

ORWIGSBURG BOROUGH COUNCIL
MEETING MINUTES
August 12, 2015

Orwigsburg Borough Council met on Wednesday, August 12, 2015 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 A. Touchinsky, Vice President Susan L. Murphy; Councilors: Darle W. Cresswell, Paul J. Bedway, David J. Rubright, Angie Hoptak-Solga, Ed Mady; Mayor Barry J. Berger; Solicitor Frank L. Tamulonis; Attorney Sud Patel; Planning Consultant Greg Stewart; Borough Manager Robert A. Williams and Borough Secretary Sherry M. Edwards.

Visitors:	Todd Shappell, 9 Dreher Lane	Randy Lindenmuth, 340 Ridge Rd
	Linda & Tony Rice, 660 Kimmel Rd	Lynn & Kick Stein, 529 E. Mifflin St
	Chris Dagna, 215 E Tammany St	Becky Herb, 1706 Tall Oaks Rd
	Ken Mayers, 1704 Breezy Acres Rd	Elaine Ditzler 60 Pine Tree
	Jason T. Stoudt, 356 Sculps Hill Rd	Jake Brensinger, Orwigsburg Boro
	Jerome Skrincosky, Hawk Valley Assoc.	Jill Bickelman, 12 Knotts Rd
	Mike Rhodes, Boyertown, Pa	Chuck Bonner, 1304 Village Rd
	Deborah Hoy, 680 Kimmels Rd	Matt Mack, 10 Vanguard Dr, St 90
	Bill Knecht, 204 S Warren St	Reading
	Linda & Ron Pellish, 330 Patton Dr	Ray Stasullie, 1749 Tall Oaks Rd
	Trish Kubicek, 1744 Tanglewood Rd	Bud Segl, 1743 Tall Oaks Rd
	Tina Shaner, 800 E Market St	Bill Bandholz, 421 Lantern Green
	Nick Arch, 318 Lantern Green	Greg Solga, 490 Clark Dr
	Jane Tamulonis, 71 S Rabbit Run	Jeanie Troutman, 580 Pheasant Run
	Dave Hardinger, Orwigsburg Fire Dept	Karen & Arthur Knapp,
	Yvonne Siegfried, 401 S Liberty St	4504 Brookside Ct
	Jim Turner, 95 Municipal Rd	Gretchen Sterns, 200 Mahantongo St,
	Darrell Kunkel, 1010 E Market St	Pottsville

The minutes of the July 1, 2015 and July 8, 2015 meetings were accepted as presented on a motion made by Darle Cresswell, second by Dave Rubright. Unanimous.

The June 2015 Treasurer's Report was presented to Council.

The July 2015 Tax Collector's report was presented to Council.

Real Estate	\$ 549.24
Per Capita	\$ 391.80
Occupation	\$ 115.44

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

Building Permits for July 2015 – 2 New Permit issued at \$290,000.00 total value.
3 Renovation Permits issued at \$36,400.00 total value.

Public Comment

Prior to the Council Meeting a Public Hearing was held for the Pine Creek Retirement Community proposed zoning amendments. The following comments were made regarding these amendments:

Lynn Stein – 529 E Mifflin St asked if it mattered to the builder that the majority of the residents do not want this project. Original plan was not for 400 units and how will units be paid for.
Gretchen Sterns – same plan that was previously approved with the same number of units. Businesses in the borough welcome this development. Units will be rental.

Richard Stein – 529 E Mifflin St noted the original plan was for 287 units, 3 building, 1200 square footage– to be sold at 165,000 to 185,000.
Gretchen Sterns – Could have been a previous application. The borough approved plan was for 400 units.

Ken Mayers 1704 Breezy Acres – Breezy Acres is only a single lane road. This plan suggests a tremendous amount of traffic flow.
Jerome Skrinkosky of Hawk Valley Associates – same concerns have been addressed, a Traffic Impact Study was approved by PennDOT and the Borough. Breezy Acres will be the secondary access

Randy Lindenmuth 330 Ridge Rd. – what is the owner's intent for management control and management of the property. What is proposed to be dedicated to the borough.
Gretchen – Current proposed project will be single owner and the units will be rented. Owned by one entity.
Jerome – Water and sewer lines would be dedicated to the borough.

Ronald Pellish 330 Patton Dr – Age requirement changed, will rental be federally subsidized.
Gretchen – based on public comment the purpose of the May 5th submission was to keep the project 55 and older but federal law allows for 15% to be younger residents. Will not be subsidized. They intend to meet and abide by federal law.

President Touchinsky – who will be policing the percentages
Gretchen – Management, Rental applications and records

Lynn Stein – if the percentage exceeds what is being proposed, does the borough have recourse

Jerome – Would be violating the zoning ordinance. Zoning Officer would enforce the regulations

Gretchen – the federal government could bring penalties under the Fair Housing Act

Bill Bandholz 421 Lantern Green Way – borough resident pay for water/sewer and trash, would each rental receive a bill or would the owner receive one bill for all units.

Jerome – The owner will pay one big bill for each unit

Mr Rhodes – There will be an on-site manager, someone who lives in the community is best.

President Touchinsky raised another concern with adequate parking spaces

Jerome – We did meet the borough ordinance requirement by moving the parking outside. We were prepared to exceed the requirement and go to 1.7 spaces if the parking area and isle width were reduced.

Randy Lindenmuth – are there long term communities that we can visit to see how they operate

Mr. Rhodes – yes in Boyertown, 342 units approved with 200 built and most only have one car, some none.

Beck Herb – 1706 Tall Oaks Rd – residents cannot walk to Boyer or the Drug Store and no public transportation. What is the size of the unit and how much will they cost

Jerome – 750 square feet with 2 bedrooms, no cost at this time, will be determined after built

Richard Stein – will the sewer line be extended to Madeline's

Jerome – there are provisions on the approved plan to accommodate user on the west side of Market St

Arthur Knapp – 4504 Brookside Court – was there a demographic study conducted prior to the purposed development and what would the renter potential income be

Mr Rhodes – Market Study and Demographic Study was done but did not bring with

Jerome – Indication from a number of investors that wanted to see more diversity as a mix. Attempted with the March submission but was reverted back to 55 and older in the May 5th submission.

Lisa Stromhoffer – Has a farming operation (200 years old) that adjoins the Pine Creek property. She receives some complaints from the community when manure is spread on the fields and can't imagine with 400 units how many residents will be complaining.

President Touchinsky expressed appreciation for the comments received and for Jerome, Gretchen and Mr Rhodes answering questions raised.

Old Business

Pine Creek

A motion to disapprove the Rhodes Organization request to revise the term “Retirement (Adult) Community under Section 2.02 of the Orwigsburg Zoning Ordinance was made by Paul Bedway, second by Darle Cresswell. Unanimous.

A motion to disapprove the Rhodes Organization request to revise the size of the Parking Spaces under Section 10.07C of the Orwigsburg Zoning Ordinance was made by Paul Bedway, second by Ed Mady. Unanimous.

A motion to disapprove the Rhodes Organization request to revise the designation and identification of the “landowner” under Section 10.21.B of the Orwigsburg Zoning Ordinance was made by Paul Bedway, second by Sue Murphy. Unanimous.

A motion to disapprove the Rhodes Organization request to revise the definition of setback requirements under Section 10.21.F of the Orwigsburg Zoning Ordinance was made by Paul Bedway, second by Darle Cresswell. Unanimous.

Gretchen – Thanked borough council and planning & zoning for taking the time to consider the amendments that were submitted.

At this time Gretchen submitted a preliminary land development plan. Plan will be called the Blue Mountain Retirement Community. Application and fees were also submitted. Plan is to be considered a parallel submission to the prior approved plan. Being submitted in accordance with current zoning ordinance and complies with current zoning ordinance and SALDO as its stand in light of the votes taken tonight on the amendments.

Sud noted each item submitted to be documented:

- Submission under letterhead of McCarthy Engineering
- Two completed Municipal Act 247 requests for County review
- Subdivision Land Development fees – two separate checks
 - Schuylkill County Treasurer
 - Orwigsburg Borough
- Two completed copies of appendix #10 application for consideration for a Subdivision and or Land Development Plan executed August 12, 2015 by Mr Michael Rhodes
- Required sets of the plan
- Storm Water Management plan
- Environmental Assessment report
- Contained within three large bankers boxes for council and consultants
- HOP is still active – Jerome will confer with PennDOT to see if name change will create any conflict. HOP has been extended to 2016.

Jerome noted this plan we identified as Blue Mountain so it would not be confused with the previously approved Pine Creek Plan so there would not be two Pine Creek Plans. They will be running parallel – we are not throwing the approved Pine Creek plan out the door.

Do not consider this a withdrawal of the previously approved plan and not meant to replace the previously approved plan. Offering for consideration as an alternate.

Greg noted there will not be a complete review for next weeks Planning & Zoning meeting.

Villas of Orwigsburg

A motion to adopt Resolution #2015 – 15 stating final plan approval is contingent upon the developer providing satisfactory financial security within 90 days of this resolution for the land development plan for the Villas of Orwigsburg, (formally identified as the Bottom Luxury Townhomes) as set forth in Section 1201.B of the Borough of Orwigsburg SALDO, in its current version. The plan previously received conditional final approval at the Orwigsburg Council Meeting of March 17, 2009 in accordance with the conditions outlined in the Hanover Engineering Letter dated March 17, 2009 was made by Paul Bedway, second by Dave Rubright. Two opposed. Motion Carried.

Dollar General

Ed Davis noted he dropped off signed and sealed agreements and plans today at the borough office.

A motion to approve the waiver of Section 405.H of the Storm Water Management Ordinance requiring a minimum pipe size to be 18 inches. Plan utilization is for 15 inches; was made by Paul Bedway, second by Darle Cresswell. Unanimous.

A motion for conditional approval of the Dollar General Land Development Plan based on a final review from the Planning Engineer was made by Paul Bedway, second by Ed Mady. Unanimous.

Streets Improvement

A breakdown of construction/engineering costs and pictures of S. Wayne St and S. Warren St were distributed to council and reviewed with Bill McMullen of ARRO. Costs include engineering fees

S. Warren St costs \$740,491.26

- ADA ramps will be updated on S Warren St
- Replace curbs

S. Wayne St costs \$59,877.78

- Install 2 inlets on S Wayne
- Repair 1 inlet on S Wayne
- Does not include widening the street – but could be added as an option to the bid using a bituminous curb

Engineering costs were not in last week’s numbers – only construction costs

Funding:

- Current Liquid Fuels balance \$265,000
- Next spring Liquid Fuels \$100,000
- Pennsylvania Infrastructure loan
- Future Liquid Fuels money

Borough workforce can accomplish a lot of prep work
Put out to bid this year as soon as possible

A motion to authorize the bidding of the South Wayne – South Warren Streets Improvement Project by ARRO Engineering. Probable Cost \$740,491.26 was made by Darle Cresswell, second by Ed Mady. Unanimous.

Equipment Purchase

A motion to order a John Deere 328 E Skid Loader at a cost of \$83,008.31 & a John Deere 60G Compact Excavator at a cost of \$81,119.66. Request the Municipal Authority participate with funding at a minimum of 50% of the cost. Purchase plan includes financing at 0% for 42 months with 25% down. (\$41,051.99 down with 42 monthly payments at \$2932.29) was made by Darle Cresswell, second by Paul Bedway. Unanimous.

New Business

Schuylkill Haven Day

A motion to authorize the attendance of the Fire Police at Schuylkill Haven Day scheduled for September 26, 2015 was made by Angie Hoptak-Solga, second by Sue Murphy. Unanimous.

Fire

Fire Chief Dave Harding submitted the following:

	<u>July</u>
Structure Fire	1
Vehicle Accident-Gen'l Clean up	0
Vehicle Accident with Injuries	2

Vehicle Rescue – Extrication	0
Search	0
False Alarm	7
Technical Rescue	0
Vehicle Fire	0
Brush / Rubbish Fire	0
Haz Mat (fuel spill)	0
EMS Assist	0
Standby in Station	0
Electrical Fire	0
Service Calls	3
Helicopter Landing Zone	0
Fire Other	0
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COG

Councilor Murphy noted the next COG meeting is scheduled for September 17, 2-5 at 7pm in Council Chambers at Orwigsburg Borough Hall.

Police

A copy of the July Police Report is attached to these minutes.

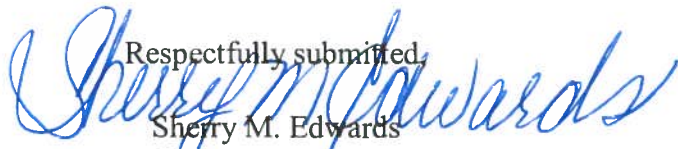
Correspondence – None

Bills

A motion to approve and ratify the accounts payable for General, Water, Sewer, Sanitation and 2015 Bond, State Fund and Capitol Improvement accounts was made by Darle Cresswell, second by Sue Murphy. Unanimous.

At 8:50 pm President Touchinsky called an Executive Session to discuss legal and personnel matters.

At 9:30pm the Executive Session ended and the meeting was adjourned.

Respectfully submitted,

 Sherry M. Edwards
 Borough Secretary