

Orwigsburg Borough Council
Meeting Minutes
November 9, 2022

The Orwigsburg Borough Council met on Wednesday, November 9, 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, Ed Winkelbauer, Ed Keyworth, Angie Hoptak-Solga. Mayor Barry Berger; Solicitor Paul Datte; Borough Manager Randy Miller; Borough Secretary Sherry M. Edwards.

Visitors:

Bill Knecht – 204 S Warren St
Daniel

Carl Post – 930 Albert Dr
Kurt Shelhamer – Schuylkill EMS
King Remsberg – 212 Long Ave
David Lafko – 532 E Mifflin St
Mel Reedy – 275 Gerald Ave
Cody Forke – 640 Hope Ave

Jim Leymeister – 200 Ronald Ave
Sharon & Tim Wilhelm – 3029 Ridgeview Dr
Charles Heckman – 925 Albert Dr
Molly Scott – 529 Lantern Green Way
Craig Eichert - 216 Long Ave
Ben Hunter – 406 Roseberry St
Jan McGowan – SSN

Announce any Executive Sessions – An Executive Session will be called at the end of this meeting to discuss possible litigation threat.

Approve the Final Meeting Agenda

No changes or additions were made to the agenda.

A motion to approve the final agenda was made by Ed Keyworth, seconded by Ed Winkelbauer. Unanimous.

Council Opening

Council had an Executive Session prior to this meeting to interview 6 candidates for the vacancy on Council. Advertised for the vacancy on FB and Webpage

Tim Wilhelm	Melvin Reedy
King Remsberg	Ben Hunter
Joseph McGlinchey	Harry Steinbaeher

President Bubeck asked for nominations.

Councilor Mariano nominated Tim Wilhelm

Councilor Hoptak-Solga seconded the nomination

No other nominations

President Bubeck closed the nominations

All in favor of appointing Tim Wilhelm to Council was unanimous.

Resolution 2022-35 appointing Tim Wilhelm to Borough Council passed with a unanimous vote.

Councilor Winkelbauer thanked those who submitted letters of interest.

Councilor Mariano encouraged all to get involved. Those interested were excellent candidates.

Mayor Berger administered the Oath of Office to Tim Wilhelm.

Public Comment:

Craig Eichert of 216 Long Ave asked what is up with Industrial Dr
Randy responded we just had a meeting with DEP to state our case for not having to a general permit. DEP is still going to require the borough to apply for a General Permit.

Charles Heckman of 925 Albert Dr inquired about the status of the proposed ordinance to vacate a portion of Albert Drive and if there is anything he needs to do.
Solicitor Datte responded the proposed ordinance has been advertised, adjoining property owners have received notices. The notice allows for opportunity for people to request a hearing. Whatever the width of the right of way draw a line down the middle and the property owner on one side gets half and the other property owner on the other side receives the other half.

Karl Post of 930 Albert Drive questioned the width of the road being vacated. He had his driveway black topped and maybe its not his property.
Solicitor Datte responded the area being vacated is 49 feet from his property. The borough can occupy any portion of the 50' of the right of way for street purposes.

Business

Minutes

A motion to approve the October 5, 2022 Work Session and October 12, 2022 Council meeting minutes as presented was made by Kerry Mariano; seconded by Brock Stein. Unanimous.

Treasurer's Report:

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

Tax Collector's Report:

The October 2022 Tax Collectors Report was presented as follows:

Real Estate	\$ 4,158.31
Fire Tax	\$ 396.03
Per Capita	\$ 142.00
Occupation	\$ 42.90

Tax Exoneration List

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #8 was made by Brock Stein; seconded by Kerry Mariano. Unanimous.

Building Permits

The October 2022 permits were as follows:

- 0 New Permit issued at \$0 total value
- 7 Renovation Permits issued at \$233,800.00 total value

Police Report

Chief McDonald presented the October 2022 report:

Hours Worked:

Regular Hours – 982

Overtime Hours – 70 ½

Court – 15

Event – 21 ½

Court – 19

Admin – 4

Late call – 1

Training – 10

Training – 81 ½

Vacation - 36

Personal – N/A

Sick – 12

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3,400 Total Mileage for Police Vehicles

384 Total Vehicle Patrol Hours

37 Total Foot Patrol Hours

96 ½ Traffic Enforcement Hours

54 Traffic Citations issued

32 Warnings issued

8 Parking Tickets issued

Bike Patrol – 2

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164 - Incidents – Handled by 6 Officers

11 – Reportable Crimes:

1 – Retail Theft

1 – Driving Under DUI Related Suspension

1 – Public Drunkenness

5 – Disorderly conduct

2 – Harassment

1 – Recklessly Endangering Another Person

Charges Filed:

Criminal Complaints – 4

Non-Traffic Citations – 2

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Borough Ordinance Violations/Investigations – 6

## Updates:

- We have been in touch with the North Pole and once again the Orwigsburg Police Department will be accepting letters to Santa starting on Black Friday. Look for the red mailbox outside of our station and don't forget to leave your return address so Santa Claus can write back.
- During the second week of October, our department began teaching DARE lessons to all sixth graders at the Blue Mountain Middle School. We thank the Blue Mountain School District and the Middle School for their enthusiasm in allowing us into the school. Officers will be back several more times throughout the school year to teach more lessons.

## EMS Report

Curt Shelhamer, Executive Director of Schuylkill EMS

Presented an overview for our area:

- Last 7 months in the 17961-zip code - 274 calls, not related to residents living in skilled nursing homes and personal care facilities; averages one a day.
- Difficulty with staffing not just within the Commonwealth but nationwide and the pandemic didn't help
- People are leaving the profession which is also hurting staffing
- Implemented EMT program at Pottsville High School a few years ago – in the process of implementing at other schools in the area. Gives a 4-to-5-year time period for part-time summer help.
- The Borough's Police Dept and Fire Dept is a tremendous help to them on calls
- Pandemic increased supply costs and fuel costs
- 17961 zip code – In 2020 over 1,000 calls. In 2021 a little under 800 calls
- Base EMT rate is a little over \$15.00 per hour
- Exploring options with Career Link for apprentice program
- EMT must be 16 years old – Ambulance driver must be 18 years old
- 22 to 23 percent return on donation requests mailed out

## Committee Reports

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

#### Updates

#### 2023 Budget

In Draft form, looks good with no foreseeable tax increase to balance budget:

Donations to Non-profit organizations – Annual donations and ARPA donations: Fire Co, Library, Historical Society, Senior Citizens, Food Bank, Schuylkill EMS, Lions Club, Memorial Taskforce.

M & T Bank Sweep Account – Borough can gain increased interest on reserves using a sweep account; two possible funds

- Wilmington Trust US Treasury Fund: Current yield is 3.18% Net (3.38% -.20bp)
- Wilmington Trust US Government Fund: Current yield is 3.14 % Net (3.34% -.20bp)

Action Items

A motion to advertise the 2023 Budgets for public review and passage in December was made by Kerry Mariano, seconded by Ed Winkelbauer. Unanimous.

2023 Budgets:

|              | <u>Receipts</u> | <u>Expenditures</u> |
|--------------|-----------------|---------------------|
| General Fund | \$2,260,583.00  | \$2,260,583.00      |
| Water Fund   | \$ 787,550.00   | \$ 787,550.00       |
| Sewer Fund   | \$ 924,145.00   | \$ 925,145.00       |
| Fire Fund    | \$ 97,650.00    | \$ 97,650.00        |

Approval for Annual donations and ARPA donations to Non-profits including Toys for Tots as follows:

- Fire Dept 25,000 + 5,000 ARPA
- Library 5,000 + 5,000 ARPA
- Historical Society 1,000 + 5,000 ARPA
- Senior Citizens 1,000 + 5,000 ARPA
- Food Bank 5,000 ARPA
- EMS - \$5,000 ARPA
- Orwigsburg Lions - \$5,000 ARPA
- Taskforce - \$15,000 ARPA
- Toys for Tots - \$1000 ARPA

A motion to approve donations to the Fire Dept, Library, Historical Society, Senior Citizens and Food Bank. Toys for Tots was made by Ed Keyworth, second by Ed Winkelbauer. Unanimous.

A motion to approve \$5,000 ARPA donation to Schuylkill EMS was made by Brock Stein, seconded by Kerry Mariano. Ed Keyworth abstained. Motion carried 6 yes – 0 no.

A motion to approve \$5,000 ARPA donation to Orwigsburg Lions Club was made by Angie Hoptak-Solga, seconded by Kerry Mariano. Ed Keyworth, Ed Winkelbauer and Brock Stein abstained. Motion carried 4 yes – 0 no.

A motion to approve \$15,000 ARPA donation to the Memorial Taskforce was made by Brock Stein, seconded by Kerry Mariano. Ed Keyworth abstained. Motion carried 6 yes – 0 no.

A motion to adopt Resolution 2022-34 – Act 57 of 2022 was made by Kerry Mariano, seconded by Angie Hoptak-Solga. Unanimous.

A motion to adopt Resolution 2022-36 – Sweep Account for Reserves deposited with M & T Bank for the US Treasury fund at 3.18% was made by Ed Keyworth, seconded by Kerry Mariano. Unanimous.

Personnel – Rick Bubeck

Thanked Tim Wilhelm for being nominated to Council; term expires end of 2023

Communication & Technology – Angie Hoptak-Solga

No updates that are not covered elsewhere

**Economic Development/Revitalization** – Ed Keyworth

Updates

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

1. Utilities update: ARRO submitted information to PennDOT through the URMS system and are awaiting further direction or comments.
2. Easements update: PennDOT reviewed the preliminary ROW plans for temporary construction easement and is requiring drainage easements along Long Avenue where vegetated swales are proposed and where there is existing riprap at the pipe crossing under Industrial Drive.
3. Environmental update: PennDOT District 5 environment unit has indicated that a Phase I Environmental Site Assessment (ESA) will be required. United Environmental is working on phase 1 corridor study.  
ARRO and the Borough met with the DEP and they are requiring a joint permit for the wetland crossing for the Industrial Drive extension.

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

Updates

- Report of Water / Sewer Operations; Miller Environmental
- New Copper limit mandated on 6/2024. Sampling plan initiated for source in the water system and current levels at the Sewer Plant.
- Sewer Inflow is being monitored by placing meters in various locations in sewer system to measure I&I; Downloaded data that detailed flow increases at MH24C (Marshall Dr.). Will move meters accordingly to narrow in on unwanted flows. Rain gauge purchased for WWTP.

**Sanitation Bidding** – Bids were opened October 10<sup>th</sup>; Agreement is signed; Hauler to start January 1, 2023. Slight change to pick up for Market St – will be Friday pick-up; was Tuesday. Recycling containers will be replaced when necessary.

Sanitation committee recommends rolling the Sanitation Fund into the General Fund due to the Sanitation fund no longer being self-solvent on its own standing. Revenue coming in to pay for trash hauling is just enough to cover trash pickups. All other line items in Sanitation fund made the fund itself insolvent. Sanitation would be a single line item in and single line item out in the General Fund as was done in the past.

**Water**

- Lead and Copper service line replacement initiative – August 2024 deadline; continue to work on determinations; changed out 240 old meters, to date, as part of the initiative.
- Schuylkill Haven Interconnect – Submitted LSA Grant package on 3/18/22. Awaiting grant announcement in November.
- DRBC Docket for ground water allocation amounts –renewal due 12/4/2022. Application started.
- SCADA Study Report is underway. A site visit was conducted on September 1<sup>st</sup>. Phase 1 report nearing completion.

- Representative from Cla-Val on-site on September 29<sup>th</sup> to inspect numerous PRV's (pressure reducing valves) for rebuilds as well as to upgrade (2) flow meters at the water plant. Awaiting revised quote for review.
- Early discussions and mapping completed for a potential water system looping project in the Red Dale area.

## **Sewer**

### **CCTV and Subsurface repairs update**

Standard Pipe Services continues with rehab work to remove and reduce I&I (Inflow and Infiltration) throughout the Borough. Work on Long Ave. this week.

A motion to approve Standard Pipe Services Payment Application # 2 for \$125,430.88 for Collection System project was made by Kerry Mariano, seconded by Ed Keyworth. Unanimous.

Smoke testing letters. Responses and repairs are on-going. One NOV issued.

### **Marshall Drive, North Warren Street, and Station Road Sewer Replacement**

- a. Received E&S and HOP Approval.
- b. Currently working through easement processes.
- c. Possible funding opportunities with PennVest. Meeting with funding representatives held on October 11<sup>th</sup>.

Quote for retaining wall and fill by Blower Panels at WWTP – Excavation Tech for \$7,200

## **Action Items**

A motion retaining wall to approve installing a retaining wall and fill at the WWTP to Excavation Tech for \$7,200 was made by Kerry Mariano, seconded by Tim Wilhelm. Unanimous.

A motion to approve Entech Engineering Work Order for H2O Grant Application for \$4,500 was made by Brock Stein, seconded by Kerry Mariano. Unanimous.

### **Phase 1:**

A motion to approve Allan Myers Payment Application # 9 for \$24,191.23 for the WWTP Upgrade Project was made by Ed Keyworth, seconded by Angie Hoptak-Solga. Unanimous.

A motion to approve Pumping Solutions, Inc. (PSI) Payment Application #4 for \$23,310.00 for the WWTP Upgrade Project was made by Brock Stein, seconded by Kerry Mariano. Unanimous.

### **Phase 2:**

A motion to approve Allan Myers Payment Application # 9 for \$23,602.81 for the WWTP Upgrade Project was made by Brock Stein, seconded by Tim Wilhelm. Unanimous.

A motion to approve Hirneisen Electric, Inc. Payment Application #3 for \$1,438.74 for the WWTP Upgrade Project was made by Ed Keyworth, seconded Brock Stein. Unanimous.

**Streets & Lights** – Rick Bubeck

Updates

Borough Maintenance work for 2022

Sinkhole at the intersection of Washington and East Market Streets at blinker light. Borough has obtained a PennDOT certified inlet box from Monarch and will use either concrete or ductile iron pipe for section that needs to be replaced. Street crew will have a meeting on Monday to discuss detour, traffic control and planning of the construction. Work is anticipated to be completed overnight in the coming weeks.

Ritchie Logging & Sawmill contract; work continues.

Marshall Drive along with Halsey Drive – Ordinance advertised for December Passage.

Land survey progressing; once tree canopy coverage lessens surveying will continue

F-600 Truck – Quote new vehicle - \$106,381.00  
2023 F600 Diesel 4x4 regular cab  
Includes Western MVP Steel V snow plow 9 ½ foot  
Will replace the 2008 truck which has the most issues  
Doesn't require CDL license  
Place order now, will take approximately a year to receive  
Money is in the budget

Action Items

A motion to approve placing order for a 2023 F-600 Truck, Body and Plow for \$106,381 to Tri-Star on COSTARS contract #026-087 was made by Kerry Mariano, seconded by Brock Stein. Unanimous.

**Parks & Recreation** – Tim Wilhelm

Updates

Redevelopment Assistance Capital Program (RACP) update for Veterans' Memorial Building:

- Exterior Site work complete, excluding Change Orders.
- Audio/Visual Contractor – Moyer Electronic. Work progressing. Work is functional and operational.
- Coordination is ongoing with Orwigsburg Masons regarding Clock for Foyer area. Due to delays with the Masons, it is not anticipated the clock installation will be completed this year
- All kitchen equipment including range has been delivered and installed.

Ridge Road Park

- Grant Agreement received March 2022. Kick-Off meeting with DCNR was held May 4, 2022. Assume construction during 2023.
- Survey of property completed.
- Donation of property completed.
- Payment request submitted to DCNR for 50% of Grant Award - \$57,000.
- Draft Plan for Phase 1 was provided



Action Items

A motion to approve Miller Brothers Application for Payment #9 for \$4,058.52 for Memorial Building Renovations was made by Ed Winkelbauer, seconded by Brock Stein. Unanimous.

A motion to re-approve Miller Brothers Change Order #9 for \$17,528.47 to remove typo for sidewalk, drainage, drywall, and electric changes as detailed was made by Brock Stein, seconded by Ed Winkelbauer. Unanimous.

A motion to approved Miller Brothers Change Order #10 for \$11,892.50 to install metal siding and metal roofing to match existing building on cellar causeway was made by Brock Stein, seconded by Angie Hoptak-Solga. Unanimous.

A motion to approve purchase of playground equipment from COSTARS program through Recreation Resource for \$26,200 for Ridge Road Park was made by Brock Stein, seconded by Ed Keyworth. Unanimous.

**Property Code Safety** – Kerry Mariano

Updates

- Inspection reports
- Permit Reports
- Notice of Violation
- Rental Properties

All reports have been distributed to council for review and comment

Inspections of Rental Properties is continuing; several properties have not responded.

Michael & Nancy Postic building at 615 West Market Street; received notice they will be making repairs starting Monday. Citations went out and were paid.

Request getting a structural engineer in to inspect the back of the building that is deteriorating. If nothing is done in 30 days building will be condemned.

**Planning & Zoning** – Ed Winkelbauer

Updates

Planning & Zoning last met in August with a quorum

- Borough Zoning Ordinance updates
- Comprehensive Plan updates

Blue Mountain Village – Developer requested Borough to authorize submittal of Highway Occupancy Permit for the required sewer and water lines to be owned and maintained by the Borough. Borough requires full plan review prior to granting authorization.

Villas of Orwigsburg – no update

Clearly Clean LDP – no update

Decatur St. Stormwater design work – no update

Benesch is continuing to investigate funding for shovel ready projects. – no update.

Flood mitigation efforts – Four (4) grant applications have been submitted to PEMA for consideration. Awaiting award period:

Building Resilient Infrastructure and Communities (BRIC) Grant  
Potential Award. Awaiting confirmation from PEMA. “Awarded within a Year”.

- \$132,249.15 total project
- \$99,186.86 Federal money (75%)
- \$33,062.29 Borough match (25%)

Hazard Mitigation Grant Program (HMGP)

- Received request for additional information pertaining to potential acquisition and demolition of properties along West Market Street culvert. 508 West Market Street to be included with project per FEMA requirements. Appraisals received, coordination ongoing.
- Project would be completely funded by State and Federal money.

P&Z meeting next Wednesday, November 16<sup>th</sup> to continue discussions on Zoning Changes.  
Problems recently with having a quorum for meetings.

Department of Community and Economic Development (DCED) Commonwealth Financing Authority (CFA) Multimodal Grant Application submitted on July 29, 2022.

Benesch will assist with updates to the Comprehensive Plan.

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

Look into pedestrian crosswalk signage or flashing lights for Market Street.  
Chief McDonald responded the department have been out enforcing at the busy time. Chief will forward portable speed sign information.

**Teamsters’ Bargaining** – Ed Keyworth

A Bargaining Session with Teamsters was planned for last week but cancelled. Discussions did occur, and negotiations continue; next bargaining session to be scheduled.

**SCMA Coordinating Committee** – Ed Winkelbauer  
Updates

Solicitor Datte prepared final draft agreement; committee met to discuss and recommends forwarding to SCMA.  
Continuing to work on accurate EDU count.

**Police Department** – Mayor Berger  
No Updates

**COG** – Sue Murphy – nothing to report. November 17<sup>th</sup> @ 7pm

**Solicitor** – Paul Datte

Blue Mountain Village – HOP; Entech return request for HOP signature until full application is completed and reviewed. Need some form of agreement to move forward.

Conservation easement – Survey of the Borough lands in progress

Survey of Water Lands – In progress

No-Parking on Cherry Alley behind Lantern Green - Ordinance amendment Tabled on October 12 – will need to take action this evening or readvertise.

Ordinance 455 dedicating the remainder of Marshall Drive; advertised for December passage – notices have gone out to the adjoining property owners.

Ordinance 456 abandoning paper alley - end of Albert Drive advertising for December passage  
Notices have gone out to the adjoining property owners; deadline to request hearing is November 20th.

Resolution 2022-34 – Act 57 of 2022 – Already adopted

Resolution 2020-37 – HOP for Rhoads’ Development, awaiting plans prior to signing the HOP on hold pending review of plans

Assessment appeal for land donated for Ridge Road Park has been filed.

A motion to adopt proposed Ordinance for no parking on Cherry St. behind Lantern Green Way was made by Angie Hoptak-Solga, seconded by Rick Bubeck.

Roll Call Vote:

|                              |                         |
|------------------------------|-------------------------|
| Councilor Winkelbauer – No   | Councilor Keyworth – No |
| Councilor Hoptak-Solga – Yes | Councilor Mariano – No  |
| Councilor Wilhelm - No       | Councilor Stein – No    |
| President Bubeck – Yes       |                         |
| 2-Yes; 5-No – Motion failed  |                         |

**Borough Manager** – Randy Miller

Council received Randy’s report for their review

Tree Harvesting – tree harvest continues

Met with Excavation Tech and ARRO at Oakdale Terrance to discuss proposed swale construction along property line and adjoining property owner. Wait until springtime for construction; will put construction sock out to maintain the swale until spring.

#### Action Items

Approve action on repairs to new Borough Hall. Contractor is about 70% complete; ceiling still needs to be installed. HVAC system was installed yesterday. Painters are in painting. Firewall, carpeting and decals need to be installed.

Ridler Decal – Window Treatments; \$3,400

Mt. Everest Moving Co. – Packing and Moving expenses; \$5,710

A motion to approve quotes for Ridler Decal for \$3,400 and Mt Everest Moving Co for \$5,710 was made by Kerry Mariano, seconded by Ed Keyworth. Unanimous.

**New Business** – If any

**Common Items**

**Correspondence** - 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; and granting permission to pay interim bills was made by Brock Stein, second by Ed Winkelbauer. Unanimous.

**Payroll** – For Council’s review

**Community Activities/Events**

Veterans’ Ceremony – Bicentennial Park November 11<sup>th</sup> at 11 am.  
Tree Lighting December 3<sup>rd</sup> at 4:30 pm

Next Work Session meeting, December 7, 2022 at 7:00 pm.

President Bubeck called an Executive Session at 8:15 pm to discuss a threat of litigation. No action will be taken.

A motion to adjourn at 8:15 pm was made by Brock Stein, seconded by Ed Winkelbauer.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary