

**MINUTES OF THE
TOPTON BOROUGH COUNCIL
Monday August 10, 2020**

Members of the Topton Borough Council met on Monday August 10, 2020 at 7:00 P.M. for the regularly scheduled monthly meeting both in person and virtually via Zoom. The meeting was called to order by Council President Mr. Bower with the Pledge of Allegiance.

Roll call was taken and the following members were present Mayor Biltcliff, Ms. Kunkel, Ms. Lorah, Mr. Bower, Mr. Beck, Mrs. Moll, Mr. Stauffer and Mr. Jost. Solicitor London and visitors were also in attendance.

APPROVAL OF MINUTES

On a motion by Mrs. Moll, seconded by Ms. Kunkel the minutes of July 13, 2020 were approved unanimously. Ms. Cook noted that one of her questions regarding Mr. Dolny's agreement was not answered completely in the minutes of July 13, 2020. Solicitor London responded to Ms. Cook with the information that Mr. Dolny signed the settlement agreement with the Borough of Topton on April 26th, 2020 and the agreement was approved at the council meeting on May 11th, 2020 and was finalized on May 12th, 2020.

POLICE REPORT

Chief Stinsky was present for questions and provided a patrolling report for the month of July by Fleetwood Police within the Borough of Topton.

HEARING OF VISITORS

Ms. Carol Cook questioned the bleachers at the baseball field being removed and replaced and who is responsible for the cost of the replacement of them. Mr. Bower explained that currently we removed the bleachers as they were a safety hazard and discussion to replace them will take place at a later time.

Mr. Robert Rauenzahn questioned if the Borough borrowed \$1,000,000 and spent \$626,000 and received \$450,000 in grants will the grant money be used to pay down the \$1,000,000 loan. He also asked if we would be decreasing the millage for next year or are we waiting till the 10 years is up. Mr. Bower noted that yes we will be using the grant money to pay towards the \$1,000,000 loan but it will not cause a tax decrease. Mr. Rauenzahn stated it should decrease the taxes because they were increased due to the loan. Mr. Bower noted the tax increase was not for the loan. Solicitor London stated the tax increase was not for debt services. Ms. Kunkel noted the \$1,000,000 is not all in grant money and the grant money we receive will be put towards the loan. Mr. Bower noted that not all grant money is received at one time and that the borough receives portions of it throughout the project.

Ms. Kathy Duffy suggested that the Borough put an anti-violence in the work place policy in place. Ms. London noted that all procedures both financial and personnel will be under review. Ms. Duffy suggested the Borough placing information on their website explaining how grants work.

Ms. Alane Falcone noted that when looking over previous minutes she notices most council motions are unanimous votes. She stated in June there were numerous motions made by Mr. Stauffer that were on substantial matters and wanted to know at what meeting the removal of the solicitor, removing office staff or reducing them and removing president of council. Solicitor London stated they are personnel matters and details of them are discussed in executive sessions. Ms. Alane Falcone asked since she noticed the same 4 out of 7 council members are voting the same even though action was not taken on some of these motions were they discussed in executive session. Ms. Kunkel stated that some of those motions made by Mr. Stauffer were not discussed prior to the June 8th, 2020 at least with all council's knowledge. Ms. Alane Falcone then asked the 4 council members who yes to the motions made of when these matters were discussed. Ms. London stated that all executive sessions were announced previously and that since the motions were not acted on that it is best these chapters be put behind us. Ms. Alane Falcone stated it could be a big concern to taxpayers if council members are not discussing matters in executive session. Ms. Falcone stated that Mr. Stauffer made it clear last month that his friendship with Mr. Dolny was more important than what is in the best interest of the community. Mr. Stauffer stated that was not true. Ms. Falcone stated the same thing happened 7 years ago with Mr. Branco that he had attended all executive sessions and then a motion was made to remove him without there being an executive session. Ms. Falcone stated that she is just concerned that the council is bypassing the process that they should be following.

COMMUNICATIONS

Mr. Bower shared a request received from Safety Net Sanctuary to increase the Borough of Topton's donation from \$1,000.00 to \$2,000.00. After further discussion Borough Council chose to table this request until receiving information from Safety Net Sanctuary in regards to how many of the animals rescued were from Topton.

Mr. Bower presented council with a quote for \$356.00 received from Ironton Telephone to replace the borough office phones. There is also a credit of \$100.00 that will be applied to our internet only phones for the first month. Ms. Kunkel made a motion to approve the quote and replace the borough office phones. Mrs. Moll seconded this request passing unanimously.

Mr. Bower read a request received from the Brandywine Community Library to place a tent in the front parking lot for their employees to use while conducting their drop off/pick-up services. After discussion no action was taken.

Mr. Bower shared with council an email Ms. Palinkas received regarding payments for M&T loans. Ms. O'Brien with M&T noted that to prevent the Borough from receiving late fees she could do a direct ACH payment and remove any late fees. Mrs. Moll made a motion to allow ACH payments to be setup with M&T for future loan payments. Ms. Kunkel seconded this motion passing unanimously.

Mr. Beck made a motion to accept the Building Code Official change from Larry Andes to Joseph Hoffman. Ms. Lorah seconded this motion passing unanimously.

Mr. Bower presented Council with a quote received from Burkholder's for the demolition of the property located at 229/231 West Weis Street in the amount of \$9,500.00. Mr. Jost made a motion to accept this quote and allow Burkholder's to move forward with the demolition of the property at 229/231 West Weis Street. Mr. Beck seconded this motion passing unanimously.

Mr. Bower gave council and visitors an update on the borough manager position. He noted the first group of interviews were held on Wednesday August 5th, 2020 and the remainder of the interviews will be held on Tuesday August 18th, 2020. Mr. Bower also noted that there would be a second council meeting held on Monday August 24th, 2020 to discuss this position.

MAYOR'S REPORT

Mrs. Moll made a motion to approve the continuation of weekly Disaster Declarations until further notice as needed. Ms. Kunkel seconded this motion passing unanimously.

Mayor Biltcliff also noted that he had received numerous positive comments in regards to the Fire Department, Police and borough employees with all the hard work and help during the tropical storm.

SOLICITOR'S REPORT

Ms. Lorah made a motion to adopt Ordinance 2-2020, setting forth additional traffic and parking regulations. Ms. Kunkel seconded this motion passing unanimously.

Solicitor London informed Council that after discussion Bear Creek has released the borough from their contract that was in place for the gala scheduled for December 4th, 2020. Bear Creek will be returning the deposit that was initially made to reserve the space.

COMMITTEE REPORTS

Public Affairs Committee – (Ms. Kunkel)

Ms. Kunkel noted the Topton Ambulance had submitted invoices for reimbursement that are included in this month's monthly bills.

Personnel Committee – (Mr. Stauffer)

Mr. Stauffer noted that both Ty Beau O'Brien and Dallas Fronheiser were unable to accept the seasonal grounds crew position. Mr. Stauffer stated they are just going to move on without this position for this year.

Mr. Stauffer also noted what a great job to the guys working for the borough and all their hard work.

Finance Committee – (Mrs. Moll)

Mrs. Moll made a motion to pay the bills as presented. Ms. Kunkel seconded this motion passing unanimously.

Mrs. Moll made a recommendation to council to make a one-time monetary reimbursement for temporary managerial duties performed in the absence of a borough manager. Mrs. Moll made a motion to pay Ms. Sherry Palinkas an amount of \$2,500.00 and Mrs. Trynda Schoonover \$1,000.00. Ms. Lorah seconded this motion. After further discussion Mrs. Moll made a motion to table this matter to the August 24th, 2020 meeting to discuss during executive session. Ms. Lorah seconded this motion passing unanimously.

Property Committee – (Mr. Jost)

Mr. Jost gave an update regarding the property at 229/231 West Weis Street and discussed in further regarding the demolition work that Burkholder's will be performing.

Parks & Recreation Committee – (Mr. Bower)

Mr. Bower gave an update to council and visitors on the status of the park project.

Mr. Bower discussed the letters of interest received for the position of an inspector for the TASA project. Mr. Bower noted that since council was unable to review these letters prior to the meeting that discussion will be tabled to the next council meeting.

Streets Committee – (Ms. Lorah)

Ms. Lorah made a motion to authorize Solicitor London to prepare and advertise an ordinance restricting parking on the east side of Main Street from the railroad tracks at Centre Avenue to Washington Street. Mr. Jost seconded this motion passing with a 6 to 1 vote with Mr. Stauffer in the negative.

Ms. Lorah made a motion to place crosswalks on Haas Street on the north side of Smith Street as well as on Henningsville Road on the south side of West Keller Street and to also place pedestrian crossing signs on the north and southbound sides of Haas Street and Henningsville Road. Ms. Kunkel seconded this motion passing unanimously.

Ms. Lorah discussed street sweeping within the borough. She noted public works received a quote for \$650 a day to rent a street sweeper as the borough does not have a machine that is capable of sweeping all of the borough. Public Works department

believes it will take 2-3 days to complete all of the borough. Public works is going to look into possibly borrowing a street sweeper from a local neighboring municipality.

Speed tables on Callowhill Street were discussed but further communication was tabled to the September 14th, 2020 meeting.

Utility Committee – (Mr. Beck)

Mr. Beck asked Mr. Steltz if the issues at the water plant had been corrected. Mr. Steltz commented that on the generator they are still waiting on the radiator to be fixed.

Discussion was had amongst borough council and office staff regarding termination notices for water and sewer bills. Also there was discussion regarding changing the process of past due water and sewer bills and terminations notices on these bills from a past due dollar amount to a past due quarterly amount. Council stated that no termination notices should be sent until the emergency declaration is released.

ENGINEER'S REPORT

1. Annual Reporting

DRBC:

We received notice from DRBC that a review of their records indicates that the Borough's Docket for the wastewater treatment plant (No. D-2001-041 CP-2) is scheduled to expire on 08/31/2021 and a complete application to renew the docket, including a review fee of \$523.00, is due by August 31, 2020.

In addition to a check for \$523.00, the application form requires the name and signature of the responsible Borough Official.

Ms. Lorah made a motion to approve the fee of \$523.00 for the application for the Borough's Docket for the wastewater treatment plant. Ms. Kunkel seconded this motion passing unanimously.

2. DEP MS-4

ISETT to prepare draft 2019-2020 annual report for Borough review by August 26th. Draft report shall include list of documents needed for inclusion into the appendix. Report due to DEP by September 30th.

Due to the most recent rain storms from Hurricane Isaias, ISETT recommends review of the Borough's storm sewer mapping and noting areas where Borough crews needed to conduct culvert repairs, pipe or swale clean outs, and other related flooding repairs for inclusion in MS4 maintenance duties.

Berks MS4 Steering Committee Items:

Topton Borough should have received an email from Berks Nature noting their watershed magnets are available for pick up at their main office. The Borough can call or email Michael at Michael.griffith@berksnature.org to coordinate a pick up time.

Berks MS4 committee also has a video available for posting to the municipal website or Facebook page. Topic is about 'What is a Watershed' using the Enviroscape model, produced by Berks Nature staff. The video can be found here: <https://www.youtube.com/watch?v=iF5j3tNrLT4> . If posted and shared by the Borough, the video would count towards public education and outreach requirement of the MS4 permit.

For internal review and information by Council members, there is an article on Berks County representatives looking at alternative solutions to fire departments using firefighting foam (PFAS), which has been found to contaminate surface and ground water. Article recently posted by WFMZ https://www.wfmz.com/news/area/berks/berks-reps-look-for-alternative-to-contaminated-fire-foam/article_66707fca-d5a4-11ea-aafa-a7326136c07c.html

3. Topton Transportation Alternatives Trail Connection Project

The project is in process for approvals as follows:

- 3rd Party Bridge Review is underway
- Wetlands Permit to be submitted in Mid-August
- PennDOT response to be resubmitted in Mid-August
- E&S permit submission this week (August 13)

4. Sewer Rehabilitation

Contractor has completed work; Final pay request is in process.

5. New Public Water Well

We have been in contact with the PA DEP in regard to the possible well site, they are reviewing the site to let us know what setbacks will be required. Included in this is the amount of property that the Borough will need to own and what restrictions will need to be placed on adjacent lands (for well head protection).

Since this site is in the Township, it will also require Township approval per their ordinances.

6. Topton Park Improvements

Construction – Over 85% complete, with the play pods soon to receive the poured-in-place safety surface and landscaping to follow. Fourteen field reports (plus one Special Inspections Report) have been filed, including photos documenting progress.

Substantial Completion – August 21, 2020 per C0-01. Contractor has referenced delays based on COVID-19 impacts to material suppliers. Fabrication & delivery of the site light poles remain outstanding.

Final Completion – Two weeks following Substantial Completion.

7. Transfer of Sewer Lines from Longswamp Township to Topton

Charley spoke with Jill Smith on April 7, 2020 and she indicated that they are in the process of putting the final parts of the rehabilitation work out to bid, she will let me know when they have it out and the schedule. Joan sent a follow-up on July 14, 2020.

8. WWTP Flood Protection

Faddis Concrete delivered the concrete barriers to the treatment plant on July 23, 2020. The Borough crew will place the barriers along the swale on the west side of the site.

9. Pavement Condition Evaluation Report for Croll Street, Penn Street, Hoch Avenue and Main Street

The report was completed, submitted, and was discussed at the last council meeting. A subsequent tar & chip letter outlining the pros & cons of tar & chip was sent to the Township Manager on November 7, 2019 to assist in the Borough's decision to use tar & chip. Tar & chip is normally to be used on 'low volume' roadways. From site observations during the midday in September, Croll Street and Hoch Avenue can be considered 'low volume'. Traffic counts could be utilized to confirm the visual observation.

10. Washington Street Pumping Station

Fieldwork is complete. Preliminary design has been started. The existing station appears to be sited on an easement, so to place a new one, one of two methods would be needed:

- (1) Replace in Place – no new property rights needed
- (2) Replace beside the existing – additional area needed for installation

We have several manufactures putting together design packages for the station and anticipate having a preliminary design with recommendations for the August meeting.

11. Properties Investigated

- a. 315 E Weis St – Storm Damage to flow channel concrete barrier
- b. 30 Klein Lane – 2 Dead Maple Trees – Visited the property on August 5th with Frank Jost and Michelle Lorah. Conveying a letter to the property owner that requires the hazard trees to be removed due to their being a safety threat to the sidewalks.
- c. Barkley St Rat Infestation – Visited the property with Frank Jost on August 5th. The property owner appears to be correcting the previous issue and so not action is needed at this time.

OLD BUSINESS

None

ADJOURNMENT

Council adjourned at 9:11PM on a motion by Ms. Lorah, seconded by Ms. Kunkel.

Next Borough Council meeting will be held on August 24th, 2020 at 7:00PM.

Respectfully Submitted
Sherry Palinkas
Administrative Assistant