

ORWIGSBURG BOROUGH COUNCIL
MEETING MINUTES
September 14, 2016

Orwigsburg Borough Council met on Wednesday, September 14, 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 Baldwin, Mayor Barry Berger; 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; Amy Marchiano of the Republican Herald; Darrell Kunkel of 1010 E Market St; Attorney Wallbillich of 450 West Market St, Pottsville; Rick Bubeck of 415 Marshall Dr; Pat Falco of OBPA; Streets/Utility Supervisor Dave Teter; Bryon Killian of Entech; Attorney Gretchen Sterns of 200 Mahantongo St, Pottsville; Brian Kobularcik of The Villas of Orwigsburg; Melvia Morrow and Son (Boy Scout) of 20 Spruce St; Janis McGowen of South Schuylkill News;

A motion to approve the minutes of the August 3, 2016 and August 10, 2016 meetings after adding Brian Baldwin to the attendance of the August 10, 2016 meeting was made by Ed Mady, second by Sue Murphy. Unanimous.

The July 2016 Treasurer's Reports was presented to Council.

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

		<u>August</u>
Real Estate	\$	1,391.74
Per Capita	\$	275.00
Occupation	\$	85.80

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #7 was made by Darle Cresswell, second by Sue Murphy. Unanimous.

Building Permits for August 2016: -0- New Permits
 3 - Renovation Permits issued at \$19,500.00 total value

Public Comment:

Pat Falco of the Orwigsburg Business and Professional Association thanked the Borough and Borough Crew for all their help with Heritage Days.

At 7:37 pm President Touchinsky called an Executive Session to discuss a complaint filed by Scott and Sandra Sopko against Forino Co. LP, Anthony Forino and Sandra Forino, SCMA and the Borough.

At 8:40 pm the Executive Session ended and the regular meeting continued.

Old Business:

SCMA Interconnect

A motion to approve the addendum to the November 18, 2014 System Interconnection and Bulk Water Supply Agreement – this addendum puts in place the monthly reimbursement provision to the agreement was made by Ed Mady, second by Brian Baldwin. Unanimous.

A motion to approve Assignment Agreement between Forino Company Limited Partnership, Orwigsburg Borough, Schuylkill County Municipal Authority pursuant to which Forino is assigning the easement rights across the Sopko and Brady properties to both the Orwigsburg Borough and Schuylkill County Municipal Authority was made by Ed Mady, Darle Cresswell. Unanimous.

A motion to issue a Notice to Proceed to Wexcon on the construction project condition upon receipt of all required contract documentation from the contractor and condition upon SCMA appropriately indemnifying the Borough was made by Ed Mady, second by Brian Baldwin. Unanimous.

Pine Creek Retirement Community

Greg Stewart reviewed:

(copy of Alfred Benesch review #1 letter dated September 12, 2016 is attached to minutes)

- Review letter #1 was issued on September 12, 2016 for the July 27, 2016 submission pertaining to conditional approval granted November 2009
- Outstanding items
- Cost Estimate for on-site improvements (largest costs
- Financial security
- Clarify notes adjusted on plan
- Conditions needs to be completed by September 30, 2016
- A request for an extension through the end of the year was submitted by Attorney Sterns
- Cost Estimate for off-site improvements was received
- Additional information needs to be submitted on project phasing (cost estimates on each phase) – phasing was not part of the original plan

Solicitor Datte explained the Permit Extension Act extended approval through July 2, 2016; the borough then counted 90 days to determine when the conditions for final approval need to be met which was calculated to be September 30, 2016 or plan expires. Financial Security Agreement and Financial Security needs to be posted with the Borough. Cost estimate received is understated. Looking for revised cost estimate to be reviewed by Greg. Land Development Agreement needs to be finalized and approved by Council. Solicitor Datte recommends a time extension until October 31, 2016.

Attorney Sterns notes a discussion needs to be held regarding what should be included in the cost estimate. Since this is a single owned unit and on-site features are not owned by the Borough should not be included within the cost estimate. Willing to agree to a date to resolve remaining issues. She is not aware of any phasing time-line and not sure where the note came from and has not seen a phasing plan. Recreation fees would be paid before occupancy but would like to discuss a timing issue.

Solicitor Datte noted if phasing is introduced at this point it would require a new plan submittal.

A motion to grant an extension on the Pine Creek Retirement Community Plan to submit all outstanding items and address all outstanding conditions to the Planning Consultant and Solicitor's satisfaction by October 21, 2016 for Council to act at the November 9, 2016 Council meeting was made by Brian Baldwin, second by Darle Cresswell. Sue Murphy and Angie Hoptak-Solga opposed. Motion carried.

With the exception of final approval of land dev agreement and post of the financial security which needs to happen by November 9, 2016

Blue Mountain Retirement Community

Attorney Sterns reviewed

- Original plan submitted August 2015
- In April 2016 plan was extended until December 30, 2016 due to zoning issues
- After Zoning Hearing the August 2015 submission was withdrawn
- A new revised Blue Mountain plan was submitted on June 27, 2016
- Understands based on prior discussions with the borough when a revised plan is submitted it is treated like a new submission
- Offering an extension until December 30, 2016 on the new revised plan

Greg Stewart gave a brief overview:

- Plan is similar to what was presented before
- Updates made to plan include easement information and stormwater changes.
- E & S and Stormwater Management still need to be submitted
- Sidewalk was added on both E Market St and Breezy Acre Road

- Additional signage was added
- Another appeal is anticipated
- Waivers are being requested that are similar to the waivers on the Pine Creek Plan

A motion to accept the extension granted by the developer until December 30, 2016 with the understanding that Council will act on plan at the December 14, 2016 Council meeting was made by Brian Baldwin, second by Paul Bedway. Darle Cresswell opposed. Motion passed.

Villas of Orwigsburg

Brian Kobularcik addressed council on the following:

- Plan is completely finished
- All documentations have been approved
- Only outstanding items are posting financial security and execute Land Development Agreement
- Property has been listed with a realtor – has been communicating with private developers

Council asked when they can expect payment in full on the outstanding engineering bills. Brian offered to pay in full by the end of October.

A motion to grant extension until November 9, 2016 Council meeting with the intent that all outstanding engineering fees are paid by October 31, 2016 was made by Brian Baldwin, second by Paul Bedway. Sue Murphy and Angie Hoptak-Solga opposed. Motion passed.

Committee Reports:

Recreation & Health

A motion to approve the purchase of playground mulch, via Co-Stars, through Game Time as the supplier, for up to \$8600.00 in accordance with the DCED grant and Greg Stewart's letter/request of September 7, 2016 was made by Sue Murphy, second by Darle Cresswell. Unanimous.

Police

A motion to appoint Mike Malone as an alternate member of the Orwigsburg Civil Service Commission for a 6 year term ending September 14, 2022 was made by Sue Murphy, second by Paul Bedway. Unanimous.

Mayor thanked Kerry Mariano for his interest to serve on the Commission.

A copy of the August 2016 police report is attached to these minutes.

Personnel & Negotiations

A motion to adjust the salaries of part-time employees, Steve Daynorovics, Kelly Schaeffer, Brandon Baver, and Slade Bugajinsky to the 2016 level of \$11.00 per hour effective immediately was made by Darle Cresswell, second by Paul Bedway. Unanimous.

These 4 part-time employees were all hired prior to 2016. They did not receive the 2016 pay rate in the beginning of the fiscal year in January.

A motion to accept the resignation of Streets/Utility Worker Brandon Wagner effective September 24, 2016 was made by Sue Murphy, second by Darle Cresswell. Unanimous. Brandon accepted a position at a higher salary with the Reading Blue Mountain Railroad. Mr. Wagner was a valued employee, we wish him well, and thank him for his service to the Borough.

A motion to transfer part-time employee Slade Bugajinsky to a full-time status to fill the vacancy of Brandon Wagner at an hourly wage of \$13.00 per hour effective September 26, 2016 was made by Sue Murphy, second by Paul Bedway. Unanimous. Slade has more than 3 years of experience with the Borough working as a part-time Streets/Utility Worker. He was hired by the Borough in May of 2013. He recently graduated Alvernia University in Reading Pennsylvania and resides in Schuylkill Haven with his parents. At his own choice, Slade will not be participating in the Borough health benefits.

A motion to advertise for Part Time Laborer was made by Brian Baldwin, second by Darle Cresswell. Unanimous.

New Business - none

COG

Councilor Murphy noted the next COG meeting is scheduled for Thursday, September 22, 2016 @ 7:00 pm at Deer Lake Borough Hall located on Lake Front Drive.

Community Events

President Touchinsky noted the Halloween Parade is scheduled for October 26, 2016 @ 7:00 pm with a rain date of October 27, 2016. Trick or Treat is scheduled for October 31, 2016 from 6:00 pm to 8:00 pm.

Fire - none

Correspondence – None

Bills

A motion to approve and ratify the Accounts Payable for General, Water, Sewer, Sanitation, Grant Fund and State Fund accounts was made by Sue Murphy, second by Darle Cresswell. Unanimous.

There being no further business the meeting was adjourned at 10:10 pm.

Respectfully submitted,

Sherry M. Edwards
Borough Secretary