College (see Report of Manager)
- Letter of complaint from Ron Seig concerning HVAC issues (see Report of Manager)
- Letter of resignation from Pat Appleby as a member of the Zoning Hearing Board, effective immediately. Mrs. Appleby also indicated that she felt it would be beneficial for all members of the board and their Solicitor to have a CD of the Paxtang Borough Codes and Ordinances forwarded to them. This letter was directed to President Spackman.
- Reminder of the dinner hosted by Rettew on Tuesday, April 25th. If anyone is interested, please contact Manager Beard.

*Councilman Rowe made a motion to accept the resignation of Pat Appleby, with regret, from the Zoning Hearing Board. The motioned was seconded by Councilman Beaver. The motion was approved unanimously.

PRESENTATION OF BILLS

Councilman Beaver made a motion to pay the bills presented in the amount of \$75,238.56. The motion was seconded by Councilman Rowe. The motioned passed unanimously.

ADJOURNMENT

Councilman Rowe made a motion to adjourn the meeting. Councilwoman Misiti seconded the motion. The motion was approved unanimously. The meeting was adjourned at 9:30 pm

Secretary

T-Mobile – decline offer
T-Mobile – amend declined offer
Adopt Res. 8-07 Municipal Planning Advisory Service
WPAA – concession renovations
Bid – EJ Breneman microsealing/crack sealing
Solicitor prepare Ord. for Act 167
Memorial Day Borough Picnic
Resignation – Jan Chaplick Shade Tree
Adopt Res. 8-08 Organ Tissue Awareness Month
Resignation – Pat Appleby Zoning Hearing Board

