

**PAXTANG BOROUGH
Workshop Meeting
3423 Derry Street
January 3, 2023**

COUNCIL MEMBERS PRESENT

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| Council President | Kathleen Bloss |
| Council Vice President | Christopher Spackman |
| Council President Pro-Tempore | Jack Thomas |

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| Thomas Wingert | Arrived at 7:45 p.m. |
| Jennifer Britten | |
| Corbin Bower | |
| Eric Fillman | |

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| Mayor | Nathan Martin |
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BOROUGH OFFICIALS

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| Borough Manager | Keldeen Stambaugh |
| Borough Solicitor | Joshua Bonn |

President Bloss called to order the January 3, 2023, Workshop meeting at 7:00 p.m.

3607 DERRY STREET – PROPOSED NEW USAGE

Mr. Ambrose Heinz, Attorney with Stevens and Lee, presented an overview for proposed new usage for the M & T Bank building at 3607 Derry Street. A summary of proposed usage was to convert the existing commercial building to age based independent living apartments. Main level services would offer tenant related services while upper floors would house apartments. Upgrades would be the installation of an elevator, parking, landscaping, common areas, and green space. A formal request would be brought before Council at the January 17, 2023, Council meeting.

On the advice of Counsel, President Bloss stated the following would be read at the beginning of each Council Meeting:

Public comment is an opportunity for residents and taxpayers to voice their opinions on matters of public concern. Borough Council will listen to each speaker and should not interrupt or engage speakers in debate. Public comment is not a question-and-answer session. Borough Council handles complex issues and further research may be necessary to insure accurate dissemination of information. Certain matters such as legal proceedings, contractual negotiations, or investigations may involve privileged or confidential information that cannot be publicly disseminated without adverse legal consequence to the Borough and its taxpayers. Ordinarily questions raised during public comment will be referred to the appropriate committee or the Borough Manager. The Council President may ask or permit other members of Council or Borough staff to ask clarifying questions of the speaker to obtain information necessary for an appropriate referral. The Borough Manager shall respond as appropriate generally by contacting the individual speaker directly. The Council President retains discretion to respond to questions that do not require further research such as the dates of upcoming events or services available to Borough residents. And with that as we have been stating, we allow 3 minutes per speaker for general public comment. You may approach the microphone and state your name and address. Everyone who would like to share comments is welcome to do so. We will begin with comments from the Paxtang Borough residents, business, or property owners.

If there are no additional comments from Paxtang Borough residents, business, or property owners, we will proceed with comments shared by any other concerned individuals, and with that, it is open for public comment. President Bloss opened the floor for audience members to share their comments.

Ms. Cindy Scheib, 611 South 29th Street, Paxtang, voiced concerns with excessive speeds of motorcycles and other vehicles on 29th Street. Ms. Scheib suggested Council consider the installation of speed bumps/humps on 29th Street to deter such activity. Manager Stambaugh will reach out to Ms. Scheib on this matter.

REPORT OF THE MAYOR – No Report

REPORT OF COMMITTEES

Administration – No Report from Vice-President Spackman

Health and Sanitation – No Report from Councilman Thomas

Highway – No Report from Councilman Bower

Property and Recreation – Councilman Fillman received a communication from an interested party with regard to improving the tennis courts in the vicinity of Saussaman Park and to possibly repurpose current courts for “Pickle Ball” a racket/paddle ball sport. Councilman Fillman suggested looking into the request as received.

Public Relations – No Report from Councilwoman Britten

Public Safety – No Report due to the absence of Councilman Wingert

REPORT OF THE SOLICITOR

Solicitor Bonn stated a land development lot consolidation plan has been received for a property at Park Terrace and Prince Street. The request is to combine 2 lots into 1 for a more even division of property lines. Solicitor Bonn explained protocol stating no action was required at this point. In conjunction with the land development plan, there is a petition to vacate a portion of Queen Alley as well. Discussion was held on protocol for processing the request.

REPORT OF THE MANAGER

CAPITAL REGION COUNCIL OF GOVERNMENTS – ANNUAL DINNER

The Capital Region Council of Governments will host their annual dinner on January 16, 2023. Council Members should contact Manager Stambaugh if interested in attending.

HUMANE SOCIETY AGREEMENT

The 2023 Humane Society Agreement has been received and will be brought before Council at an upcoming meeting for consideration.

SIGNAL SERVICES – CROSSWALKS

An estimate of \$45,000.00 for 2 cross walks on Derry Street has been received from Signal Services. A firm quote will be presented after Public Works employees meet with the contractor and PennDOT.

OTHER BUSINESS

No Borough business was brought forth

AUDIENCE PARTICIPATION

President Bloss noted no additional members were present and opened the floor for those wishing to share comments. Hearing none, President Bloss proceeded with the meeting.

EXECUTIVE SESSION

At 7:35 p.m. President Bloss stated Council would adjourn to an Executive Session to discuss matters of personnel and potential litigation. Council Members, Mayor, Borough Manager, and Borough Solicitor were invited to attend. Meeting would reconvene following the Executive Session.

Secretary Clark was relieved of duties until the meeting was reconvened.

At 8:14 p.m. President Bloss announced that Council had returned from Executive Session where matters of potential litigation was discussed. Executive Session was attended by members of Borough Council as well as the Borough Solicitor, Borough Manager, and Mayor. Councilman Thomas Wingert joined the Executive Session at 7:45 p.m.

*1) Councilman Fillman stated being consistent with the provisions of the Sunshine Act, Title 65, PACS, sec. 701, et sec., which allows the Borough to act in an emergency capacity, he would make a motion to add an item to the Agenda due to emergency circumstances Council learned of today, discovering that a member of the fire department was arrested today. Motion seconded by Councilman Wingert.

Solicitor Bonn inquired as to the potential action that was being requested to be added to the Agenda. Councilman Fillman stated he would be amending the agenda to include a recommendation to the fire department for disciplinary actions to the individual involved and a recommendation to Swatara Township Commissioners failing disciplinary actions should it not occur. After explanation by Councilman Fillman, motion carried.

AUDIENCE PARTICIPATION

President Bloss opened the floor for audience members to share their comments with regard to the addition just added to this evening's Agenda.

Mr. Gavin Ford, 3731 Rutherford Street, Swatara Township, stated this is not on any action of the Paxtang Fire Company. Mr. Gavin believes the matter Council referred to occurred 2 years ago, was of the opinion that County was just now following up on, and that this rumor was recently put out over this weekend. To the knowledge of Mr. Ford, the individual was not arrested. Mr. Ford would like Swatara Township Police Department to clarify this matter for Council.

Councilman Fillman stated while he appreciated the comments by Mr. Ford, he would not be engaging in dialog. Councilman Fillman stated the Docket Sheet of the Administrative Office of Pennsylvania Courts, (AOPC) shows the Fire Chief of the Fire Company, Mr. Matthew Lemmon, was in fact arrested, was brought to his preliminary arraignment today, Tuesday, January 3, 2023, and was given release on condition of bail to which Mr. Lemmon posted.

*2) Councilman Fillman made a motion that Borough Council recommend to the Fire Department, Paxtang Fire Company No. 1, that Matthew Lemmon's position of leadership should be suspended immediately, be suspended from running fire calls, and banned Mr. Lemmon from Borough property until the final disposition of his criminal charges. The criminal charge in question is a felony degree 3. Failing that suspension by noon, Thursday, January 5, 2023, we request the Swatara Township Commissioners along with in consultation with the Swatara Township Public Safety Director, Mr. Darrell Reider and the Swatara Township Fire Chief, Michael Ibberson to remove Paxtang Fire Company No. 1 from the call boxes in the Borough of Paxtang. Motion seconded by Councilman Wingert.

Councilman Fillman stated in his experience people in leadership of organizations almost universal step down from their leadership role when charged with a crime. This crime is not a summary offense, this crime is not a misdemeanor, it is classified higher as a felony 3. Whether or not it is related to the job as hand, it is a question of truth and veracity and fully believes in innocence until proven guilty but those in innocence or those charged with crimes who serve in positions of authority and positions of leadership almost uniformly are removed from those positions and while we have no control over the fire department directly, believes it is incumbent upon Council for the very safety of Borough residents to suggest to the fire department that Mr. Lemmon be removed from that position, suspended from that position, and in addition, be suspended from fire calls based on his performance as a

fire department member and based on criminal charges that are unrelated. Councilman Thomas and Councilman Wingert echoed the sentiments of Councilman Fillman.

President Bloss requested Secretary Clark to call the roll as follows:

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| Councilman Fillman | Aye | President Bloss | Aye | Councilman Bower | Aye |
| Councilwoman Britten | Aye | Councilman Thomas | Aye | | |
| Vice-President Spackman | Aye | Councilman Wingert | Aye | | |

President Bloss announced a unanimous decision. Motion carried.

President Bloss stated while this was not an easy subject to discuss, she appreciated the time, effort, and energy of all that were involved in this process.

ADJOURNMENT

*2) Councilman Thomas made a motion to adjourn. Motion seconded by Vice-President Spackman. Motion carried.

Meeting adjourned at 8:24 p.m.

Secretary

- 1.Add additional item to Agenda
- 2.Suggest disciplinary actions - Fire Chief of Paxtang Fire Company No. 1