

**Orwigsburg Borough Council**  
**Meeting Minutes**  
**January 12, 2022**

The Orwigsburg Borough Council met on Wednesday, January 12, 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: Ed Winkelbauer, Ed Keyworth, Angie Hoptak-Solga, Maddie Bartush, Kerry Mariano; Mayor Barry Berger; Solicitor Paul Datte; Borough Manager Randy Miller; Borough Secretary Sherry Edwards.

Visitors: Randy Lindenmuth of 340 Ridge Rd; Bill Knecht 204 S Warren St; Jan McGowen of SSN; Kevin Richards of Alfred Benesch; Byron Killian of Entech Engineering, Police Chief Vince McDonald; Dave Walasavage of ARRO Consulting.

**Approve the Final Meeting Agenda**

Changes made to agenda:

Addition to #5 Tax Collector's Report; include a motion to approve the Delinquent Taxpayer List.

A motion to approve the Final Meeting Agenda with amendments stated above was made by Brock Stein, second by Ed Winkelbauer. Unanimous.

**Public Comments**

Bill Knecht 204 S Warren St – Questioned the Glenn Frantz delinquent utility amount of \$26,233.00 from the list of unpaid receivables handed out to council at December's Council meeting which he obtained through a Right to Know request, which property of Glenn Frantz's is this related to and what are the means if any to recoup that money.

Randy responded delinquent amount is for 119 S Liberty St and deferred means in which to recoup to the Solicitor.

Solicitor Datte responded – More liens will be added to the property from demolition costs. Intent is to sell the property and recoup the costs from the sale of the property. Borough does have priority over all liens including mortgage with the exception of outstanding real estate taxes.

Bill Knecht questioned Item 10 on the agenda referring to Teamsters Bargaining and not being aware of some employee group being members of the Teamsters.

Randy responded the employee group is Full-time nonexempt nonuniform employees.

Bill Knecht requested when going into Executive Session to announce in more detail what items will be discussed other than just using the general terms.

## **Minutes**

A motion to approve minutes from the December 1, 2021 Work Session meeting and December 8, 2021 Council meeting as presented was made by Brock Stein, second by Kerry Mariano. Unanimous.

## **Treasurer's Report**

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

## **Tax Collector's Report**

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

Real Estate	\$18,799.99
Fire Tax	\$ 1,786.57
Per Capita	\$ 2,079.00
Occupation	\$ 682.00

## **Delinquent Taxpayer List**

A motion to approve the Delinquent Taxpayer list was made by Brock Stein, second by Kerry Mariano. Unanimous.

## **Tax Exoneration List**

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #11 was made by Maddie Bartush, second by Angie Hoptak-Solga. Unanimous.

## **Building Permits**

Building permits for December were as follows:

- 0 New Permit issued at \$0 total value
- 1 Renovation Permits issued at \$40,000 total value

Randy noted – a permit was issued (not included above) for Open Street cuts for PPL to increase capacity to three phase power for Industrial Dr.

## **Police Report**

Chief Vince McDonald's present the December report:

Hours Worked:  
Regular Hours – 1,054  
Overtime – 96 ½ (111 ½ December 2020)  
Late Call – 2 ½  
Cover Shifts – 9  
Court - 12  
Administrative – 1 ½

Holiday – 60  
Training – 9 ½  
Callout – 2  
Training – 39  
Vacation – 32  
Personal – 12  
Holiday (Straight Time) – 60  
Sick – 12  
Bereavement – n/a

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3,117 Total Mileage for Police Vehicles

449 Total Vehicle Patrol Hours

31 ½ Total Foot Patrol Hours

69 Traffic Enforcement Hours

29 Traffic Citations issued

38 Warnings issued

7 Parking Tickets issued

Bike Patrol – n/a

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180-Incidents – Handled by 6 Officers

8 – Reportable Crimes

1 - Rape

1 - Scattering Rubbish

1 - Strangulation

1 - Theft

1 – Loitering and Prowling

1 – Disorderly Conduct

1 – Public Drunkenness

1 – Pet Ordinance Violation

1 - Illegal Dumping

1 – Sexual Assault

Charges Filed:

Criminal Complaints – 2

Non-Traffic Citations – 4

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Borough Ordinance Violations/Investigations – 9 for expired inspections and registration

2021 Year End totals

Hours worked

Regular – 10,360

Overtime – 888 (868 in 2020)

Vacation – 448

Personal – 184

Sick – 383

Bereavement – 72

Total Mileage for Police Vehicles – 34,794

Total Vehicle Patrol Hours – 5,036

Total Foot Patrol Hours – 287

Traffic Enforcement Hours – 1552 ½

Traffic Citations – 285 (242 in 2020)

Warnings – 432 (505 in 2020)

Parking Tickets – 142 (109 in 2020)

Incidents

Total Calls – 2,314 (2,795 in 2020)

Reportable Crimes – 96 (142 in 2020)

Charges Filed:

Criminal Complaints – 23

Non Traffic Citations – 29

**Business**

**Solicitor's Report – Paul Datte**

Rettew Consulting – Randy addressing under his report – in Council's binder a proposal from a firm consistent with RFP prepared by Rettew.

Blue Mountain Village – no update

Conservation easement – Intent is to move process forward with conservation easement that does not include carbon credits but would reserve the opportunity to pursue carbon credits in the future. Currently the revenue from carbon credits is low. Appraisal of the borough property would be generated by the Woodland Conservancy.

Villas of Orwigsburg on pending litigation – Executive Session item

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

Long Avenue culvert - Recommend Final Payment Application No. 2 to Bertolet for \$4,205.45 but hold payment till spring once vegetation grows. Bertolet requests approval of final payment application and acknowledges check will be held, they would like to close out project for their end of year records.

A motion to approve Final Payment Application for \$4,205.45 to Bertolet but not release check, Borough Manager will hold check until grass grows was made by Kerry Mariano, second by Brock Stein. Unanimous.

Updates

**Industrial Drive –**

Kick-off meeting with PennDOT is scheduled for January 28th

Randy will meet with committee members to compile a list of projects for 2022 and distribute to Council.

**Planner - Kevin Richards**

Updates

RACP for Veterans' Memorial Building – NTP (Notice to Proceed) has been issued to Miller Bros – Preconstruction meeting on site is scheduled for Wednesday, January 26<sup>th</sup>; Invite RACP consultant to meeting

Blue Mountain Village - no update

Decatur St. Stormwater design work - Draft Easements provided to Borough Manager/Solicitor Datte. Benesch is investigating funding for shovel ready projects. Reached out to Congressman Meuser's office to make sure we would be notified if something becomes available.

Flood mitigation efforts –

Submitted application for BRIC (Building Resilient Infrastructure and Communities) and FMA (Flood Mitigation Assistance) on November 18, 2021, to PEMA. – waiting to hear if awarded.

Submit Letter of Interest for HMGP (Hazard Mitigation Grant Program) on November 29, 2021. Deadline pushed back until January 17<sup>th</sup>. Anticipated funding amount \$500,000.00 - 75% Federal, 25% State funded, -0- match from Borough.

Application due to PEMA on January 17, 2022, for acquisition and demolition of properties on West Market Street.

Zoning Ordinance Changes - Discuss at February PC meeting.

### **Water/Sewer – Bryon Killian**

CCTV has been received from the Contractor - Entech has reviewed payment of Application #1 to Standard Pipe Services for \$56,670 and does not recommend payment at this time due to issues with video quality and organization within the cctv reports. Bryon did reach out to SPS waiting to hear back. Will have something for next Council meeting. Thousands of feet of video need to be reviewed. On video already reviewed camera was under water and moving a little too fast based on standards that were outlined in the bid specifications.

Entech recommends approval of Payment Application #1 to Allen Myers for Phase 1 WWTP upgrade of \$32,400.00 for bonds and insurance and major submittals. This amount is less 10% retainage.

A motion to approve Payment Application #1 to Allen Myers for WWTP Upgrade Phase 1 in the amount of \$32,400.00 for bonds, insurance and major submittals was made by Kerry Mariano, second by Ed Keyworth. Unanimous.

Entech recommends approval of Payment Application #1 to Allen Myers for Phase 2 WWTP upgrade of \$49,500.00 for bonds, insurance and major submittals.

A motion to approve Payment Application #1 to Allen Myers for WWTP Phase 2 in the amount of \$49,500.00 for bonds, insurance and major submittals was made by Kerry Mariano, second by Ed Winkelbauer. Unanimous.

Updates

Lead and Copper service line replacement initiative; August 2024 deadline – In the process of creating on-line database with borough staff on inventory, age of home, parcel numbers. Prioritize homes prior to 1950; in-home inspections on multiple homes will take place.

CCTV work – Majority of CCTV completed; Interceptor work still needs to be completed; reviewing data with Borough staff.

The Borough Sewer Authority recommends pursuing work on the N. Warren St. Collection System projects; and will be purchasing flow meters for I & I analysis.

Bond refinance for \$6.5 million identified multi projects within bond refinance; however, Council only gave approval to move forward on the Marshall Dr sewer replacement. Council did recommend surveying rest of the replacement projects within the bond refinance.

The Municipal Authority recommends Council approve moving forward with the N Warren St project for \$960,000 of construction costs. This project will complete the Long Ave project as well. If Council wants Bryon to move forward, he will bring an Engineering Work Order to next month's meeting.

Randy mentioned the bond money received has a specific requirement for spending down the bond money. Between COVID and the supply chain issue we might get some leeway. If we do not spend down the bond issue at some point, we might have to refund money.

N Warren St project will take care of the completion of the Long Ave project, also impact Lee Ct, Lehigh Ave area, Lower Cresswell area and Industrial Dr. Project area has been televised. Minor area for I & I issues but more concerning are the hydraulic bottlenecks. Surveys are already in place.

A motion for Entech Engineering to proceed with the N. Warren St Collection System project was made by Maddie Bartush second by Angie Hoptak-Solga. Unanimous.

Marshall Dr. Sewer Replacement – still moving forward, had conversations with DEP Planning Dept. submitting a Water Quality Mgmt. Part 2 application. Also submitting a joint permit due to the existence of wetlands.

Subsurface repairs - currently not moving forward due to the condition of the pipe

Sewer Plant –

Electrical contractor on site for Phase 1 for lighting upgrades – general contractor intends to start March of 2022.

The Municipal Authority has discussed purchasing flow meters to monitor I & I issues. Two meters would cost approximately \$13,000; or \$25,000 to rent 3 or 4 meters for 3 months.

Solicitor Datte suggested approaching another Authority about borrowing or lease meters instead of buying outright. Once you are finished with identifying issues, they sit idle.

### **Borough Manager – Randy Miller**

Report – In addition to report being in the binder, was also sent out to Drop Box along with the annual report. After reviewed by Council the report will be available to the public.

## 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.

Had discussions with Jeff the Forester – still trying to negotiate with Mr Miller; the property has a wooden bridge crossing the stream and negotiating an upgrade to allow the logging trucks to cross the stream at that location.

Two trucks were in the shop for repairs after plowing and salting. Currently all trucks are at 100% capacity. We did brine prior to last storm. Large storm anticipated for Sunday night into Monday that we will be prepared for.

\$114,000 Grant – Thank You to Senator Argall, Representative Knowles, Representative Twardzik, and Representative Kerwin for their continued support of Orwigsburg and Schuylkill County. Grant is a 75%/25% grant; property donated was the borough's portion side of the grant.

Orwigsburg has been successful receiving opportunities for grants, and we do continue to go after grant opportunities as they present themselves and would like to continue to pursue grant money for the benefit of the residents.

Still waiting to hear if any opportunities will come out of funds forwarded to the State from the Federal Government. A majority of the funds for infrastructure will be run thru PennVest.

Shovel ready projects:

Entech: Market St Extensions

ARRO: Margaret Ave Stormwater and paving overlay

Industrial Dr opportunities

Minor stormwater at the end of Marshall Dr

N Wayne St complete project instead of a patch

North St and Decatur stormwater

Miller Environmental's Certified Operator contract is due to expire on May 9, 2022. Last year council developed an RFP for seeking valuation of the water and sewer plants as well as the collection and distribution systems. RFP was forwarded to Act 12 compliant agencies, but no responses were received.

Randy sent out the same RFP to a Non-Act 12 qualified organization – Keystone Alliance Consultants. A proposal was received from Keystone Alliance and forwarded to Council. In addition, we did receive a proposal from Miller Environmental to extend their contract and or pick up more responsibility for the operation as a licensed operator for our treatment plants. The borough needs to take action by May 9<sup>th</sup>.

Currently the borough has two options:

- Have our employees do the work
- Hire Miller Environmental

A discussion was held regarding the water and sewer operations; the RFPs and a licensed employee using their license to operate the sewer plant.

Randy will compile a list of dates to hold an Executive Session and forward to Council.

President Bubeck questioned sewer rates paid by SCMA versus the borough residents' rate and why the residents are paying more than SCMA. Agreement with West Brunswick Township/SCMA signed back in 2001 and has been reviewed by the Municipal Authority. Rick suggested to compile information in order for council to have a clear understanding of the rates/agreement and to hold a special meeting between the Orwigsburg Municipal Authority and Council so a determination can be made to move forward or just leave alone.

A motion to advertise for a special meeting with the Municipal Authority and Borough Council to discuss the SCMA Sewer agreement was made by Brock Stein, second by Kerry Mariano. Unanimous.

### **Committee Reports**

Council received a copy of the assigned Council Committees – goals will be finalized and forwarded.

**Finance & Budget** – Brock Stein – No report

End of Year Annual Report

**Personnel** – Rick Bubeck – No report

**Communication & Technology** – Angie Hoptak-Solga – No report

**Economic Development/Revitalization** – Ed Keyworth – No report

Industrial Drive ARC grant- Updated under the Engineers report

**Water, Sewer & Sanitation** – Ed Winkelbauer – No report

Report of Water / Sewer Operations

Miller Environmental Licensed Operations ends May 9, 2022

**Streets & Lights** – Rick Bubeck

List of work for 2022

- Industrial Dr ARC Grant
- Marshall and Eisenhower
- North Decatur raingarden
- Margaret Ave stormwater and paving
- North Wayne to Church St stormwater improvements
- N Franklin St stormwater improvement

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

**Parks & Recreation** – Maddie Bartush – No report



**EMS Building Development** – Jesse Zimmerman (not present) – No report

**Property Code Safety** – Kerry Mariano – No report

**Planning & Zoning** – Ed Winkelbauer – No report

Planning & Zoning will meet in February to review recommendation for the Borough Zoning Ordinance.

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

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

**Teamsters' Bargaining** – Ed Keyworth

Bargaining meeting in March

**Police Department** – Mayor Berger –

Thanked members of Department and the Chief for the fine work executing a wonderful Christmas for the Borough.

**COG** – Sue Murphy – Randy indicated the money used to fund the Council of Government came from Hydro and the opportunity has passed; there are no grant monies coming into COG but does not mean opportunities could not come in the future.

**Correspondences** - None

### **Bills**

A motion to approve and ratify the accounts payable for General, Fire, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capitol Improvement accounts; and granting permission to pay interim bills was made by Maddie Bartush, second by Angie Hoptak-Solga. Unanimous.

### **Community Activities/Events**

Council Work Session meeting, February 2, 2022, at 7:00pm.

President Bubeck called an Executive Session at 8:24 pm to discuss Teamsters labor negotiations and Villas at Orwigsburg, B5K46 LLC Docket #S 2104-2016 litigation. No action will be taken after the Executive Session.

There being no action taken after the Executive Session the meeting was adjourned at 8:25 pm on a motion made by Ed Keyworth, second by Ed Winkelbauer. Unanimous.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary