

**PAXTANG BOROUGH COUNCIL**  
**Municipal Building 3423 Derry Street**  
**Regular Business Meeting**  
**August 17, 2010**

President Ninosky called the monthly meeting of the Paxtang Borough Council to order at 7:22 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, Jr.
Council Members	Lynn Kipp Virginia Panza Raymond Patackis Deborah Seneca – arrived at 7:27 p.m.
Mayor	Keldeen L. Z. Stambaugh

<b>Council Members Absent</b>	E. Denny Beaver Sheilah Borne Fuller
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**Borough Officials**

Borough Manager-Chief	Kenneth E. Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	J. Stephen Feinour
Fire Chief	Todd Zwigart

**MINUTES**

\*1) Councilwoman Panza made a motion to dispense with the reading of the Minutes of the Regular Business Meeting of July 20, 2010 and to approve the same. Motion seconded by Councilwoman Kipp. Motion carried.

**TREASURER'S REPORT**

\*2) Councilwoman Panza made a motion to dispense with the reading of the Treasurer's Report for the month of July and to approve the same. Motion seconded by Councilwoman Kipp. Motion carried.

**REPORT OF THE FIRE CHIEF**

Chief Zwigart reported the following to Council:

- The grant for the purchase of a new Pumper is proceeding along.
- The Rescue was involved in a collision and sustained damage to the bumper while responding to an incident in Susquehanna Township.
- During National Night Out smoke detectors were made available free of charge to residents who requested one. Chief Zwigart commented that he felt the evening events went very well.

While President Ninosky stated he was in favor of distributing smoke detectors, he recommended the Fire Company continue their practice of not installing the units. President Ninosky expressed his gratitude to the Fire Company for participating in National Night Out and for giving their time and support to the community. Mayor Stambaugh stated her sentiments as well.

**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 comments.

Councilwoman Seneca arrived at this point – 7:27 p.m.

**Playground Status:** Manager Beard stated that the installation of the playground equipment at the lower ball field is on an indefinite hold due to a lack of man-hours. At this time all efforts will be directed towards the construction of the new highway garage. Councilwoman Seneca asked if it would be possible to utilize volunteers for the park project. Manager Beard indicated this would not be possible due to a conflict of interest with the Union and concerns regarding Workers Compensation, especially with the operation of heavy equipment within the area.

**Harrisburg Sewer Billing:** While Manager Beard is waiting to hear from the City of Harrisburg regarding alleged underpayment of sewer billings from 2007, the Borough has incurred approximately \$3,000.00 in Solicitor fees relating to this matter.

**Dauphin County Sesquicentennial Civil War 150<sup>th</sup> Anniversary:** A request has been received from the Advisory Board representing this occasion on behalf of Dauphin County asking for representation from the Borough. Mr. Murvin Grunden indicated to Council that he could probably provide Mayor Stambaugh with a possible name for submission. Mayor Stambaugh offered to direct a letter to the Board for their review.

**Resident Recognition:** Ms. Wendy Baker submitted a request asking that the Borough recognize a long-time resident, Mrs. Catherine Speck of 3212 Derry St. Mayor Stambaugh said that she would draft a Proclamation recognizing the fact that Mrs. Speck has been a resident of the Borough for 50 years. President Ninosky suggested placing an article in the Paxtang Post advising of the intention to seek out those residents residing in the Borough for 50 plus years and recognizing them as well at some point in the future.

**Saussaman Field:** The Swatara Youth Soccer Association (SYSA) has submitted their annual request for use of the field from September through October 2010.

\*3) Councilwoman Panza made a motion approving use of Saussaman Field for SYSA. Motion seconded by Councilwoman Kipp. Motion carried.

**Gymnasium Request:** The Paxtang Art Association has again requested the use of the Municipal Building in order to hold art classes and their annual art show in November to be held in the Gymnasium.

\*4) Councilwoman Panza made a motion approving the request from the Paxtang Art Association. Motion seconded by Councilwoman Kipp.

**Shade Tree:** An invoice has been received from Shull's Tree Service in the amount of \$7,500.00. This is in reference to an extensive "trim" list recently presented to Shull's. Manager Beard will contact Shull's for an inventory of what locations were included in this invoice as this is a partial listing of the work to be done. Mayor Stambaugh, Councilman Patackis, and Councilwoman Kipp asked that the Shade Tree Commission inspect these sites for verification before payment. Councilman Patackis and Councilwoman Kipp would like confirmation of when this project will be completed as they are of the opinion that Shull's could have tended to this matter in a timelier manner. Manager Beard publicly stated for the record that Shull's has been very good to the Borough, has done what was asked of them without any delay, and has worked diligently throughout the Borough. Councilwoman Kipp stated she was of the understanding that trimming only was to be completed before any possible removal of stumps. Councilman Patackis said health issues of the tree should be addressed before any cosmetic issue, stating that stump removal was not listed on the original "trim" list. Manager Beard explained that stump removal is budgeted under the line item of "removal" within the Shade Tree budget and is in addition to the work as outlined to Shull's. Councilwoman Kipp said she would like an itemized invoice showing the address or location of each tree that was trimmed.

**Susquehanna EMS:** Manager Beard has nothing new to report regarding the quality of service available to the Borough through the Susquehanna Township EMS. President Ninosky suggested this subject be struck from future agendas unless Manager Beard is presented with information that would need to be brought to the attention of Council.

**Street Microsurfacing:** Manager Beard stated Engineer Shradley is of the opinion that there are unresolved issues with regard to the workmanship provided by Asphalt Paving. Until these concerns are addressed Engineer Shradley suggested the entire bill not be made, but rather pay 90 percent, which amounts to \$23,277.92.

\*5) Councilwoman Panza made a motion to pay Asphalt Paving \$23,277.92, which is 90 percent of the total bill for the microsurfacing project. Motion seconded by Councilwoman Kipp. Motion carried.

**Street Reconstruction:** Manager Beard asked Council to consider payment to Rogele in the amount of \$59,136.05 for the street reconstruction of Plum, Cherry, and Queen Streets.

\*6) Councilwoman Panza made a motion to pay Rogele \$59,136.05 for street reconstruction as soon as an invoice is received. Motion seconded by Councilwoman Kipp. Motion carried.

**Zoning Ordinance Update:** Manager Beard stated that funds obtained through the grant for the Zoning Ordinance Update will not be sufficient to complete the project. Engineer Shradley has submitted an addendum seeking additional monies at a cost of approximately \$3,670.00. Manager Beard asked Council to consider authorizing this additional funding to Rettew Associates. This funding is for additional meetings that were not originally planned for. Manager Beard stated he feels it is necessary to approach this project in a manner that will unquestionably benefit the Borough and its residents in the long run. President Ninosky commented that the current Zoning Ordinance is antiquated and needs to be updated and expressed his sentiments along with Manager Beard.

\*7) Councilwoman Panza made a motion to authorize an additional amount of \$3,670.00 to be spent for the Zoning Ordinance Update. Motion seconded by Councilwoman Kipp. Motion carried.

**Fire Engine Purchase – MOU:** Manager Beard presented for Council's consideration a Memorandum of Understanding (MOU) between the Paxtang Fire Company and the Borough for the purchase of a new pumper. Manager Beard explained in detail each of the enumerated items as outlined in the MOU. A complete set of engine specifications is available for viewing at the Borough office.

\*8) Councilwoman Panza made a motion to accept the MOU. Motion seconded by Councilwoman Kipp. Ed Wenger informed Council there may be a need to relocate, rotate, or offset the overhead gas heater in the bay area in order to accommodate the height of the new engine and asked if this would be considered a modification to the building, as stated in the MOU. Manager Beard said altering the heater would in fact be considered a modification or alteration as stated in the MOU. Point six (6) of the MOU reads, "The Borough of Paxtang shall not be obligated to make, nor permit to be made, any repairs, modifications or alterations to the municipal building in order to accommodate the apparatus." Manager Beard said the heater is not designed to push airflow 15 feet in front of itself. Councilman Patackis suggested the possibility of installing a deflector on the heater. Ed Wenger said he would not expect the Borough to incur any costs associated with a possible alteration to the heater. Manager Beard publicly stated for the record that there would be "no modifications". Councilwoman Kipp is of the opinion that the alteration in question is of a minor nature and believes "modifications" would be defined as having the need to enlarge a doorway or needing to remove a back wall to accommodate the engine. Councilwoman Kipp asked for clarification, as she understood the Fire Company is not to make any alterations whatsoever. Manager Beard said this was correct and the MOU states this fact as such. Ed Wenger said that since a physical measurement was not taken of the heater location and compared to the actual specifications of the proposed apparatus, the location of the gas heater might need to be adjusted. President Ninosky stated it was the obligation of the Fire Company to develop appropriate specification for the equipment knowing the limitations of the bay area, and therefore no additional funds would be extended by the Borough for any modifications. President Ninosky and Councilwoman Kipp agreed if the gas heater would need to be moved, it would be at the expense of the Fire Company. At this point President Ninosky stated the MOU would be signed as presented. Motion carried.

**CrabFest Banner, Resolution 7-10:** Manager Beard presented for Council's consideration **Resolution No. 7-10**, a Resolution requesting that PennDOT authorize the Borough to erect a banner across Derry Street On September 1<sup>st</sup> for the advertisement of the Fire Company's Annual Crabfest.

\*9) Councilwoman Panza made a motion to adopt Resolution 7-10. Motion seconded by Councilwoman Kipp. Motion carried.

**Highway Garage:** Demolition of the highway garage is now complete and construction will begin on September 14<sup>th</sup>. Manager Beard asked Council for authorization to seek three competitive bids for the installation of the concrete floor. It is anticipated that these bid would be under \$10,000.00

\*10) Councilwoman Panza made a motion authorizing the Borough Manger to obtain three competitive bids for the concrete floor. Motion seconded by Councilwoman Kipp. Motion carried.

**Federal Surplus Purchase:** The front-end loader originally delivered in July will be returned to Federal Surplus due to extensive maintenance issues that would need to be addressed. A full refund is expected from Federal Surplus, minus a \$50.00 Administration fee.

**Penbrook Police Vehicle:** Manager Beard informed Council the Borough would be paying for damage sustained to a Penbrook Police cruiser during the transport of a prisoner arrested by a Paxtang officer. The Borough will in turn seek restitution through the judicial process.

**Police Report:** Chief Beard offered for Council the written report for the month of July and offered a verbal explanation as well.

**National Night Out:** Chief Beard felt National Night Out was once again a success. President Ninosky expressed his gratitude to Officer Burke for his participation in the events of the evening.

**Request for Executive Session:** Manager Beard asked Council to consider an Executive Session for the purpose of discussing personnel matters. President Ninosky said he would honor that request at the end of the Regular Business Meeting prior to adjournment.

**AUDIENCE PARTICIPATION** – No Report

#### **REPORT OF THE MAYOR**

Hummelstown Borough hosted the Dauphin-Lebanon County Boroughs' Association dinner on August 4th. Guest Speakers included Commissioner George Hartwick, Representative John Payne, and Congressman Tim Holden. The Pennsylvania State Association of Boroughs is encouraging municipalities to oppose legislation on forced consolidation of public services. Mayor Stambaugh is looking into legislative issues regarding prevailing wages. The Paxtang 100th Anniversary Committee will meet on September 2<sup>nd</sup> in Council Chambers. Anyone interested should contact Mayor Stambaugh.

**REPORT OF THE SOLICITOR** – No Report

#### **REPORT OF CODES ENFORCEMENT**

Codes Enforcement Officer Ed Wenger referred Council to his written report and offered a verbal explanation as well. Mr. Wenger proceeded to introduce his son, Jacob Thomas Wenger, to Council and expressed his gratitude to Manager Beard and Council for allowing him “flex time” during the recent birth of his son.

#### **REPORT OF THE ENGINEER**

Mayor Stambaugh questioned the recent flash flooding and was informed that some area businesses took on water. Manager Beard stated the Paxton Creek did not rise that high during the 1972 “Agnes” flood and that is why the Borough has a floodplain and identifying map. Engineer Shradley stated that since the Borough received over three (3) inches of rain within an hour which exceeded the projections of a “100-year event” as stated in the national charts. Manager Beard noted floodwaters were able to keep flowing allowing the water to recede very quickly, thus keeping the Borough spared from major damage.

#### **COMMITTEE REPORTS**

*Administration* – No Report due to the absence of Vice-President Beaver

*Highway* – No Report

*Property and Recreation* – No Report

*Public Safety* – No Report due to the absence of Councilwoman Borne Fuller

*Public Relations* – Councilwoman Panza reported the newsletter is a work in progress.

*Health and Sanitation* – No Report

**UNFINISHED BUSINESS** – No Report

**NEW BUSINESS** – No Report

**COMMUNICATIONS**

Manager Beard presented the following for Council:

A thank you card from Mr. Rodger Faill, Chairman of the Shade Tree Committee for a planter recently sent to him from Borough Council.

A letter from Borough resident, Mr. Jeffrey Gingrich, thanking Council for approving additional funding for summer tree maintenance.

A letter from the Pennsylvania Emergency Management Agency acknowledging the recommendation to appoint Mr. Robin Bloss as Emergency Management Coordinator for Paxtang Borough.

**PRESENTATION OF THE BILLS**

\*11) Councilwoman Panza made a motion to pay the bills. Motion seconded by Councilwoman Kipp. Motion carried.

At 8:30 p.m. President Ninosky announced that Council would retire to Executive Session for the purpose of discussing personnel issues.

At 8:47 p.m. President Ninosky reconvened the Regular Business Meeting announcing that personnel matters and possible litigation issues were discussed.

**ADJOURNMENT**

President Ninosky declared the Regular Business Meeting to be adjourned at 8:48 p.m.

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Secretary

1. Minutes
2. Treasurer's Report
3. Saussaman Field - SYSA
4. Use of Building – Paxtang Art Assoc.
5. Pay Asphalt Paving – Microsurfacing
6. Pay Rogele – Street Reconstruction
7. Additional Funding – Zoning Update – Rettew Assoc.
8. Memorandum of Understanding – Fire Company & Borough
9. Crabfest Banner – Fire Company
10. Advertise Bids – Concrete Flooring – Highway Garage
11. Pay Bills