

Work Session - Oct 04 2023 Minutes

Wednesday, October 4, 2023 at 7:00 PM

Council Chambers

The Orwigsburg Borough Council met on Wednesday October 4, 2023 in Council Chambers. President Rick Bubeck called the meeting to order at 7:00 pm and the Pledge of Allegiance was recited.

In Attendance: President Rick Bubeck; Councilors: Angie Hoptak-Solga, Ed Winkelbauer, Ed Keyworth, Kerry Mariano; Solicitor Paul Datte; Borough Manager Randy Miller; Mayor Barry Berger; Borough Secretary Sarah Celani

Visitors: Chris Cope of Entech Engineering, Kevin Richards of Alfred Benesch, Dave Walasavage of ARRO Consulting, Patrolman Brandon Bayer, Brad Miller of the Orwigsburg Fire Department, Bill Knecht of 204 South Warren Street, Jim Leymeister of 200 Ronald Avenue, Andrea and Matthew Leonard and Susan Miller of 625 Red Dale Road, Darin Brensinger of 102 Station Road

Absent: Brock Stein, Tim Wilhelm

Announce Executive Session:

President Bubeck announced that an Executive Session was held on September 13, 2023 to discuss personnel issues. Council moved to hire Daniela Hallick and Aaron Sweat.

Agenda:

Changes to Agenda - Report from Miller Environmental was added.

A motion to adopt the final meeting agenda with the addition of Miller Environmental's report was made by Ed Keyworth, seconded by Ed Winkelbauer. Unanimous. Motion Carried.

Minutes:

A draft copy of the minutes from the September 6, 2023 Work Session and the September 13, 2023 Council Meeting was provided to Council for review and comment.

Budget Review:

Target Objective August - 74.8%

Revenue		Expenses	
General Fund	83.8%	General Fund	80.3%
Fire Fund	97.2%	Fire Fund	27.7%
Water Fund	73.8%	Water Fund	88.1%
Sewer Fund	68.9%	Sewer Fund	85.4%
Sanitation Fund	76.1%	Sanitation Fund	80.2%

President Rick Bubeck questioned why the expenses for enterprise funds exceeded revenues. Randy Miller advised it was due to bond payments to water and sewer - more revenue to come for the quarter.

Maintenance Reports:

Water/Sewer Report - Dave Teter

Dave presented the September 2023 Water and Sewer report.

Sewer

- Met Allen Meyers about clarifier
- UV repair guy came
- Talked with everyone about when to drain train 1
- Talked to home owner at 424 West Market about blockage
- Spoke with contractors about what needs to be done for testing for finish project
- Talked with Allen Meyers, safety guy, and Dean Miller, VLR repairs

Water

- 64 meter appointments
- 334 calibrations
- Stopped to talk to pavers at access services
- Post shut off noises
- Meter paperwork
- Talk with excavation tech about Ridge Road water connection

Other

- Packed and cleaned up from Heritage Day
- Filled in holes on Stephen Street
- Trimmed limbs on Stephen and Cherry Street
- Ran trailer out to welder to examine gate

- Cut up tree at Fishers Dam
- Set up for event at Memorial - park cars

Fire

- 1353 Center Turnpike MVA with injury and fire (1x1hr)
- 340 South Liberty AFA (2x.25hr)
- 247 New Philadelphia Road MVA with injury (2x.75hr)

Miller Environmental - September Report

Council received a copy of the September 2023 Activities Report for review.

Maintenance Report - Slade Bugajinsky

Council received the September Maintenance Department Report, Daily Log of Work, Man Hours, and Vehicle/Equipment Reports for review.

Police Report - Vince McDonald

Council received a copy of the September 2023 Incident Report for review.

Fire Department - Scott Rarick

Brad Miller presented the September 2023 Fire Chief Report.

24 Total Calls for the month of September 2023

174 Total Calls for 2023 YTD (January 1 to September 30)

149.54 Personnel Hours on Responses for the month of September 2023

1,010.61 Personnel Hours for 2023 YTD (January 1 to September 30)

40.75 Administrative Hours for the month of September

973.25 Administrative Hours for 2023 YTD (January 1 to September 30)

128 Training Hours for the month of September 2023

1,238.55 Training Hours for 2023 YTD (January 1 to September 30)

All Incident Types | Start Date: 09/01/2023 | End Date: 09/30/2023

<u>Zone</u>	<u>Incident Count</u>	<u>Personnel Hours</u>
FD07 - East Brunswick Township	2	6.27
FD18 - North Manheim Township	5	46.92
FD35 - West Brunswick Township	9	48.70
FD56 - Orwigsburg Borough	6	22.50

FD61 - Windsor Township	1	24.15
FD68 - Pottsville City	1	1.00
Total	24	149.54

Notes/Upcoming Events:

BMEE - Fire Prevention - October 5

Daycare Visits - Fire Prevention

Orwigsburg Library - Public Education - October 10

Poker Run - October 14

EMS - Kurt Shelhammer

No report

Public Comment:

Andrea Leonard of 625 Red Dale Road commented on the notice of violation letter her family received from ARRO regarding the “structures” on their property used for animal husbandry as well as rubbish and motor vehicle harborage/property maintenance issues. Andrea concludes that catch basins from the school district created a water issue on their land. The permaculture method, including wood chips and piles of debris referenced in the letter, are suggested by Andrea to improve soil conditions and benefit the surrounding properties by mitigating water damage to the Borough’s sewer systems. Mobile chicken tractors or the “structures” referenced in ARRO’s letter are caged structures pulled by tractors to various locations on the land so they may provide a more free range lifestyle for their chickens. Andrea stressed the negative effects that these violations have on their financial, religious, and cultural beliefs. Andrea said she is currently addressing the property maintenance code issues.

Paul Datte noted that although Andrea’s family has had chickens on the land for several decades, prior generations did not keep the birds in outdoor chicken tractors but rather, inside the barn. The grandfather rule may not apply if the use has changed, enlarged, or new structures exist. Randy Miller suggested the zoning should be evaluated. Paul added that the Borough may speak to their code enforcement officer and advise not enforcing the violation to permit Council in reviewing, and possibly extending, a zoning district that would allow the use. Kerry Mariano and Shannon Darker of ARRO are to visit the property in the upcoming week for evaluation.

Ed Winkelbauer motioned to suspend further enforcement of the violations until Council can determine if a curative amendment is to be adopted appropriately; Kerry Mariano seconded the motion. Unanimous. The motion was carried.

Solicitor: Paul Datte

PennVest financing for the sewer project was closed on September 14, 2023.

Rick Bubeck questioned if Paul looked at the title requirements for the playground on Ridge Road; the title company indicated the policy would be sent this week, but Paul has yet to hear back.

Borough Manager: Randall Miller

The Borough Manager's report was provided to Council for review.

RFP for Contractual Operations

A Request for Proposals for contractual operations of the water and sewer plant was released. Bids from two representatives were received by the Borough and copies of the bids and results were provided to Council for review.

Zoning Hearing Board

Randy Miller notified that the Orwigsburg Borough Zoning Hearing Board will convene on Monday, October 23, 2023 at 6:00 pm at 209 North Warren Street, 2nd Floor, Orwigsburg, PA 17961. There will be hearings and/or decisions rendered on two applications at that time.

One application has been filed by Orwigsburg CSG 1 LLC, relating to a property with an address of North of West Market Street. The property is located in the R-1 Low Density Residential Zoning District. The application is for a Special Exception pursuant to Section 6.22I. of the Zoning Ordinance to use the property for a Principal Solar Energy System. Randy will present the Planning and Zoning letter of concerns and requirements for the solar farm to the Zoning Hearing Board.

The second application has been filed by Kevin Kraft, relating to 725 West Market Street. The property is located in the C Commercial Zoning District. The application is for a Variance to use the property as an Apartment, Conversion Apartment and/or Apartment House. Isles Cooper has recused himself of the Zoning Hearing Board meeting due to a conflict of interest. Christopher Reidlinger will take his place as the solicitor for the meeting. Darin Brensinger of 102 Station Road commented that Kevin Kraft of 725 West Market Street should not operate

without the correct permits and inspections and should follow the Borough's requirements. Randy reminded that Kevin had a permit for repairs to the building after it was destroyed in a fire, but did not apply to change the structure of the building. Once the Borough became aware of his changes to the use and structure of the building, Kevin was issued a notice of violation and required to apply for the necessary permits. Tenants have called the Borough office and expressed concerns about eviction. Council commented that there should be fines or penalties for not having occupancy permits and inspections; Ed Keyworth asked if Council could force an inspection. Randy suggested adaptive reuse would be suitable for this situation. Solicitor Datte advised that the case is pending before the Zoning Hearing Board, Council may not take action unless, independent of zoning, Council feels the tenants occupying the building are at risk and need to be evacuated. He recommends the Borough perform a UCC inspection prior to the case being presented to the Zoning Hearing Board on October 23.

Pass-through Payables

Fireman's Relief - \$16,957.10 was forwarded to the fire company for the fireman's relief fund. State Aid - \$110,729.87 used to pay Minimum Municipal Obligation for the employee pension plan.

Business:

Engineer's Report - Dave Walasavage

Road Projects

- 1) Industrial Drive
 - a) Funding – ARRO prepared and submitted a draft pre-application and cost estimate to NEPA for review for additional funds.
 - b) Environmental –The CE BRPA (Categorical Exclusions Bridge and Roadway Programmatic Agreement) has been approved by PennDOT.
 - c) Easement – ROW plans have been approved. Appraisals have been completed by PennDOT. Waiver of Rights and Temporary Construction Easements from affected property owners is in process.
 - d) Construction– Latest construction plans and cost estimates have been forwarded to PennDOT for review.
 - e) Utilities - Plans for utility clearance have been uploaded to the URMS system and notifications were sent to the utility companies.
- 2) North Wayne Street ADA Ramp Project: Heim Construction has completed the ramp installation and paving at the intersections. ARRO has notified the County for a final inspection.

Storm Projects

- 1) 900 Market Street: ARRO performed a review of the revised stormwater plans and report and provided comments to the developer's engineer and are awaiting their response and final plans. The plans have been submitted to Planning and Zoning.

Planner's Report - Kevin Richards

- 1) Redevelopment Assistance Capital Program (RACP) update for Veterans' Memorial Building:
 - a) All work was completed and Applications for Payment have been finalized.
 - b) Reimbursement payment received for \$73,924. Retainage of \$18,750 held until final project closeout audit. Awaiting State agencies to determine the schedule.
- 2) USDA Rural Development funding received for improvements to the Memorial. Project - \$750,000.
 - a) Benesch coordinated with Veterans groups, Memorial Taskforce, and Blue Mountain Baseball league to finalize the project scope.
 - b) Environmental Report and Architectural Feasibility Report submitted to USDA for approval.
 - c) Anticipated that the Baseball League will fund 100% of the pole building construction. Site preparation/grading, utility extensions, and stormwater management to be installed by Borough as part of USDA project.
 - d) Portion of project to be publicly bid. The anticipated schedule would be to bid over the winter and begin construction in Spring 2024. Schedule is dependent upon League progress.
 - e) Various items have been procured using the COSTARS Cooperative Purchasing Program.
- 3) Ridge Road Park – Grant Agreement received.
 - a) DCNR provided comments on Land Donation. Updated appraisal received. Title Search to be completed. Once completed, draft project documents to be submitted to DCNR (2-4 week timeline for review).
 - b) Anticipated Project Timeline: Bid over the winter and begin construction in Spring 2024.
- 4) Flood Mitigation Efforts:
 - a) Building Resilient Infrastructure and Communities (BRIC) Grant – Awarded in early March: Awaiting Grant Agreement documentation.
 - i) Project would require an approximate \$33,000 Borough match.
 - b) Hazard Mitigation Grant Program (HMGP)
 - i) Historical Impacts determined by Federal Agencies. Mitigation required.
 - ii) Grant Agreement received for signature.
 - iii) Project would be completely funded by State and Federal money.
 - iv) Coordination ongoing with PEMA/FEMA and property owners to accelerate project timeline to release funding.
- 5) SALDO Projects
 - a) Blue Mountain Village

- i) Highway Occupancy Permit (HOP) plans for water and sewer are being reviewed by Entech.
 - ii) Discussions ongoing regarding Final Development Agreement and Land Development submission timeline.
- b) Solar Project: Zoning Hearing Board scheduled for October 23 as a Special Exception.
- c) Firehouse Project Subdivision and Land Development.
- d) 900 West Market Street Subdivision plans were submitted.

Water/Sewer Report - Chris Cope

Water

- 1) Lead Service Line Inventory
 - a) Entech and Borough staff continue to research and collect information for PaDEP's detailed lead inventory report deadline of October 2024.
- 2) Schuylkill Haven Interconnect
 - a) A meeting between Orwigsburg and Schuylkill Haven occurred on September 22. Schuylkill Haven is working on a fee proposal to the Borough.
 - b) Preliminary design parameters and survey work are completed. Base drawing work will begin shortly, with permit completion and easement work to follow.
- 3) SCADA Upgrade
 - a) Entech and Borough staff met with Keystone Engineering on August 15 for an on-site visit so Keystone can provide a phased-project scope with a cost estimate for the Borough to review.
 - b) Awaiting Keystone's proposal.
- 4) Blue Mountain Development
 - a) Entech reviewed Land Development Plans.
 - b) The Developer submitted the revised HOP (Highway Occupancy Permit) plans for review. Entech is working with McCarthy Engineering and Traffic Planning and Design to finalize these plans before submission.
- 5) General Water
 - a) The supplier of *Liquid Sodium Permanganate* visited the treatment plant on January 1, 2023 to change from the currently used dry product (Potassium Permanganate). Revised quote with two pumps, tubing, transfer pump, install assistance, and 4 visits/year for \$10,000 - \$11,000. PaDEP requires a minor permit modification. The Water/Sewer Committee approved the completion and submittal.
 - b) Shannon Chemical was given water sampling data for a possible corrosion control product change to help reduce copper levels in the distribution system. The recommendation is to switch out the current application of SLI-7425 and rely on the filters and NaMnO₄ to remove iron and manganese. Use a true corrosion inhibitor, SLI-5216 (Zinc Orthophosphate) to reduce copper levels in the wastewater. The estimated cost is \$17,500/year. PaDEP requires a minor

permit modification. The Water/Sewer Committee approved the completion and submittal.

- c) DCED (Department of Community and Economic Development) Small Water/Sewer Grant (\$340,760.65 total grant / \$51,114.10 Borough) was submitted on December 20, 2022 for new Neptune smart water meters and software upgrades. The next CFA (Commonwealth Financing Authority) meeting is now November 21, 2023.
- d) Council approved a cost of \$12,140 for the cleaning and internal inspections of both water storage tanks as well as the water plant's influent contact tank. Pittsburg Tank and Tower completed the 3 tank inspections on August 23. Cleaning could not be completed so \$8,240 will be removed from the above cost. Invoice is attached for \$3,900 for review.
- e) The Water/Sewer Committee approved a Borough-wide leak detection study prior to the winter season. A quote was attached from Dave Bonkovich for \$8,400 (not-to-exceed) for review.
- f) Entech has completed follow-up questions to DRBC (Delaware River Basin Commission) for the Ground Water Withdrawal Application. Awaiting final docket approval at DRBC's fourth quarter hearing and business meeting.

Sewer

- 1) CCTV and Subsurface repairs
 - a) The majority of the contracted lining and grouting work is completed.
 - b) The remaining laterals on Long Avenue need to be grouted before lateral lining can occur. The crew had difficulty grouting these laterals due to high flow.
 - c) Standard Pipe Services (now Insituform) has not been responsive. Entech is working with the Borough Solicitor to close out the contract.
- 2) Marshall Drive
 - a) PENNVEST grant awarded for a total project amount of \$2,087,500.
 - b) The low bid submittal was received on July 10 for \$2,243,350.00. Letter of Recommendation for approval to Pact One, LLC for the above amount. As approved at the July meeting, bond monies will be used for the remaining project amount.
 - c) Project Schedule
 - i) PennVest Closed - September 14
 - ii) Pre-Construction - October 3
 - iii) Construction - November - Spring 2024
- 3) Wastewater Treatment Plant
 - a) Substantial completion (with outstanding punch list items) issued to all contractors.
 - b) Change-Order work has begun to complete the installation of new gates and actuators. Currently working to clean out each VLR (Vertical Loop Reactor) tank for inspection and to replace the air diffuser heads.
 - c) Borough to hire Keystone Pump and Power for bypass pumping.

- 4) North Manheim Twp
 - a) Held a joint meeting on March 31, 2023 to discuss possible future sewer connections from North Manheim Township to the Borough's collection system.
 - b) Awaiting design plans to improve Bum's Rush (Roadhouse 61) sewer issues. DEP visited the Borough for project information.
 - c) The Borough's water/sewer committee discussed growth options and possible Act 537 amendments. Entech is working on a cost proposal to upgrade the Borough's Act 537 Plan.
- 5) NPDES Permit
 - a) New Copper NPDES limits go into effect on June 1, 2024.
 - b) Copper reduction treatment is working with favorable results. We will continue testing at lower dosage amounts to possibly save product usage and overall costs.
- 6) General Sewer
 - a) The manufacturer representative (Aquionics) was on-site and has resolved the port and sensor issues.

Community Activities/Events:

Zoning Hearing Board - Monday, October 23 6:00 pm, Council Chambers

Halloween Parade - Wednesday, October 25 7:00 pm; rain date October 26

Trick or Treat Night - Tuesday, October 31 6:00 pm to 8:00 pm; rain date November 1

Coffee with a Cop - TBD

The next Council Meeting is October 11, 2023 at 7:00 pm.

Correspondence:

None.

Executive Session:

An Executive Session was requested by Kerry Mariano for personnel issues.

Adjournment:

President Bubeck called to order an Executive Session at 8:16 pm to discuss personnel matters; no action will be taken after the Executive Session. A motion to adjourn the meeting at 8:16 pm was made by Kerry Mariano, seconded by Ed Keyworth.

Respectfully Submitted,

Sarah L Celani
Borough Secretary