

**Orwigsburg Borough  
Meeting Minutes  
November 14, 2018**

The Orwigsburg Borough Council met on Wednesday, November 14, 2018 in Council Chambers. President Michele Rudloff called the meeting to order at 7:30 pm and the Pledge of Allegiance was recited.

In attendance: President Michele Rudloff, Vice President Sue Murphy. Councilors: Rod Schaeffer, Angie Hoptak-Solga, Brian Baldwin. Mayor Barry Berger. Solicitor Paul Datte. Borough Manager Robert Williams and Borough Secretary Sherry Edwards.

Visitors: Janis McGowen of SSN, Rick Bubeck 415 of Marshall Dr; Michael Hart of 110 Walters Ave; Police Chief John Koury, Randy Lindenmuth of 340 Ridge Rd; Dave Teter Streets/Utility Manager; Bookkeeper Kathi Mengle, Bill Knecht of 204 S Warren St; Matt & Ashley Oswald of 215 N Wayne St;

President Rudloff thanked the Orwigsburg Veterans Memorial Taskforce this past weekend they had their salute to veterans over 300 people attended the dinner. Committee is a product of how it should work when the public gets involved. We support them and thank them for all their efforts.

**Minutes**

A motion to approve the Minutes from the October 3<sup>rd</sup> & 10<sup>th</sup> 2018 meetings as presented was made by Susan Murphy, second by Rod Schaeffer. Unanimous.

**Treasurer's Report**

The September 2018 Treasurer's report was presented to Council.

**Tax Collector's Report**

The October 2018 Tax Collector's report was presented to Council as follows:

Real Estate	\$2000.10
Per Capita	\$315.80
Occupation	\$114.58

**Tax Exoneration List - #10**

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #10 was made by Susan Murphy, second by Brian Baldwin. Unanimous.

## **Building Permits**

Following is the October 2018 permit report:

0 New Permit issued at \$00.00 total value  
3 Renovation Permits issued at \$16,000.00

## **Old Business**

### **Solicitors Report – Paul Datte**

The Solicitor commented on the Mayors policy of displaying the flag at half-staff upon the death of a Veteran so that suitable military honors be rendered as appropriate  
Issue of mayor displaying flags at half-staff. Position has been the same  
Borough is permitted to put flag at half staff whenever they feel it is appropriate for appropriate reasons. There are statutes, there's a Presidential Proclamation, all of those mandate those occasions on which the flag must be put at half-staff but there is nothing in those statutes that prevent the flag from being maintained at half-staff under other occasions being maintained by the borough to be appropriate. The Solicitor read from the Presidential Proclamation from 1954 last paragraph. Nothing in there states that is the only time the flag can be flown at half-staff. The Borough has the right to establish appropriate occasions on which the flag can be maintained at half staff and that is in addition to those statutory regulatory requirements for when the flag must be maintained at half-staff.

#### **Pine Creek Retirement Community**

The date of council's meeting in October an Order was entered. The Court of Common Pleas of Schuylkill County has ruled in the Boroughs favor on the appeal. Last Friday the developer appealed that order to the Pennsylvania Commonwealth Court.

#### **Blue Mountain Retirement Community**

Oral argument took place in September in front of Judge Domalakes. Still waiting for decision.

#### **Villas of Orwigsburg**

No updates

## **Economic Development – Orwigsburg Industrial Park LERTA (Local Economic Revitalization Tax Abatement)**

At last weeks meeting council decided to table until this meeting, with 2 councilors absent it was suggested to revisit in January. Spoke with Clearly Clean and they're not in hurry, wont break ground before January. Staff will probably recommend Industrial Park as the only area to be designated. Didn't communicate with the school district to date.  
Solicitor Datte mentioned this is done in conjunction with the school district and county.  
Consensus is to revisit the LERTA program in January 2019

### **Public Comment for the following Motion**

Bill Knecht 204 S Warren St asked Council to define what projects the three different amounts represent?

*\$104,629.00 Kimmels Rd & Clark Dr*

*\$9,500.00 Walters Ave & patchwork at Mifflin St & Wayne St*

*\$4,000 Church St – regrade, shape and pave*

Mike Hart of 110 Walters Ave questioned what section of Walters Ave the \$9500.00 pertain to?

Dave Teter responded the work was already done at the far end of Walters at the Zanolini property for storm drainage issues.

### **Committee Reports**

#### **Streets, Lights & Buildings**

A motion to approve payment to Schuylkill Paving for the 2018 Borough Road Improvement Projects in the amounts of \$104,629.00, \$9,500.00, & \$4,000.00, for a total of \$118,129.00, as approved by PENNDOT was made by Brian Baldwin, second by Rod Schaeffer. Unanimous.

### **New Business**

None

### **Police Department Report**

The October 2018 Police Report is attached to minutes.

### **Fire Company Report - none**

President Rudloff asked to say a Prayer for the men and women of the Fire Department and to the Berks County departments who responded to a major accident on Rt. 78 this evening.

### **Public Comment**

Mike Hart of 110 Walters Avenue – he is the driving force behind the flag issue. Everyone in this room has a vested interest in the flag. Mike spoke with Bob today and hashed out several different things; Mike has an action in with the Attorney Generals office. Mike does not agree with paragraph 5 where it says other officials and he feels that's geared more towards federal officials.

Solicitor Datte – even the Presidential Proclamation was a recognition that specific occasions on which the flag must be flown at half staff and not meant to be exclusive.

Mike does not agree with the Mayor lowering the flag at his discretion. He did find out from Jeff Hendricks Deputy Director for Americanism – the provisions of the flag code on flying the flag at half staff are, like all the codes provisions a guide only they do not apply as a matter of law to the display of the flag at half-staff by private individuals and organizations. No federal restrictions or court decisions are known that limit such an individuals lowering his own flag or that makes such display alone a form of discretion. Mike then apologized to the Mayor for making such a stink over this. He

also apologized to Bob and anyone else he might have irritated with his face book post.

Matt Oswald of 215 North Wayne Street asked if something can be done on the square as far as pedestrian crossing? Numerous times when people are walking across the street cars just fly right through.

Chief Koury responded its not always the cars fault because a lot of times the pedestrian is standing on the sidewalk waiting to cross – if the pedestrian is actually in the crosswalk (off the sidewalk) then cars have to stop. Within the last couple months officers have been stopping cars and citing them.

Matt also addressed how hard it is to make a left hand turn onto Market St at the blinker. Cars are going too fast making it hard to pull out.

Chief Koury – curbs are painted to law, Market St is narrow which sometimes makes it seem like cars are going faster than the speed limit but he's not saying we don't have a speeding problem.

Councilor Murphy gave council the amount owed on delinquent taxes and the amount still owed for this year for the borough and school district. She also mentioned two homes have been for sale on Ridgeview Dr for quite some time, both homes taxes are roughly \$13,000 per year. We need to be careful how much we raise taxes or homes will just sit.

## **COG**

The next COG meeting is scheduled for Thursday, November 15, 2018 at 7:00 pm at Borough Hall in Council Chambers.

## **Community Activities/Events**

Small Business Saturday hosted by Vintage This Repurpose That is scheduled by Saturday, November 24, 2018.

## **Orwigsburg Children's Christmas Party**

Veterans Community Memorial Hall on Saturday, November 24, 2018 – 5:00 PM to 8:00 PM. Free Hot Dogs and Drinks – Movie: *"Santa Clause 2"* (Sponsored by Market Street Wash Rite and Classy III, Inc.)

## **Orwigsburg Business & Professional Association**

Festival of Lights is scheduled for Saturday, December 1, 2018 from 4:30 pm to 7:00 pm on the Square.

**Correspondence –**

A letter received from Barbara Lafko of 425 Ridge Rd regarding the utility increase and how she feels the increase in rates should be based on usage only not on the flat rate. Letter attached to these minutes.

Brian responded – Increased accommodate deficit – rates are comparable to most communities

**Bills**

A motion to approve and ratify the accounts payable for General, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capitol Improvement accounts was made by Susan Murphy, second by Angie Hoptak – Solga. Unanimous.

There being no further business the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary