

***MINUTES OF THE  
TOPTON BOROUGH COUNCIL  
Monday August 14, 2017***

Members of the Tipton Borough Council met on Monday August 14, 2017 at 7:00 P.M. at Borough Hall for the regularly scheduled meeting. The meeting was called to order by Council President Mr. Stauffer with the Pledge of Allegiance.

Roll call was taken and the following members were present Mr. Stauffer, Mr. Biltcliff, Mr. Beck, Mr. Arndt, Ms. Lorah, Mr. Jost, and Mr. Gehman. Borough Manager Marcus Dolny, Solicitor Ms. London, Mr. Kern (engineer representative) and visitors were also in attendance. Mr. Wagaman was absent.

**APPROVAL OF MINUTES**

On a motion by Mr. Gehman, seconded by Mr. Jost the minutes of July 10, 2017 were approved unanimously.

**COMMUNICATIONS**

Mr. Dolny shared a card that was received from the Tipton Area Senior Citizens thanking the Borough and Council for the senior picnic in the park.

A thank you card was also shared that was received from Michael Sexton thanking Mr. Dolny and the Borough for their help with helping Mr. Sexton complete the Gaga Pit for his Eagle Scout Project.

Mr. Arndt made a motion to approve Boy Scout Troop 510 using the Tipton Memorial Pool parking lot for their car wash on Saturday August 26<sup>th</sup> from 9am-1pm. This motion was seconded by Mr. Jost and passed unanimously.

Mr. Dolny read correspondence received from Patricia Kunkle regarding the possible damage that might have been caused during curb construction in front of her property on Main Street. Council along with help from Barry Isett & Associates agreed to look into this matter further.

After concerns voiced by residents regarding the cost of curbing at \$92 per linear foot, consideration was taken by council to charge a median price of \$68 per linear foot effectively discounting the cost due to increases associated with prevailing wage. A motion was made by Mr. Arndt to asses residents \$68 per linear foot for curb replacement and for the Borough to absorb the difference from the original cost of \$92 per linear foot. Ms. Lorah seconded this motion and it passed unanimously.

## **Mayor's Report**

Mayor Biltcliff wished to thank the community for their patience during the road project.

Mayor Biltcliff also commented that the larger sign that East Penn Manufacturing has placed on Main Street has become very effective in limiting truck traffic through town. He also noted that they are looking at placing other sign's as well through the community to effectively guide the truck traffic.

## **HEARING OF VISITORS**

Ms. Renee Geiger spoke to council on behalf of the Brandywine Recreation Cheerleading regarding their thoughts of possibly starting an annual paper lantern fundraising to benefit a different organization every year starting with Cystic Fibrosis for this year. Council advised Ms. Geiger to contact the fire department to obtain their opinion on safety of the lanterns, as well as their insurance company to see if they have liability coverage in case of fire or other damage.

Mr. Ray Moyer presented council a photo showing there is a crack in his curb where it had recently been replaced at his property at 9 North Main Street. Council agreed to look into this matter and follow up with the construction company that installed curbing.

Ms. Michele Hoch asked council if there was a way to be able to have a payment plan for repayment of curbing that is being assessed to property owners. Council informed Ms. Hoch that invoices for curbing will have option for residents to make 6 monthly payments.

## **Solicitor's Report**

Solicitor London updated council regarding matters with Berks Lehigh Police.

Solicitor London also gave an update on the ongoing Longswamp Township matters.

She also informed council that the land swamp of Act 70 property was awaiting house approval and hopes to be on agenda for September.

Solicitor London requested an executive session at the end of the meeting to discuss litigation

## **Secretary's Report**

Mr. Dolny shared communication received from the Berks County Conservancy reviewing the ENS Plan. After further discussion Mr. Gehman made a motion to authorize the Borough of Topton to sign the Memorandum of Understanding. Mr. Beck seconded this motion and it passed unanimously.

Mr. Dolny reviewed possible financing options through PSM to be used for sewer infrastructure repairs. Mr. Gehman made a motion to approve moving forward with a RFP for financing options not to exceed 1,250,000 for expedited sewer infrastructure repairs. Mr. Jost seconded this motion and it passed unanimously.

Mr. Jost made a motion approving Solicitor London to prepare an ordinance amending the zoning ordinance pertaining to the placement of non-permanent sheds. Mr. Beck seconded this motion and it passed unanimously.

Mr. Dolny reviewed and provided an updated copy of the updated Emergency Operations Plan to Council. Mr. Dolny requested council review the plan and any questions or concerns would be addressed at the September council meeting.

Mr. Dolny reviewed with council information regarding the LTAP Grant through Penndot which would help with construction of pedestrian bridges and sidewalk used to create safer routes to schools. Mr. Dolny will update council further as he obtains more information.

## **COMMITTEE REPORTS**

### **Public Affairs Committee – (Mr. Stauffer)**

Mr. Stauffer commented that he appreciated the community's patience during the current construction projects.

### **Personnel Committee – (Ms. Lorah)**

No Report

### **Finance Committee – (Mr. Wagaman)**

Mr. Jost made a motion to pay bills as presented. The motion was seconded by Mr. Arndt and passed unanimously.

A copy of the 2016 Tax Collector Audit was presented to council for review.

### **Property Committee – (Mr. Jost)**

Mr. Jost was happy to announce that the street project is completed.

### **Parks & Recreation Committee – (Mr. Beck)**

Mr. Beck spoke about the recent music and food in the park event and that even though it was a low turnout everyone seemed to enjoy it.

### **Streets Committee – (Mr. Arndt)**

Mr. Arndt made a motion to approve the request from Mr. and Mrs. Shoemaker for a handicap parking space at 15 North Main Street in Topton. Mr. Beck seconded this motion and it passed unanimously.

**Utility Committee – (Mr. Gehman)**

Mr. Gehman made a motion to refuse and rebid the circulated water proposal for the Topton Sewer Treatment Plant. Mr. Jost seconded this motion and passed unanimously.

Mr. Gehman spoke regarding the current laterals that are leaking and plans to close off and make the needed repairs to these lines.

Mr. Gehman also spoke about the property on Keller Street that currently has 2 lateral connections. The residents will be notified that they need to make needed repairs and then cap one off at the main line.

**Engineer's Report**

**1. Sewage Treatment Plant**

Pursuant to the July meeting I advised Keith Lorah at Bellview Pump, LLC that Borough Council did not take any action on their bid proposal for the water recycling system at the sewage treatment plant. Subsequently Bellview Pump has offer to amend their proposal with the result being that the amount will be reduced from \$84,800 to \$60,250 in accordance with a memorandum that was sent to Marcus on August 10<sup>th</sup>.

Council should either reject the bid or accept the bid with the understanding that a change order shall be executed before a notice to proceed is issued; Legal Consel should review this matter before accepting the bid.

If necessary, Bellview will grant a time extension to the Borough allowing additional time to consider all options before any action is taken.

As a follow up with the School District's facility manager, Russ should contact him so that he can review the operations with the kitchen supervisors so that they can take appropriate measures in order to reduce the BOD5 loading in the upcoming school year. Russ is to monitor the BOD5 loading once school starts in order to determine if any surcharges should be recommended.

The DRBC has notified Russ that they do not have an Emergency Response Plan on file for the Topton Sewage Treatment Plant and they provided Russ with the Plan Requirements. Russ has checked the Borough's Emergency Response Plan and has found that it does not address all DRBC's requirements. It is recommended that an updated Emergency Response Plan be prepared and submitted to the DRBC as required.

## **2. Sanitary Sewer System I & I**

Russ advised that they spent all day on Tuesday July 18, 2017 repairing the lateral to Tony's and that they televised the sewer line and found a break with water leaking into the sewer. This sewer has been added to the sewer list to be repaired as funds become available. Russ also mentioned that there was a sinkhole above the sewer which was repaired. It is believed the cause of the sinkhole was due to ground water since Scott had recently checked the water lines in this area for leaks.

On Monday July 24<sup>th</sup> during high flows from heavy rains, Russ contacted Bellview and asked if they could get their camera down to the Borough while the flows were still high. Bellview was able to get in town within a couple hours and televised the sewer in Birch Alley above the Grange. There were a total of 6 laterals in this line and 4 of them were leaking badly. Russ estimated that these laterals could easily be contributing 20,000 to 30,000 gallons per day. These laterals have been added to the list of laterals to be lined when funds become available.

Once, The Agreement with DCED is fully executed and once notified to proceed, Isett will prepare bid documents for the sanitary rehabilitation project to be funded in part with the small water and sewer system grant. The scope of this project has been reduced to replacing the sanitary sewer in Barkley Street and installation of a cured in place pipe lining (CIPPL) in Poplar Street.

## **3. NPDES Permit Renewal**

The permit has not yet been issued. It has now been a year and a half since the application was submitted.

## **4. DRBC Water Audit Report**

Back in June we were notified by the DRBC that the Borough had not submitted the calendar year 2016 Water Audit Report which was due by March 31st. After several exchanges of emails and telephone conversations, the DRBC has confirmed that the Water Audit Report was submitted on time and requested that in the future the report be sent to the following email address: [water.audit@drbc.nj.gov](mailto:water.audit@drbc.nj.gov).

## **5. Toad Creek Improvements**

The permit is being reviewed by DEP and the ACOE, which is expected to be issued by the beginning of September. Isett has a proposal into the Borough for \$13,500.00 for work associated with geotechnical testing related to the design of the foundations for the two low walls within the restoration area. One is at the pool and the other at the Pizzeria beside the rail road tracks. The Geotech is needed to assess the scour depth so that the new walls are not undermined in a few years.

## **6. Borough Park Master Site Plan**

The Master Site Plan is completed and Isett continues to search for grant opportunities to implement the plan.

**7. Borough Town Square Improvements**

Construction is substantially complete. Isett will perform a final walk-through and create a punch-list.

**8. DEP MS-4**

Isett has been coordinating with the Borough staff and submitted PRP report on August 1<sup>st</sup>. We are awaiting the return of the NOI application. Anticipated submission is September 13<sup>th</sup>.

Mr. Gehman made a motion to continue the Geotechnical testing. Mr. Jost seconded this motion and it passed unanimously.

**Old Business**

None

**Executive Session – Legal**

Entered: 8:45PM on motion by Mr. Gehman, seconded by Mr. Beck passing unanimously.

Exit: 9:12PM on motion by Mr. Jost, seconded by Ms. Lorah passing unanimously.

**ADJOURNMENT**

Council adjourned at 9:14PM on a motion by Mr. Gehman, seconded by Ms. Lorah.

The next Borough Council meeting will be held on September 11, 2017 at 7:00 PM.

Respectfully Submitted  
Sherry Palinkas  
Administrative Assistant