

**Orwigsburg Borough Council**  
**Meeting Minutes**  
**June 8, 2022**

The Orwigsburg Borough Council met on Wednesday, June 8, 2022 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 Brock Stein; Councilors: Maddie Bartush, Kerry Mariano, 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, Jan McGowen of SSN; Bill Knecht of 204 S Warren St, Jim & Debbie Leymeister of 200 Ronald Ave; Mel Reedy of 275 Gerald Ave; Ashley, Robert and Parker Hess of 136 Lincoln Ave;

**Approve the Final Meeting Agenda**

Added under Public Comment -Parker Hess presentation

Minor typos corrected

A motion to approve final meeting agenda with typo corrections and addition was made by Ed Keyworth, seconded by Winkelbauer. Unanimous.

**Public Comments**

Bill Knecht of 204 S Warren St addressed Council seeking the following information:

- Ordinance #452 on the agenda to be adopted for modification of the bond issue approved in 2020 and limited to sewer now want to expand to include water project not to exceed a limit of \$2 million. Original bond issue was for \$15 million minus paying off prior debt. Now expanding to include water project not to exceed \$2 million; what does the water project entail?

Randy responded: Bond was refinance for \$6.5 additional new money; majority of that money was for the upgrade to the Wastewater Treatment Plant and Collection System. Projects for the Wastewater Treatment Plant are not coming in at full amount of additional money borrowed but we are looking at other possibilities to do additional work on the water system. Both water and sewer are self-liquidation debt (revenue from both pays for the debt).

Project we are looking at:

- Installing a water dispensing station at the hydrant near the Water Treatment Plant. Water haulers use that hydrant to fill up (haulers such as Bob's pools) Haulers will have a key card and the system will monitor water being dispensed for billing. Also, a backflow preventor will be installed to meet DEP requirements.
- Grant application has been submitted for a cross-connection with Schuylkill Haven Water Authority for emergency use in the future. If grant money is not approved the borough will use bond proceeds.
- Put in a looped water system to eliminate dead end pipes: E Market St to the schools.
- Water Treatment Plant has 3 filter lines; these lines should be on a three-year rotating schedule for cleaning and maintenance.

- Inventory on Lead Service Lines initiative targets homes prior to 1950 and service lines coming into home are suspect to potentially be lead that could leach lead into water if the water department didn't include chemicals in pretreatment. Bill received two letters to schedule water meter replacement. At the time of replacing the water meter, fully paid for by the borough, inventory will be kept on the service line coming into the home if its lead based or not. Bill referenced an article in the May issue of the Orwigsburg Happenings from Tory Morgan of Entech Engineering pinpointed that the lead service line from the curb line of the property to the water meter that will be assessed if lead pipe that will be inventoried. Part of the initiative of the water department is to do a replacement of the service line sometime between now and 2024.

Randy responded the 2024 deadline is for the inventory to be completed. Following the inventory if lead service lines are discovered then after 2024 we will have the requirement to replace the service line. This is a federal requirement (Environmental Protection Agency) due to the Flint, Michigan lead crisis. DEP (Department of Environmental Protection) has the responsibility to promulgate this to all the water authorities in the Commonwealth of PA. A large sum of funding has been established and made available to municipalities that have to replace lead service lines. Replacement of the service line from the main to the water meter will be the responsibility of the borough. Does not alleviate the responsibility of the homeowner if there is lead solder within the home. Homeowner can always test their own water. Additional sampling requirements have been established for the municipality.

#### **Parker Hess – Letter of Appreciation**

Parker lives in town and attends Blue Mountain Elementary East school – this past year he was a student of Mrs. Koch's third grade class. Parker and his classmates decided to write a Letter of Appreciation to the Orwigsburg Police Department for their service.

#### **Business**

##### **Minutes**

A motion to approve the minutes from the May 4, 2022 Work Session and May 11, 2022 Council meetings as presented was made by Brock Stein, seconded by Kerry Mariano. Unanimous.

##### **Treasurer's Report:**

The April 2022 Treasurers Report has been presented to Council for review

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

The May 2022 Tax Collector's report was presented as follows:

Real Estate	\$4,929.42
Fire Tax	\$ 469.47

Per Capita	\$ 626.20
Occupation	\$ 193.96

### **Tax Exoneration List**

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #3 was made by Maddie Bartush, seconded by Brock Stein. Unanimous.

### **Building Permits**

Building permits for May were as follows:

- 0 New Permit issued at \$0 total value
- 4 Renovation Permits issued at \$41,500.00 total value

### **Police Report**

Chief Vince McDonald presented the May Police Report as follows:

Hours Worked:

- Regular Hours – 971
- Overtime Hours – 66 (102 ½ May 2021)
  - Court – 22 ½
  - Late Call – 4
  - Cover Shifts– 9
  - Administrative – 6 ½
  - Holiday – 24
- Holiday – 36
- Training – 78
- Vacation - 12
- Personal – 32
- Sick - 64

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2,762 Total Mileage for Police Vehicles

- 418 ½ Total Vehicle Patrol Hours
- 41 ½ Total Foot Patrol Hours
- 93 ½ Traffic Enforcement Hours
  - 42 Traffic Citations issued
  - 32 Warnings issued
  - 69 Parking Tickets issued
- Bike Patrol – 2 ½

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184 - Incidents – Handled by 6 Officers

- 7 – Reportable Crimes
  - 1 – Retail Theft
  - 2 – Criminal Mischief
  - 1 – DUI

1– Identity Theft

Charges Filed:

Criminal Complaints – 1

Juvenile Allegations – 1

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Borough Ordinance Violations/Investigations – 10

The new 2022 police car is in service as of Memorial Day. Chief McDonald thanked Bartush Sign for the graphics.

**Committee Reports**

**Finance & Budget** – Brock Stein

**RESOLUTION 2022-31** - securing and restricting funds to be used as matching funds for RACP Grant.

A motion to adopt Resolution 2022-31 authorizing restricted funding source to assist with the Veterans' Community Memorial Hall rehabilitation and naming the authorized signers was made by Ed Keyworth, seconded by Ed Winkelbauer. Unanimous.

**Personnel** – Rick Bubeck

No updates that are not covered elsewhere

At previous meeting authorization was given to the Seasonal Employee to work no more than 30 hours per week. Randy suggests adding hours to the work week just to get the painting done. There are handicap spaces to be removed and established. Yellow curbing also needs to be painted. All the painting should be done within a 4-week timeframe.

After a brief discussion on being a safety issue and originally they were hired for mowing only it was determined to allow seasonal employees to work a 30-hour work week for painting and mowing. A review will take place at the July meeting.

A motion to authorize Seasonal Employees to paint curbing, street painting, handicap spaces and mowing within 30 hours per week, not to exceed 30 hours and to be reviewed at July's meeting was made by Maddie Bartush, seconded by Ed Keyworth. Unanimous.

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

Updates

Phone system updates:

Frazier – “Smart Connect” change-over has started

**Economic Development/Revitalization** – Ed Keyworth

Updates

Industrial Drive ARC grant – Engineers working on permitting and Right of Way (ROW);

- Utilities update: Soft-dig contractor was on site May 16<sup>th</sup> and 17<sup>th</sup> to locate existing water lines and found them to be within the roadway where new storm lines are proposed. New storm lines will have to be installed shallow to avoid conflicts.
- Easements update: PennDOT ROW unit is requesting a preliminary ROW plan submission to include, property plots, tabs, area's, deed info and add a general note on how the public ROW was established. To determine if waiver is sufficient.
- Environmental update: PennDOT District 5 environment unit has indicated that a Phase I Environmental Site Assessment (ESA) would be required for the former S&S Sandblasting site. ARRO obtained a copy of the Phase 1 Bartush had on file when they purchased the property and have forwarded it to PennDOT for their review. An ARRO wetland specialist was on site on May 26<sup>th</sup> to delineate the wetlands in the location of the Industrial Drive Road extension.

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

**Updates**

- Report of Water / Sewer Operations; Miller Environmental received for Council's review
- Sewer Inflow Committee placed meters in two locations in sewer to measure I & I; no results available to date.
- Subsurface repairs update – await reply from contractor for start date.
- Schuylkill Haven Interconnect – Submitted LSA Grant package; have been in conversation with them about additional questions.
- Permitting for water dispensing station on Long Avenue
- Marshall Drive, North Warren Street, and Station Road Sewer Replacement bid specifications

**Water**

- Lead and Copper service line replacement initiative – August 2024 deadline; continue to work on determinations; changing out old meters.
- Schuylkill Haven Interconnect – Submitted LSA Grant package on 3/18/22
- Concept design and permit application for water dispensing station on Long Avenue.

**Sewer**

CCTV and Subsurface repairs update

- Subsurface repairs - Priority List
- Await remobilization

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

- Received E&S Approval

- Await GP-11 and HOP Permits

#### Action Items

Phase 1: Payment Application #4 to Allan Myers for \$123,300.00 has been submitted and recommended for payment by Entech Engineering.

A motion to approve Payment Application #4 to Allan Myers for \$123,300.00 for the WWTP Upgrade Project Phase 1 was made by Ed Keyworth, seconded by Kerry Mariano. Unanimous.

Phase 1: Change Order #2 to Allan Myers for \$104,610.00 and to PSI for \$11,990.50 for the VLR Control System Upgrade to Storm Mode.

A motion to approve Change Order #2 to Allan Myers for \$104,610.00 and to PSI for \$11,990.50 for the VLR control System Upgrade to Storm Mode was made by Ed Keyworth, seconded by Kerry Mariano. Unanimous.

Randy explained VLR System upgrade is to allow for storm mode process, can be realigned so that the good bugs are not washed out. SCADA system will automatically activate gates to put the plant into storm mode. Currently the gates and guides are bent out of shape and do not work properly.

Phase 2: Payment Application #4 to Allen Myers for \$109,950.30 has been submitted and recommended for payment by Entech Engineering.

A motion to approve Payment Application #4 to Allen Myers for \$109,950.30 for the WWTP Upgrade Project Phase 2 was made by Kerry Mariano, seconded by Maddie Bartush. Unanimous.

Phase 2: Payment Application #1 to Hirneisen Electric for \$74,755.26 has been submitted and recommended for payment by Entech Engineering.

A motion to approve Payment Application #1 to Hirneisen Electric for \$74,755.26 for the WWTP Upgrade Project Phase 2 was made by Kerry Mariano, seconded by Ed Keyworth. Unanimous.

Phase 2: Change Order #2 credit from Allen Myers for \$17,424.30 and Change Order #1 from Hirneisen for \$22,517.00 for UV shed removal has been submitted and recommended for approval by Entech Engineering.

A motion to approve Allen Myers Change Order #2 Phase 2 for \$17,424.30 and Hirneisen Change Order #1 Phase 2 for elimination of UV shed was made by Maddie Bartush, seconded by Brock Stein. Unanimous.

#### Streets & Lights – Rick Bubeck Updates

Capital Improvements List update (ARRO) of work for 2022

Borough Maintenance work for 2022:

- Gerald Ave and Margaret: Bid out for tar and chip; alternate bid for leveling and overlay.
- Small section on Gerald about 200 feet that will be milled, leveled and overlaid.
- Margaret Avenue; ARRO met with Devin and DJ to coordinate sanitary and storm work to be done by Borough prior to bidding the road project. Devin has indicated they will begin the base drain work on Margaret the first week of June
- North Street: Nothing new to report. Alternative designs for the Decatur Street storm improvements were discussed with Benesch to see if there is an option the street crew can install. The dead end/cul-de-sac will not be big enough to qualify the road for liquid fuels payment.
- North Wayne Street: East Mifflin Street to East Cherry Street will be incorporated into the handicap ramp project awaiting County grant funding. Survey price can be provided to council for consideration to begin storm design process.
- Oakdale Terrace: management company has indicated they will be looking into both the swale and detention pond improvements.
- Stormwater catch basin repairs in sections of Creswell
- Stormwater catch basins at Marshall and Halsey

Ritchie Logging & Sawmill for \$204,118; contract, and deposit check received \$10,000 received.

Woods & Wildlife – working on Orwigsburg Land survey

Siding replacement at 123 S. Liberty St.; property owner has filed a claim with their insurance. Borough insurance will pay their deductible.

201 South Warren Street light pole – no decision made to date

Action Items

Streets Projects – Liquid Fuels Bidding

Gerald Ave – \$75,281.25 for leveling and paving

Margaret Ave - \$100,915.44 for leveling and seal coat

Alternate:     Pave 200-foot section of Ronald Ave est. \$5,000  
                  Level and pave Margaret Ave est. \$116,755.22

A motion to draft bid specifications and advertise for Gerald Ave for leveling and paving for estimated cost \$75,281.25 and alternate to pave 200' foot section of Ronald Ave estimated cost of \$5,000 and Margaret Ave for leveling and seal coat for estimated cost \$100,915.44 with

alternate to level and pave Margaret Ave for estimated cost \$116,755.22 was made by Maddie Bartush, seconded by Brock Stein. Unanimous.

**Parks & Recreation** – Maddie Bartush

Updates

Construction at the Veterans' Memorial:

1. Site work ongoing. Paving of parking this week.
2. Task force selected Audio/Visual Contractor – Moyer Electronic. Work proceeding.
3. Coordination ongoing with Orwigsburg Masons regarding Clock for Foyer area.
4. Drywalling completed
5. Work to be completed by the end of October 2022

Ridge Road Park – Grant Agreement received March 17, 2022. Kick-Off meeting with DCNR was held Wednesday, May 4, 2022. Assume construction during 2023. Engineering Work Order approved last month

**Action Items**

Miller Brothers submitted Payment Application #3 for \$137,634.27 for the Veterans' Memorial construction. Alfred Benesch has recommended approval.

A motion to approve Miller Brothers Payment Application #3 for \$137,634.27 was made by Ed Winkelbauer, seconded by Ed Keyworth. Unanimous.

Miller Brothers has submitted Change Order #3 for adding Concrete Curbing from Original Bid - \$11,842.85. Alfred Benesch has recommended approval.

A Motion to approve Miller Brothers Change Order #3 was made by Ed Keyworth, seconded by Rick Bubeck. Unanimous.

Miller Brothers Change Order #4 for sanitary sewer slope correction and door removal - \$4,471.51

A motion to approve Miller Brother Change Order #4 was made by Maddie Bartush, second by Ed Winkelbauer. Unanimous.

**EMS Building Development** – Scott Rarick

Updates – No updates

- ii. Reports
- iii. Grant

**Property Code Safety** – Kerry Mariano

Updates

- iv. Inspections of Rental Properties is continuing



- v. Inspection reports
  1. Permit Reports
  2. Notice of Violation
  3. Rental Properties

Notice of Violation offenders are just paying the fines and code violations are not being fixed. Councilor Mariano suggests increasing the amount of the fine after the third offense to at least \$1,000 until property is fixed.

Solicitor Datte will get back to \Council with statutory maximum. Property owner can be fined on a daily basis. Code enforcement would need to testify that they were at the site every day; Doesn't need to be the code officer could be a borough employee; employee would be appointed as Assistant Code Enforcement Officer.

Councilor Mariano thanked the Orwigsburg Police Department for helping out with the code violations.

### **Planning & Zoning** – Ed Winkelbauer

#### Updates

Planning & Zoning will meet June 15<sup>th</sup>;

- Borough Zoning Ordinance updates
- Benesch will assist with updates to the Comprehensive Plan

Zoning Hearing Board Decision: Heckman Zoning Hearing Board decision - denied

Blue Mountain Village – no update

Villas of Orwigsburg – no update

Clearly Clean LDP – no update

Ridge Road Park – Grant Agreement received March 17, 2022. Kick-Off meeting with DCNR to be held Wednesday, May 4, 2022. Assume construction during 2023

Decatur St. Stormwater design work – Draft Drainage Easements/Temporary Construction Easements provided to Borough Manager/Solicitor Datte. Benesch is continuing to investigate funding for shovel ready projects. – no update at this time.

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.

LSA Grant Application submitted March 15<sup>th</sup> for Fire Department. No update.

P & Z meeting next Wednesday, June 15<sup>th</sup> at 7 p.m.

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

**Teamsters' Bargaining** – Ed Keyworth  
Updates

Bargaining Session on May 11, 2022; negotiations continue

Bargaining with Teamsters on June 13, 2022 @ 3:30

**SCMA Coordinating Committee** – Ed Winkelbauer  
Updates

Committee met and Solicitor Datte is working on a draft agreement will forward to all on committee

**Police Department** – Mayor Berger  
No Updates

**COG** – Sue Murphy  
No Updates

**Correspondences** –

Bill Knecht of 204 S Warren St presented correspondence that Council received on May 22<sup>nd</sup> from Randy Lindenmuth on the items to consider like expenses and effects on the taxpayers regarding the purchase of 333 S Liberty St. Correspondence is attached to these minutes.

**SOLICITOR – Paul Datte**

- Blue Mountain Village – no update
- Conservation easement – Survey of the Borough lands
- Creswell Acres Street vacation – Ordinance 451 has been advertised and notification sent to adjacent owners. Ordinance is to abandon certain streets in Creswell Acres; a slight revision to “Jones St possibly known as James St” was made but did not affect the streets being vacated.

Mel Reedy of 275 Gerald Ave – questioned his access to the road along side of his house that he uses and will he still be able to use.

Solicitor Datte response anybody who uses these roads for access to their property maintains a “private right of easement” over the property even though they are vacated.

Mr. Reedy was satisfied with the Solicitor’s response.

A motion to adopt Ordinance 451 vacating certain streets in Cresswell Acres was made by Ed Keyworth seconded by Kerry Mariano. Unanimous.

Ordinance 452 – Amends the purposes for which the 2020 Bond proceeds can be used to include water projects. Need to follow procedures under the Local Government Unit Debt Act. Ordinance has been properly advertised and is in position to be adopted.

A motion to adopt Ordinance 452 amending the 2020 Bond in an amount not to exceed \$2,000,000 for the water system was made by Maddie Bartush, second by Brock Stein. Unanimous.

**Borough Manager** – Randy Miller

Council received a copy of Randy’s report for their review and comment

Tree Harvesting - Deposit Check and Contract have been received.

123 South Liberty Street Repairs – no update

PSAB Conference – attended; Resolutions the body supported by the assembly are in Council’s binders for their review

Federal Community Projects Funding Grant – Congressman Meuser – no update

Vacation – Randy will be on vacation from June 20 to July 4

Action Items

Resolution to continue to support NIMS and ICS structure – National Incident Management System and Incident Command System. Borough adopted in August 2006. Presently the Schuylkill County Fire Chief president and John Matz of Schuylkill County Emergency Management has sent out letter to all municipalities and all fire stations reiterating the position of County that municipalities and fire stations will use the Incident Command System. Fire service personnel with facial hair will not be permitted to utilize self-contained breathing apparatus at any fire or incident scene where the need for respiratory protection exists and that all stations operating at any incident will utilize Schuylkill County Accountability System.

A motion to continue support of the NIMS and ICS structure was made by Maddie Bartush, second by Ed Winkelbauer. Unanimous.

**New Business**

Electric Rates – contacted by the agency we use for gathering information on electric rates and putting our contract in place for electric rates. Our current electric rate contract expires 6/2023.

Currently we pay 5.3 cents per kilowatt hour per our contract. At the present time the lock in rates are going into the vicinity of 8.4 to 8.9 kilowatts per hour. Randy is asking for authorization to lock into those rates for the next three years. New rates come into effect after current contracts expires.

A motion to authorize the Borough Manager to lock into electric rates for a 24-month term was made by Ed Winkelbauer, seconded by Maddie Bartush. Unanimous.

Cyber Security Insurance Coverage – Holding data ransom for a payment. There is insurance the borough can pursue – rough estimate is \$4,000 to \$6,000 annually. Randy would like the Insurance Committee to review and discuss and bring recommendation to Council on moving forward. We do have firewalls in place and are maintained.

### **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 Ed Keyworth, seconded by Ed Winkelbauer. Unanimous.

**Payroll** – For Council’s review – Reports can be found on the borough’s drop box.

### **Community Activities/Events**

OBPA June Jamboree – June 9<sup>th</sup>, 5 to 8 pm  
Planning and Zoning – June 15<sup>th</sup> at 7:00 p.m.  
Municipal Authority – June 20<sup>th</sup> at 1:00 p.m.  
3<sup>rd</sup> Brigade Band – June 21<sup>st</sup> at 7:00 p.m. Bank Lot

Next Council meeting is July 13, 2022 at 7:00 pm.

The meeting was adjourned at 8:30 pm on a motion made by Ed Winkelbauer, seconded by Ed Keyworth. Unanimous.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary

# CORRESPONDENCE

To: Orwigsburg Borough Council / Building Committee

May 22, 2022

Sherry, Please pass on to all Building Committee members, Rick B and Randy M

I understand the Building Committee and Council is considering the purchase of the Santander Bank location on Liberty Street. I'm not sure of the intended use of the building but I am concerned about the cost to taxpayers of the plan if there is one and the apparent 'off the record' planning for it.

Depending upon the intended use, the Project cost of the property and renovations would probably total more than \$600,000 plus interest. Not sure this is in the current budget. Since there are probably only 1200 actual wage-earning tax payers in the Borough that would amount to a principal and interest cost of \$??? for each wage earner. Or if so decided, add as necessary to the property tax of all residents including those on fixed income which is unthinkable with the state of the current economy.

\$\$ Project Cost Considerations in addition to the purchase cost:

1. Since the property would be occupied by the Borough please consider:

- A. Loss of property taxes of a future occupant.
- B. Loss of Water revenues of a future occupant.
- C. Loss of Sewer revenues of a future occupant.
- D. Loss of Employee income tax share of a future occupant employer and employees.
- E. Loss of real estate transfer tax from sale to future owner.
- F. Cost of Insurances.
- G. Demolition Costs, remove banking facilities, drive thru window and lanes, vault, etc.
- H. Cost of relocating existing office operations.
- I. Inside maintenance cost.
- J. Outside maintenance cost.
- K. Electricity cost.
- L. Phone and internet cost.
- M Security system.
- N. Architect and engineering fees
- O. Others?

2. Also please consider:

- A. Where would Council meetings be held? Meeting and other parking needs?
- B. Who will oversee this project and be responsible for all costs associated with the it?
- C. What is to be done with the existing building and when? Continuing costs?
- D. If not eventually sold, what additional ongoing and refitting costs will it incur?
- E. Advising the community of the total plan and requesting their input and support.
- F. Storage space, etc.? Will we quickly outgrow this location?
- G. Is this project a priority over the repair and rebuilding of our streets?
- H. How is the Borough financial situation vs. the 2022 Budget?
- I. Will a tax increase be necessary?
- J. Transparency

Please consider the above as you carefully evaluate this project.

Let Wisdom prevail.

Randy Lindenmuth

Borough resident for 46 years

CC: please pass on to anyone interested