

**Orwigsburg Borough Council**  
**Meeting Minutes**  
**January 10, 2018**

Orwigsburg Borough Council met on Wednesday, January 10, 2018 in Council Chambers. President Rudloff called the meeting to order at 7:30 pm and the Pledge of Allegiance was recited.

Attendance: President Michele Rudloff; Vice President Susan Murphy; Councilors: Paul Bedway, Katie Bedway, Rod Schaeffer, Brian Baldwin, Angie Hoptak-Solga. Mayor Barry Berger; Solicitor Paul Datte; Borough Manager Robert Williams and Borough Secretary Sherry M. Edwards.

Visitors: Fire Chief Jesse Zimmerman; Utility/Streets Supervisor Dave Teter; Bookkeeper Kathi Mengle; Bill Knecht of 204 S Warren St; Bryon Killian of Entech Engineering; David Barr of Republican Herald; Police Chief John Koury; Rick Bubeck of 415 Marshall Dr; Janis McGowen of South Schuylkill News;

**Minutes**

A motion to approve the minutes of the December 6, 2018 and December 13, 2018 meetings as presented was made by Sue Murphy, second by Paul Bedway. Unanimous.

**Treasurers Report**

The November 2017 Treasurer's report was presented Council.

**Tax Collectors Report**

A motion to accept the December 2017 Tax Collector's report as presented was made by Susan Murphy, second by Rod Schaeffer. Unanimous.

Real Estate	\$11,226.66
Per Capita	\$ 1,440.00
Occupation	\$ 497.64

**Tax Exoneration List**

Tax Exoneration list #12 was presented to Council.

**Building Permits for December 2017**

0 – New Permits

1 – Renovations Permits issued at \$173,860 total value – 580 Liberty St

**Public Comment –**

Bill Knecht of 204 S Warren Street - as a representative for (OBPA) he reports back to the group on topics of interest and happenings in the Borough and also informs Council of certain topics raised by the OBPA for example their support on the dog park proposal.

OBPA meets on a monthly basis – at last week’s meeting which fell right after the accidental shooting on E. Market Street raised concerns with landlord responsibilities for their tenants and how diligent is the borough enforcing its requirements on property owners who rent to other people along with absentee landlords.

He also asked (on a personal note) what can be done if a landlord who is delinquent on their utility bill beyond placing a lien on the property and why can’t water be shut off.

Council suggests to have the Solicitor review the Rental Ordinance to make sure it has the teeth needed for enforcement.

Bob responded:

The office sends out owner tenant forms annually but its the landlords responsibility to inform the Borough when there is a change in tenants throughout the year per the Ordinance. A local agent must be identified if landlord resides more than 10 miles away from the Borough per the Ordinance.

The Borough is limited by state law on how much the Borough can act when shutting off water on rental properties in winter. In the past we gave the tenants the opportunity to pay the utility bill directly to the Borough to offset the process.

Bob encourages Council to change ordinance from 3 year inspections to 1 year inspections and change the property agent requirement to within 5 to 10 miles. These changes would cost the borough more money.

Michele thanked the Business Association for their input and we should look at this as a partnership.

**Old Business**

**Under-Budgeting**

**Budget/Finance Directors Report – Kathi Mengle**

**2018 Budget – 10 days in over budget**

Bob informed Council to date we have had 6 one inch snow events and used a years worth of salt & anti skid. Works when we get ahead of the storm but we use a lot more salt. Small storms are eating up the salt. Efficient and effective way is to brine the roads.

Newest truck is a 2008 – The 2004 Truck is out of service (no oil pressure), there are 80,000 miles logged on the truck. The 2001 is 18 year old – engine heaters are used so they start during the early morning hours for plowing and salting.

Part time & overtime costs for utility crew – average monthly and already over budget  
Fifteen continuous days below freezing – used 50% heating oil (Boro Hall & WTP), used ½ what was budgeted for winter.

With the continuous freezing temp a lot of residents have had issues which called for late night repairs with heavy equipment.

#### Police Overtime

- East Market Street Shooting – Father accidentally shot his son, every available police officer was on the incident – the days that followed were labor intense. Major incidents are not factored into the budget.
- Christmas & New Years the department handled multiple domestic incidents which requires more than one officer at the scene.
- Numerous weather related traffic accidents – sometimes a couple accidents in one day
- Takes 2 officers to transport a prisoner to Pottsville – Municipalities that have their own police department are in the transportation business for the County. County Sheriff's office does not do prisoner transport.

2017 Police Budget ended \$85,015.00 over budget or 16% over.

#### **2017 Budget**

Revenues over \$222,537.00 or 21%

Expenditures over \$292,583.00 or 28%

Deficit - \$70,046.00 or 7% - Significant reduction from years past; Real Estate transfers were a major factor

#### **Delinquent Utility Accounts as of Jan 1, 2018**

Bob reviewed the following delinquents:

Glenn Frantz

119 S Liberty Street

\$9924.69 – Since 2011

119 S Liberty Street – Bankruptcy #1

\$5,462.85

100 E Market Street

\$6,848.80 Since 2011

100 E Market Street – Bankruptcy #2

\$10,229.28

Total \$32,465.71

Daniel Reppy  
200 W. Market Street  
\$10,742.88 – Since 2016  
210 W Market Street  
\$4409.11 Since 2016  
221 W Market Street  
\$2,897.36 – Since 2016  
Total \$18,049.35

Christine Burns  
211 Long Avenue  
\$8,840  
Water shut off since 2010

Solicitor Datte reviewed the delinquent process:

- Three largest delinquents in the borough
- Two are commercial properties with tenants
- Burns property has no water – was turned off
- There is a tenant utility act at the state level – this would determine whether or not we can turn water off
- Liens have been filed on these large accounts. Liens are good for 21 years; liens are paid when property is sold or refinanced or the borough decides to enforce the lien. When enforcing a lien the property is posted for Sheriff Sale.
- Frantz – bankruptcy chapter 13 plan money comes in dribs and drabs on the old stuff – there is some timing and legal issues with the ability to pursue the new stuff because these properties serve as the source of revenue to fund the chapter 13 plan

Business owner renting 221 W Market St is in the process of purchasing the property, sale should go thru this month. With proceeds from the sale balances owed at 221 and 210 W Market would be paid. These two delinquents could be gone by the end of the month.

Solicitor Datte recommends pursuing Sheriff Sale on the delinquents.

A motion to authorize the solicitor to pursue Sheriff Sale on the three delinquent utility accounts as listed on the agenda was made by Sue Murphy, Paul Bedway. Unanimous.

Solicitor Datte looked up delinquent Real Estate taxes on the County's web-site on the three utility delinquents:

- 119 S Liberty St owes \$9,789.59
- 100 E Market St owes \$9,838.53 – also references Bankruptcy
- 200 W Market St owes \$5,441.03
- 210 W Market St – no delinquency
- 221 W Market St – no delinquency
- 211 Long Ave – no delinquency

### **Solicitors Report – Paul Datte**

Ordinance #430 has been properly advertised and is ready to be adopted at this evenings meeting. Once adopted the Solicitor will forward to the State since there was a tax increase.

A motion to adopt proposed Ordinance #430 establishing the 2018 Real Estate Tax rate at 9 mills on each dollar of assessed valuation for property tax was made Brian Baldwin, second by Paul Bedway. On a roll call vote taken by Secretary Edwards vote as follows: Councilor P. Bedway – yes; Councilor Baldwin – yes; Councilor Murphy – yes; Councilor Schaeffer – yes; Councilor K. Bedway – yes; Councilor Hoptak-Solga – yes; President Rudloff – yes; Vote was Unanimous.

### **Pine Creek Retirement Community**

Nothing new to report

### **Blue Mountain Retirement Community**

Nothing new to report

### **Villas of Orwigsburg**

Nothing new to report

### **Sopko/SCMA**

Eminent Domain proceedings were filed. And is in the process of serving the declaration of taking on the property owners.

### **Engineers Report**

#### **Manhole 65/153 Construction Project**

Bryon Killian asked Council if there were any questions on the Wastewater Collection and Conveyance System Capital Improvement Plan reviewed at last weeks Work Session and for their authorization to apply for a CFA small water & sewer grant.

Need a motion authorizing an application for a Commonwealth Financing Authority for \$500,000.00 Grant through the PA small water and sewer grant program was made by Paul Bedway, Rod Schaeffer. Brian Baldwin abstained due to his employer (Alfred Benesch) performs same services. Motion carries

15% local match will be paid thru by the Municipal Authority

## **Committee Reports**

### **Committee Assignments**

Council received and reviewed their committee assignments

### **Personnel & Negotiations**

A motion to reappoint Thomas O'Brien to the Planning & Zoning Commission for a 5 year term, to appoint Katie Bedway to the Blue Mountain Recreation Commission for a 4 year term, reappoint Nick Bagdonis to the Zoning Hearing Board for a 3 year term and appoint Rod Schaeffer as Council's liaison to the Veterans Memorial Task Force was made by Susan Murphy, second by Rod Schaeffer. Unanimous.

A motion to adopt Resolution #2018-02 establishing the 2018 minimum part-time Non-uniform salary wage at \$15.50 per hour with no benefits was made by Susan Murphy, second by Paul Bedway. Unanimous.

A motion to adopt Resolution #2018-03 sanctioning all Friendship Hose Fire Company activities in FY 2018 was made by Paul Bedway, second by Brian Baldwin. Unanimous.

A motion to adopt Resolution #2018-04 authorizing the Fire Police to support all 2018 Borough community activities, including all scheduled and non-scheduled Borough events and activities in 2018 was made by Paul Bedway, second by Rod Schaeffer. Unanimous.

### **Recreation & Health**

A motion to establish the following as the 2018 Borough Schedule of Events was made by Susan Murphy, second by Katie Bedway. Unanimous.

March 24 - 12 Noon	Easter Egg Hunt
May TBA - 9AM	Fishing Rodeo
May 19 - 8AM-4PM	Community Yard Sale
May 28 - 8AM	Memorial Day Parade
Sept 8 - 9AM-4PM	Heritage Day
October 24 - 7PM	Halloween Parade
October 31 - 6PM-8PM	Trick or Treat
December 1 - 4:30PM	Festival of Lights

### **Planning & Zoning**

A motion to release the Letter of Credit for the Glunz Property located at 122 – 124 South Liberty Street as recommended by the Borough Engineer and Zoning Officer was made by Paul Bedway, second by Susan Murphy. Unanimous.

A motion to adopt Resolution #2018-05 appointing Williams N. McMullen of the ARRO Group as the Building Code Official and the Zoning Enforcement Officer, in addition to establishing the 2018 UCC Permit Fee Schedule was made by Paul Bedway, second by Susan Murphy. Brian Baldwin abstained due to his employer offers the same services. Motion Carried.

A motion to adopt Resolution #2018-06 appointing Christopher Bentz of Alfred Benesch Engineers as the Borough Planning Engineer & Consultant was made by Paul Bedway, second by Sue Murphy. Brian Baldwin abstain due to Alfred Benesch being his employer. Motion carried.

A motion to approve the Schuylkill County Emergency Management 2018 Municipal Operations Plan as approved by the Schuylkill County Board of Commissioners on December 6, 2017 was made by Paul Bedway, second by Katie Bedway. Unanimous.

### **Water Sewer, & Sanitation**

A motion to adopt Resolution #2018-07 appointing Bryon Killian of Entech Engineering as the Borough Water & Sewer Engineer was made by Rod Schaeffer, second by Paul Bedway. Brian Baldwin abstained due to his employer (Alfred Benesch) offers same service. Motion carried.

A motion to adopt Resolution #2018-08 appointing William N. McMullen of the ARRO Group as the Sewage Enforcement Officer, Establishing the 2018 Sewage Enforcement Fee Schedule, and appointing William C. Brior as an alternate was made by Rod Schaeffer, second by Susan Murphy. Unanimous.

A motion designating the month of April as Pennsylvania 811 Safe Digging month was made by Rod Schaeffer, second by Brian Baldwin. Unanimous.

### **Finance**

A motion to adopt Resolution #2018-09 authorizing an agreement with the Pennsylvania Municipal Retirement Board to provide a Police Pension Plan to our Officers and waive member contributions and fees was made by Paul Bedway, second by Brian Baldwin. Unanimous.

A motion for the authorization to submit names of Delinquent Taxpayers as received from the tax Collector to Berkheimer for collection in 2017 was made by Paul Bedway, second by Sue Murphy. Unanimous.

A motion for the authorization of the Finance Chairman or Borough Manger to transfer Funds as required during Fiscal Year 2018 was made by Paul Bedway, second by Brian Baldwin. Unanimous.

A motion to adopt Resolution #2018-10 appointing Kathi Mengle as Delegate Robert Williams as Alternate Delegate and Larry Padora as Second Alternate Delegate to the Schuylkill County

Tax Collection Committee for 2018 was made by Paul Bedway, second by Susan Murphy.  
Unanimous.

## **New Business**

### **Restaurant Grease traps**

During the recent freezing temperatures a number of homes on W Market St experienced sewer backups. It was determined frozen grease blocked the line causing the backup into these homes. Bob is requesting Entech initiate a grease ordinance with an inspection schedule.

Bryon assumes there is not a program being actively pursued. Usually issue is a code issue. Sample ordinances were forwarded to Bob.

Dave Teter noted the nursing homes are on a schedule for inspection

Solicitor Datte suggested to require receipts on a quarterly basis that the grease trap was cleaned.

Bob will instruct ARRO to initiate a borough wide grease trap inspection program.

### **Police Department Report**

Mayor Berger, Chief Koury and Officer Bechtel attended a service at Kimmels Church in December to accept a check on behalf of the Police Department, check was for \$5,000 which was proceeds from their Family Festival held in October. The department used the money to equip the police cars with tablets and printers. The Mayor extended thanks to Kimmels Church for their generous donation to the police department.

Police Chief John Koury presented the December Police Activity report:

Officer Brandon Bayer applied for Walmart grant in the amount of \$1000 and was awarded the grant. Grant money also went towards the tablets for the police cars.

Since first of January – 29 Overtime hours logged  
66 calls in 10 days

#### **December 2017 Police Activity Report**

1049 ½ Regular hours  
98 Overtime hours  
4,586 total miles for both vehicles

476 ½ Vehicle patrol hours  
22 ½ Foot patrol hours  
81 ½ hours of traffic enforcement



229 Total incidents

- 1 Theft – over \$200
- 1 Damaged Automobile
- 3 Drug arrests
- 2 DUIs
- 3 Disturbance/Domestics
- 6 Accidents
  - 3 Reportable
  - 3 Non-reportable
- 1 Hit and run
- 12 Assists – other Police Departments
- 20 EMS Assists
- 3 Warrants served
- 20 EMS Assists
- 17 Traffic Citations were issued
- 58 Traffic Warnings

2017 Year End:

- 10,013 ½ hours worked
- 1,162 hours overtime
- 223 ½ hours vacation
- 120 ½ Sick time hours
- 234 Personal time hours
- 11,753 ½ Total hours

Unit #126 2013 Interceptor – 20,154 miles logged for the year

Unit #127 2016 SUV – 20,635 miles logged for the year

Total incidents for 2017 – 2,606

- 25 Civil complaints
- 20 Scams
- 24 drug passion
- 32 DUIs Alcohol & Drug offenses
- 42 Alarms
- 21 Mental Health calls
- 41 Domestic
- 24 Non reportable accidents
- 11 Reportable accidents
- 24 Hit and Runs
- 221 different assists to other agencies
- 39 Criminal warrants served
- 46 Parking tickets issued
- 184 EMS assists – 99% of the assists our officers were first on scene
- 291 traffic citations issued
  - 396 Written traffic warnings
  - 63 Drug take backs

Results from the 1997 DCED Study – recommends the Borough should have at least 5 police officers and 1 supervisor; currently the Borough has 4 officers and 1 supervisors. He will continue to ask council to hire at least one more full time officer.

Chief Koury encouraged members of Council to participate in a ride-along program. At any time a council member can ride along with a police officer.

The new 2018 Police car is to be delivered next week.

### **Fire Company Report**

Jesse Zimmerman was elected Fire Chief for a 3 year term and presented the 2017 year-end report:

Fires	9
Rescue & Emergency Medical Service	67
Hazardous Condition (No fire)	5
Service Call	6
Good Intent Call	19
False Alarm & False Call	51
<u>Special Incident Type</u>	<u>3</u>
2017 Total	160

### **COG**

Councilor Murphy noted the next COG meeting is scheduled for Thursday, January 18, 2018 at 7:00 pm in Council Chambers at Orwigsburg Borough Hall.

**Correspondence - none**

### **Bills**

A motion to approve and ratify the accounts payable for General, Water, Sewer, Sanitation, State, Grant, Credit Union, and Capital Improvement accounts was made by Paul Bedway, second by Brian Baldwin. Unanimous.

There being no further business the meeting was adjourned at 9:10 pm.

Respectfully submitted,

Sherry M. Edwards  
Borough Secretary