

PAXTANG BOROUGH COUNCIL  
Municipal Building 3423 Derry Street  
Regular Business Meeting  
October 18, 2011

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, led by Mayor Stambaugh.

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

**Mayor**

Keldeen L. Z. Stambaugh

**Council Members Absent**

Lynn Kipp  
Deborah Seneca

**Borough Officials**

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

At this time President Ninosky asked Council if they had any objection to suspending the order of business so that Vice-President Beaver could present a public overview of the proposed Budget for 2012. President Ninosky also informed Council and those in attendance of the static information display regarding Stormwater Management (MS-4) projects provided by Borough Engineer Max Shradley. Engineer Shradley provided a wealth of information on solutions regarding residential, commercial, agriculture, and forestry stormwater management. Attendees were offered the opportunity to stop by the display to learn about MS-4 at any point during the evening. Hearing no objection from Council, President Ninosky turned the meeting over to Vice-President Beaver for a public presentation of the proposed Budget for 2012.

**2012 PROPOSED BUDGET:**

Vice-President Beaver presented Council and members of the audience with an overview of the proposed 2012 Budget, tax base and millage, along with a line item breakdown of services offered to the residents and the costs associated with providing those services. Vice-President Beaver proposed that Sewer charges be increased from \$50.00 per year to \$80.00 per year and Solid Waste charges be increased from \$230.00 to \$250.00 for 2012. At this time the opportunity was extended to the audience to voice any questions or concerns with regard to the proposed budget, and any other Borough issues.

**Mr. George Murphy of 213 Kelso Street** asked for a breakdown of the Police Budget as presented. Vice-President Beaver explained that included in this breakdown was funding for Police Salaries, equipment, and training.

**Ms. Lorraine Spangler of 203 N. 31Street** asked if other avenues have been looked into in order to lower costs associated with maintaining the Police.

Vice-President Beaver explained that the Police have a contract with the Borough and access to Act 111, giving the Police the ability to proceed to binding arbitration and to have an Arbitrator set salaries and

settle issues brought forth. The Borough would have a very narrow ability to contest the arbitrator's findings.

**Mr. George Murphy of 213 Kelso Street** asked why "overtime" was allotted to the Police. Vice-President Beaver explained that officers filling open shifts are paid at time and one half their base rate of pay.. Officers reporting for "court time" could be entitled to receive up to four hours pay at time and a half if the "court time" does not fall within the officer's regular shift.

Manager Beard stated that, according to contract language, open shifts are to be filled first with part time officers. If the shift remains open, full time officers would be eligible to sign up and receive overtime pay. President Ninosky stated that at times there could be a strategic decision for leaving a shift open, but efforts are made to avoid this practice.

**Ms. Lorraine Spangler of 203 N. 31<sup>st</sup> Street** inquired as to the number of full and part time officers employed by the Borough. President Ninosky replied that the Borough employs three (3) full time and five (5) part time officers and that one (1) full time officer is on disability due to a work related injury.

Vice-President Beaver stated that if there is an open shift, the Pennsylvania State Police would be notified in order to assist with serious incidents. Surrounding municipalities could also be put on notice.

**Mr. Jerome Mannix of 2915 Brookwood Street** asked if the police staff had recently been downsized and inquired as to just how many officers the Borough actually needs in order to patrol the rather limited area that makes up the Borough. President Ninosky said that a strategic decision has not been made to reduce the number of officers and that the Borough has 24/7 coverage with generally one officer on duty at a time to provide coverage in the Borough. Mr. Mannix asked if perhaps Chief Beard would like to fill open shifts taking into consideration what the Borough pays for his salary and benefits. President Ninosky stated that Chief Beard has filled in. Mr. Mannix indicated he has not seen Chief Beard on patrol and inquired if this could be a feasible solution or a possibility for Chief Beard to fill open shifts.

**Ms. Lorraine Spangler of 203 N. 31<sup>st</sup> Street** Giving the size and costs associated with running a Police Department, Ms. Spangler asked if anyone had looked into the possibly of merging the Police Department with another municipality's. President Ninosky explained the contractual responsibilities the Borough must adhere to with regard to the Police, specifically the subcontracting of work. After this discussion, Ms. Spangler suggested that a Police merger be looked into.

Hearing no other comments or questions from the audience, President Ninosky turned the meeting back to Vice-President Beaver in order to continue the presentation of the proposed Budget for 2012.

Vice-President Beaver proceeded with a line by line explanation of the proposed Budget including the Capital Reserve, Sewer and Solid Waste accounts.

President Ninosky left the meeting at this point – 7:55 p.m.

Vice-President Beaver stated that with the first of the new year, the Borough will have a new collection agency for the collection of Earned Income Taxes and it would take some time to see how this will affect incoming revenue. The Budget will have its First Reading at the Regular Business Meeting scheduled for November 15<sup>th</sup> and its Second Reading at the December 20<sup>th</sup> Regular Business Meeting. These meetings are open to the public for comment.

**Mr. James Schmidt of 3627 Brisban Street** asked for clarification regarding anticipated revenue from Earned Income Taxes. Vice-President Beaver stated that Keystone Collection Group will be the collector of Earned Income Tax starting in January of 2012 and it will take some time to get acclimated to the new system and become familiar with their formula of choice for calculating projected revenue. Vice-President Beaver noted that revenue from this tax could tend to fluctuate since funding is dependent upon the employment status of Borough residents. Mr. Schmidt commented that while he is not opposed to the increase in the Solid Waste and Sewer fees, he would like Council to take a hard look at eliminating

everything that is not needed, cut costs wherever possible, and should not depend upon the residents to keep providing funding for the Borough.

Vice-President Beaver asked if there would be anyone else interested in addressing their concerns. Hearing no further comments, Vice-President Beaver proceeded with the Regular Business Meeting.

#### **MINUTES**

\*1) Councilwoman Borne Fuller made a motion to dispense with the reading of the Minutes from the September 20<sup>th</sup> Regular Business Meeting and to approve the same. Motion seconded by Councilwoman Panza. 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 September, 2011 and to approve the same. Motion seconded by Councilwoman Borne Fuller.

#### **REPORT OF THE FIRE CHIEF**

Chief Zwigart presented a written report of Fire Company and Fire Police activities for the month of September. Chief Zwigart reported on the response to several calls due to adverse weather conditions relating to rising flood waters from Tropical Storm Lee, including providing assistance to Swatara Township in the 3700 Block of Derry Street with water related issues. A food and bake sale is scheduled for Election Day on November 8<sup>th</sup>. Light towers for Trick-or-Treat will be secured from Hershey Entertainment.

#### **REPORT OF THE MANAGER**

**Seminars:** Pennsylvania State Association of Boroughs will hold their Fall Leadership Conference October 21st through 23<sup>rd</sup>. Council members interested in attending should contact the Borough office.

#### **RESOLUTION 9-11**

Manager Beard presented for Council's consideration **Resolution 9-11**, a Resolution of the Borough of Paxtang appointing Capital Area Tax Collection Bureau as the Collector of delinquent Earned Income Taxes for the Borough of Paxtang for the Year 2011 and all Previous Years.

\*3) Councilwoman Panza made a motion to Adopt **Resolution 9-11**. Motion seconded by Councilwoman Borne Fuller. Motion carried.

#### **FLOODING AND SEWER ISSUES**

Manager Beard is in the process of evaluating flood damages to the Municipal Building as well as possible damages throughout the Borough. PEMA and FEMA are offering seminars on potential assistance to municipalities and as well as residents. EMA personnel attend the seminars to see what might be available in the way of assistance for the Borough as well as for it's residents. The manhole located in the Capital Area Greenbelt near the Five Senses Garden that became dislodged during Tropical Storm Lee has been repaired at a cost of \$1,600.00.

#### **EAGLE SCOUT PROJECT**

Life Scout Alex Kosick is working to install two roofed picnic bench / table units in the Paxtang area of the Greenbelt. Pursuant to the request from Council at the Regular Business Meeting of September 20, 2011, the location of one of the units will be changed and is being planned to be installed at the North end of the playground equipment. The installation of the unit should not be in conflict with the T-Ball area.

#### **MICROSURFACING**

Microsurfacing has not been completed due to adverse weather conditions and issues with scheduling. Manager Beard anticipates completion within a week or two.

#### **SHADE TREE**

Borough Staff and Public Works employees have been working with the Shade Tree Commission to prepare for the planting of 13 trees within the Borough. This has become a challenge to accomplish plantings so late in the season and still keep on schedule with the collection of leaves.

#### **CDBG SALDO GRANT**

A *Request for Proposal* has been drafted and approved by the Borough Solicitor for the development of a Subdivision And Land Development Ordinance (SALDO). Funding is available through the Dauphin County Community Development Block Grant program. Council members willing to review and evaluate incoming RFP's should contact Manager Beard. Mayor Stambaugh indicated that she would be interested in reviewing such proposals. Manager Beard believes this could be accomplished by the November Regular Business Meeting. If not, the project will be addressed at the December Regular Business Meeting .

\*4) Councilwoman Panza made a motion authorizing Manager Beard to advertise the SALDO RFP. Motion seconded by Councilwoman Borne Fuller. Motion carried.

#### **ZONING ORDINANCE**

The final Zoning Ordinance draft has been delivered to the office. Anyone interested in viewing the Ordinance should contact Manager Beard.

#### **HALLOWEEN PARADE AND TRICK-OR-TREAT**

Manager Beard indicated plans for these events are proceeding and sees no drastic changes from 2011.

#### **POLICE REPORT**

Chief Beard reported the following Police activity:

- Dispatches for several water related calls due to Tropical Storm Lee.
- Increased assists to other jurisdictions
- Activity from juveniles or other suspicious persons within the Borough
- Thefts from vehicles in and around the Borough

Chief Beard encouraged those in attendance to lock their cars, keep a watch for suspicious persons, and report such incidents to the police.

Vice-President Beaver asked for information regarding a possible water rescue. Chief Beard indicated he would like to obtain the details of this incident before presenting the matter to Council, but stated that Officer Rodney Zwigart was involved in rescuing an individual who was swept off their bicycle on Derry Street due to high water.

#### **REQUEST FOR EXECUTIVE SESSION**

Manager Beard asked Council to consider an Executive Session to discuss litigation issues. Vice-President Beaver stated this request would be honored at the end of the Regular Business Meeting.

#### **AUDIENCE PARTICIPATION**

**Ms. Lorraine Spangler of 203 N. 31<sup>st</sup> Street** asked why crime statistics are not listed in the Paxtang Post. Chief Beard advised that the Paxtang Post may not be the best venue but has been in contact with the Borough Web Master about posting this information on the Borough web site. Chief Beard indicated that he has and will post a Press Release on the web site if there would be a serious issue in regard to personal safety. Vice-President Beaver stated that if the Post were used, the information would be outdated by the time the newsletter was delivered. Ms. Spangler would like this information posted on the web site. Chief Beard noted the Borough would need to seek someone with expertise and time to devote to the upkeep of the site.

**Ms. Shirley Grunden of 3323 Brisban Street** commented on the possibility of bringing back the Paxtang Crime Watch and is of the opinion that this group could be of value to the Borough. Councilwoman Borne Fuller stated she believes there are some residents that might be interested in the Crime Watch and will make the contact with the persons expressing interest.

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

Mayor Stambaugh presented the audience with an overview of the Dauphin Lebanon County Boroughs Association (DLCBA), of which Mayor Stambaugh is serving a two year term as President until December 31, 2011. A goal of the DLCBA is to serve Boroughs the best way possible through the sharing of ideas and information with local legislators and putting those ideas into action to better their communities. Mayor Stambaugh presided over one wedding with two more weddings scheduled for the near future. Mayor Stambaugh informed Council that, in 2012 she would be returning to the Community Task Force for the Central Dauphin School District.

#### **REPORT OF THE SOLICITOR**

No report from Borough Solicitor Feinour

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

Manager Beard presented Council with a verbal report for the month of September.

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

Engineer Shradley referred Council to his written report and offered a verbal explanation as well. Engineer Shradley stated that as long as the weather is favorable, microsurfacing should start within the next week.

#### **COMMITTEE REPORTS**

*Administration* – Vice-President Beaver reported on the proposed Budget for 2012 earlier in this evening's program

*Highway* – No report due to the absence of Councilwoman Seneca

*Property and Recreation* – No report due to the absence of Councilwoman Kipp

*Public Safety* – No report from Councilwoman Borne Fuller

*Public Relations* – No report from Councilwoman Panza

*Health and Sanitation* – No report from Councilman Patackis

#### **UNFINISHED BUSINESS**

No Business to report

#### **NEW BUSINESS**

No Business to report

#### **COMMUNICATIONS**

Manager Beard presented a communication from Johnny's Furniture Outlet, located at 3440 Derry Street. Manager Beard informed Council that this is the second letter from this establishment. The first letter was referred to Council as listed in the Minutes of the September 20, 2011 Regular Business Meeting. The owners are asking that Council consider their concerns with regards to advertisement signs and address this issue in the new zoning ordinance.

#### **PRESENTATION OF BILLS**

\*5) Councilwoman Panza made a motion to pay the bills. Motion seconded by Councilwoman Borne Fuller. Motion carried.

At 8:23 p.m. Vice-President Beaver announced that Council would retire to Executive Session for the purpose of discussing litigation issues.

At 8:43 p.m. Vice-President Beaver reconvened the Regular Business Meeting announcing that potential litigation matters were discussed.

\*6) Councilwoman Panza made a motion that Council continue to retain attorney Scott Wyland for matters of potential litigation with the City of Harrisburg. Motion seconded by Councilman Patackis. Motion carried.

**ADJOURNMENT**

\*7) Vice-President Beaver made a motion to adjourn the Regular Business Meeting. Motion seconded by Councilwoman Borne Fuller. Motion carried. Vice-President Beaver adjourned the Regular Business Meeting at 8:45 p.m.

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Secretary

1. Minutes
2. Treasurer's Report
3. Adopt Resolution 9-11 – Cap Tax Collection 2011 and all Previous years
4. Advertise SALDO RFP
5. Pay Bills
6. Retain Scott Wyland
7. Adjourn