

PAXTANG BOROUGH
Regular Business Meeting
3423 Derry Street
February 20, 2024

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 Council Vice-President Eric Fillman.

COUNCIL MEMBERS PRESENT

Council President	Kathleen Bloss
Council Vice-President	Eric Fillman
Council President Pro-Tempore	Jack Thomas
Mayor	Nathan Martin - Absent
Thomas Wingert	
Jennifer Britten	
Corbin Bower	
Matthew Leonard	

BOROUGH OFFICIALS

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

PUBLIC COMMENT

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

MINUTES – JANUARY 16, 2024, REGULAR BUSINESS MEETING

*1) Vice-President Fillman made a motion to dispense with the reading of the Minutes from the January 16, 2024, Regular Business Meeting and to approve the same. Motion seconded by Councilwoman Britten. Vice-President Fillman stated the Minutes were brief, in order and looked good. After commentary, motion carried.

MINUTES – FEBRUARY 6, 2024, WORKSHOP MEETING

*2) Vice-President Fillman made a motion to dispense with the reading of the Minutes from the February 6, 2024, Workshop and to approve the same. Motion seconded by Councilwoman Britten. Motion carried.

TREASURER'S REPORT -MONTH ENDED JANUARY 31, 2024

Due to the absence of the Borough Secretary, Manager Stambaugh read the Report of the Treasurer for the month ending January 31, 2024, as follows:

<u>GENERAL FUND</u>	\$492,164.38
<u>SEWER ACCOUNT</u>	\$917,554.21
<u>LIQUID FUELS</u>	\$ 92,943.99
<u>SOLID WASTE</u>	\$ 91,210.69
<u>CAPITAL RESERVE</u>	\$477,490.62
<u>AMERICAN RESCUE PLAN</u>	\$ 70,503.80

*3) Vice-President Fillman made a motion to approve the Treasurer's Report for the month ended January 31, 2024. Motion seconded by Councilman Thomas. Motion carried.

PUBLIC SAFETY REPORT

Swatara Township Deputy Police Chief Thomas Stauffer stated 46 calls for service were placed for Paxtang Borough for the month of January 2024. Officers conducted 1 foot patrol, 1 mobile patrol, 8 motor vehicle code violation warnings and 9 parking violations were carried out. Deputy Chief Stauffer stated the mobile patrol was for a specific issue and that units patrol the Borough on a routine basis.

COMMUNITY SERVICE REPORT

Various Officers participated in the following: one ride a long and 4 child passenger safety seats were installed by officers certified as car seat installation technicians.

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (MSCAP)

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

CANINE REPORT

Swatara Township received a donation from the Guras Spice House located at 7200 Derry Street. Funds are to be dedicated to the Swatara Canine Fund.

REPORT OF FIRE SERVICES

Swatara Township Fire Chief Michael Ibberson presented the following report: 136 calls for service were placed which included 14 fire, 26 medical incidents, 14 hazardous conditions, 24 good intent calls and 43 false alarms. There were 56 active members for January dedicating a total of 2,262 staffing hours and 134 training hours. There was an average of 8.2 responders per incident. Average response time from dispatch to arrival was 5 minutes and 35 seconds. Mutual Aid was provided 27 times and received 33 times. One call for service was placed for Paxtang Borough. Smoke detector checks, installations, and carbon monoxide detector installations were carried out. Borough Manager to receive information on the updated incentive program for volunteers.

REPORT OF THE MANAGER

SAUSSAMAN PARK UPDATE PHASE I

Manager Stambaugh reported playground equipment has been ordered for Saussaman Park. Equipment is scheduled for delivery in April. Bids to be addressed under the Report of the Engineer. Manager Stambaugh will meet with the Chairperson of the Administration Committee to request approval to spend extra funds ranging between \$12,000.00 and \$13,000.00 as projections were lower than anticipated.

SAUSSAMAN PARK UPDATE PHASE II

Project concept includes improvements to restroom facilities, a new roof for the building and pavilion along with repairs and improvements to the tennis court. Official approval to be addressed on converting 1 tennis court to 2 pickleball recreation courts. Cost of repaving is approximately \$8,900.00. To be addressed at the March Workshop. A Public Meeting will be held on March 5, 2024, at 6:30 p.m. in Council Chambers. To be addressed under New Business.

SAUSSAMAN PARK SIGN

A quote from GW signs for a double sided 4' x 8' aluminite board came in just under \$1,000.00. Borough Public Works employees will install framing.

CODES AND ZONING

One Sewer and 1 Sidewalk permit was issued for the month of January.

REPORT OF THE MAYOR

No Report due to the absence of Mayor Martin. In the absence of Mayor Martin, President Bloss extended her gratitude to celebrity guest "Pancake Flippers" Swatara Township Deputy Police Chief Tom Stauffer, and Swatara Township Fire Chief Micheal Ibberson for assisting at the Paxtang Lions Club Pancake Breakfast held in February. President Bloss noted that this event was a Paxtang Lions sponsored event and not a Paxtang Borough event.

REPORT OF THE SOLICITOR

Solicitor Bonn presented a brief update on litigation against the Paxtang Fire Company to eject the Paxtang Fire Company from the Borough building. The Borough has notified the Paxtang Fire Company that the building will be secured as of March 1 so that they will not be able to access the building after that date.

The Paxtang Fire Company has filed a Motion for a Preliminary Injunction in the Dauphin County Court of Common Pleas. There is a Hearing scheduled for Thursday, February 22 at 2:00 in front of Judge Dowling. The Borough is opposing that motion.

What the fire company is seeking is to prevent the Borough from taking any action for the fire company to access the portions of the building that they have historically used, and that the Borough be prohibited from taking any action that would make those areas uninhabitable.

What that means is that if the fire company received the relief they were asking for, the Borough would be required to continue to provide water, heat, cable, and utilities that the Borough has been providing at no cost to the fire company for the past year.

Solicitor Bonn recommended that this matter of litigation be discussed further in Executive Session.

REPORT OF THE ENGINEER **SAUSSAMAN PARK IMPROVEMENTS PHASE I**

The construction contract for site work has been advertised for bids. Eleven bids were received. Tabulation sheet was provided for Council's consideration. Final Grade Excavation was the lowest responsible bidder with a bid of \$101,382.96. Documents have been reviewed and found to be in accordance with the requirements. Engineer Smith recommended awarding the contract to Final Grade Excavation at \$101,382.96.

SAUSSAMAN PARK IMPROVEMENTS PHASE II

A virtual meeting with the Department of Conservation and Natural Resources was held to discuss planning and grant opportunities. Plan was provided to DCNR. Concept plan was made available. Phase II would include improving the tennis court surfaces, repair of fencing, converting 1 tennis court to 2 pickleball recreation courts, addition of a walkway from the courts to Americans With Disabilities (ADA) parking, replacing roof on building and pavilion, improvements to restroom facilities, and the addition of a pedestrian walkway to Simpson Street.

CHAPTER 94 REPORT

Rettew and Borough staff are gathering data required to complete the 2023 Annual Chapter 94 Report.

Manager Stambaugh reported that the 29th Street Bridge will be closed for up to 500 days. President Bloss stated emergency personnel is aware and have contingencies in place.

REPORT OF COMMITTEES

Administration – Vice-President Fillman extended his gratitude to Borough highway staff for their diligence in keeping Borough roads clear during the last snow storm. Vice-President Fillman complimented Borough Manager Keldeen Stambaugh and Borough Treasurer Linda Lightner for the good work they provide to the Borough.

Highway and Stormwater – No Report from Councilman Leonard

Property, Recreation and Shade Tree Advisory – No Report from Councilman Bower

Public Safety – Councilman Wingert echoed the sentiments of Vice-President Fillman.

Public Relations and Grants – No Report from Councilwoman Britten

Health, Sanitation and Codes – No report from Councilman Thomas

UNFINISHED BUSINESS

No Unfinished Business was brought forth

NEW BUSINESS

ADVERTISE PUBLIC MEETING – SAUSSAMAN PARK PHASE II IMPROVEMENT PLAN

*4) Councilman Bower made a motion that Council advertise a Public Meeting for March 5, 2024, in regard to the Saussaman Park Phase II Improvement Plan. Motion seconded by Councilman Thomas. Motion carried.

SAUSSAMAN PARK – PURCHASE SIGN

*5) Councilman Bower made a motion that Council use funds up to an amount of \$1,000.00 from the Capital Reserve, Recreation line item to purchase an identification sign for Saussaman Park. Sign to be purchased from GW signs. Motion seconded by Councilman Wingert. Councilman Wingert commented on the excellent workmanship done by GW Signs. After commentary, motion carried.

SAUSSAMAN PARK IMPROVEMENT PHASE I CONSTRUCTION BID

*6) Vice-President Fillman made a motion that Council approve the recommendation by Engineer Smith and award the Saussaman Park Improvement Project Phase I to Final Grade Excavation, 1701 Peters Mountain Road, Dauphin, PA 17018 for the amount of \$101,382.96 as the responsible lowest bidder out of 11 bids. Motion seconded by Councilman Wingert. Motion carried.

COMMUNICATIONS

No Communications were brought forth

PUBLIC COMMENT

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

Councilman Wingert commented that he was pleased with the mailing of the 2024 Trash and Recycling Collection Schedule.

PRESENTATION OF BILLS

*7) Vice-President Fillman made a motion that Council pay its just and lawful debts. Motion seconded by Councilman Bower. Motion carried.

EXECUTIVE SESSION

At this point President Bloss announced that Council would retire to Executive Session to discuss matters of litigation. Meeting to reconvene following the Executive Session. The Borough Solicitor, Borough Manager, and members of Council were to remain.

At 8:02 p.m. President Bloss reconvened the Regular Business Meeting stating matters of litigation were discussed.

At this point Vice-President Fillman proceeded to read the following:

We are providing this update for our residents on Paxtang Borough's lawsuit to eject the independent Paxtang Fire Company No.1 from Paxtang Borough Municipal Building.

At public meetings in June-July 2022, Paxtang Borough Council named Swatara Fire and Rescue as Paxtang Borough's official fire service provider in place of the independent Paxtang Fire Company No. 1 ("Fire Company"). In September 2022, Borough Council notified the Fire Company that it had no right to continue to occupy Borough property. In March 2023, due to the Fire Company's refusal to vacate Borough property or to indemnify and adequately insure the Borough, the Borough filed a lawsuit in the Dauphin County Court of Common Pleas to eject the Fire Company from Borough property.

On February 12, 2024, the Fire Company filed a motion for a preliminary injunction in an attempt to force Paxtang Borough to continue to house the Fire Company and to provide utilities at public expense. Paxtang Borough opposes the motion and a hearing is scheduled for February 22, 2024. Borough Council's official

position is that if the Fire Company wishes to continue servicing other municipalities, it should relocate closer to those venues, and vacate the Paxtang Municipal Building. Consequently, the Borough has notified the Fire Company that all access to Borough property will be denied by March 1, 2024, unless a court rules otherwise. Paxtang Borough Council has acted, is acting and will continue to act, as always, on behalf of our taxpayers.

As this matter is in continued litigation, no further comments or statements will be issued at this time.

ADJOURNMENT

*8) Councilman Thomas made a motion to adjourn. Motion seconded by Vice-President Fillman. Motion carried. Meeting adjourned at 8:06 p.m.

Secretary

- 1.Minutes January Regular Business Meeting
- 2.Minutes February Workshop
- 3.Treasurer's Report
- 4.Advertise Public Meeting Saussaman Park Phase II
- 5.Purchase Saussaman Park Sign
- 6.Sward Bid Saussaman Park Phase I Construction
- 7.Pay Bills
- 8.Adjourn

