

## **Orwigsburg Borough Council**

### **Meeting Minutes**

### **December 8, 2021**

The Orwigsburg Borough Council met on Wednesday, December 8, 2021, in Council Chambers. President Bubeck called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

Attendance: President Rick Bubeck; Vice President Rod Schaeffer; Councilors: Maddie Bartush, Katie Bedway, Kerry Mariano, Brock Stein; Mayor Barry Berger, Solicitor Paul Datte; Borough Manager Randy Miller; Borough Secretary Sherry Edwards. Angie Hoptak- Solga late 8:28pm.

Visitors: Tim Wilhelm of 3029 Ridgeview Dr, Bill Knecht of 204 S Warren St; Dave Walasavage and Shannon Darker of ARRO Consulting; Chris Bentz of Alfred Benesch; Bryon Killian of Entech Engineering, Ron Devlin of the Republican Herald, Police Chief Vince McDonald, Ed Keyworth of 685 Ridge Rd; Ed Winkelbauer of 304 S Warren St; Jim Leymeister of 200 Ronald Ave; Craig Eichert of 216 Long Ave; Janis McGowan of SSN; Kevin Yoder and Victor Mutts of Nature Conservancy

#### **Approve the Final Meeting Agenda**

Changes to the agenda:

- Solicitors Report – eliminated update 119 S Liberty St and 100 E Market St
- Chris Bentz Report – Expanded the recommendation to award into 2 separate motions, a motion to award bid and motion to approve change order #1 for reduction in scope of work
- Boro Manager Report– Removed Resolution 2021-24 for Act 511 taxes already covered under financed. Renumbered motions to occur in order, 2021- 24, 2021 - 25 and 2021-26.

A motion to approve tonight's agenda with the additions listed above was made by Maddie Bartush, second by Brock Stein.

Roll Call Vote

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

President Bubeck - Yes

Unanimous

#### **Public Comments –**

Craig Eichert of 216 Long Avenue questioned the fence around the culvert – concerned with gaps that kids can get in.

Randy responded kids can get in at either end and walk through the culvert anyhow. Both ends are open due to the landscape drop zone.

Craig also asked when the creek is dredged next time will they do under the culvert?

Randy responded where we will be allowed to dredge, we will dredge.

Craig also asked if the Industrial Dr project will start in 2022

Randy responded yes, a meeting is scheduled with PennDot on January 26, 2022 @ 9:00am, surveys and alignment have been discussed along with curbs, sidewalks, water and sewer extensions. Talked with possible developers on where they would want water connections for sprinkler systems.

Kevin Yoder – Forester from Nature Conservancy

Nonprofit Organization with offices in Harrisburg and the Poconos

Goal is conservation of the ridges in this area specifically Second Mountain on which the borough property discussed is located.

Conservancy is interested in protecting that ridge and keeping it forested so that wildlife and other species can move through that corridor

Kittatinny Ridge – most important landscapes across Appalachian.

First component - Working Woodlands program to preserve the ridge

Program consists of Conservation easements, forest carbon credits and third-party forest certification

Conservation easement – legal restriction that is associated with deed on the property for permanent protection, want it to stay forested.

Second component is Forest certification – working with borough and third party to show any timber harvesting and forest management is done sustainably

Third component - Forest carbon – possibly Orwigsburg could go in with other municipalities to compile enough acreage together in a carbon project; to make a carbon credit project work you need a lot of acres usually 3000 acres or more.

Carbon component would be difficult for Orwigsburg to implement due to size of property but not completely off the table.

Conservation easement would not impair the borough the ability to obtain carbon credits in the future. Landowner enrolled in this program are water providers that have reservoirs and provide potable water on site; easement says except for any infrastructure necessary to provide water so it would not infringe on the ability to produce water

Timber harvesting is permitted but needs to be in accordance with the Forest Management Plan and with Nature Conservancy approval.

The borough is currently timbering, and the specification was forwarded to Kevin

The borough does not use the reservoir for potable water, could the borough sell the water?

Topic would be negotiable within the easement, borough would want to keep as a viable option and make note of it.

Carbon Credit revenue comes from corporations that have sustainability goals. Credits are purchased to offset their emissions they cannot reduce themselves.

Victor Mutts: First step is secure easement, then appraisal of property (suggest local surveyor) to obtain a value to base their offer.

If Schuylkill Haven Borough agrees to the carbon project Kevin could definitely look at putting the borough together with them. A cost analysis would need to be completed, there is a high up-front cost to getting one of these projects started. Carbon project could not go forward for the borough without Schuylkill Haven. Kevin could also look into funding availability. If property would be sold in the future the conservation easement is permanent and goes with the property. Carbon project is 40 years.

If property has public access and is used by the public for hunting for example it allows Kevin to apply for more grants because public access is a priority for DCNR.

Consensus of council is to move forward.

### **Minutes**

A motion to approve the Council Minutes from the November 3, 2021 Work Session meeting and November 10, 2021 Council meeting was made by Kerry Mariano, second by Maddie Bartush.

Roll call vote:

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck – Yes

Unanimous.

### **Treasurer's Report**

The October 2021 Treasurers report has been presented to Council for their review.

### **Tax Collector's Report**

The November Tax Collector's Report was presented as follows:

Real Estate	\$ 1,439.08
Fire Tax	\$ 133.15
Per Capita	\$ 385.00
Occupation	\$ 115.83

### **Tax Exoneration List**

A Motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #10 was made by Brock Stein, second by Kerry Mariano.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes

Unanimous.

### **Building Permits**

Building permits for November were as follows:

- 0 New Permit issued at \$0 total value
- 5 Renovation Permits issued at \$106,686.50 total value

## Police Report

Chief Vince McDonald presented the November Police report as follows:

### Hours Worked:

Regular Hours – 950.5  
Overtime – 122 (85 November 2021)  
Late Call – 1  
Cover Shifts – 32  
Court - 3  
Administrative – 11  
Holiday – 72  
Training – 3  
Callout – n/a  
Vacation – 72  
Personal – 0  
Holiday (Straight Time) – 76  
Sick – 0  
Bereavement – n/a

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2,064 Total Mileage for Police Vehicles  
403 Total Vehicle Patrol Hours  
15.5 Total Foot Patrol Hours  
117 Traffic Enforcement Hours  
25 Traffic Citations issued  
37 Warnings issued  
22 Parking Tickets issued  
Bike Patrol – n/a

### ~~~~~ 153-Incidents – Handled by 6 Officers

8 – Reportable Crimes  
1 - Theft  
1 – Identity Theft  
3 – Harassment  
1 – Aggravated Assault  
1 - DUI  
1 – Criminal Mischief

### Charges Filed:

Criminal Complaints – 3  
Non-Traffic Citations – 2  
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Borough Ordinance Violations/Investigations – 23 for expired inspections and registrations

### Updates:

Based on a recommendation by Councilor Mariano, the Orwigsburg Police and Mayor Berger would like to recognize Officers Lewis and Bayer on their outstanding performance going above and beyond during a traffic stop involving a hazardous situation involving a backhoe being towed in an unsafe behavior. Both officers will receive letters of recognition which will be placed in their personnel file

Based on donations collected during “No Shave November” OPD was able to partner with the Big Impact Group of Schuylkill County to donate Christmas presents to the Big Impact Group for 10 children from the Orwigsburg area along with our annual donation for the Toys for Tots Program.

As of December 1<sup>st</sup>, the Orwigsburg Police Department has received close to 50 letters in our letter to Santa Box. We will continue to accept letters up until December 11<sup>th</sup>.

## **Business**

### **Solicitor’s Report – Paul Datte**

Rettew Consulting – Randy generated an email chain with qualification statements; the last email received from Rettew indicated they had exhausted the amount of money the borough provided for services and when no responses came back on the RFP they stopped moving forward. There is one company Randy is aware of that is not certified we could send out an RFP to. Did not send out since in negotiations with Miller Environmental.

Blue Mountain Village – no update

Conservation easement – Further discussions with Kevin Yoder and Council.

Draft of the compensation ordinance is included in Council packets

### **Engineer – Bill McMullen, Dave Walasavage, Shannon Darker**

- a. Review Reports – Shannon Darker
  - i. Permit Reports
  - ii. Notice of Violations
  - iii. Rental Properties

Shannon was asked by Council to explain her procedure for issuing NOVs:

- Complaint received
- Shannon performs site visit – investigates and pictures taken
- Send Notice of Violation letter to property owner
- Following the NOV gives specific time pending the situation
- If remediation is being performed, she will work with them
- Following deadline, perform another site visit to see if rectified
- If not rectified a Citation will be filed at the Magistrates office
- And wait for guilty or not guilty plea
- If fine is paid and issue not fixed, another citation is filed

Solicitor Datte noted we have the right under the Property Maintenance Code to bring an equity action to compel owner to fix issues. Requires action by Council.

Councilor Mariano asked about the status of 233 and 229 N Walborn Ave.

Shannon did speak with the owner on Monday and owner stated the NOV has been resolved. Shannon will perform a site visit in the near future to make sure all issues are corrected.

## Projects

**119 South Liberty Street** - Demolition is complete, final topsoil and seeding complete. Motion to approve Payment Application for \$26,125 (there is retainage of \$1,375).

A motion to approve Payment Application to MEI for \$26,125.00 for demolition of 119 S Liberty St was made by Kerry Mariano, second by Katie Bedway.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes
Unanimous.	

Neighbors siding - The borough did try to pressure wash it and clean up the best we could; we didn't hear anything from the property owner.

Next steps to recoup borough money:

Our liens have priority over any other liens with exception of taxes

Find out exactly what's owed to the School District and County

Compare those numbers to what the value of the property is

Enforce liens by Rite of Execution – take vacant lot to Sheriff Sale

Existing mortgage would be divested in the sale

Paul will get that number

**Industrial Drive** - Kick-off meeting with PennDOT is scheduled for January 26, 2022. Submitted form work to PennDOT in advance of the meeting. Met with Entech and property owners about water/sewer and stormwater utility conflicts.

**201 & 203 Long Avenue** – construction completed; retainage held for punch list items. No update

## Capital Improvements List

### Road Projects

Recommendation for payment per the contractor's Application for Payment is \$98,970.55. Change Order #1 for a compensating change order \$13,213.09 for the additional quantities (predominantly on Erb Street and Lee Court). The 42' stub of Straub Avenue (off of Mifflin Street) (\$3,206.85) and Douglas Road (\$7,448.43), both totaling \$10,655.28 (payout of general funds), will be paid with General Funds.

A motion to approve change order #1 for H & K Group for a compensating change order in the amount of \$13,213.09 for additional paving on Lee Court was made by Kerry Mariano, second by Katie Bedway.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes
Unanimous.	

Randy created a map of alley ways and paper alleys

1.3 quarter mile of alleys of Darrel alley type open passable borough does not maintain

2.5 miles paper alleys unopened / unowned

A motion to approve payment application to H & K Group Inc. for \$98,970.55. The amount of \$10,655.28 for Straub (\$3,206.85) and Douglas (\$7,448.43) to be paid with general funds was made by Maddie Bartush, second by Rod Schaeffer.

Roll Call Vote:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

President Bubeck - Yes

Unanimous.

A motion to approve payment application for \$98,970.55, less the \$10,655.28 paid from general funds; the amount of \$88,315.27 to be paid with liquid fuels to H & K Group Inc. was made by Brock Stein, second by Kerry Mariano.

Roll Call Vote

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

President Bubeck – Yes

Unanimous.

## **Storm Projects**

**Wayne and Mifflin** – Awaiting manhole and inlet fabrication information for performing work at just Mifflin and Wayne intersection. Hold project till spring.

## **Planner – Chris Bentz**

### **RACP update for Veterans' Memorial Building**

Receive bids November 10, 2021

- Miller Bros Construction - Base Bid \$856,882.75 – Alternate \$137,076.00
- Heim Construction – Base Bid \$879,497.80 – Alternate \$133,460.00
- Grant amount \$750,000.00

Chris recommends awarding bid to Miller Bros at \$746,237.95 which is the number after change order item deductions are approved in second motion.

There will be change orders on this project going forward. Some items are not allowed to be paid as the match. The taskforce is working on clarifying what they want to do for their inside improvements that were not eligible through the grant. We can add items back with funds available.

A motion to award bid to Miller Bros with change order #1 deducting items as listed on change order reducing contract amount to \$746,237.95 was made by Maddie Bartush, second by Brock Stein.

Roll Call Vote

Councilor Mariano – Yes

Councilor Stein – Yes

Councilor Bedway – Yes

Unanimous.

Councilor Bartush – Yes

Councilor Schaeffer – Yes

President Bubeck - Yes

**Blue Mountain Village** – no update no update

Decatur St. Stormwater design work – Draft Drainage Easements/Temporary Construction Easements provided to Borough Manager/Solicitor Datte. Benesch is investigating funding through US Department of Transportation for shovel ready projects

**Flood mitigation efforts**

Submitted applications for BRIC and FMA on November 18, 2021 – One encompasses the whole borough, and the other is for an isolated area-Long Ave. Match is 25%.

Submit LOI for HMGP on November 29, 2021. – for selected demolition of properties or where improvements would be needed

We did notify property owners of 508, 510, 512 W Market St on potential for funding

**Zoning Ordinance Changes** – Discussion on December 15, 2021, PC meeting.

**Water/Sewer – Bryon Killian**

Lead and Copper service line replacement initiative – August 2024 deadline

- Bryon has been successful with other clients in securing funding
- Borough has 1128 total connections
- Reviewed 450 homes prior to 1950
- 145 do not have lead which was determined from the 2009 meter replacement project
- Creating LSL Inventory Database
- Working with Borough staff on inventory, home age, and parcel numbers
- Developed on-line database to track inventory

CCTV and Subsurface repairs update

- CCTV work – Majority of CCTV completed; Interceptor work still needs to be completed
- Awaiting CCTV data to review with Borough staff to make decisions on if there are subsurface repairs, we can complete such a spot lining or manhole to manhole lining
- Await 1<sup>st</sup> payment application

Marshall Dr. Sewer Replacement

- Field survey and base drawings completed
- Week of 11/8/21 – Conducted meeting with Borough on draft alignment – need water quality mgmt. permit call into dep regarding planning.
- Submit for permitting upon agreeing on alignment



Sewer Plant

Phase 1

- Continuing Review of submittals
- Awaiting construction schedule – concerns with predecessor

Phase 2

- Review of submittals
- Await payment application

**Borough Manager – Randy Miller**

Report

Tree Harvesting

- Ritchie Logging & Sawmill for \$204,118; awaiting signed contract – there is a negotiation on repair of a pipeline on a property; expect down-payment by end of December.  
Jeff still working on negotiations - expected to be signed by middle of December

2022 Budgets – under Finance

RFP for auditing services – due January 3, 2022

Meeting dates will be advertised: Note: Re-organization will be January 3, 2022, at 7:00 p.m.

A motion to advertise meeting dates for 2022 was made by Brock Stein, second by Kerry Mariano.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes

Unanimous.

**Ordinance for changes to Council pay –**

Motion to advertise the Ordinance and special meeting to adopt.

Datte: Borough Code established maximum amount to Council President and Mayor, currently Mayor and Council President are at \$2000 per year and Council at \$1500.00. Borough Code permits \$2500.00 per year for the Mayor and President; and Council \$1875.00 per year

Increase compensation is done by ordinance. Only members who start in January would be eligible for increase. A special meeting will need to be schedule by the week of the 20<sup>th</sup>.

A motion for advertise ordinance increasing council pay and hold special meetings on December 22<sup>nd</sup> at 6:00pm was made by. Motion died due to lack of vote.

Two borough trucks in the shop for repairs:

2008 F550 – whole in radiator; not back waiting for parts

2001 electrical fire in the wiring for glow plugs

## Committee Reports

### Finance & Budget – Brock Stein

Resolution 2021-24 enacting the Act 511 Taxes for 2022 as follows:

Per Capita Tax \$10.00  
Real Estate Transfer Tax ½ of 1 percent  
Earned Income Tax ½ of 1 percent  
Amusement Tax at \$25.00 per devise  
Local Service Tax \$47.00

A motion to adopt Resolution #2021-24 Enacting the Act 511 Taxes for 2022 was made by Maddie Bartush, second by Katie Bedway.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes

Unanimous.

A motion to adopt Resolution #2021-25 maintaining the 2022 Real Estate Taxes at 10.5 mils for General Fund and 1 mil for Fire Fund was made by Katie Bedway, second by Maddie Bartush.

Roll call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes

Unanimous.

Budgeting –

Draft budgets have been advertised; 30-day Public Review/Comment Period

Updated Sanitation Budget; updated General, Water and Sewer Funds for change to elected officials' salary

A motion to approve Resolution 2021-26 adopting the 2022 Budgets; effective January 1, 2022

	<u>Receipts</u>	<u>Expenditures</u>
General Fund:	\$1,806,673	\$1,806,673
Fire Fund:	\$95,750	\$95,750
Water Fund:	\$824,475	\$824,475
Sewer Fund:	\$916,813	\$916,813
Sanitation Fund:	\$442,250	\$442,250

Randy did make minor adjustments to accommodate Council salary increase – revert back to what Council salary before adjustment

A motion to approve resolution 2021-26 adopting the 2022 Budget effective January 1, 2022 was made by Maddie Bartush, second by Katie Bedway.

call vote

Councilor Mariano – Yes	Councilor Bartush – Yes
Councilor Stein – Yes	Councilor Schaeffer – Yes
Councilor Bedway – Yes	President Bubeck - Yes

Unanimous.

**Personnel – Rick Bubeck**

Bargaining meeting Friday December 10<sup>th</sup>

**Communication & Technology – Angie Hoptak-Solga – Not present**

**Economic Development/Revitalization – Maddie Bartush**

Industrial Drive ARC grant – Engineers updated no update

**Water, Sewer & Sanitation – Rod Schaeffer**

Report of Water / Sewer Operations

Miller Environmental report for Council's review

Hiring Miller Environmental for Licensed Operations

Council decided to wait until after the New Year to take action – tabled until 2022

Sanitation Bids

Received only one bid from County Waste – 2022 budget based on bid amount of \$385,911 for a one-year contract

Current rate is \$65.00 per quarter increase will be \$77.25 per quarter

A motion to approve one year contract with County Waste for \$385,911.12 was made by Katie Bedway, second by Brock Stein.

Roll call vote

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Yes

President – Yes

Unanimous.

**Streets, Lights & Buildings – Rick Bubeck**

List of work – Borough crew did really good job taking down the banners; rented lift from Kuzans

Woods & Wildlife – working on Forest Mgmt. Plan and Easement

**Recreation & Health – Katie Bedway**

Blue Mountain Rec Budgets received

A motion to acknowledge receipt of the Blue Mountain Recreation 2022 budget was made by Brock Stein, second Maddie Bartush

Roll call vote

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

President Bubeck - Yes

Unanimous

**Planning & Zoning – Katie Bedway**

Planning & Zoning will meet on December 15<sup>th</sup> to review recommendation for the Borough Zoning Ordinance.

**Safety & Policy – Kerry Mariano – No update**

**Bargaining & Negotiations – Mayor Berger – No update**

**Police Department – Mayor Berger – No update**

**COG – Sue Murphy**

**Correspondences – None**

**Bills** - A motion to approve and ratify the accounts payable for General, Fire, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capital Improvement accounts. Brock, second by Katie Bedway.

Roll call vote

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Stein – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

President Bubeck - Yes

Unanimous.

**Payroll – Last three employee payrolls were given to Council for their review**

**Community Activities/Events**

Santa arrives, December 11<sup>th</sup>

Utility delinquent report and the Tax Collectors Real Estate report as of 12/08/2021 was given to Council for their review

Bill Knecht of 204 S Warren St – requested copy of utility delinquents and real estate tax report as of 12/8/2021.

Solicitor Datte responded - to come into the office and fill out a Right-to-Know request.

President Bubeck thanked Rod Schaeffer, Katie Bedway for their service on Council.

Next meeting: Council Reorganization and Workshop meeting, January 3, 2022 @ 7:00pm

There being no further business the meeting was adjourned at 8:40 pm on a motion made by Maddie Bartush, second by Brock Stein. Unanimous.

Respectfully submitted,

Sherry M Edwards  
Borough Secretary