

ORWIGSBURG BOROUGH COUNCIL
MEETING MINUTES
April 13, 2016

Orwigsburg Borough Council met on Wednesday, April 13, 2016 in Council Chambers. President Buddy Touchinsky called the meeting to order at 7:30 pm, and the Pledge of Allegiance was recited

Attending were: President Buddy Touchinsky; Vice President Susan L. Murphy; Councilors: Edward Mady; Darle W. Cresswell, Paul J. Bedway, Brian W. Baldwin, Angie Hoptak-Solga. Solicitor Paul Datte; Planning Consultant Greg Stewart; Borough Manager Robert A. Williams and Borough Secretary Sherry M. Edwards.

Visitors: Bill Knecht of 204 S Warren St; Janis McGowan of South Schuylkill News; Amy Marchiano of the Republican Herald; Dave Teter, Streets & Utility Supervisor; Scott Cox of Orwigsburg; Anthony Rice of 660 Kimmel Road; Darrell Kunkel of 1010 E Market St; Chris Hamilton of 101 W Independence St; Nick Bagdonis of 390 Patton Dr; Chief Brozana; Sergeant Koury; Kerry Mariano of 3027 Ridgeview Dr;

The minutes of the March 2, 2016 and March 9, 2016 meetings were accepted as presented on a motion made by Darle Cresswell, second by Sue Murphy. Unanimous.

The February 2016 Treasurer's Report was presented to Council.

The March 2016 Tax Collector's report was presented to Council.

Real Estate	\$	44,904.63
Per Capita	\$	3,453.40
Occupation	\$	993.44

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #3 was made by Darle Cresswell, second by Sue Murphy. Unanimous.

Building Permits for March 2016: -0- New Permits
 2 Renovation Permits issued at \$1,600.00 total value

Public Comment

Darrell Kunkel addressed Council on the letter he faxed today regarding the pavilion being built at the Schuylkill Masonic Lodge.

- Darrell alerted the borough (via fax) in December that a pavilion was going to be built at the Masonic Lodge that adjoins his property.

- Today he faxed a request to “cease and desist” a permit issued April 4, 2016 to the Masonic Lodge; started earth moving and placed a silt fence today.
- Quoted to not be an Accessory Bldg
- Permit application appears to mislead intent
- His due process of the law was violated with issuance of the building permit
- States in the zoning ordinance that a pavilion needs a special exception hearing
- The project site has tremendous water run off onto his property – they do excessive mowing , only needs to be mowed twice a year

Buddy gave a brief synopsis:

- Masonic Lodge is starting to construct something, moving dirt at this point
- Darrell caught wind of this a few months ago
- Brought it to our attention - no zoning application or building permit was submitted at that time, borough can only act when something is submitted
- Early April the Masonic Lodge applied for a Zoning Permit to build a structure
- Zoning Officer issued a permit
- We need to talk to the Zoning Officer

Solicitor Datte addressed the issue:

- Depending on the nature of what they want to build they may or may not need a permit
- We need to determine if the permit was properly issued
- You have 30 days to appeal the issuance to the zoning hearing board
- You’re entitled to get copies of the permit at the borough office
- Plan states to erect accessory structure
- Included on the plan is an E & S Control Plan – concrete pad and barbeque house
- An application form to file an appeal but make sure you’re within the 30 day period
- The zoning officer relies on what’s on the zoning application and acts on that

Old Business:

Blue Mountain Retirement Community

Greg Stewart gave an update:

- Based on lack of information P & Z recommended Council deny the plan at their March meeting
- A meeting was held on Thursday, April 7, 2016 between Attorney Sterns, Jerome Skrincosky, Greg Stewart to inform the Borough they will be providing necessary extensions and applying for a Zoning Appeal
- The extension offer and Zoning appeal was received on April 12, 2016
- Developer is asking that the plan stay open until the Zoning Appeal decision is made

Solicitor Datte offered the following:

- There are a number of issues the developer is raising before the ZHB:
 - Having the Board reverse decision made by the Zoning Officer
 - Requesting relief in the form of having the Zoning Hearing Board make interpretations of the Zoning Ordinance
- They did submit a letter granting an extension until December 30, 2016
- Paul recommends agreeing with the extension offer
- Paul explained the State Legislation - Permit Extension Act: extends a permit plan approval for certain periods of time. If no specific time frames attached to the conditions to approval on the Pine Creek plan Paul believes permit would be extended until September 30, 2016 but they would then need to meet all the conditions for plan approval within that time frame after which it's considered null and void; this would also include the Villas of Orwigsburg Plan

A motion to accept a 3rd Time Extension Period to December 30, 2016 on the Blue Mountain Retirement Community Plan submitted August 12, 2015 was made by Darle Cresswell, second by Brian Baldwin. Unanimous.

Villas of Orwigsburg

Solicitor Paul Datte briefed Council:

- The developer (Brian Kobularcik) has offered an extension until September 30, 2016, by operation of law the plan is already extended until September 30, 2016 and would like Brian Kobularcik to acknowledge that September 30, 2016 is also the Permit Extension Act drop dead date.
- The Solicitor will pursue unpaid invoices – Developer has voluntarily said he would make a payment every 30 days
- The third time extension period expires May 8, 2016

Rental Inspections Ordinance

Bob noted the Rental Inspections Ordinance will be advertised in April by the Solicitor and is scheduled to be considered and discussed by Council at our May meetings.

Committee Reports:

Finance

A motion to adopt Resolution 2016-14 designating and authorizing the Borough Bookkeeper, Kathi Mengle, to execute and process the necessary documents, and attend the required meetings, for the purpose of obtaining financial reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as amended by Public Law

100-707, for costs incurred from 2016 Winter Snow Storm Jonas was made by Paul Bedway, second by Ed Mady. Unanimous.

Planning & Zoning

A motion to adopt Resolution 2016-15 approving the Baran/Benner Annexation Land Swap Plan as recommended by the Planning and Zoning Commission, Borough Engineer, and Borough Solicitor was made by Paul Bedway, second by Darle Cresswell. Unanimous.

Streets, Lights, & Buildings

A motion to adopt Resolution 2016-16 approving an agreement with PPL Electric Utilities Corporation for the furnishing of electric street lighting service required to light the streets of the Borough in accordance with the terms contained in the agreement on file with the Borough Secretary, and that the proper officers of the Borough are hereby authorized and directed to execute and deliver the agreement on behalf of the Borough was made by Brian Baldwin, second by Sue Murphy. Unanimous.

Double Coat of Seal Tar & Chip – Per Dave Teter - this will create more traction on the hill and prolong the life of the road; also save money. Road will be swept afterwards to pick up loose chips. Council and Darin Brensinger is concerned with loose chips damaging cars. Road will be repaired in house first. A priority list of borough streets for repairs has been started but doesn't have a 10 year list. Ridgeview Dr is in bad shape and needs to be repaved along with S Warren St these streets are at the top of the priority list. Some streets are in need of drainage repairs before paving can happen.

A motion to approve an agreement with West Brunswick Township to reimburse the township cost in accordance with Solicitor Datte's letter, to be recorded with the Borough Secretary, for a road project to Double Seal Coat North Warren Street from the Borough Line to Margaret Avenue as part of a joint cost savings expenditure of out Liquid Fuels Account was made by Brian Baldwin, second by Paul Bedway. Unanimous.

A motion to adopt Resolution 2016-17 establishing a 3-member Uniform Construction Code Board of Appeals for the Borough of Orwigsburg in accordance with Ordinance Number 365 of April 14, 2004 was made by Brian Baldwin, second by Sue Murphy. Unanimous.

A motion to adopt Resolution 2016-18 in accordance with Ordinance Number 327 of October 12, 1994 establishing no parking on both side of the following streets during a declared Borough of Orwigsburg Snow Emergency as called by the Mayor;

1. The entire length of Market Street within Borough limits including both sides of Centre Square.
2. South Liberty Street from Market Street to the Borough limit.
3. North Warren Street from Market Street to the Borough limit.
4. North Washington Street from Market Street to the Borough limit.

Personnel

A motion to authorize the advertising for 2016 Part Time Summer Borough Workers was made by Ed Mady, second by Darle Cresswell. Unanimous.

Police

A motion to authorize the addition Police Department budgetary expenditure of up to, but not to exceed, \$4000.00 for Bullet Proof Vests, \$3000.00 for the Visual Alert Program, \$1,000.00 for dedicated, independent, and secure Internet Service, \$3,000.00 for a Computer Service Firewall, and \$945.00 for Taser Instructor & Criminal Investigator Schools, for a total of \$11,945.00 was made Brian Baldwin, second by Darle Cresswell. Unanimous.

A copy of the 2016 March Police report is attached to these minutes.

New Business - None

COG

Councilor Murphy noted the next COG meeting is scheduled for Thursday, April 21, 2016, 7:00 PM in the Council Chambers at Orwigsburg Borough Hall.

Fire - None

Correspondence – None

Bills

A motion to approve and ratify the Accounts Payable for General, Water, Sewer, Sanitation, Capital Improvement, 2015 Bond, Grant, and State Fund accounts was made by Ed Mady, second by Sue Murphy. Unanimous.

A motion to adjourn at 8:39 pm was made by Sue Murphy, second by Darle Cresswell. Unanimous.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary

