

Orwigsburg Borough Council
Meeting Minutes
December 14, 2016

Orwigsburg Borough Council met on Wednesday, December 14, 2016 in Council Chambers. President Buddy Touchinsky called the meeting to order at 7:30 pm, and the Pledge of Allegiance was recited.

In attendance: President Buddy Touchinsky; Vice President Susan Murphy. Councilors: Angie Hoptak-Solga, Paul Bedway, Darle Cresswell, Brian Baldwin. Solicitor Paul Datte. Mayor Barry Berger. Borough Manager Robert Williams and Borough Secretary Sherry Edwards.

Visitors: Virginia Hughes and Son of 135 S Warren St; Darrell Kunkel of 1010 E Market St; Matt Baran of 190 Clark Dr; Bill Knecht of 204 S Warren St; Michele Rudloff of 240 E Market St; Janis McGowen of South Schuylkill News; Nick Bagdonis of 390 Patton Dr; Attorney Gretchen Sterns of 200 Mahantongo St, Pottsville; Kerry Mariano of 3027 Ridgeview Dr; John Fenstermacher of 235 S. Walborn Ave; Amy Marchiano of the Republican Herald,

A motion to approve the minutes of the November 2, 2016 and November 9, 2016 meetings as presented was made by Darle Cresswell, second by Sue Murphy. Unanimous.

The October 2016 Treasurer's report was presented to Council.

The November 2016 Tax Collector's report was presented to Council as follows

November

Real Estate	\$3959.91
Per Capita	\$ 703.00
Occupation	\$ 235.56

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #10 was made by Sue Murphy, second by Brian Baldwin. Unanimous.

Building Permits for November 2016:

1 – New Permit issued at \$250,000.00 total value
3 – Renovation Permits issued at \$115, 283.20

Public Comment:

Darrell Kunkel of 1010 E Market St addressed Council on the following subjects:

What is being done about the rut in the road on East Market St just before the Mason's Lodge. He suggests the Borough sending a letter to Penndot. Bob asked Darrell to draft a letter and he would endorse it and forward to Penndot.

Any word on his concept for diagonal parking at the Franklin St Apts. President Touchinsky noted nothing was heard on the subject.

Virginia Hughes of 135 S Warren St addressed Council regarding the two mill increase in taxes; she would like Council to take into consideration the senior citizens and to increase in small increments over time not all at once.

President Touchinsky responded we haven't been overspending. The borough works with basic road crew, utilities and police force that's far less than any other town our size. We're looking to have a five officer police force to have 24/7 coverage. He reviewed other municipality's police force size. Through studies the borough should have 8 or 9 officers for a town our size. He explained the borough budgets over the past years. Even with a 2 mill increase no monies will be put aside for road repairs.

Councilor Baldwin also mention our road crew used to be a 5-man crew and now there is only 3. Our goal is to have a true balanced budget and stay out of the red and provide services our residents expect. Most people his spoken with want 24/7 police coverage. State Police cover about 5 to 6 shifts a week.

Darrell asked what the status was on the SCMA interconnect. President Touchinsky responded its ongoing, still in progress and the lawsuit is still in place.

Old business:

Pine Creek Retirement Community

Solicitor Datte reviewed the current status:

The Developer filed an appeal from the action taken at last months meeting. The record created at the Borough level will be lodged with the court at the appropriate time. The matter will be brief and the court will make a decision.

Blue Mountain Retirement:

Solicitor Datte reviewed the current status:

During the course of the month the Orwigsburg Zoning Hearing Board met; the hearing did conclude in one evening and Zoning Hearing Board asked for briefs - those briefs will be filed first by the Rhodes Organization who appealed the determination of our Zoning Officer, brief needs to be filed within 20 days of the transcript having been issued. We will file our brief 20 days after that; then a 10 day reply brief period then the Zoning Hearing Board will make their decision. Don't expect a decision until maybe February. The Borough has received an offer for an extension of time until June 30, 2017. An extension was previously accepted until December 30, 2016. Working through fee issues and escrow issues. The Solicitor recommends accepting the extension that is being offered.

A motion to accept the extension being offered until June 30, 2017 was made by Brian Baldwin, second by Darle Cresswell. Unanimous.

The Solicitor noted they are currently working on a preliminary development agreement that would create a different type of extension. Document would include escrow provision and escrow replenishment.

Attorney Sterns agrees with the Solicitor's assessment and would like to resolve any disputes on the current fees before any future reviews take place.

Villas of Orwigsburg

Developer published a notice in the legal section of the Republican Herald last Thursday claiming his plan is deemed approved without conditions. The developer did receive the letter regarding the action that was taken by Council at a November's meeting. They have not appealed that action. It is the Solicitor's opinion that the public notice does not trigger an obligation for Council to do anything.

Committee Reports

Finance

The 2017 Budget Message

The Borough's financial condition continues to improve. The Water, Sewer, and Sanitation Funds are adequately funded with ample reserves in place for all three accounts. The General Fund, which has been chronically underfunded, was operating in 2016 at a 6 plus mill annual pace with a 5 – mill funding rate further delaying a realistic balance General Fund.

The 2017 Budget is a lean conservative fiscally responsible attempt at addressing our dependency on our reserves while concurrently maintaining services for our community. The 2017 Budget at 7 mills includes funding for an additional full time Police Officer in an effort to provide our community with 24/7 police coverage.

A motion to approve the 2017 Budget which includes a 2 mill increase as follows was made by Brian Baldwin, motion failed due to lack of second.

	<u>Receipts</u>	<u>Expenditures</u>
General Fund	\$1,112,400.00	\$1,112,400.00
Water Fund	\$ 739,810.00	\$ 739,810.00
Sewer Fund	\$ 832,941.00	\$ 832,941.00
Sanitation Fund	\$ 288,856.00	\$ 288,856.00

A discussion was held on the following issues regarding the purposed budget:

- Last year's 2 mill increase which included hiring a police officer, an officer was never hired which is why the 2016 budget balanced throughout the year.
- The 1 mill increase does not allow for 24/7 police coverage.
- Challenges of running the borough with only a 3-man crew.
- Lack of budgeting for infrastructure issues.
- Past budgeting practices.
- The 6-mill budget only allows for hiring a police officer after the Chief retires
- The Borough spends more than 6 mills per year

A motion to approve the 2017 Budget at 6 mills was made by Paul Bedway, second by Darle Cresswell. On a Roll Call vote taken by Borough Secretary Edwards was as follows: Councilor Bedway – yes; Councilor Baldwin – no; Councilor Murphy – yes; Councilor Cresswell – yes; Councilor Solga – yes; President Touchinsky – no. Vote 4 – 2. Motion carried.

	<u>Receipts</u>	<u>Expenditures</u>
General Fund	\$1,049,900.00	\$1,049,900.00
Water Fund	\$ 739,810.00	\$ 739,810.00
Sewer Fund	\$ 832,941.00	\$ 832,941.00
Sanitation Fund	\$ 288,856.00	\$ 288,856.00

Kerry Mariano of 3027 Ridgeview Drive expressed is concern regarding not having 24/7 police coverage in town and how fast this town will go to heck.

A motion to adopt proposed Ordinance #426 establishing the 2017 Real Estate Tax at 6.00 mills on each dollar of assessed valuation for property tax was made by Paul Bedway, second by Darle Cresswell. A Roll Call vote taken by Borough Secretary Edwards was as follows: Councilor Bedway – yes; Councilor Baldwin – no; Councilor Murphy – yes; Councilor Cresswell – yes; Councilor Solga – yes; President Touchinsky – no. Vote 4 – 2. Motion carried.

A motion to adopt Resolution 2016-27 maintaining Act 511 Taxes for 2017 as follows: 2017 Occupation Tax at 13 mills, Per-Capita Tax \$10.00, Real Estate Transfer Tax ½ of 1 percent, Earned Income Tax ½ of 1 percent, Amusement Tax at \$25.00 per device, and Local Services Tax \$47.00 was made by Paul Bedway, second by Brian Baldwin. Unanimous.

A motion to authorize the Borough Manager to pay ear end (FY 2016) bills after review by the Finance Chairman was made by Paul Bedway, second by Sue Murphy. Unanimous.

President Touchinsky asked Council to consider waiving their Borough Council salary for use in the General Fund to be used at the Borough Manager's discretion; for Police 24/7 coverage, coverage for Borough Events for example. Council was instructed to submit waiving their salary right in writing. Per the Solicitor Council would need to make a motion in order to transfer the portion of their salary that is taken from water and sewer to the general fund.

A motion to have funds allocated to the general fund should a Councilor waive their Borough Council salary was made by Brian Baldwin, second by Paul Bedway. Unanimous.

Personnel

A motion to adopt Resolution 2016-28 establishing the non-uniform full time employee wage rates at a 3% increase for 2017 was made by Sue Murphy, second by Darle Cresswell. Unanimous.

A motion to approve the 2017 Employee Handbook as reviewed and updated by the Power Kunkle Group was made by Sue Murphy, second by Paul Bedway. Unanimous.

A motion to authorize the Fire Police to support the Food Pantry activities on December 17, 2016 was made by Brian Baldwin, second by Sue Murphy. Unanimous.

Bob reviewed the following on the Police Contract:

- Increased & Additional Management Rights
- Updated 2017 Blue Cross Medical Policy
- Increased Medical Co-Pays 10% shared cost of policy
- Elimination of Retiree Medical Payments, effective January 1, 2017 for new employees
- Reduction of sick leave, effective January 1, 2017 for new employees
- Reduction of Carry-Over Sick Leave, effective January 1, 2017 for new employees
- Reduction of Vacation Time, effective January 1, 2017 for new employees
- Added Veterans Day as a Holiday
- Added Short Term Disability – Aflac – ½ Borough expense, ½ Employee expense
- 3% Salary Increase per year
- Adjusted Longevity Pay in accordance with local municipalities

A motion to approve the Collective Bargaining Agreement between the Borough of Orwigsburg and the Police Department of the Borough of Orwigsburg, effective January 1, 2017 to December 31, 2019 was made by Darle Cresswell, second Brian Baldwin. Unanimous.

Insurance

A motion to renew the 2017 Capital Blue Cross Health Insurance Policy at an annual savings of \$1,104.84 was made by Paul Bedway, second by Brian Baldwin. Unanimous.

Water, Sewer, & Sanitation

A motion to extend the current County Waste contract for a period of 1 year with the current level of service at the current rates was made by Brian Baldwin, Paul Bedway. Unanimous.

New Business

COG

Councilor Murphy noted the next COG meeting is scheduled for Thursday, January 19, 2017, at 7 pm in Council Chambers at Borough Hall.

2017 Meeting Dates

A motion to authorize and advertise the establishment of the 2017 meeting dates to include July 5th and 12th meeting dates was made by Brian Baldwin, second by Paul Bedway. Unanimous.

July dates are pending upon the priority of agenda items

Vacant Council Position

Interview & Discussion with Candidates

Bill Knecht of 204 S Warren St
Kerry Mariano of 3027 Ridgeview Drive
John Fenstermacher of 235 S Walborn Ave
Matt Baran of 190 Clark Drive
Michele Rudloff 240 E Market St

Each candidate gave a brief presentation on their present and past occupations and education. Each candidate was asked if they would run when this term ended. . and all would.

Brian Baldwin nominated Michele Rudloff
Angie Hoptak-Solga nominated Bill Knecht
Darle Cresswell nominated John Fenstermacher

John Fenstermacher declined his nomination

A roll call vote taken by Borough Secretary Edwards on the nomination of Michele Rudloff was as follows:

Councilor Bedway – yes
Councilor Baldwin – yes
Councilor Murphy – no
Councilor Cresswell – no
Councilor Solga – no
President Touchinsky – yes
Mayor Berger – yes
4 yes, 3 no – motion carried

Council thanked all candidates who expressed interest in serving on Council.

Mayor Berger swore in Michele Rudloff as a member of Borough Council.

Community Events

Merry Christmas & Happy New Year

Fire – None

Police

The attached November 2016 Police Report is attached to these minutes.

Correspondence – None

Bills

A motion to approve and ratify the Accounts Receivable for General, Water, Sewer, Sanitation, State and Grant Funds accounts was made by Paul Bedway, second by Brian Baldwin.
Unanimous.

There being no further business President Touchinsky adjourned the meeting at 9:25 pm.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary