

Orwigsburg Borough Council
Meeting Minutes
February 10, 2021

The Orwigsburg Borough Council met on Wednesday February 10, 2021 via Zoom. President Bubeck called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

In Attendance: President Rick Bubeck, Vice President Rod Schaeffer; Councilors Kerry Mariano, Brock Stein, Maddie Bartush, Katie Bedway (late); Mayor Barry Berger; Solicitor Paul Datte, Borough Manager Randy Miller, Borough Secretary Sherry Edwards.

Visitors: Dave Walasavage & Shannon Darker of ARRO Engineering; Chris Bentz of Alfred Benesch; Bryon Killian of Entech Engineering; Police Chief John Koury, Borough Utility Supervisor Dave Teter, Fire Chief Jesse Zimmerman; Janice McGowan of SSN; Jim Leymeister, Emily Graham of Republican Herald; Jamie Bainbridge; Bill Knecht of 204 S Warren St.

Public Comments: None

Minutes

A motion to approve the Council Minutes from January 13, 2020 zoom meeting was made by Maddie Bartush, second by Rod Schaeffer.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Not present

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

Treasurer's Report

The December 2020 Treasurers Report has been presented to Council for their review.

Tax Collector's Report {January}: No report

A motion to authorize the Tax Collector to submit names of Delinquent Taxpayers was made by Brock Stein, second by Maddie Bartush.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Not present

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

Tax Exoneration List - None

Building Permits

The January Permit report was as follows:

0 new permits at 0 total value
Renovation Permits issued at \$132,200.00 total value

Budget Review – Target Objective (end of January) – 8.5%

General Fund Revenues	2.9%,	Expenditures	7.3%
Fire Fund Revenues	0%,	Expenditures	0%
Water Fund Revenues	0.5%,	Expenditures	3.6%
Sewer Fund Revenues	0.5%,	Expenditures	2.7%
Sanitation Fund Revenues	0.6%,	Expenditures	7.4%

Police Report

Chief John Koury's presented the January Police Report to Council:
(January Police report is attached to these minutes)

785 Regular Hours
130 Overtime Hours – Up 18.5 hours from last month Dec 2020 / Up 54 hours from last Jan 2020
6 Hours from 5 Court Appearances
36 Contractual Holiday Pay (Christmas Eve, Christmas Day)
88 Hours to cover Covid, Act 17, and sick time
8.5 Cover vacation and Late Incident
12 Training Hours
8 Vacation Hours
26 Sick Hours
176 Covid Hours
70 Holiday Hours
56 Act 17 Hours
1,263 Total Hours
~~~~~  
3,444 Total Miles for police vehicles  
341.5 Total vehicle patrol hours  
7.5 Total foot patrol hours  
196 Traffic enforcement hours  
0 Bicycle patrols hours  
~~~~~  
210 Incidents – Up 28 from last month Dec 2020 / down 89 from last Jan 2020
Of the 210 Incidents 5 were reportable crimes
1 Thefts
1 Burglary
1 Identity Theft
1 Missing Person
1 Harassment
~~~~~  
17 Traffic Citations issued  
60 Traffic Warnings issues  
0 Non-Traffic Citations filed  
5 Parking Tickets issued

The Office of Attorney General in conjunction with the office of the County's District Attorney offered a free drive thru for the distribution of Narcan on Wednesday, February 17<sup>th</sup> at the Veterans Memorial Building for anyone who wants to pick up.

All the equipment for the Body Cams that were donated back in October 2020 would not be able to be installed until March of this year. Chief contacted Kovatch and they installed all the equipment needed in all three police cars for the body cams and antennas. Training will not happen until May of this year; Chief Koury is currently working on making it happen sooner.

### **Mayor's Snow Emergency Declaration dated February 2, 2021**

A motion to ratify Snow Emergency Declaration was made by Brock Stein, second by Rod Schaeffer.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Not present

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

### **Chief Koury Retirement**

Chief Koury submitted his letter of retirement, retirement date will be March 12, 2021. All of Council congratulated Chief Koury on his retirement.

### **Maintenance Reports**

Water/Sewer - Dave Teter

Due to the numerous snow events, we have been moving snow and repairing water main breaks:

- Ridge Rd
- S Wayne St
- Possibly another major break on S Wayne St – looking into this one tomorrow and repair asap

President Bubeck was asked by Officer Noecker if curbing could be painted yellow at Fishers Dam for Fire Company training. Dave said it is something that should definitely be looked at. President Bubeck will forward the information to Dave and he will make sure it falls into the right hands for action.

### **Streets, etc. - Shawn, Slade, Devin**

Randy noted no reports submitted due to snow plowing and cleaning up town: All did a wonderful job.

President Rick Bubeck thanked Jack DiMiao of the Mustard Seed and Chris Bartush for buying lunch for the crew during snow removal. Also, thanked Excavation Tech, Bartush and the Borough Crew for doing a great job with the snow removal.

## **Fire Company Report - Fire Chief Jesse Zimmerman**

Fire Chief Jesse Zimmerman presented the January Report:

15 Total called for January

30.17 Man hours for January

|                         |             |                 |
|-------------------------|-------------|-----------------|
| Brunswick Township      | 1 incident  | 1:40 Man- hours |
| North Manheim Township  | 4 incidents | 9:03 Man-hours  |
| West Brunswick Township | 4 incidents | 5:40 Man-hours  |
| Orwigsburg Borough      | 6 incidents | 13:54 Man-hours |

## **Business**

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

**Blue Mountain Village** – Nothing new to report on the plan: still have 2 pending Commonwealth Court appeals, status reports were filed within the last few days and the Court order further status reports to filed in June.

### **200 W. Market St. Update** – grease trap

Sent letter to Mr. Reppy giving him till the end of the month to voluntarily permit us to access the property for grease trap inspection. Solicitor was contacted by a prospective buyer's attorney for the property and tried to find out what the status was and was directed to reach out to Mr. Reppy's attorney to enlist her cooperation in gaining Mr. Reppy's permission to access the property. If we do not get any kind of positive response, we can apply for an administrative search warrant to conduct great trap inspection.

**119 S. Liberty Street/100 E Market St Update** – Mr. Frantz filed an amended plan; as of today the trustee has filed objections. In this plan Mr. Frantz is abandoning both properties if plan approved. Even if plan is not approved and converted to Chapter 7 those properties will still be abandoned and in favor of the lien holders. Solicitor Datte would like to get appropriate motions filed with the Bankruptcy Court to get us access to 100 E Market and work with the Attorney for Mr. Frantz to get title to 119 S Liberty St.

A motion to authorize Solicitor Datte to file appropriate motions in Bankruptcy Court to obtain access 100 E Market St and take necessary action to secure title to 119 S Liberty was made by Rod Schaeffer, second by Maddie Bartush.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Not present

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

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

Permitting & Property Code Violations – Council received report for their review.

Grease Trap Report - Solicitor Datte provided the update

2020 Stormwater Improvement projects:

2021 Liquid Fuels Paving Estimate

- Marshall Drive, Eisenhower Drive portion of Halsey Drive and Ridge Rd. Straub Avenue from W. Cherry to Mifflin and portions of W Mifflin St at intersection with Straub. Estimated cost is approx. \$82,000.00.
- Church St & Columbia Ave – storm sewer improvements, paving restoration and partial overlay Estimated cost \$42,898.00
- Lee Court – replace in-road stormwater facilities; Potential Borough workforce project; Estimated cost \$39,000.00. Bid project, paving restoration \$94,750.00

Appalachian Region Grant update – received a letter from PennDOT regarding their commitment to administering the project.

### **Planner – Chris Bentz**

**RACP update for Veterans' Memorial Building** – no hard copy to date; hopefully by next meeting; hardcopy will go directly to Randy. Once we get their signature we sign and send back

**BLQ** – Developer has been notified they were granted the 90-day extension and also notified that the Borough would like to see progress on the project.

**Blue Mountain Village** – No Updates – Submission to the Schuylkill County Conservation District has not been made to date.

### **Apply for grants – Parks/Recreation**

A meeting was held with the Recreation Committee: Ideas were addressed for the Ridge Rd donated AMD LLC land. Playground structures were distributed to Council. Deadline for grant is April 14<sup>th</sup>. Blue Mountain Recreation money can be used for the Borough match. Another Recreation Committee meeting will be held to finalize details.

### **Stormwater follow-up – Decatur**

A proposal has been provided to survey and design a stormwater retention and collection system. Disturbance will be kept under 1 acre so no NPDES permitting is required. Improvements will be designed to allow installation by the Borough workforce or a contractor. Hoping to have survey done in April/May timeframe; construction to be done in June or July when its dry and school is not in session.

### **Comprehensive Plan Update –**

Waiting for more feedback to make sure of the goals for the comprehensive study in order to make recommendations to move forward. Water & Sewer is being addressed by the Authority and Entech. Roadway and transportation are being addressed by the borough with stormwater projects.

**Water/Sewer – Bryon Killian**

**Updated Rules and Regulations**

The Water and Sewer Systems Rules & Regulations were presented to Council in April of 2018 and approved by Resolution #2018-13. Minor updates have been made regarding the no payment penalty and falsifying information. Updates have been reviewed by the Solicitor and are ready to be implemented.

A motion to implement updates to the Water and Sewer Systems Rules & Regulations was made by Rod Schaeffer, second by Brock Stein.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous

**North Warren Street Sewer Replacement Bid – Update**

Change Order #1 (credit) – Motion to approve C/O #1 at \$468,384.15; a reduction of -\$6,465.85 – at the start of the project test bits are done to confirm utility locations; a realignment was needed by the WTP – added an additional manhole due to some deterioration; and changed a dig and replace section underneath the culvert and converted to a manhole-to-manhole lining.

A motion to approve Change Order #1 for a reduction of \$6,465.85 to Pack One LLC was made by Brock Stein, second by Maddie Bartush.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

Pact One LLC Payment Application #1 in the amount of \$96,098.40 – Entech recommends payment approval – paperwork has not been officially signed off by contractor.

A motion to approve Payment Application #1 in the amount of \$96,098.40 to Pact One LLC contingent upon signed paperwork is received was made by Rod Schaeffer, Brock Stein.

Roll call vote taken:

Councilor Mariano – No

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Motion carried.

Entech SDC/Observation EWO  
(Services During Construction)

A motion to approve Entech Engineering Work Order for Phase 4 Services During Construction at a cost of \$10,800.00 and Phase 5 Construction Observation at a cost of \$44,600.00 was made by Maddie Bartush, second by Rod Schaeffer.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

**Sewer Plant Upgrades – Updates**

Phase 1 – Upgrades

Mandatory Prebid meeting was today –

Eight general contractors participated

Bid Opening February 24<sup>th</sup>

A motion to approve Entech Engineering Work Order for Phase 6 Services During Construction at a cost of \$30,900.00 and Phase 7 Construction Observation at a cost of \$22,800.00 was made by Rod Schaeffer, second by Maddie Bartush.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

Unanimous.

**Phase 2 Upgrades**

Water Quality Management Permit to be submitted to DEP and approved prior to advertising; Current schedule is three months out for advertising the phase 2 upgrades.

Collection System Repairs – discussed N Warren St and some priority items for bond money to be used for Collection System repairs; still being prioritized with the Authority on what streets and lines to repair before bringing to Council.

DEP Dam Inspection Report – Solicitor Datte and the Borough Manager are working on this on who owns the reservoir; as soon as we get definitive action, Entech does have a Structural Engineer that Bryon can bring to the site to take a look.

**Borough Manager – Randy Miller**

Managers' Report – Council received a copy of report for their review.

Memorial doors were operated by a system run through Adobe program and no longer has support. Door programming stopped working for a few weeks. Doors are operational again with a firmware upgrade to the system. If anyone is having trouble with access, they are to contact the borough.

Ridgeview Fence incursion - no update

Forest Management – A meeting is scheduled for Friday with the Woodland Conservation Group he will come out and take a survey of the borough's properties for possible distribution of carbon credits.

**Committee Reports**

**Finance & Budget – Brock Stein**

Two checking accounts need to be open – one for the Fire Fund and one for OPEB: Post-employment benefit for medical. Once open transfer will need to take place.

**Personnel – Rick Bubeck**

Borough Manager's Contract will expire April 29, 2021 – An In-person Executive Session will be scheduled for February 16 at 6pm. Should it snow on the 16<sup>th</sup> meeting will be moved to Thursday.

**Communication & Technology – Angie Hoptak-Solga**

Comcast Contract due in 2021 - no update

Request from OBPA to piggy-back on our website – for their web page. Just be a shared host and will pay their own cost. Business Association will not be able to access our web page; they would have their own partition.

Consensus of all Council is to allow OBPA to piggyback off our website.

**Economic Development/Revitalization – Maddie Bartush – Nothing to report**

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

Report of Water / Sewer Operations

Miller Environmental Inc. Reports - Council received reports for their review.

Trash/Recycling Billing Procedures {tabled last month} - Motion to Adopt – brought up last month; will establish a new Community Clean up fee charging properties who do not utilize or pay for the borough's trash haulers services. These properties have their own hauler.  
Consensus of Council is not to move forward on this issue.



Water/Sewer Billing Procedures {tabled last month} – Common billing procedures put in place in a document for public inquiries.

Bryon suggested to review the Water/Sewer Rules and Regulations that were approved earlier tonight against these common billing procedures for accuracy.

A motion to approve the billing procedures will be tabled until the March meeting for further review.

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

Flagpole replacement – Still awaiting on pole completion.

Borough Hall Renovations – Pre-Bid Meeting was held on Monday 2/8/2021. Bids will be accepted and opened on March 1<sup>st</sup> and will be reported at the March meeting.

President Bubeck thanked guys on doing a great job with the snow removal.

**Recreation & Health – Katie Bedway**

Blue Mountain Rec – No Update

**Planning & Zoning – Katie Bedway**

**ZHB**

Amanda Buzalko, Zoning Hearing Board application was Approved

Frank Snyder, Zoning Hearing Board application was Approved

A Zoning Hearing Board application has been submittal for variances for Steve Ross for a garage at 133 S. Wayne St.

Planning & Zoning will not meet on Wednesday February 17, 2021

**Safety & Policy – Kerry Mariano – no report**

**Bargaining & Negotiations – Mayor Berger – nothing to report**

**Police Department – Mayor Berger**

Read Chief Koury's retirement letter for the record. Effective date of retirement March 12, 2021 – (letter attached to minutes)

John has been a tremendous asset to our residents and community. We wish him the very best.

In the process of forming an interview committee to find John's successor; we will be placing an advertisement on the PA Police Chief Association web page.

President Bubeck – Chief Koury has been a very conscientious employee here in Orwigsburg for the last 32 years and will be really tough to find someone to fill his shoes.

**COG** – Sue Murphy – No COG Meeting in February

**Correspondences - none**

**Bills** - A motion to approve and ratify the accounts payable for General, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capital Improvement accounts was made by Rod Schaeffer, second by Maddie Bartush.

Roll call vote taken:

Councilor Mariano – Yes

Councilor Bartush – Yes

Councilor Brock – Yes

Councilor Schaeffer – Yes

Councilor Bedway – Yes

Councilor Hoptak – Solga – Not present

President Bubeck – Yes

**Community Activities/Events**

**Executive Session** - Next Tuesday at 6pm at the Memorial Building

**Next Council Meeting is March 10, 2021, 7:00 p.m. (In-person) in Council Chambers**

A motion to adjourn the meeting at 8:30 pm was made by Rod Schaeffer second by Katie Bedway. Unanimous.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary

**Calls for Service - by UCR Code**

Incidents Reported Between 01/01/2021 and 01/31/2021

**All Municipalities**

| Code | Description                              | Primary<br>Count | Secondary UCR Count |        |        |
|------|------------------------------------------|------------------|---------------------|--------|--------|
|      |                                          |                  | Code 2              | Code 3 | Code 4 |
| 0522 | UNLAWFUL ENTRY-NO FORCE-RESIDENCE-DAY    | 1                |                     |        |        |
| 0591 | CIVIL COMPLAINT                          | 3                |                     |        |        |
| 0629 | THEFT-\$50 TO \$200-ALL OTHER            | 1                |                     |        |        |
| 1130 | FLIM FLAM                                | 2                |                     |        |        |
| 2410 | HARASSMENT BY COMMUNICATION              | 1                |                     |        |        |
| 2440 | DISORDERLY CONDUCT-DISTURBING THE PEACE  | 1                |                     |        |        |
| 2450 | HARASSMENT                               | 1                |                     |        |        |
| 2625 | BURGLAR ALARM                            | 1                |                     |        |        |
| 2626 | FALSE FIRE ALARM                         | 1                |                     |        |        |
| 2639 | ALL OTHERS - SANITATION(ORDINANCE VIO.)  | 1                |                     |        |        |
| 2820 | BOROUGH ORD. OPEN BURNING                | 1                |                     |        |        |
| 3400 | MENTAL HEALTH                            | 3                |                     |        |        |
| 3500 | SUSPICIOUS VEHICLE                       | 4                |                     |        |        |
| 3502 | SUSPICIOUS ACTIVITY                      | 9                |                     |        |        |
| 3610 | DISTURBANCES-JUVENILE                    | 1                |                     |        |        |
| 3620 | DISTURBANCES-OTHER (FIGHTS,DISPUTES,ETC) | 1                |                     |        |        |
| 3800 | MISCELLANEOUS                            | 12               |                     |        |        |
| 3810 | ALARMS-UNFOUNDED-EXCPT FIRE              | 3                |                     |        |        |
| 3840 | FIRES (INCLUDING ALARMS-FOUNDED/UNFOUND) | 2                |                     |        |        |
| 3880 | OPEN DOORS/WINDOWS - DISCOVERED          | 1                |                     |        |        |
| 3900 | TRAFFIC & PARKING PROBLEMS               | 2                |                     |        |        |
| 4004 | ACCIDENT- NON REPORTABLE                 | 2                |                     |        |        |
| 4014 | INVESTIGATE OPEN DOOR / WINDOW           | 3                |                     |        |        |
| 4018 | BOROUGH REPAIRS                          | 1                |                     |        |        |
| 4020 | SUSPICIOUS AUTO                          | 1                |                     |        |        |
| 4022 | SUSPICIOUS PERSON                        | 1                |                     |        |        |
| 4028 | OTHER INVESTIGATIONS                     | 1                |                     |        |        |
| 5016 | LOST & FOUND - MISSING ADULT MALES       | 2                |                     |        |        |
| 5510 | ANIMAL COMPLAINTS - OTHER                | 1                |                     |        |        |
| 6007 | ACCIDENT HIT & RUN                       | 1                |                     |        |        |
| 6310 | TRAFFIC ENFORCEMENT - VASCAR             | 0                | 1                   |        |        |
| 7002 | BUILDING CHECKS - OFFICER INITIATED      | 1                |                     |        |        |
| 7006 | VEHICLE LOCK OUT                         | 1                |                     |        |        |
| 7504 | ASSIST OTHER AGENCIES - OTHER POLICE     | 14               |                     |        |        |
| 7506 | ASSISTING OTHER AGENCIES - STATE POLICE  | 2                |                     |        |        |
| 7590 | ASSISTING OTHER AGENCIES - REPORTS       | 3                |                     |        |        |
| 8110 | WARRANTS - OTHER AUTHORITY - CRIMINAL    | 1                |                     |        |        |
| 8190 | WARRANTS - OTHER AUTHORITY - REPORTS     | 2                |                     |        |        |
| 8518 | DEPARTMENTAL SERVICES - RECORD CHECKS    | 1                |                     |        |        |
| 8590 | DEPARTMENTAL SERVICES - REPORTS          | 4                |                     |        |        |
| 9012 | ADMINISTRATION - OTHER MAINTENANCE       | 3                |                     |        |        |
| 9022 | AMBULANCE ASSIST                         | 17               |                     |        |        |
| 9024 | 911 HANG UP CALL                         | 2                |                     |        |        |
| 9026 | SERVICE CALL-WELFARE CHECK RESIDENT      | 3                |                     |        |        |
| 9027 | ASSIST ORWIGSBURG FIRE DEPARTMENT        | 2                |                     |        |        |
| 9090 | ADMINISTRATION - REPORTS                 | 1                |                     |        |        |
| CITT | TRAFFIC CITATION                         | 17               |                     |        |        |
| CITW | WARNING                                  | 60               |                     |        |        |

February 02, 2021

**Calls for Service - by UCR Code**  
Incidents Reported Between 01/01/2021 and 01/31/2021  
All Municipalities



| Code        | Description          | Primary<br>Count | Secondary UCR Count |        |        |
|-------------|----------------------|------------------|---------------------|--------|--------|
|             |                      |                  | Code 2              | Code 3 | Code 4 |
| INFO        | INFORMATION          | 6                |                     |        |        |
| MOTO        | MOTORIST ASSIST      | 2                |                     |        |        |
| PERM        | MISCELLANEOUS PERSON | 1                |                     |        |        |
| ROAD        | ROAD CONDITIONS      | 2                |                     |        |        |
| Total Calls |                      | 210              |                     |        |        |