

**ORWIGSBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**August 10, 2016**

Orwigsburg Borough Council met on Wednesday, August 10, 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; Scott and Sandra Sopko of 2008 Ridgeview Drive; Attorney Wallbillich of 450 West Market St, Pottsville.

The minutes of the June 1, 2016 and June 8, 2016 meetings were accepted as presented on a motion made by Darle Cresswell, second by Ed Mady. Unanimous.

The May & June 2016 Treasurer's Reports were presented to Council.

The June & July 2016 Tax Collector's report was presented to Council.

|             |    | <u>June</u> | <u>July</u> |
|-------------|----|-------------|-------------|
| Real Estate | \$ | 28,719.87   | \$ 1.49     |
| Per Capita  | \$ | 1,528.20    | \$ 203.60   |
| Occupation  | \$ | 415.97      | \$ 63.02    |

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration List #5 & 6 was made by Sue Murphy, second by Ed Mady. Unanimous.

Building Permits for June 2016:     -0- New Permits  
  7 - Renovation Permits issued at \$55,720.00 total value

Building Permits for July 2016:     -0- New Permits  
  6 – Renovation Permits issued at \$39,045.00 total value

**Public Comment:**

Attorney Jim Wallbillich represents the Sopkos, addressed Council regarding the SCMA Interconnect Project. He noted the Sopkos are opposed to the project as designed and bid and asked to table any motion to award the contract until there is a time to meet with the borough's solicitor and outline the legal reasons why they don't think this project can be built as design in the easement that exists.

President Touchinsky replied we've been discussing this issue for several months now. The project has been bid and the borough is ready to accept one of the bids tonight. At last weeks meeting we advised the Sopkos to have their attorney contact the Borough's Solicitor before tonight's meeting.

Solicitor Datte replied the borough has a contract with SCMA that requires us to design and construct the interconnect project. The project was put on hold back in the spring when the Sopko's raised their concerns about the location of the line and the other facilities on their property. There was an on-site meeting on March 31<sup>st</sup> and for a variety of reasons the borough pulled the bid package. Several discussions took place with SCMA and the engineer explored additional possibilities in terms of construction. The routed line was never going to be changed, line will go through the Sopko's property, the 20ft easement is reserved for utilities. We're 3 to 4 months out on this project, several weeks were spent waiting for comments from the Sopkos. We're under legal pressure from SCMA to get the project going. The project has been re-bid and bids have been received and its up to Council to take action. If there is a position to be presented now is the time. Does not recommend holding the project up.

Attorney Wallbillich – Easement language does not include a 10' vault. Easement is for a purposed waterline to benefit the property of Forino *west* of East Ridgeview Dr which is in the opposite direction. There is no document available that gave that easement to anyone including the Borough.

Solicitor Datte noted we'll receive an assignment from Forino otherwise we won't issue Notice to Proceed until we receive that document.

Solicitor Datte recommends moving forward tonight

Attorney Wallbillich noted he will seek an injunction and to seek declaratory judgement.

## **Old Business:**

### **Pine Creek Retirement Community**

- Conditional approval expires September 30, 2016.
- Provided a draft Land Development agreement back in July but haven't heard anything from the developer
- Greg noted on July 28, 2016 received an official submission – working with Tom Yashinsky on the review

### **Blue Mountain Retirement**

- We received a response letter from the engineer and is scheduled to be reviewed by Planning & Zoning next Wednesday
- Once comment letter is issued it is predicted to be appealed again this time within the 30 day appeal process. First appeal was withdrawn.

### **Villas of Orwigsburg**

No update is available - property is still on the market, haven't heard from developer lately.

Bob informed Council and visitors due to Greg's relocation Dave Walasavage will be stepping in as the Borough's Planning Consultant. Greg will continue to offer reviews on the current open projects.

### **Committee Reports:**

A motion to award the Schuylkill County Municipal Authority Interconnect project in the amount of \$121,750.00 to the lowest bid at the SCMA bid opening on August 10, 2016, to Wexcon, Inc., 379 Tilden Road, Mohrsville, PA 19541, contingent upon the Solicitor's recommended monthly reimbursement agreement between the Borough of Orwigsburg and the Schuylkill County Municipal Authority was made by Ed Mady, second by Darle Cresswell.

Solicitor Datte noted the agreement referred to is an amendment to the existing agreement with the Schuylkill County Municipal Authority to reimburse us monthly instead of at the end of construction.

A brief was held regarding amending the water rate schedule in the agreement and the borough being responsible for costs if project goes over \$140,000; lowest bid is \$121,750.00.

Councilor Cresswell rescinded his second on the previous motion.

Councilor Mady made a motion to amend previous motion to clarify yearly increase of bulk water rate and monthly reimbursement payment. Motion died due to lack of second.

Solicitor Datte recommended tabling the motion since the award is contingent on the amendment to the agreement. Cant issue notice of intent until amendment is put in place. Amendment is for monthly reimbursement and clarification on how the water rates are increased on an annual basis. Bids are good for 60 days.

A motion to withdraw and table the previous motion on awarding the Interconnect Project was made by Ed Mady, second by Paul Bedway. Unanimous.

### **Streets, Lights, & Buildings**

A motion to issue a Notice to Proceed on the South Warren Street & South Wayne Street project to Schuylkill Paving, Inc., contingent upon further review and approval by Penndot, ARRO Engineering and the Borough Solicitor specifically concerning the use of future Liquid Fuels funding & reimbursement was made by Brian Baldwin, second by Paul Bedway. Unanimous.

Solicitor Datte recommends having written approval from Penndot with the way we're moving forward (interim financing) will permit us to use liquid fuels money.

A motion to accurately reflect the original dedication of the Community Memorial Building to officially change the name to Veterans Community Memorial Building was made by Brian Baldwin, second by Darle Cresswell. Unanimous.

A motion to approve the county lease with the District Justice Office for a term of 5 Years at an annual rate adjustment of 3% per year as recommended by the Solicitor. The current monthly rent is \$1833.43. Motion was made by Brian Baldwin, second by Ed Mady. Unanimous.

A motion to amend previous motion changing the name of the Veterans Community Memorial Building to Veterans Community Memorial *Hall* was made by Brian Baldwin, second by Paul Bedway. Unanimous.

### **Police**

Mayor Berger noted the generosity of our business community, specifically, Roy Heim of Heim Construction, Robert Green of Green's Communications, John Boyer of Boyer's Markets, and Sud Patel of Fanelli, Evans, & Patel donated \$4705.80 for the purchase of 4 ballistic protective helmets, 2 shields and 4 goggles. Thank you.  
Bob noted the new figure is \$5,160.

A motion to approve the Civil Service Rules & Regulations as recommended and approved by the Civil Service Commission on July 13, 2016 as amended and updated with the Municipal Police Officers Education and Training Commission Physical Training and Weight Standards was made by Darle Cresswell, second by Sue Murphy. Unanimous.

A motion to approve the request of Tremont Borough to utilize the services of our Fire Police on September 17, 2016, and the request of Schuylkill Haven Borough to utilize our Fire Police on September 24, 2016 was made by Ed Mady, second by Sue Murphy. Unanimous.

### **Planning & Zoning**

A motion to adopt Resolution No. 2016-24 approving the Hamilton Lot Annexation Subdivision and Land Development Plan as recommended by the Planning and Zoning Commission on June 14, 2016, and as reviewed and recommended by Planning Engineer Greg Stewart in his review letter of June 15, 2016 was made by Paul Bedway, second by Darle Cresswell. Unanimous.

A motion to approve Dollar General's bond reduction from \$143,495.60 to \$2,691.25 as recommended by Planning Engineer Greg Stewart was made by Paul Bedway, second by Sue Murphy. Unanimous.

### **New Business**

### **COG**

Councilor Murphy noted the next COG meeting is scheduled for Thursday, September 22, 2016

### **Community Events**

President Touchinsky noted Heritage Day will be on September 10<sup>th</sup> starting at 9:00 am on Center Square.

### **Fire**

Chief Hardinger submitted the following report:

|                                 | <u>June</u> | <u>July</u> |
|---------------------------------|-------------|-------------|
| Structure Fire                  | 1           | 0           |
| Vehicle Accident-Gen'l Clean up | 1           | 2           |
| Vehicle Accident with Injuries  | 1           | 2           |
| Vehicle Rescue – Extrication    | 1           | 0           |
| Search                          | 0           | 0           |
| False Alarm                     | 6           | 8           |
| Technical Rescue                | 0           | 0           |
| Vehicle Fire                    | 0           | 0           |
| Brush / Rubbish Fire            | 0           | 0           |
| Haz Mat (fuel spill)            | 1           | 0           |
| EMS Assist                      | 0           | 1           |
| Standby in Station              | 0           | 0           |
| Electrical Fire                 | 0           | 0           |
| Service Calls                   | 2           | 4           |
| Helicopter Landing Zone         | 2           | 0           |
| Fire Other                      | 0           | 0           |
|                                 | 15          | 17          |

### **Police**

A copy of the 2016 June and July Police reports are attached to these minutes.

### **Correspondence** – None

**Bills**

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

At 8:14pm President Touchinsky called an Executive Session to discuss a possible acquisition of real estate.

At 8:45pm the Executive Session ended and the regular meeting continued.

Council directed Solicitor Datte to pursue the possibility of acquiring 122, 126 & 128 S. Liberty St.

There being no further business the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary