

Orwigsburg Borough Council
Meeting Minutes
April 13, 2022

The Orwigsburg Borough Council met on Wednesday, April 13, 2022 in Council Chambers. President Rick Bubeck called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

Attendance: President Rick Bubeck; Vice President Brock Stein; Councilors: Kerry Mariano, Maddie Bartush, Ed Winkelbauer, Ed Keyworth and Angie Hoptak-Solga. Mayor Barry Berger; Solicitor Paul Datte; Borough Manager Randy Miller; Borough Secretary Sherry Edwards.

Visitors: Police Chief Vince McDonald; Bill Knecht of 204 S Warren St; Joseph Zawisza MD; Jan McGowen of SSN. Joe Gergus, Mrs. Gergus & Matt Gergus of 131 W Market St; Mike Barner of 1157 Red Dale Rd.

Approve the Final Meeting Agenda

Additions to the Agenda:

- Changes to the outline of the agenda
- Police Chief McDonald Report - New 2022 SUV Interceptor arrival
- Streets & Lights – 201 S Warren St light pole
- Several items added to Borough Manager's report
 - South Liberty St
 - Sale of items
 - Community Facilities Direct Loan Program
 - PSAB Conference
 - Old wooden chairs from Memorial

A motion to approve the meeting agenda was made by Ed Keyworth, seconded by Kerry Mariano.
Unanimous

Public Comments - None

Mayor Berger presented a Proclamation to Dr. Joseph Zawisza, MD recognizing National Osteopathic Medicine Week. Mayor Berger thanked the Zawisza family for being a huge force in our community's medical attention for several generations.

Matt Gergus was present to give presentation for his Eagle Scout project:

Proposing installing a GaGa Ball pit at Albrights Woods and preparing the existing horseshoe pit along with replacing park rules sign.

- Explanation of GaGa Ball – In a low enclosed octagon pit players eliminate other players by hitting them below the waist with a rubber ball.
- Upgrades to the existing horseshoe pit include clean out, install new timbers and sand.
- Sign at flagpole will be replace with a metallic sign.
- Planning on starting project beginning of May and finishing by end of May
- Fellow scouts, friends, and family will be helping with project

Cost of project is estimated at \$1,500.00

- \$600 to \$700 for wood
- GaGa ball kit - \$650.00
- Bench to be installed at the GaGa Ball pit area
- Building a table bench at the horseshoe pit

A motion to approve Matt Gergus's Eagle Scout Project and proceed to install a GaGa Ball pit, improvements to horseshoe pit and signage at Albright Woods was made by Kerry Mariano, seconded by Ed Winkelbauer. Unanimous.

Business

Minutes

A motion to approve the minutes from the March 2, 2022 Work Session and March 9, 2022 Council meetings as presented was made by Ed Winkelbauer, seconded by Maddie Bartush. Unanimous.

Treasurer's Report:

The February 2022 Treasurers Report has been presented to Council for review.

Tax Collector's Report:

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

Real Estate	\$192,577.06
Fire Tax	\$18,336.57
Per Capita	\$ 5,278.40
Occupation	\$ 1,394.46

Tax Exoneration List

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration list #1 was made by Kerry Mariano, seconded by Ed Keyworth. Unanimous.

Building Permits

Building permits for March were as follows:

- 0 New Permit issued at \$0 total value
- 4 Renovation Permits issued at \$77,150.00 total value

Police Report

Chief Vince McDonald presented the March Police Report as follows:

Hours Worked:

Regular Hours – 856

Overtime – 62 (27.5 March '21)

Late Call – 3 ½

Court - 18

Cover Shifts– 36

Training – 21 ½

Vacation – n/a

Personal – n/a

Sick - 131

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3,027 Total Mileage for Police Vehicles

364 Total Vehicle Patrol Hours

32 Total Foot Patrol Hours

122 ½ Traffic Enforcement Hours

46 Traffic Citations issued

39 Warnings issued

26 Parking Tickets issued

Bike Patrol – n/a

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206 - Incidents – Handled by 6 Officers

7 – Reportable Crimes

2 – Distribution of Sexually Explicit Images by a Minor

1 – Weapon on School property

2 – DUI

1– Burglary

3 – Theft

1 – Criminal Mischief

3 – Terroristic Threats

1 – Possession of Drugs

Charges Filed:

Criminal Complaints – 2

Juvenile Allegations – 2

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Borough Ordinance Violations/Investigations – 3

### Updates

2022 Police SUV delivered (retiring the 2016 SUV)

The Blue Mountain School District Memorandum of Understanding with the Orwigsburg PD has been received from the School District for review of the updates and approval.

A motion to approve the Memorandum of Understanding between the Orwigsburg Police Department and the Blue Mountain Elementary East and Middle School was made by Brock Stein, seconded by Maddie Bartush. Unanimous.

2022 Police SUV Interceptor delivered – retiring the 2016 SUV

Authorize Randall P. Miller as signer for Title of Police Vehicle

A motion to authorize Randall P. Miller as signer for the Title of the 2022 Ford SUV Interceptor Police Vehicle was made by Ed Keyworth, seconded by Ed Winkelbauer. Unanimous.

Retiring the 2016 police SUV and transfer title to the Orwigsburg Fire Co at a cost of \$1.00.

A motion to transfer title of the 2016 Police SUV to the Orwigsburg Fire Department for \$1.00 and authorize Randall P. Miller as the authorized signer for transaction was made by Maddie Bartush, seconded by Kerry Mariano. Unanimous.

## **Committee Reports**

### **Finance & Budget** – Brock Stein

2021 Audit has been completed and copies were provided to Council

1<sup>st</sup> Quarter budget results – Revenues currently are ahead of target – Expenses currently are under budget.

MRM Liability & W/C Dividends was received: \$12,392.68 for Liability and \$20,470.67 for Workers Comp.

### **Personnel** – Rick Bubeck

#### **Update**

Hiring Part-time Seasonal workers

Hire two part-time seasonal workers for the summer. Summer help from last year will not be returning. Will need to advertise. Duties include: mowing, weed whacking, tree trimming, painting curbs and line painting. 28 to 30 hours per week at a rate of \$11.00 per hour.

After a discussion on the rate being \$11.00 and maybe not being enough, Council decided to advertise at a hiring rate of \$11.00 per hour and see if anyone applies.

A motion to advertise for Part-time seasonal workers at \$11.00 per hour for 28 to 30 hours per week was made by Ed Winkelbauer, seconded by Brock Stein. Unanimous.

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

#### **Updates**

Phone system updates

Frazier – \$6,000 annual savings – better performance.

Estimated \$602.72 monthly phone costs. Add current internet cost of \$697.00 bringing monthly total \$1,299.00 if we went with Fraiser

Comcast – current provider - better performance but at same cost.

Not sure if its voice-over internet system protocol or if digital system on Bell Tel lines.

Upgrade monthly cost for Comcast \$1,198.46 plus installation \$1,454.55 which is \$92.80 per month more than what we're currently paying.

Upgrade system to provide everyone with voice mail and transfer calls from one number to another between Police Dept, Borough Office, Water/Sewer, and Shop.

Still need to figure out if our existing modems and connection to Comcast is capable of carrying voice transmissions.

Need more time to evaluate costs for upgrading internet to higher speeds.

**Economic Development/Revitalization** – Ed Keyworth

**Updates**

Industrial Drive ARC grant – Engineers working on permitting and Right of Way.

PPL will relocate poles at the Industrial and Long Avenue intersection.

Environmental Services price to perform soft-dig to locate existing water line investigation approximately \$2,500.00 per day.

Easements: temporary construction easement documentation for adjoining property owners was sent to PennDOT, PennDOT is requiring a preliminary ROW plan submission for review and thinks the waivers of rights may be able to be used to avoid the appraisal process.

Environmental: Scoping field evaluation for environmental clearances (due to sandblasting in the area in the past)

A motion to approve Soft dig quote for determining location of utilities at a cost up to \$5,000 for two days was made by Ed Keyworth, second by Ed Winkelbauer. Unanimous.

**Water, Sewer & Sanitation** – Ed Winkelbauer

**Updates**

Report of Water / Sewer Operations has been received and distributed for Council's review

Miller Environmental agrees to the automatic extension of Licensed Operations

Sewer Inflow Committee was out looking at inflow areas during last week's rain. Discussed meter locations in sewer to measure I & I; reviewed the stone arch culvert adjacent to the Post Office. Next Tuesday they will be here between 8 – 9 to install

DRBC Annual Report – Submitted 3/31/22

Annual Waste-load Report (Chapter 94 Report) – Submitted 3/31/22

Subsurface repairs update – priority list created; await reply from contractor

Schuylkill Haven Interconnect – Submitted LSA Grant package

Permitting for water dispensing station on Long Avenue

Marshall Drive, North Warren Street, and Station Road Sewer Replacement bid specifications

Water / sewer billing delinquencies are at 4.25%; of this amount 2.25% are already shut-off.  
89140.50 total past due = 4.25% of the past due amount \$49,967.52 = 2.25% which is already shut off.  
\$39,172.98 is being collected via payment arrangements and several properties up for sale and will received payoff at time of settlement.

Phase 1: Payment application #2 to Allen Myers for \$45,000 has been submitted for approval

A motion to approve Payment Application #2 submitted by Allen Myers for Phase 1 of the WWTP Upgrade Project in the amount of \$45,000 was made by Ed Winkelbauer, seconded by Ed Keyworth. Unanimous.

Phase 2: Payment application #2 to Allen Myers for \$47,700 has been submitted for approval

A motion to approve Payment Application #2 submitted by Allen Myers for Phase 2 of the WWTP Upgrade project in the amount of \$47,700.00 was made by Ed Winkelbauer, seconded by Maddie Bartush. Unanimous.

Expecting two change orders:

Deduction change order for UV Shed – waiting for electrical portion

Change order for gate actuators - waiting for electrical portion

### **Streets & Lights** – Rick Bubeck

### **Updates**

Capital Improvements List (ARRO) of work for 2022

Borough Maintenance work for 2022:

- Borough workforce to install storm improvements on Margaret replace storm boxes prior to seal coat
- Borough workforce will not be able to install storm improvements on North Street, unless an alternate storm design is approved.
- Stormwater catch basin repairs in sections of Creswell Acres
- Stormwater catch basins at Marshall and Halsey

Mastic sealing this week – Lee Court; would like to continue in the fall

Ritchie Logging & Sawmill for \$204,118; contracts signed; work to begin late spring- should be getting \$52,000 deposit.

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

201 S Warren St – At last week's meeting Mrs. Jones was present to discuss her lamp post leaning towards the street due to the S Warren St project. Her lamp post was taken out for curb work to be done and now her bricks are sinking, and lamp post is being undermined. Also, when the ADA ramp was put in the neighbor to the north sump pump runs water up the ADA ramp and sidewalk. Council discussed obtaining quotes or having the borough workforce fix the post. Should the sidewalk indentation be included in the quote.

Solicitor Datte suggested to get permission from Mrs. Jones to go onto her property and have her review the specifications.

Solicitor Datte will pull the deed to the property to check boundary lines and rights-of-way.

## **Streets Project**

Gerald Avenue – Proposal of \$37,468.75 to be submitted to liquid fuels

Margert Avenue – Proposal of \$44,598.00 to be submitted to liquid fuels. made by move forward with process specification will be

A motion to move forward with the process of preparing bid specifications for Gerald Ave at \$37,468.75 and Margaret Ave at \$44,598.00 was made by Brock Stein, seconded by Ed Keyworth. Unanimous.

Resolution 2022-29 – Escalator Clause helps to Negate any fluctuation in price of crude oil.

A motion to adopt Resolution 2022-29 for the Escalator Clause was made by Ed Winkelbauer, seconded by Maddie Bartush. Unanimous.

MAC Truck order – dump truck

- Total price outfitted with a bed is \$125,024.48
- Large vehicle able to haul additional weight over our F550 – will only need to make one trip instead of several with the F550. Gross vehicle weight - 25,950lbs. No CDL required.
- Money available in budget.
- April is last payment on the JD Backhoe
- Looking to apply for grant thru Community Facilities Direct Loan Program
- Used for hauling backfill, street work catch basin, hauling materials out, hot patch materials
- Suggestion was mentioned to borrow truck from North Manheim Township
- Suggestion was made to put this proposal in front of the Finance/Budget committee, maybe the committee could come up with money coming in like from timbering to help pay for truck without having to borrow the money
- Medical cards would be needed for employees
- Where do we park the truck especially if the fire dept gets a new fire truck
- Truck is not a significant need but a potential need
- Council decided to table for now

## **Parks & Recreation** – Maddie Bartush

### **Updates**

Bathroom upgrades at Albright's Woods completed; new driveway; doors to be renovated; roofs shingle

New Driveway – 2 different driveways being used – one closer to memorial will be returned to natural status which will increase parking by two spaces and the one above and closer to the pavilion was upgraded.

Replace bathroom doors that are there – late winter early spring 2023

Shingling on the roof – Still in discussion stage with Lions

Construction at the Veterans' Memorial started this week

Fishing Rodeo at Fisher's Dam on May 21<sup>st</sup> and 22<sup>nd</sup> from 8 am to 2 pm – Looking for donations and sponsors

Ridge Road Park – Grant Agreement received. Begin coordination with DCNR

Trolley Car – Our committee met yesterday to discuss – Committee came to the conclusion that this is not in Orwigsburg's best interest in taking on the project – no funds available or adequate storage space.

Payment Application #1 from Miller Brothers for \$10,074.10 has been submitted; Alfred Benesch recommends approval.

A motion to approve Miller Brothers Payment Application No. 1 in the amount of \$10,074.10 for the Veterans' Memorial construction was made by Ed Winkelbauer, seconded by Maddie Bartush. Unanimous.

**EMS Building Development** – Jesse Zimmerman – No update

- i. Reports
- ii. Grant application submitted

**Property Code Safety** – Kerry Mariano -

Updates

- iii. Inspections of Rental Properties is continuing
- iv. Inspection reports
  - Permit Reports
  - Notice of Violation – 10 were sent out in March
  - Rental Properties -

Look into revising sign section in the Zoning Ordinance

**Planning & Zoning** – Ed Winkelbauer

Updates

Planning & Zoning will meet April 20<sup>th</sup>; Borough Zoning Ordinance updates

Blue Mountain Village – No update

Villas of Orwigsburg – No update

Clearly Clean LDP – No update

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

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



**Teamsters' Bargaining** – Ed Keyworth

Mike Miller meeting Teamster negotiator and monitor on April 19<sup>th</sup>

Bargaining Session on May 11, 2022; negotiations continue

**SCMA Coordinating Committee** – Ed Winkelbauer

Tim Wilhelm and Randy Miller met with SCMA on February 24; The SCMA board met on March 16; no update at present.

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

**COG** – Sue Murphy - No Update

**Correspondences – None**

**SOLICITOR – Paul Datte**

Blue Mountain Village – No update

Conservation easement – Survey of the Borough lands in question – started survey process as requested by Council. First step is locating and providing the surveyor with copies of the deeds for the borough property.

Cresswell Acres Street vacation - Solicitor Datte had an opportunity to compare Cresswell Development plan to Liquid Fuels map of the borough - suggests vacating any street in Cresswell that was laid out, not paved and not actually used and does not appear on the borough's Liquid Fuels map with the exception of a portion of Wilburt Ave that is paved and opened by ordinance but not receiving Liquid Fuels money. Borough does not want to vacate that portion due to a sketch plan being received for a development on that portion that the developer will do road improvements.

Jones St - appears on the Cresswell Acres plan but is not opened or on Liquid Fuels map, street runs right along the boundary to West Brunswick Township.

Douglas Rd - only vacate the portion of Douglas from Gerald Ave north to borough boundary line.

Walters Ave - vacate from end of paved portion in front of Zanolini's property east to Douglas.

After Solicitor Datte discussed the vacating of these streets in Cresswell Acres,

A motion to have Solicitor Datte prepare and advertise an Ordinance to vacate those streets of Cresswell Acres previously dedicated but not improved, said locations being: Walters Avenue from the area East of the paved improved portion to Douglas Rd; Wilbert Avenue from the area East of the paved improved portion to Douglas Road; Douglas Road from the area north of the paved improved portion at Gerald Avenue to Jones Street; all of Jones Street and retaining the borough right for future utilities was made by Kerry Mariano, seconded by Brock Stein. Unanimous.

Bill Knecht of 204 S Warren St asked when paper streets are vacated the adjacent property owners owns up to the middle of the paper street do they get a reassessment of taxes?

Solicitor Datte responded it is a possibility; what will happen is we will record a certified copy of the ordinance once adopted to the Recorder of Deeds and by law they acquire to the middle of the paper street. Won't be anything specifically of record that shows that the property owner acquired an extra portion of property. But the property owner does have title to more property.

Amend the General Obligation Note, Series of 2021 in the amount of \$750,000 (line of credit for the RACP Grant) to incorporate the SOFR benchmark replacement provisions requested by M&T Bank, substantially in the form presented to Council and authorizing the President of Council to execute all documents in relation thereto. M&T Bank has requested this in light of LIBOR being replaced with SOFR as the interest rate benchmark as of June 30, 2023. No increase to interest rate.

A motion to amend the \$750,000.00 M & T Bank note to incorporate the SOFR benchmark replacement provisions as requested by M & T Bank was made by Brock Stein, seconded by Kerry Mariano. Unanimous.

### **BOROUGH MANAGER – Randy Miller**

Report – Randy's report has been distributed to Council

Tree Harvesting – discussed previously in the meeting

South Liberty Street Repairs – still awaiting quotes for 123 S Liberty St siding repairs

Community Facilities Direct Loan Program – discussed previously under new Mack Truck

Sale of items – old wooden chairs – previous Council authorize via resolution for the Borough Manager to be able to dispense of materials thru a bidding process. Following are items bid was received:

1. Electrical Supplies \$175.00 {Darin Brensinger}
2. Doors, supplies, etc. from basement \$22.60 {Reading Community Players c/o Brian Miller}
3. Water Fountain from basement \$10.00 {Ed Winkelbauer}

PSAB Conference – Requesting motion to addend

A motion to approve Randy Miller's attendance as the Borough representative at the PSAB Annual Conference was made by Ed Winkelbauer, seconded by Ed Keyworth. Unanimous.

Old wooden chairs at the Memorial – no action has been taken; possibly offer to the Memorial taskforce

### **New Business - None**

### **COMMON ITEMS**

**Bills** - A motion to approve and ratify the accounts payable for General, Fire, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capital Improvement accounts; and granting permission to pay interim bills was made Maddie Bartush, seconded Brock Stein. Unanimous.

**Payroll** – Payroll forwarded to Council for review

### **Community Activities/Events**

P & Z Meeting – Wednesday, April 20 at 7p.m.

Meet the Farmer – June 4<sup>th</sup> - Orwigsburg Library

Next Council meeting – Work Session, May 4, 2022 @ 7:00 pm

A motion to adjourn the meeting at 8:40 pm was made by Maddie Bartush, seconded by Ed Winkelbauer. Unanimous.

Respectfully submitted

Sherry M. Edwards  
Borough Secretary