

ORWIGSBURG BOROUGH COUNCIL
MEETING MINUTES
November 9, 2016

Orwigsburg Borough Council met on Wednesday, November 9, 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 were: President Buddy Touchinsky; Vice President Susan L. Murphy; Councilors: Darle W. Cresswell, Angie Hoptak-Sogla; Paul J. Bedway and Brian Baldwin. Mayor Barry Berger; Solicitor Paul Datte; Borough Manager Robert A. Williams and Borough Secretary Sherry M. Edwards.

Visitors: Bill Knecht of 204 S Warren St; Bill McMullen of ARRO Engineering, Janis McGowen of South Schuylkill News; Bookkeeper Kathi Mengle; Sergeant John Koury, Chief Stan Brozana, Shelby Hostetter of 75 Memorial Dr, Schuylkill Haven; Brian Kobularcik of 544 Hain Rd, Sinking Springs (The Villas); Amy Marciano of the Republican Herald.

A motion to approve the minutes of the October 5, 2016 and October 12, 2016 meetings as presented was made by Sue Murphy, second by Darle Cresswell. Unanimous.

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

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

October

Real Estate	\$ 413.02
Per Capita	\$ 183.80
Occupation	\$ 54.91

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #9 was made by Paul Bedway, second by Sue Murphy. Unanimous.

Building Permits for October 2016:

-0- New Permits

6 – Renovation Permits issued at \$45,240.00 total value

Public Comment - None

Old Business

Wayne & Warren Streets Drainage/Pavement Improvement Project

Bob and Dave Walasavage gave a project update:

- Project is coming along very well and will meet Penndot's deadline
- Mrs. Jones's light needs to be reinstalled
- Borough Crew installed three drainage inlet at Wayne & Warren Sts
- Parking stalls are within 20ft of crosswalks which make them noncompliant
- Contractor will be notified to correct spacing

SCMA Interconnect Project

Paul Datte informed Council that there is an amended complaint filed by the Sopkos, preliminary objections were filed to the complaint – Sopkos are still within the time frame to respond. Construction meetings are scheduled to discuss the manner of accessing the site for delivery of the vault.

Efforts are being made to schedule a meeting with the Army Corps of Engineers to review the wetland issue.

Pine Creek Retirement Community

Solicitor Datte reviewed the current status of the plan:

- Today was the deadline to comply with the conditions to the original plan approval including both entry into Land Development Agreement and posing Financial Security
- Solicitor Datte's position and suggests the position of the borough that we have not received the Land Development Agreement or Financial Security and under the Municipalities Planning Code (MPC) the plan expires and is deemed to be revoked without further action from the Borough
- Solicitor Datte suggest to inform the owner and developer of this position so they may take whatever action they feel is appropriate – Solicitor Datte will issue a letter

Attorney Shelby Hostetter was present on behalf of the Rhodes Organization and filling in for Attorney Sterns commented they do want to build and have no intention of abandoning the plan. There is a difference of opinion on the analysis of the 90 day period for the Financial Security. Attorney Hostetter submitted Attorney Sterns's October 5, 2016 letter to be attached to the minutes along with a copy of Solicitor Datte's October 14, 2016 e-mail.

As of today's, date the developer owes \$7,283.88 for engineering costs

Blue Mountain Retirement Community

Solicitor Datte gave a brief review of the current status of the plan:

- Owner/Developer has appealed the determination of the Zoning Officer in conjunction with the review of the plan
- Hearing is scheduled for November 29, 2016
- On hold until decision of the Zoning Hearing Board
- The plan was extended until December 30, 2016
- Early on in the process Solicitor Datte provided them with a preliminary Land Development Agreement – he hasn't had a sense that Council is interested in pursuing
- The Borough insists they pay the \$15,000 application fee and complete application

The Villas

Solicitor Datte provided an update on the plan:

- Developer did pay balance of fees owed to the Borough as agreed
- The Borough granted an extension for satisfaction of conditions including posting Financial Security and Land Development Agreement that expires tonight – neither was provided to date
- Provision under the Municipalities Planning Code (MPC) suggests the plan is revoked and is no longer in effect - no action is required to be taken by the Borough
- Solicitor Datte suggests sending a letter to inform the owner of the Borough's position

Brian Kobularcik pointed out according to the MPC the Borough must send a letter to the Developer outlining what the conditions are of the plan and the Developer must accept those conditions. In 2009 that letter was never sent to the Developer by the Borough and plan is deemed approved and cannot be rescinded. He also researched the plan, along with the former Borough Manager to find out what the condition were so he could meet those conditions which he feels he did over three years. When he received plan approval 1 ½ years ago he never received a letter outlining the approval with conditions, twice the Borough failed to meet its obligations under the MPC and doesn't have the opportunity to revoke the approval.

Solicitor Datte noted the obligation to provide Financial Security is independent of the obligation to satisfy any conditions that may have been imposed on plan approval - Section 509B of the MPC. Whether there were conditions imposed on plan approval or not the Financial Security has to be posted within 90 days unless that time frame is extended and it was. Council needs to bring this plan to conclusion.

Council instructed the Solicitor to forward a letter to the Developer stating the Borough's position.

Committee Reports

Personnel & Negotiations

A motion to accept the resignation of Ed Mady from Borough Council effective November 01, 2016, the resignation of Joshua Meade from the Zoning Hearing Board effective July 13, 2016, and the resignation of Nicholas Bagdonis from both the Municipal Authority and the Planning and Zoning Commission effective October 27, 2016 was made by Darle Cresswell, second by Brian Baldwin. Unanimous.

Solicitor Datte noted with the acceptance of Ed Mady's resignation tonight triggers the 30 day period to fill the vacancy.

President Touchinsky thanked them for their service to the community and wished them well in their future endeavors and also mentioned if anyone is interested on serving on borough council to submit a letter of intent to council or the borough manager.

A motion to appoint Nicholas Bagdonis to the Zoning Hearing Board effective November 9, 2016 was made by Darle Cresswell, second by Paul Bedway. Unanimous.

A motion to approve the Fire Police support for the Saint John's Food Pantry event on November 19, 2016 was made by Brian Baldwin, second by Sue Murphy. Unanimous.

Planning & Zoning

A motion to authorize Resolution #2016-26 the Annexation Plan for the Glunz South Liberty Street Properties, and the waiver of Section 604.B.2.C of the Subdivision and Land Development Ordinance requirement to show all buildings within 200 feet of the tract, and a waiver for Section 304 of the Storm Water Management and Earth Disturbance Ordinance to allow the plan to be considered under the Minor Land Disturbance Activity, as defined by Section 201 was made by Paul Bedway, second by Brian Baldwin. Unanimous.

Finance

The Finance Committee met tonight before the Council Meeting. Final budget will be discussed at the December's Work Session and approved at the December Council meeting. Proposed budget balances at a 2 mill real estate tax increase or 7 total mills. Council is required to vote on advertising a balanced budget at tonight's meeting.

Council discussed the following item regarding the budget:

- Police coverage 24/7
- Hiring a fifth full time officer for when the Chief retires
- Currently the Borough is operating at 6 plus mills

- Purposed 2017 Budget does not deficit spend
- Adjust Schedule of Fees
- Budget can still be tweaked after its advertise
- Borough hasn't been re-assessed since 1995
- Increase development – increase EIT

Bill Knecht of 204 S Warren St commented you're proposing to increase the real estate tax millage by 40% to properly fund your budget which hasn't been done in the past but with the 40% increase the public really isn't receiving anything additional including services.

Council noted the increase will fund an additional police officer for four months.

A motion to advertise the Proposed 2017 Budget for consideration at the December 14, 2016 Council meeting as follows:

	<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

Motion was made by Brian Baldwin, second by Darle Cresswell. Sue Murphy opposed. Motion carried.

A motion to advertise proposed Ordinance #426 for consideration at the December 14, 2016 Council meeting proposing the 2017 Real Estate Tax at 7.00 mills on each dollar of assessed valuation for property tax and 2017 Occupation Tax at 13 mills was made by Paul Bedway, second by Brian Baldwin. Sue Murphy opposed. Motion carried.

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

New Business – None

COG

Councilor Murphy noted the next COG meeting is scheduled for Thursday, November 17, 2016 @ 6:30 pm at 3 C's Restaurant, located on Route 61 in Port Clinton.

Community Events

President Touchinsky noted the Festival of Lights is scheduled for 4:30pm Saturday, December 3, 2016.

Fire

Chief Hardinger submitted the following report:

	<u>Aug</u>	<u>Sept</u>
Structure Fire	0	0
Vehicle Accident-Gen'l Clean up	0	2
Vehicle Accident with Injuries	1	2
Vehicle Rescue – Extrication	0	0
Search	0	0
False Alarm	4	4
Technical Rescue	0	0
Vehicle Fire	2	0
Brush / Rubbish Fire	0	0
Haz Mat (fuel spill)	1	1
EMS Assist	3	2
Standby in Station	0	0
Electrical Fire	0	0
Service Calls	1	2
Helicopter Landing Zone	1	0
Fire Other	0	0
	13	13

Police

The October 2016 Police Report is attached to this minutes.

Correspondence – None

Bills

A motion to approve and ratify the Accounts Receivable for General, Water, Sewer, Sanitation, Capitol Improvement Fund and State Fund accounts was made by Darle Cresswell, second by Brian Baldwin. Unanimous.

There being no further business President Touchinsky adjourned the meeting at 9:05 pm.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary