

PAXTANG BOROUGH COUNCIL
Municipal Building 3423 Derry Street
Regular Business Meeting
November 17, 2009

President Ninoksy 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.

President Ninoksy requested a moment of silence to note the passing of Michael E. Powers. Mike was a lifelong resident, active community servant, distinguished military veteran, and outstanding friend to this community. Mike was laid to rest Monday, November 16th, 2009 in the Paxtang Cemetery.

Roll Call was taken.

Council Members Present

Council President	John R. Ninoksy, Sr.
Council Vice-President	E. Denny Beaver

Council Members	Sheilah Borne-Fuller – entered at 7:54 p.m. Heather LaCour Virginia Panza Deborah Seneca
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Mayor	Keldeen Stambaugh
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Council Members Absent	John Rowe
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Borough Officials

Borough Manager-Chief	Kenneth Beard
Borough Engineer	W. Max Shradley
Borough Solicitor	J. Stephen Feinour

Borough Officials Absent	Todd Zwigart
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MINUTES

*1) Vice-President Beaver made a motion to dispense with the reading of the Minutes from the Public Meeting of October 15th, 2009 and the Minutes from the Regular Business Meeting of October 20th, 2009 and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE TREASURER

*2) Vice-President Beaver made a motion to dispense with the reading of the Treasurer's Report for the month of October and to approve the same. Motion seconded by Councilwoman Panza. Motion carried.

REPORT OF THE FIRE CHIEF - In the absence of Chief Zwigart, Manager Beard proceeded to ask Fire Police Captain Murvin Grunden if he had anything to report for this evening. Mr. Grunden replied that he did not.

REPORT OF THE MANAGER

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

- The Preliminary Feasibility Study regarding the Harrisburg-Hershey-Lebanon Corridor will take place on Wednesday, November 18th at the Lebanon Campus of HACC.
- Correspondence from Wheelz of Fire Skating Center inviting Borough residents to attend Family Skate night on Tuesday, December 1st. There will be no entrance fee for Borough residents on this particular evening.

Traffic Signal: Manager Beard asked Council to consider revisiting the issue of establishing a back up system for the traffic signal at the intersection of Derry Street and Paxtang Avenue, as the traffic signal was recently out of commission for approximately 2 plus hours due to a power outage. Borough Fire Police were called upon to assist with traffic control until the electricity was back on line. Manager Beard offered for Council's consideration the following options: a proposal in the amount of \$6,700.00 for a complete system, and a proposal at a cost of approximately \$495.00 to wire a receptacle into the system to operate a generator.

*3) Vice-President Beaver made a motion to install the outlet at an approximate cost of \$495.00. Motion seconded by Councilwoman Panza. Councilwoman Seneca asked if funding is available for this project. Vice-President Beaver replied that funding is available. Mr. Murvin Grunden asked if LED lights have been installed as discussed at a previous Council meeting. Manager Beard stated the signal has been changed over to a LED lighting system and that the electric bill for this particular signal has dropped by approximately 60 percent. Mr. George Murphy asked if there were provisions built into the system to protect the generator from a power surge when the electricity went back on line. Manager Beard informed Mr. Murphy that safety provisions would be in place. Motion carried after remarks from Mr. Grunden and Mr. Murphy. President Ninosky suggested Manager Beard research the possibility of obtaining a generator to be used specifically for this purpose.

Safety Policy: Manager Beard presented for Council's consideration a safety mission/policy statement for the newly formed Safety Committee with Penbrook Borough. Manager Beard noted the Borough should receive a reduction in insurance premiums due to the formation of this committee.

*4) Vice-President Beaver made a motion to approve the safety committee mission statement as presented by Manager Beard. Motion seconded by Councilwoman Panza. As Chairperson of the Safety Committee, Councilwoman Panza asked how committee members were selected. Manager Beard informed Councilwoman Panza that the Borough was required to follow the guidelines as set in place by PennPrime (the Borough's insurance carrier) and the PA Department of Labor and Industry. Motion carried after an explanation from Manager Beard.

Resolution 13-09: Manager Beard presented for Council's consideration **Resolution Number 13-09**, a Resolution of the Borough authorizing and empowering the Capital Tax Collection Bureau to impose and retain those costs and fees associated with the collection of delinquent taxes in accordance with Act 192 of 2004. A schedule of costs to provide delinquent tax notices and to collect delinquent taxes from individual taxpayers and employers is also attached to Resolution 13-09.

*5) Vice-President Beaver made a motion to adopt **Resolution 13-09**. Motion seconded by Councilwoman Panza. Motion carried.

Resolution 14-09: Manager Beard presented for Council's consideration **Resolution Number 14-09**, a Resolution of the Borough to adopt the Hazard Vulnerability Assessment and Mitigation Plan for the Borough of Paxtang. This is a requirement from the Dauphin County Emergency Management Agency.

*6) Vice-President Beaver made a motion to adopt **Resolution 14-09**. Motion seconded by Councilwoman Panza. Motion carried.

Conditional Use: A request has been received from Ms. Lesla Sheeder of 402 Park Terrace seeking a Conditional Use Permit for a home-based business. Manager Beard asked if Council would consider holding the required hearing on Tuesday, December 15th at 6:45 p.m. immediately prior to the Regular Business Meeting. President Ninosky agreed to hold the hearing on Tuesday, December 15th. Manager Beard will advertise and post the appropriate areas. Mayor Stambaugh inquired as to the nature of the proposed business. Manager Beard stated Ms. Sheeder is requesting a conditional use permit to operate a home-based enterprise involving the marketing and sale of a board game.

Tri-County Regional Planning: Manager Beard received a request from Tri-County Regional Planning seeking the nomination of two individuals to serve as voting members on the Tri-County Planning Commission. Vice-President Beaver expressed an interest in seeking nomination. Nominations will be forwarded to the Dauphin County Board of Commissioners for consideration of appointment. The appointment would be for a two-year term of 2010 and 2011.

*7) Councilwoman Panza made a motion to nominate Mr. Beaver for the Tri-County Regional Planning Commission. Motion seconded by Councilwoman LaCour. Motion carried.

Dauphin Co. Planning Commission: Manager Beard received information from the Dauphin County Planning Commission inviting municipalities to enroll in the Municipal Planning Advisory Service for 2010. Manager Beard informed Council that the Borough Engineering firm of Rettew Associates already provides services offered by this commission. It was the recommendation of Manager Beard to decline the offer from the Dauphin County Planning Commission.

Sewer Construction: Manager Beard informed Council of a blocked sewer line on Queen Street. Manager Beard consulted with Solicitor Feinour and the Chairman of the Health and Sanitation Committee in order to purchase a metal detector at an estimated cost of \$810.00 in anticipation of locating a manhole in the vicinity of the blocked sewer line. The manhole eventually was found to have fallen in on itself and was buried approximately five feet below grade level. Arrangements were made with Rogele Incorporated to carry out emergency repairs without contract. The cost for this project is anticipated to be between \$15,000.00 and \$20,000.00. Responsibility falls upon the Borough to locate, repair, and bring the manhole back to street level. Manager Beard will ask Council in the Spring of 2010 to authorize use of Sewer Funds to repave the alley due to damages resulting during construction. Vice-President Beaver asked if seeding would take place. Manager Beard indicated he has been in contact with Engineer Shradley and they agree this would not be necessary. Mayor Stambaugh asked Manager Beard if he knew why the manhole was covered over. Engineer Shradley stated he has never seen this particular manhole and that quite possibly the manhole was paved over when the alleyway was first created. Manager Beard asked Council to consider authorizing Engineer Shradley and the Borough Manager to evaluate and pay Rogel Incorporated if their invoice is received prior to the December Regular Business Meeting.

*8) Vice-President Beaver made a motion to authorize the Borough Manager and Borough Engineer permission to review the billing and proceed with payment. Motion seconded by Councilwoman Panza. Motion carried.

Dauphin County Chiefs of Police: Manager Beard has received a memorandum from the Dauphin County Chiefs of Police to conduct preliminary testing for Civil Service for the Police Department for 2010. Manager Beard asked Council to consider entering into this agreement.

*9) Vice-President Beaver made a motion to approve the Dauphin County Chiefs of Police Association cooperative agreement. Motion seconded by Councilwoman Panza. Motion carried.

RFP: Manager Beard informed Council that proposals for the Borough Zoning Ordinance Map are being reviewed by the committee as designated by President Ninosky at the October Regular Business Meeting. Manager Beard suggested this matter be discussed at the December Regular Business Meeting.

Street Light Request: Manager Beard presented for Council an update to a previous request from residents of the 3200 Block of Derry Street regarding the installation of a streetlight. Documentation can be found on page 396 of the 2009 Minute Book. A representative of Pennsylvania Power Light (PPL) indicated they could replace the present 6500 lumen lamp with a lamp producing 9500 lumens. PPL anticipates electric rates to increase irrespective of the electric rate cap expiring in 2010. Vice President Beaver voiced his concern with the Borough honoring this particular petition, thus setting a precedent for future requests. Vice-President Beaver asked Manager Beard if there has been an increase in officers patrolling this area. Manager Beard responded that while there has not been an increase in officers patrolling this area, he is not aware of just how much time officers might have spent in patrolling this vicinity given the recent amount of activity. Vice-President Beaver suggested before the Borough opens the door to other requests, that there be an increase in patrol.

Ms. Wendy Baker of 3214 Derry Street stated that if the present streetlights were relocated for more even coverage, this would better illuminate the area. Ms. Baker noted that if the installation of an additional light is not possible, that the Borough reevaluate the position of the current lighting situation. President Ninosky suggested Manager Beard contact PPL regarding the possibility of relocating the existing lights. President Ninosky also suggested an increase in patrol of this area.

Saussaman Park: Manager Beard has received a thank you letter from the Swatara Youth Soccer Association for allowing them use of Borough facilities. A check in the amount of \$115.00 has also been received from the Association to cover the cost of replacing a lavatory in the Women's restroom at the pavilion.

2010 Meeting Advertisements: As required by Borough Code, the 2010 Reorganization Meeting must be held on Monday, January 4th. It was the decision of Council to schedule this meeting for 6:00 p.m. and advertise the meeting. Regular Business Meetings will be held on the third Tuesday of each month. If a Primary or General Election is scheduled for a third Tuesday, the Regular Business Meeting will be held on the Wednesday immediately following the third Tuesday.

Councilwoman Borne Fuller entered at this point – 7:54

Gateway Sign: The Gateway Sign at 29th and Derry Street will need to be replaced due to damage resulting from a traffic accident. Manager Beard will look into the possibility of being reimbursed from the offending party's insurance company. A proposal in the amount of \$2,255.00 has been received from Hannaman Sign Crafters, the artists of the original sign..

*10) Vice-President Beaver made a motion to approve replacement of the sign. Motion seconded by Councilwoman Panza. Motion carried.

Fire Police Requests: A request was received from the Pennsylvania State Police for assistance at the Central Dauphin High School if it became necessary for a point of distribution of the H1N1 vaccine. Also, a request was also received for traffic assistance for the recent funeral of Mr. Michael Powers. Manager Beard forwarded these requests to Captain Murvin Grunden to carry out. Manager Beard commented that he felt the funeral arrangements were conducted flawlessly from a Fire Police standpoint.

Recycling Containers: Manager Beard has placed an order for recycle bins from Waste Management and is now waiting for delivery of the containers.

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.

Police Report: Chief Beard referred Council to the written report regarding police activity for the month of October. President Ninosky asked for the locations as to where the parking tickets were issued. Chief Beard indicated the vast majority of tickets were issued at or near the Paxtang Elementary School.

AUDIENCE PARTICIPATION

Mr. Murvin Grunden of 3323 Brisbane Street informed Council that the Historical Society would tour the John Harris Mansion in December. Mr. Grunden extended a thank you to those involved with the installation of the fence at the lower ball field and commented on how nice the project turned out. President Ninosky expressed his gratitude to Mr. Grunden and the Fire Police for the assistance they have provided for recent events.

Mr. George Murphy of 213 Kelso Street asked for information regarding the possibility of an Ordinance referencing school buses parking on Borough streets overnight. Councilwoman Seneca asked Manager Beard if there was such an Ordinance. Manager Beard said there is an Ordinance that addresses school buses and vehicular parking and that the Ordinance cites certain streets within the Borough where parking is prohibited. President Ninosky suggested that Solicitor Feinour review the Ordinance for language content.

REPORT OF THE MAYOR – Mayor Stambaugh commented for the record that the Borough has had an unfortunate loss of a resident and leader within the community. Michael Powers was a member of the Paxtang Fire Company, the Paxtang Lions Club, and the Paxton Presbyterian Church. Mr. Powers was very involved and supportive for many many years in the community. The viewing was held at Neill

Funeral Home and the funeral service was held at Paxton Presbyterian Church and he was laid to rest at Paxtang Cemetery. The services were a good tribute to his giving life.

REPORT OF THE SOLICITOR – No Report

REPORT OF CODES ENFORCEMENT – Manager Beard referred Council to the written report from Codes Enforcement Officer Ed Wenger.

REPORT OF THE ENGINEER – Engineer Shradley anticipates the State announcing a decision in December regarding the DCNR grant and the proposed project to relocate the Capital Area Greenbelt and the renovation of playground equipment. Engineer Shradley wished everyone a Happy Thanksgiving.

COMMITTEE REPORTS

Highway – No Report

Property and Recreation – No Report

Public Safety – Vice-President Beaver stated a meeting has been set for the initial Non-Uniform contract negotiations.

Public Relations – No Report

Health and Sanitation – No Report

Administration – Vice-President Beaver presented for Council the **First Reading** of the proposed Budget for 2010. The tax rate for general Borough purposes is to be set at 9.6 mills. The tax rate for Fire is to be set at .38 mills. The tax rate for Highway is to be set at .75 mills, for a total tax rate of 10.73 mills.

Vice-President Beaver presented for Council the **First Reading** of proposed **Ordinance No. 619**, an ordinance fixing the Tax rate for the fiscal year 2010 at 10.73 mills.

Vice-President Beaver presented for Council the **First Reading** of proposed **Ordinance No. 620**, an ordinance setting the 2010 Sewer rate at \$50.00 per residential dwelling. Commercial charges are outlined under the Schedule of Charges in the proposed ordinance.

*11) Councilwoman Borne Fuller made a motion authorizing advertisement of proposed Ordinance No. 919 and Ordinance No. 920. Motion seconded by Councilwoman Panza. Motion carried.

UNFINISHED BUSINESS – No Report

NEW BUSINESS – No Report

COMMUNICATIONS

Manager Beard has received a letter from Penbrook Borough thanking Paxtang for the assistance given to them for their Halloween parade.

PRESENTATION OF THE BILLS

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

At 8:25 p.m., President Ninosky announced that Council would retire to executive Session for the purpose of discussing personnel matters.

At 8:52 p.m., President Ninosky reconvened the Regular Business Meeting, announcing that a personnel matter had been discussed.

President Ninosky suggested that, on behalf of the Borough, Councilwoman Borne-Fuller be authorized to purchase an advertisement with her personal funds for the St. Catherine LaBoure Gala.

*13) Councilwoman Panza made a motion for Councilwoman Borne Fuller to proceed with the advertisement for the St. Catherine LaBoure Gala. Motion seconded by Councilwoman LaCour. Motion carried.

ADJOURNMENT

President Ninosky declared the Regular Business Meeting to be adjourned at 8:56 p.m.

Secretary

1. Minutes – Public Meeting of October 15th
Regular Business Meeting of October 20th
2. Treasurer's Report
3. Back Up System – Signal at Derry and Paxtang Avenue
4. Adopt Mission/Policy Statement – Safety Committee
5. Adopt Res. 13-09 - Capital Tax Bureau – Fees Delinquent Taxes
6. Adopt Res. 14-09 – Hazard Vulnerability Assessment and
Mitigation Plan – Dauphin County EMA
7. Tri-County Planning – Nominate Denny Beaver
8. Review/Pay Rogele Billing – Sewer Queen Street
9. Cooperative Agreement – Dauphin County Chiefs of Police
10. Advertise Ordinance No. 919 – Tax Rate
11. Advertise Ordinance No. 920 – Sewer Rate
12. Pay the Bills
13. Adjourn