

PAXTANG BOROUGH
Regular Business Meeting
3423 Derry Street
December 19, 2023

President Bloss called to order the monthly meeting of the Paxtang Borough Council at 7:00 p.m. with the Pledge of Allegiance led by Mayor Nathan Martin.

COUNCIL MEMBERS PRESENT

Council President	Kathleen Bloss
Council Vice-President	Christopher Spackman
Council President Pro-Tempore	Jack Thomas
Mayor	Nathan Martin

Thomas Wingert
Jennifer Britten
Corbin Bower
Eric Fillman

BOROUGH OFFICIALS

Borough Manager	Keldeen Stambaugh
Borough Solicitor	Joshua Bonn
Borough Engineer	Jeremy Smith
Borough EMA Coordinator	Robin Bloss

President Bloss presented an opportunity for residents and taxpayers to voice their opinions on matters of public concern. Borough Council would listen to speakers and should not interrupt or engage speakers in debate. Public comment is not a question-and-answer session. Questions raised will be referred to the appropriate committee or to the Borough Manager. Three minutes per speaker for general public comment would be allotted. Comments would begin with Paxtang Borough residents, business, or property owners and then proceed with comments from other individuals.

PUBLIC COMMENT

President Bloss opened the floor for anyone wishing to share comments. Hearing none, President Bloss proceeded with the meeting.

MUNICIPAL SEPARATE STORMWATER SEWER SYSTEM PROGRAM (MS-4)

President Bloss opened the floor for anyone wishing to share comments. Hearing none, President Bloss proceeded with the meeting.

MINUTES – NOVEMBER 21, 2023, REGULAR BUSINESS MEETING

*1) Councilman Fillman made a motion to dispense with the reading of the Minutes from the November 21, 2023, Regular Business Meeting and to approve the same. Motion seconded by Councilman Thomas. Motion carried.

MINUTES – DECEMBER 5, 2023, WORKSHOP MEETING

*2) Councilman Fillman made a motion to dispense with the reading of the Minutes from the December 5, 2023, Workshop Meeting and to approve the same. Motion seconded by Councilman Thomas. Motion carried.

REPORT OF THE TREASURER

Manager Stambaugh read the Treasurer's Report for the month ended November 30, 2023, as follows:

GENERAL FUND	\$525,687.98
SEWER	\$917,428.62

LIQUID FUELS	\$ 92,526.90
SOLID WASTE	\$119,152.67
CAPITAL RESERVE	\$488,732.52
AMERICAN RESCUE	\$ 70,503.80

*3) Councilman Fillman made a motion to approve the Treasurer’s Report. Motion seconded by Vice-President Spackman. Motion carried.

REPORT OF PUBLIC SAFETY

Swatara Township Deputy Police Chief Thomas Stauffer stated that after 35 years of service, Swatara Township Public Safety Director, Darrell Reider will be retiring mid March 2024. Fifty two calls for service were placed for Paxtang in the month of November. Officers carried out 1 traffic citation, 2 motor vehicle code violation warnings, 6 parking violations, 3 foot patrols, 3 mobile patrols, and 1 school foot patrol.

COMMUNITY SERVICE

Over the past 10 years the 5-K Hero Run raised over \$180,000.00 to benefit the Swatara Canine Fund, the National Fallen Fire Fighters Fund, and other charities. This will mark the last year for this event. Canine Soul along with handler Officer Matthew Kieselowsky was in attendance.

DRIVE SAFE PA ENFORCEMENT PROGRAM

Thirteen traffic stops, 7 warnings, and 6 traffic tickets were issued during the recent Buckle Up PA Campaign.

DRUG DROP BOX

Residents are encouraged to deposit expired and or unused medications at the drop box located at the Swatara Township Municipal Building, 599 Eisenhower Boulevard.

CHILD PASSENGER SAFETY SEATS

One child passenger safety seat was installed by an officer certified as a car seat installation technician.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MCSAP)

The MCSAP commercial driver vehicle inspection program is ongoing with inspections of commercial motor vehicles.

REPORT OF FIRE SERVICES

Swatara Township Fire Chief Michael Ibberson applauded the Paxtang Grill for supporting the Progress Fire Company Ice Hockey organization, which he is associated with. Participants are from surrounding jurisdictions as well. Chief Ibberson stated 105 calls were placed for service, mutual aid was provided 25 times and received 21 times. Average response time from dispatch to arrival was 4 minutes and 52 seconds. Members responded to 15 fire incidents, 33 rescue/medical calls, 7 hazardous conditions, 5 service calls, 15 good intent calls, and 28 false alarms. There were 60 active responders with an average of 7.5 responders per incident. Paxtang had one call for service. A total of 1,470 staffing hours and 113 training hours were accomplished. Firefighters took part in the Swatara Township 5-K Hero Run, Veterans Day Services, and assisted with the arrival of Santa at the Life Center Church.

REPORT OF MANAGER

PENNSYLVANIA SMALL WATER AND SEWER GRANT

Manager Stambaugh reported that the Commonwealth Financing Authority has approved \$97,099.00 for the rehabilitation of sanitary sewer infrastructure in the Borough. Recognition was offered to Public Works employee Brian Rotolo for taking the lead on the application with assistance from Borough Engineer Jeremy Smith along with gratitude to Pennsylvania State Senator John DiSanto for his recommendation and support.

MUNICIPAL FRONT DOOR IMPROVEMENT PROJECT

A proposal from Hershocks at a cost of \$7,195.00 for the replacement of the municipal building front door does provide for safety glass. A proposal from Shearer Security Devices for the intercom/buzzer kit would be at a cost of \$4,379.18. A proposal from Shearer Security Devices for the installation of 2 cameras for in front of the municipal building (exterior and interior) would be at a cost of \$1,796.30. To be addressed later this evening.

CODES AND ZONING

Two Sewer Permits, 3 Building Permits, and 26 Sidewalk Permits were issued in the month of November.

REPORT OF THE MAYOR

Mayor Martin turned the meeting over to Councilman Fillman. Councilman Fillman presented Vice-President Spackman with a plaque commemorating the exceptional dedication and service of Vice President Spackman to Paxtang Borough Council and residents of the Borough. Councilman Fillman stated Council would miss the guidance and hard work of Vice-President Spackman and thanked Vice-President Spackman for his sincere heartfelt service.

Mayor Martin presented a Mayor's Citation Award to Councilman Spackman expressing Council's deepest appreciation for his eight years of exemplary service on Paxtang Borough Council, and most recently as Council Vice-President. Mayor Martin stated Mr. Spackman has consistently shown a strong commitment to the betterment of the community, offering exceptional dedication and service to Paxtang Borough. Mayor Martin wished Mr. Spackman continued success as he continues to service the community with the Dauphin County Department of Registration and Elections. Mayor Martin stated Borough Council has appreciated the contributions from Mr. Spackman and looks forward to seeing him rise in his service to the community. Mayor Martin closed by wishing all a Merry Christmas and a happy holiday season.

Councilman Wingert stated it was an honor to work with Councilman Spackman and appreciated opportunities to converse and exchange ideas while being able to value each other's point of view on matters relating to the best interest of the Borough.

REPORT OF THE SOLICITOR

Attorney Nicholas Schwartz with Nauman, Smith, Shissler, and Hall presented the following report from Solicitor Josh Bonn:

Solicitor Bonn is unable to attend this evening due to a conflict with another client. He asked me to provide the following report as a status update on multiple legal proceedings against Paxtang Borough initiated by members of the independent Paxtang Fire Company No. 1. Over the past 14 months, high-ranking officers of the Fire Company have inundated Borough staff with requests for public records. The Borough has fully complied with its obligations to disclose public records under the Right-to-Know Law. Nonetheless, Paxtang Fire Company Vice President Gavin Ford and former Fire Chief Matthew Lemmon have filed **seven** appeals with the Pennsylvania Office of Open Records. Responding to these requests and appeals is time consuming for Borough staff and expensive for Borough taxpayers as the Borough is obligated to submit evidence and legal argument to justify the Borough's actions.

On all but two occasions, the Office of Open Records has ruled entirely in the Borough's favor and determined that the information sought by Mr. Ford and Mr. Lemmon is not public information. Although Borough Council disagreed with the first adverse ruling, it voted to forego an appeal and to voluntarily disclose a non-public draft of a proposed intermunicipal agreement received from Harrisburg City. Regarding the second adverse ruling, Borough Council directed the Solicitor to appeal to the Dauphin County Court of Common Pleas.

On December 13, 2023, Dauphin County Common Pleas Judge John McNally entered an order entirely in Paxtang Borough's favor. Judge McNally found that the Borough properly denied Gavin Ford's request for investigative materials, notes, correspondence, and reports, that if disclosed, would reveal the institution, progress, or result of an agency investigation. Specifically, Judge McNally found that the attestation submitted by Borough Manager Keldeen Stambaugh "contains relevant and credible evidence to establish that [the records sought by Vice President Ford] are related to the Borough's investigation into the unsafe conditions caused by the Fire Company's unlawful occupancy of the Borough's municipal building." Thus,

Judge McNally's order vindicates Borough Council's actions and confirms that the Borough has fully complied with legal obligations to disclose public records.

Due to the following facts, it is the opinion of Solicitor Bonn that Mr. Ford and Mr. Lemmon's requests are not motivated by a desire to obtain public records, but rather to cause the Borough unnecessary administrative burden and legal expense. The Solicitor has been cooperative with the Fire Company's attorney in informally exchanging documents relevant to the pending litigation to eject the Fire Company from the Borough municipal building. In fact, the Solicitor provided the Fire Company's attorney with the results of the investigation into the unsafe conditions caused by the Fire Company's unlawful occupancy. Despite repeated notifications and demands, the Fire Company has failed to remediate these unsafe conditions including a fire hazard caused by the Fire Company's use of an extension cord to plug in a refrigerator. Harrisburg Fire Chief Brian Enterline recently held a press conference explaining the number one cause of fires during the holiday season is improper use of extension cords.

It is completely disingenuous for a non-resident such as Mr. Ford to criticize the Borough's legal expenses arising from his serial requests for non-public information. Unfortunately, this problem is not unique to Paxtang Borough. There are currently bills pending in the Pennsylvania General Assembly to prevent so-called "vexatious requesters" from abusing the Right-to-Know Law for illegitimate purposes to harass and cause municipalities unnecessary burden and expense. Please direct any inquiries regarding this report to Solicitor Bonn's attention.

REPORT OF THE ENGINEER

SAUSSAMAN PARK IMPROVEMENTS (DCNR GRANT)

Engineer Smith stated approval has been received from the Department of Conservation and Natural Resources (DCNR) to proceed to the final design stage. Final site drawings and bid documents have been submitted to DCNR for review and the final design has been approved. Engineer Smith asked for Council's authorization to move to the next step to advertise for bids. To be addressed later this evening.

REPORT OF COMMITTEES

Administration – Vice-President Spackman stated the **Second Reading** of the proposed Budget would be addressed under Business. Vice-President Spackman thanked everyone for their kind words stating it has been an honor to serve with Mayor Martin, Councilman Fillman, President Bloss, Council President Pro-Tempore Jack Thomas, Councilman Wingert, Councilman Bower, Councilwoman Britten, Manager Stambaugh, partners at Swatara Township, and everyone involved in providing what is in the best interest of the Borough and for Borough residents.

Highway – No Report from Councilman Bower

Property and Recreation

USE OF PAVILION – HARRISBURG LODGE OF PERFECTION

*4) Councilman Fillman made a motion to grant a request from the Harrisburg Lodge of Perfection Scottish Rite Valley of Harrisburg, for use of the pavilion on June 15, 2024, from 9:00 a.m. to 4:00 p.m. Motion seconded by Vice-President Spackman. After discussion that the applicant was requesting gratis use and waiver of fees, motion carried.

Public Safety – Councilman Wingert stated it has been an honor to work with Vice-President Spackman. Councilman Wingert said the Harrisburg Mall located at 3501 Paxton Street will be razed in order to proceed with a redevelopment project and to be mindful of new traffic patterns and construction in the vicinity. Councilman Wingert closed by wishing all a Merry Christmas and a happy holiday season.

Public Relations – No report from Councilwoman Britten

Health and Sanitation – Councilman Thomas thanked Vice-President Spackman for his invaluable service to Council as well as to the residents of Paxtang.

PROPOSED BUDGET – SECOND READING

Vice-President Spackman presented the **Second Reading** of the proposed 2024 Budget.

*5) Vice-President Spackman made a motion to approve the 2024 Budget. Motion seconded by Councilman Fillman. Vice-President Spackman stated there are no tax increases and no increases in fees for trash or sewer charges. Vice-President Spackman stated he worked closely with Manager Stambaugh and Borough Treasurer Linda Lightner on the budget. After commentary, motion carried.

RESOLUTION 23-04 – TAX RATE FOR 2024

President Bloss read **Resolution 23-04** fixing the Tax Rate for 2024 with a tax rate of 11.4 mills for general Borough purposes, .08 tax rate for fire protection, and .75 mills for highway for a total tax rate of 12.23 mills.

*6) Councilman Thomas made a motion to accept **Resolution 23-04** fixing the Tax Rate for the fiscal year of 2024. Motion second by Councilman Wingert. Motion carried.

RESOLUTION 23-05 – SOLID WASTE FEES FOR 2024

President Bloss read **Resolution 23-05** setting Solid Waste Fees for 2024 at the annual rate of \$290.00 per dwelling unit.

*7) Councilman Thomas made a motion to approve **Resolution 23-05** setting the Solid Waste Fees for 2024. Motion seconded by Councilman Wingert. Councilman Wingert inquired if a rate increase would be expected from our current waste hauler. Manager Stambaugh stated that would not be the case as the Borough is contractually locked in for 2024. After discussion, motion carried.

RESOLUTION 23-06 – SEWER FEES FOR 2024

President Bloss read **Resolution 23-06** setting Sewer fees for 2024.

*8) Councilman Thomas made a motion that Council accept **Resolution 23-06** setting sewer fees for 2024. Motion seconded by Councilman Bower. After clarification on the fees charged for Class I and Class II users of the sewer system, motion carried.

RESOLUTION 23-07 - BORROW FROM SEWER FUND

President Bloss read **Resolution 23-07**, a Resolution to borrow from the Sewer fund an amount not to exceed \$100,000.00 for any present or future emergency during 2024.

*9) Vice-President Spackman made a motion to approve **Resolution 23-07**. Motion seconded by Councilman Thomas. Vice-President Spackman noted this is a common resolution Council approves as funds from the current tax levy would not be available until March 31, 2024. Passage of said resolution would ensure proper flow of money until receipt of tax revenue. After discussion, motion carried.

ADVERTISE BIDS FOR SAUSSAMAN PARK PROJECT

*10) Councilman Fillman made a motion authorizing the Borough Engineer to advertise for the Saussaman Park project. Motion seconded by Councilman Thomas. Motion carried.

REQUEST FOR DEAF CHILD AREA SIGN – 3700 BLOCK DERRY STREET

*11) Councilman Fillman made a motion that a letter be sent to PennDOT on behalf of said constituent at 3725 Derry Street for a study and review for the installation of a sign stating “Deaf Child Area”. Motion seconded by Councilwoman Britten. Motion carried.

MUNICIPAL BUILDING – FRONT DOOR IMPROVEMENT PROJECT

*12) Councilman Fillman made a motion to move forward with the front door replacement project including the bid from Hershocks at the sum of \$7,195.00 to provide for labor and installation of the door and approve the bid from Shearer Security Devices at the sum of \$4,379.18 for the installation of the intercom kit, electrified latch, latch guard, surge protector, and anything else that is required for the security and intercom system for the door. Motion seconded by Councilman Thomas. Funds would be available from the Capital Reserve Building Fund. Councilwoman

Britten requested the name of Public Works employee Saul Schmolitz be corrected in the Hershock proposal and that grammar be corrected in the proposal from Shearers as well. After discussion, motion carried.

MUNICIPAL BUILDING VIDEO CAMERA INSTALLATION

President Bloss stated the municipal building would be outfitted with two additional cameras from Shearer Security Devices at a cost of \$1,796.30. Funds would be available from the General Budget.

*13) Councilman Thomas made a motion to install two additional cameras to the front (exterior and interior) of the municipal building. Motion seconded by Councilwoman Britten. Motion carried.

COMMUNICATIONS

No Communications were brought forth

EXECUTIVE SESSION

President Bloss announced that Council held an Executive Session prior to the start of this evening's meeting at which time matters of litigation and personnel were discussed. Present at said meeting was the Borough Solicitor, Borough Manager, members of Council and Borough Mayor.

PUBLIC COMMENT

Mr. Justin Bradnick – 3703 Rutherford Street, Swatara Township thanked Vice-President Spackman for his service to the Borough and wished him well in his future endeavors, both personally and professionally.

President Bloss stated she appreciated everyone's patience through this meeting and commended Council for conducting a considerable amount of business in a short period of time. President Bloss stated she considered Vice-President Spackman a good friend and could not thank him enough for his service and dedicated service to the Borough.

PRESENTATION OF BILLS

*14) Vice-President Spackman made a motion that Council pay its just and lawful debts. Motion seconded by Councilman Thomas. Motion carried.

ADJOURNMENT

*14) Councilman Thomas made a motion to adjourn the December 19, 2023, Regular Business Meeting. Motion seconded by Vice-President Spackman. Motion carried. Meeting adjourned.

Secretary

1.Minutes – November 21, Regular Business Meeting
2.Minutes – December 5, Workshop Meeting
3.Treasurer's Report
4.Use of Pavilion
5.Approve 2024 Budget
6.Resolution 23-04 – Tax Rate 2024
7.Resolution 23-05 – Solid Waste Rate 2024
8.Resolution 23-06 – Sewer Rate 2024
9.Resolution 23-07 – Borrow from Sewer Fund
10.Advertise Bids – Saussaman Park Project
11.Letter to PennDOT – Deaf Child Signage
12.Front Door Improvement Project

13. Video Camera Installation
14. Pay Bills
15. Adjourn