

Orwigsburg Borough Council
Meeting Minutes
July 12, 2017

Orwigsburg Borough Council met on Wednesday, July 12, 2017 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 Murphy. Councilors: Angie Hoptak-Solga, Brian Baldwin, Paul Bedway, Darle Cresswell and Michele Rudloff. Mayor Barry Berger; Solicitor Paul Datte, Borough Manager Robert Williams and Borough Secretary Sherry Edwards.

Visitors:

Stephen Baggett - 616 W. Market St	Ashley Schwarts – 616 W. Market St
Athena Kukta – 345 Ridge Rd	Sandra Derr – 220 Frisbee Rd
Bill Knecht – 204 S. Warren St	Maria Russo – 801 Raring Dr
Joseph Mattera – 47 Dreher Rd	Kay Jones – 110 W. Market St
Anne & Frank Shamonsky – 202 E Market St	Stan Lechleitner – 232 Maple Blvd
Derick Lewis – Darlington, MD	Becky Eckert – 313 Grove St
Audrey Zimmerman – 1022 Ridgeview Dr	Susie Touchinsky – 225 Clark Dr
Patrolman Tanner Noecker	Bookkeeper Kathi Mengle
Mark Machmer – 335 MacArthur Crest	Lisa Lickman – 325 Eisenhower Dr
Kristina, Sean & Savannah Sadler – 508 W. Market St	
Patrick Farrell – 125 E Market #4	Taylor Shandis – 125 E. Market St #4
Sud Patel – 155 Clark Dr	Amber Zanolini – 230 Walters Ave
Liz Tuturice – 180 Country Hill Rd	Dave & Colleen Hoptak – 413 N Warren St
Paul Ciccone – 505 Lake Front Dr	Mike Regensburger – S. Schuylkill News
Pat Falco – 488 Lake Front Dr	Nicole & Jason Trubilla – 751 W Market St
Richard Mentzel – 1606 Village Rd	Joshua Shamonsky – 202 E Market St
Patty & Ken Reynolds – 318 Grove St	Greg Solga – 490 Clark Dr
Marge Yoder – 199 Rockland Dr	Tony Stokes – 303 Independence St
Tim Hackman – 302 S. Liberty St	Stu & Danielle Richards – 113 W Market St
Carol Lutsey – 335 Ridge Rd	Cindy Sklar – 1760 Tall Oaks Rd
Suzy Jones – 111 W. Market St	Chief John Koury

Minutes

A motion to approve the minutes of the June 7th & 14th 2017 meetings as presented was made by Michele Rudloff, second by Sue Murphy. Unanimous.

The May 2017 Treasurer's report was presented to Council.

The June 2017 Tax Collector's report was presented to Council as follows:

Real Estate	\$ 27,979.59
Per Capita	\$ 1,052.80
Occupation	\$ 320.58

A motion to exonerate the Tax Collector from collecting Occupation Tax on Tax Exoneration list #6 was made by Darle Cresswell, second by Michele Rudloff. Unanimous.

Building Permits for June 2017:

- 0 – New Permits issued at \$0 total value
- 2 – Renovation permits issued at \$53.80 total value

Budget Review

Bob reviewed the budget:

At the halfway mark for the year – budget should be at 50%
Real Estate activity is off the charts – fastest growing community in Schuylkill County

General Fund

Revenue – 74%	Expenses – 62%
-Real Estate 95%	-Police P-T Wages 184%
-Memorial Rent 90%	-Police Overtime 194% - adjusted \$10,000 new hire
	-Police Safety Supplies 283%
	-Police Vehicle repairs 173% - 2018 budget new car
	-Contract Snow removal 3,000%

Water Fund

Revenues – 59%	Expenses 56%
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Sewer Fund

Revenue – 51%	Expenses – 50%
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Sanitation Fund

Revenue – 53%	Expenses – 47%
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Public Comment

Josh Shamonsky of Shakey’s Gun Shop located at 202 E Market Street addressed his concerns with Council on the attempted robbery last night at his gun shop. He noted it took the State Police 30 minutes to arrive on scene. Asked Council why the Borough doesn’t have 24 hour police coverage. Chief Koury responded at one point we did have 24 hour police coverage but currently we do not. Councilor Rudloff did note it was on the agenda in December to expend additional millage for police coverage but it was voted down.

Josh asked if they try again and succeed before police get there and guns end up on the streets who is going to have that blood on their hands. If one officer would have drove past, it could have avoided the situation.

President Touchinsky told the visitors to pay attention to the budget review in September, October, November and urge Council to vote for a budget that will allow for full time coverage.

Councilor Rudloff did mention we have applied for a COP’s Grant to hire another full time officer, we’ll know in October if we’re awarded.

Chief Koury stated we have 6-part time officers on the books who work full time somewhere else. He recommends hiring another full-time officer.

Councilor Baldwin mentioned increasing taxes by 1 mill allows for another police officer. Strongly encourages people who feel we need full time coverage to come to the meetings to express the importance of 24-hour coverage.

Chief Koury showed a video of the attempted robbery at Shakey's Gun Shop that occurred at 4:00am.

Old Business

Proposed Orwigsburg Dog Park - Playful Pack Park Association

Council President Touchinsky relinquished the chair to Vice President Murphy. Borough residents were asked to speak first and limit repetitive conversation and try to limit comments to two minutes:

President Touchinsky noted in speaking with Council members that are opposed, they see how the dog park can be beneficial, but are opposed to the location.

Tony Stokes of 303 W Independence St doesn't understand why location is an issue since it's a community area. He did speak with the adjoining property owner of West Brunswick Township and the owner is 100% for the dog park. School District is ok with the park and Blue Mountain Rec is on board as well. The owner will take the dog into a separate fenced in area to be unleashed and then into the fenced in park area. Downed trees would be removed along with underbrush which will make that area a lot nicer. Healthy trees will not be touched, we want natural shade.

Taylor Shandis of 125 E Market St – is in favor of the park – she has a 5 month old puppy and walks it off leash along the trail. Dogs should be required to be up to date with shots and license. It would be such an asset to the community

Pat Falco took an informal poll of the visitors before the meeting:

- 17 Residents – in favor
- 10 Non-residents – in favor
- 3 Residents – opposed
- 2 Non-residents - opposed

Patty Reynolds of 318 Grove St asked if there is an alternative location other than Albrights Woods?

Solicitor Datte stated all letters submitted to Council are available for public review.

Presidents Touchinsky – there is no other suitable public property

Patty Reynolds asked who controls the decisions, who is responsible for maintenance and who will enforce checking for current vaccinations and license. Volunteers do not have the manpower or the authority to enforce anything.

Taylor Shandis responded all dogs are required to wear tags proving the dog has been vaccinated and an aggressive dog is required to wear a tag for aggressiveness.

Solicitor Datte explained that if Council decides to move forward with this park the vehicle that would most likely be used is some form of lease that would have a list of conditions that would be imposed on the actual operation of the park. Those conditions would address these concerns and issues being mentioned. If conditions are not being followed then lease will be terminated and the dog park is eliminated. Liability issues have been raised and there would be liability on the borough if there are issues, but the conditions of the lease would minimize the liability to the borough. If Council were to elect to move forward with this project this would be step one. There are a number of things that would have to happen and a number of things the group would have to agree to in order to implement the dog

park. If Council moves forward there will be a tight document drafted to make certain that all concerns from those present tonight and concerns from letters received are addressed because they are legitimate concerns.

Kenny Reynolds of 318 Grove St – Owns 5 acres behind 318 Grove St that some of the land borders and protrudes into Albrights Woods on the western end. A building plan for residential homes was submitted to the borough many years ago but was put to the side because it couldn't be determined if the borough would accept grinder pumps at that time. He is against this dog park and will seek legal counsel and let them challenge the designation of a dog park in Albright Woods.

Danielle Richards of 113 W. Market St – Walks the trail and would feel safer if the dog park was there. She also suggested that students have volunteer responsibilities that they have to do in High School and possibly recruit the volunteer students to help with the park.

Susie Jones of 111 W. Market St – has experience with dog parks in and out of state and all of them are a positive experience. It's a treat for the dog and the owner. Aggressive dogs get removed.

Carol Lutsey of 335 Ridge Rd – visited a dog park in the spring. It was a beautiful experience and while talking to the residents close to the park they said the value of their homes went up and crime went down.

Kathy Towne of 528 E Mifflin – looking to sell her house and relocate and she thinks this would help her sell her house. Park would be a great asset.

Paul Ciccone of 505 Lake Front Drive – great opportunity to let your dog run if you don't own a lot of land.

Kris Sadler of 508 W. Market St – there are several people who utilize the fields behind the school to let their dogs run off leash. Dog park would be a way to prevent dogs running loose and would be safer. Also would be a deterrent for criminal activity.

Stan Lehlitner (Recreation Commission) 232 Maple Blvd, Deer Lake – he approached Deer Lake Borough about having a dog park and they shot it down. Growth in Orwigsburg is off the chart, a way to keep it off the chart is to allow the dog park, it will defiantly draw people in. We take our kids to a playground our dogs are our kids.

Councilor Rudloff – we are the fastest growing community in Schuylkill County, we have a chance to do something different and new, she doesn't want to see Orwigsburg end up like some other communities in this county where too many people have blinders on and only want to think in the past. Asking council to give this group a chance, they have jumped through every hoop Council asked them to.

Councilor Cresswell – supports the park contingent upon the gate opening at its original location or south of it.

Councilor Hoptak-Solga – No Comment

Councilor Bedway – has a problem with the location at Albrights. Has not taken this at all lightly. Use of a key card would make owners more responsible. Does not want to see Albrights lose its charm.

Councilor Baldwin – definitely a lot of positives with a dog park, it brought out a lot of people tonight. Location at Albrights is the tripping point. Albrights Woods is peaceful, serene and natural habitat. So close to Albrights playground. The dog park might be a benefit to those people who have dogs, but it is a specific focus group. We did say no to the Boy Scouts and told them find another property and they did. If we would allow a dog park why can't we allow a skate park right next to it. Not a fan of the location but not opposed to dog parks.

President Touchinsky – addressed concerns raised:

Just because we approve the dog park does not mean that we also have to approve a horseshoe pit, Boy Scout camp, Girl Scout camp, or soft ball field, the decision stands on its own. We say yes or no to this park, in the future we say yes or no based on the proposal. The Boy Scout issue is slightly different than this because the Boy Scouts are a private organization. The Playful Pact Association is a non-profit organization that was formed only to satisfy the requirement of a certain council member four or five years ago when this came up. We don't have to have the Playful Pact Association it can be a truly straight up public park. But because certain council members felt more comfortable protecting the liability by adding an extra layer an extra organization an extra insurance policy this new dog park committee decided to form a non-profit organization and will purchase their own insurance. If council now feels this is improper because it's a private organization the requirement can be there is no private organization they'll keep it as a public park like our playgrounds.

Liability – this is no different than any other public space in town. The borough carries a liability policy, we are a borough, there are public spaces and yes there is going to be liability such as Little League field, the Memorial Bldg where a circus is held.

Location and Serenity of Albrights Woods - park houses a water tank with a chain link fence, the area for the dog park is completely opposite from the Reynolds property. In his opinion the area for the dog park is overgrown with underbrush and cannot be seen from the playground or pavilion. These dog parks are normally contained within a recreational complex. The group has done the homework over the past five years. Dog parks are not out of the ordinary they are the norm.

Urges Council to make a decision based on what the community wants and what is best for the community.

Park will not destroy the serenity of Albrights, it's a fenced in acre and the group will work with the committee so it fits the ambiance of the woods and worse case scenario if it's a total flop have someone come in and remove the fence; its not a permanent structure.

Councilor Murphy – opposed to location in Albrights, not opposed to dog parks but would like to discuss an alternate location

Councilor Rudloff noted when applying for grants having a dog park can change the boroughs position in ranking in a positive way.

A motion to approve the proposal submitted by Playful Pact Association for a dog park in Orwigsburg at Albrights Woods at no cost to the Borough subject to working out the details was made by Michele Rudloff, second by Buddy Touchinsky.

After a brief discussion with the Solicitor Buddy Touchinsky withdrew his second and Michele Rudloff withdrew the motion.

A motion to proceed with the Playful Pact Dog Park Association on a proposed dog park location at Albrights Woods for further review and discussion was made by Michele Rudloff second by Buddy Touchinsky. On a roll call vote taken by Secretary Edwards the vote was as follows: Councilor Bedway – No; Councilor Baldwin – No; President Touchinsky – Yes; Councilor Rudloff – Yes; Councilor Cresswell – yes; Councilor Hoptak-Solga – No; Councilor Murphy – No. 4 No – 3 Yes

President Touchinsky took back the chair from Vice President Susan Murphy.

Stan Lehleitner and Liz Tutrice both asked the crowd to participate in the Blue Mountain Rec Survey found on their website or Facebook. This is part of the Recreation Commission to update their Comprehensive Plan.

Comprehensive Plan Update Review & Possible Consideration of a HARP

Kay Jones updated Council on the following:

- Currently collecting the informal survey
- Several hundred have been collected so far
- Will have a report for Council after collated
- Historic nature of downtown is a big deal to a lot of people
- Work with a group to determine if we have the capacity and plausibility to start doing a historic survey of the village area
- Meeting with Lorraine Jones at the end of the month
- Putting a proposal together for the actual survey that will be presented for council's review
- Encourages council to consider implementing restrictions to preserve the historic nature of the town
- We need to start capitalizing on what we have

Council thanked Kay and the committee for taking on this project.

Pine Creek Retirement Community, Blue Mountain Retirement Community, Villas of Orwigsburg

Solicitor Datte informed Council there is nothing to report, no filings have been made to date, all three decisions rendered in favor of the borough.

Sopko/SCMA

Solicitor Datte will update Council in Executive Session

Committee Reports

Water, Sewer, & Sanitation

A motion to appoint Orwigsburg resident Rick Bubeck of Marshall Drive to the Municipal Authority for the balance of a 5-year term that will expire December 31, 2018 was made by Michele Rudloff, second by Darle Cresswell. Unanimous.

A motion to authorize the payment of \$108,371.25 to Wexcon, Inc., in accordance with the Final Certificate of Substantial Completion, signed by the Entech Engineering Project Manager on June 12, 2017 was made by Michele Rudloff, second by Brian Baldwin. Unanimous.

The total payment amount of \$108,371.25 will be 100% reimbursed to the Borough from SCMA, (Schuylkill County Municipal Authority), in accordance with the Addendum to the November 18, 2014 System Interconnection and Bulk Water Supply Agreement, and as reviewed, verified, and approved by the SCMA Executive Director on June 28, 2017

New Business

Reported Sewage Overflow/Spill – 507 North Warren Street

Bob informed Council of the following:

The Borough received a call on Monday June 26th regarding a sewage overflow in the area of 507 N. Warren St from the June 23rd heavy rain storm. After an investigation by the borough crew and SCMA it was determined that it didn't rise to the level that would require reporting to DEP. Municipal Authority is working on the instructions given to Bryon of Entech Engineering to put together a solution to resolve the issue on N Warren St and the surrounding area.

2017 COPS Hiring Program (CHP), US Department of Justice Grant

The application was submitted on June 28, 2017. Bob has been in contact with the Congressman office who is a member of the Appropriation Committee and will continue to follow up. Results of the submission are expected to be released in late October.

Council asked Chief Koury to compile costs for a new police officer versus what the savings would be in overtime. Chief Koury will work with Kathi Mengle to come up with figures for the August meeting.

Sustainable Pennsylvania Community Certification

Bob would like to apply for The Sustainable Pennsylvania Community Certification and reviewed the program:

- No municipalities in Schuylkill County are working for it.
- No fee to participate
- Voluntary performance recognition program
- Focuses on municipal operation, policies and practices
- 131 policies will be reviewed

- The Certification is recognized by PA DCED and considered when reviewing municipal funding applications

<http://sustainablepacommunitycertification.org/>

Police Department

Chief John Koury reviewed the June incident report:

267 Incident reports

- 1 death investigation
- 4 criminal mischiefs
- 2 domestics
- 3 drug violation
- 3 alcohol related DUIs
- 3 drug related DUIs
- 14 suspicious – residents call in
- 4 thefts
- 60 traffic warnings
- 22 traffic citations
- 8 assists to other departments

For July to date: 7 reportable crimes

1 sexual assault/juvenile
Attempted break in – Shakey’s Gun Shop
DUI crash – 200 block of E Market St

Chief told Council that shifts are open and he can fill them but would require overtime. Council agreed to allow additional overtime hours (not included in budget) to cover open shifts.

Fire Department

Chief Dave Hardinger submitted the following report:

	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u>
Structure Fire	0	0	1	2
Vehicle Accident-Gen'l Clean up	3	1	0	3
Vehicle Accident with Injuries	0	1	4	1
Vehicle Rescue – Extrication	1	0	0	0
Search	0	0	0	0
False Alarm	2	1	8	4
Technical Rescue	0	0	0	0
Vehicle Fire	0	1	0	0
Brush / Rubbish Fire	0	0	0	1
Haz Mat (fuel spill)	1	1	0	0
EMS Assist	2	0	1	2

Standby in Station	1	0	0	0
Electrical Fire	0	0	0	0
Service Calls	0	0	0	1
Helicopter Landing Zone	0	0	0	0
Fire Other	0	0	0	0
	10	5	14	14

Planning Commission

There will not be a July Planning Commission Meeting

Municipal Authority

The next Municipal Authority meeting is scheduled for Monday, September 11, 2017, 1:00pm in Council Chambers Borough Hall

COG

Councilor Murphy noted the next COG meeting is scheduled for Thursday, September 21, 2017, 7:00 pm in the Council Chambers at Orwigsburg Borough Hall.

OBPA (Orwigsburg Business & Professional Association)

A Farmers Market is scheduled to take place on Thursday, July 13, 2017 from 5:30 pm to 9:00 pm on the Square. Rain location will be at the Memorial Building.

Family Funfest is scheduled for Thursday, August 10, 2017 from 5:30 pm to 9:00 pm on the Square. Rain location will be at the Memorial Bldg.

Community Events

Coffee with a Cop is scheduled for Saturday July 15, 2017 from 9:00 am to 12 Noon at the Market Square Coffee House.

Correspondence

Correspondence favoring and opposing the proposed dog park was received by Council and is on file with the Borough Secretary.

Bills

A motion to approve and ratify the accounts payable for General, Water, Sewer, Sanitation, COG, 2015 Bond, Capitol Improvement, and Grant Funds was made by Michele Rudloff, second by Susan Murphy. Unanimous.

Council Meetings

Council Work Session is scheduled for Wednesday, August 2, 2017 at 7:30 pm

A Special Council Meeting-Public Hearing is scheduled for August 9, 2017 at 7:15 pm for the purpose of Public Review/Discussion of Proposed Ordinance Updates

Council Meeting is scheduled for August 9, 2017 at 7:30 pm

Executive Session

At 9:30 pm President Touchinsky called an Executive Session to discuss a pending legal issue, and a personnel issue. The Executive Session ended at 10:15 pm and the regular meeting was adjourned.

Respectfully Submitted,

Sherry M. Edwards
Borough Secretary