

Presented at the November Paxtang Borough Workshop Meeting

Update on Paxtang Fire Company Litigation

On October 22 and 23, Judge Dowling held a hearing to address the cross-motions for preliminary injunction. Prior to conducting a hearing, Judge Dowling met with counsel in chambers and advised that he is moving the trial from May 2025 to January 2025.

Judge Dowling took testimony Tuesday afternoon and Wednesday morning. On Monday, November 4, I received an order. Judge Dowling denied the Fire Company's demand to be placed back on the call boxes for Paxtang Borough and Swatara Township. He denied the Fire Company's demand to reactivate the siren at the Paxtang Municipal Building. He denied the Fire Company's demand to restore their reserved parking signs.

Judge Dowling ruled that the Borough must continue to heat and cool the Fire Company's watch room/office area at the Borough's expense. The Borough must fix the thermostat in the Fire Company's watch room/office area so that the Fire Company can access and use it. However, he required the Fire Company to keep the thermostat at 68 degrees in winter weather and 72 degrees in Summer Weather. He required the Fire Company to keep the bay door closed during winter and spring months. The Borough had disconnected the thermostat because the Fire Company repeatedly left the bay door open during extreme weather conditions resulting in exorbitant utility bills to "heat the outside."

Judge Dowling granted the Borough's demand to prevent the Fire Company from installing security cameras in the day room. He required the Fire Company to provide access to their storage area upon reasonable request. He required the Borough to return the seized security cameras to Austin Schrader. That has occurred, and Mr. Schrader has signed an acknowledgment of such return and that he and the Fire Company are not allowed to reinstall the cameras.

Judge Dowling ordered the Borough to hire a contractor to repair the flooring and drywall in the basement area used by the Fire Company at the Borough's expense. Although we presented evidence that may require the Borough to violate municipal bidding requirements, Judge Dowling ordered that such contract be awarded tonight and that such work must be completed by December 20, 2024.