

**MINUTES OF THE
TOPTON BOROUGH COUNCIL
Monday October 12th, 2020**

Members of the Tipton Borough Council met on Monday October 12, 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. Stauffer and Mrs. Moll. Solicitor London and visitors were also in attendance. Mr. Jost and Mr. Beck were absent.

FEASIBILITY STUDY PRESENTATION

MKSD Architects presented their feasibility study for a new borough hall, community center and pool to council and visitors. They shared 3 different possible options for both the pool and community center/borough hall. They also presented results from surveys that were conducted amongst the community. MKSD Architects also answered questions from both council and visitors in attendance.

APPROVAL OF MINUTES

On a motion by Mrs. Moll, seconded by Ms. Kunkel the minutes of September 14, 2020 were approved unanimously.

POLICE REPORT

Sergeant Ulshafer was present for questions and provided a patrolling report for the month of September by Fleetwood Police within the Borough of Tipton. Sergeant Ulshafer also discussed that they are assisting with the removal of vehicles located at 309 Furnace Street.

Ms. Carol Cook requested police presence at the new park.

HEARING OF VISITORS

Ms. Kathy Duffy discussed the need for trash receptacles located in the new park and basketball court. She also presented an idea of creating a kids committee that could hold events such as clean up days. She also suggested the boy/girl scouts holding events at the new park as well. Council President Mr. Bower thanked Ms. Duffy again for her volunteer efforts with helping with the park.

Mr. Patrick Rauenzahn requested the park hours. Council informed him they are sunrise to sundown.

Mr. Robert Rauenzahn asked if the borough's codification has been completed and if he would be able to get a copy of the deleted ordinances. Council informed him the codification has been completed and is available to view in the borough office or on the borough's website. As for the deleted ordinances, Solicitor London noted these could be found in the disposition section of the

codification. Mr. Rauenzahn also asked if the building code was up to date and council informed him that the code we follow is up to date. Mr. Rauenzahn also asked if downspouts are allowed across the sidewalk and council informed him they are not permitted to cross sidewalks.

Ms. Alane Falcone addressed council with a prepared letter. (A copy has been included with council minutes)

Ms. Carol Cook discussed with council the plants and trees that have been planted in the new park. She discussed which plants are native and non-native. She explained the planting of alien plants are causing a 50% loss of songbirds as well as butterflies. She also discussed the fountain grass that was planted and how invasive this grass has been found to be. When asked by council what she would like to have done with the non-native plantings she suggested they should be removed and replaced. Mr. Bower noted he would like Ms. Cook to be involved with the design of any gardens or plantings for the property the borough owns at 229 West Weis Street.

COMMUNICATIONS

Council President Mr. Bower shared a request he received from the Topton Soccer Club to store their goals within the locked fencing located at the borough's water plant property. Council agreed with Mr. Bower's approval to allow the request.

Mr. Bower noted that the borough will be holding an electronic recycling event on Saturday December 5th, 2020. After further discussion amongst council they made the decision to make this a Topton Borough resident only event.

Mr. Larry Werst with the Topton Mini Museum thanked Mayor Biltcliff, Council members and borough employees. Mr. Werst then presented council and visitors with an update on mini museum events such as the anniversary celebration which is held on the second Saturday of September every year. He also noted that he is working on the 4th set of Hero Cards as his special project for the year. Mr. Werst also discussed with council the idea of having memory plaques placed at the new basketball court located at the Topton Memorial Park with the names of Mr. Barry Boyer as well as Mr. Mallard (Coach).

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.

SOLICITOR'S REPORT

Ms. Lorah made a motion to accept the Topton Fire Company agreement as presented. Ms. Kunkel seconded this motion passing unanimously.

Mrs. Moll made a motion to adopt Resolution 17-2020, appointment of Stacy C. Milo as the Borough Manager/Secretary. Ms. Lorah seconded this motion passing unanimously.

Ms. Lorah made a motion to adopt Resolution 18-2020, appointment of Stacy C. Milo as the Borough Treasurer. Mr. Stauffer seconded this motion passing unanimously.

Mrs. Moll made a motion to adopt Resolution 19-2020, appointment of Stacy C. Milo as the Chief Administrative Officer of the Employee Pension. Ms. Kunkel seconded this passing unanimously.

Ms. Lorah made a motion to adopt Resolution 20-2020, appointment of Sherry Palinkas as the Open Records Officer. Mrs. Moll seconded this motion passing with a 4 to 1 vote with Mr. Stauffer in the negative.

Ms. Kunkel made a motion to adopt Resolution 21-2020, appointment of Sherry Palinkas as the Recycling Coordinator. Mrs. Moll seconded this motion passing with a 4 to 1 vote with Mr. Stauffer in the negative.

Solicitor London explained the classification of exempt employee positions. She noted that currently the only position with the borough that is exempt would be the borough manager.

BOROUGH MANAGER

Ms. Milo made an announcement that we received a letter from Brandywine Community Library notifying the borough that Mrs. Sandy Cullin resigned from the library.

Ms. Milo noted that the final grant reimbursement requests have been submitted for the park project from PA DCNR and DCED.

Ms. Milo presented council with bank account balances for the borough. She stated these are unreconciled and unaudited.

Ms. Milo presented to council the 2021 Minimum Obligation for the non-uniformed employees' pension plan in the amount of \$28,261.00.

Ms. Milo updated council on the TASA Project. She noted to date the borough has made payments in the amount of \$147, 618.74 in engineer and review fees. Ms. Milo also explained the parameters of the funding for this project and what portion will be responsible by both the Borough as well as PennDOT. She noted the borough is responsible to cover the cost of all engineering and design.

COMMITTEE REPORTS

Public Affairs Committee – (Ms. Kunkel)

No Report

Personnel Committee – (Mr. Stauffer)

No Report

Finance Committee – (Mrs. Moll)

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

Mrs. Moll discussed with council the need to replace the borough's current debit card with a credit card. A suggestion was made to make Stacy Milo, Trynda Schoonover, Scott Steltz and Caitlin Moll authorized users for this account. Council chose to table this discussion to the November meeting in order for borough manager Ms. Milo to acquire more information as council requested.

Mrs. Moll made a motion to open a new M&T bank account for the Community Ambulance Tax and to have the signers as Stacy Milo, Sherry Palinkas, Caitlin Moll and Toby Bower. Ms. Kunkel seconded this motion passing unanimously.

Property Committee – (Mr. Jost) Absent

Mrs. Moll asked if the sidewalk on Marshall Avenue will be replaced or repaired. It was noted Met-Ed is in the process of repairing.

An update was given to council that the trees have been removed from the property located at 30 Klein Avenue.

Council discussed the placement of an outdoor bulletin board at the Topton Mini Museum. The borough staff will get estimates for the requested bulletin board.

Council discussed unpermitted construction that was performed at 64 East High Street. After further discussion council requested Barry Isett & Associates to send a notice of violation of the Zoning Ordinance.

Parks & Recreation Committee – (Mr. Bower)

Mr. Bower discussed dedication of the new basketball court at the park. Mr. Bower presented his idea to hold an annual basketball tournament and the team who wins each year would have the court named after them for the year.

Mr. Patrick Rauenzahn asked council if there are age limits for the park equipment. Council responded that the new park equipment has recommended age requirements of 2-12 years of age. He expressed his concern for safety for children and parents.

Ms. Kathy Duffy offered a suggestion to place “back in” signs for the parking along Oak Alley.

Streets Committee – (Ms. Lorah)

Ms. Lorah made a motion to purchase two (2) Children at Play signs for Oak Alley. Ms. Kunkel seconded this motion passing unanimously.

Council requested public works to look into and possibly repair a dip in the road on Freehall Road.

Utility Committee – (Mr. Beck) Absent

No Report

ENGINEER’S REPORT

1. Annual Reporting

No Updates this month, next action items will be the end-of-year reporting.

2. DEP MS-4

Annual MS4 report submitted to DEP Southcentral office on September 30, 2020. After the submission, Isett provided a list of anticipated 2020-2021 MS4 task items to the Borough. The list is intended to assist the Borough with planning the following year. Next Berks County MS4 Steering Committee meeting to be held via teleconference on Thursday, October 15th. Isett to provide summary notes to the Borough following the meeting. Official meeting minutes, agendas and general committee information are sent directly to the Borough by the County. The Borough shall inform the MS4 Committee of any changes to email contact information.

3. Topton Transportation Alternatives Trail Connection Project

- Administrative comments were received from DEP (Wetland permitting). The resubmission will be resubmitted by the end of this week. The DEP resubmission will also be sent to the BCCD as per their request.
- We are waiting for final acceptance on the Foundation Plans from the third-party bridge review. The Foundation Reports are still under review.
- We are waiting for comments on the design plan set that was submitted for review.

4. Sewer Rehabilitation

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

5. New Public Water Well

We have prepared and initial assessment of the well location within the field near Hoch Ave. The site is underlain by Carbonate geology as suggested in the prior well location report. Given the high yield of the nearby geothermal well it is more likely that this location will also provide a higher yield; however, it is recommended that a fracture trace analysis be performed to maximize the potential yield. The Wellhead Protection radius will likely be between 100 and 200 feet. The use of herbicides and pesticides will likely be prohibited within the Wellhead Protection Zone, and it is not clear that any farming would be permitted. The State required “control” of the property within the Wellhead Protection Zone, which implies that an easement maybe acceptable, but this should be confirmed with the DEP during a pre-application meeting. In addition to the well, there will need to be a structure to house equipment associated with the well and cross-connection to the water supply. An access road will also be required to provide routine maintenance and ingress to the structure. Borough to discuss with farmer for access.

6. Topton Park Improvements

Project is complete, final close-out documents have been received from the Contractor. Final payment application has been submitted for payment. Isett is assisting the Borough with closeout documents and inspection for the DCNR Grant.

7. Transfer of Sewer Lines from Longswamp Township to Topton

The repair work is scheduled to be completed October 23, will include both pre and post condition videos to be submitted to Topton.

8. Washington Street Pumping Station

Fieldwork is complete. Preliminary design has been completed for a station to be built in place of the existing station. Costs are being gotten from several contractors and suppliers.

Charley Myers discussed options and possible fees to place speed tables, humps or bumps on Callowhill Street. After discussion council agreed these options could be considered in the future with possible grant funding for the project.

Ms. Lorah made a motion to authorize Solicitor London to advertise an Ordinance reducing the speed limit on Callowhill Street from West Weis street to West Franklin Street from 25 mph to 15 mph. Ms. Kunkel seconded this motion passing unanimously.

Charley Myers also discussed the flooding issues from the reservoir located on West Franklin Street and brought to council at the last meeting. Mr. Myers offered suggestions to maintain this reservoir.

OLD BUSINESS

None

ADJOURNMENT

Council adjourned at 9:44PM on a motion by Ms. Lorah, seconded by Ms. Kunkel.

Next Borough Council meeting will be held on October 26th, 2020, at 7:00PM.

Respectfully Submitted
Sherry Palinkas
Administrative Assistant

October 12, 2020

Topton Borough
Borough Council
205 S Callowhill St.
Topton, PA 19562

Topton Borough Council,

I request this correspondence be made part of the minutes and public record for the meeting on October, 12, 2020.

As a Topton resident, property owner, taxpayer and voter, I am writing with great concern for this borough.

Over the last several months I have questioned a number of irregularities I have read in past meeting minutes and have witnessed in person, at the public meetings. Some of my questions have been answered and some have not. The borough solicitor has advised some on the council not to answer my questions, stating the council members are not required to answer specific questions asked by the citizens; questions as to why they voted a certain way.

My questions related to the conduct of some of the council members that followed the decision to remove the borough manager. This letter is being written for the record to make the public aware of what I believe is misconduct by some of the elected (or appointed) officials currently serving on this council.

In march, the borough manager was placed on administrative leave. That absence lasted until an agreement was signed in late April 2020, which unfortunately involved his resignation.

After months of our borough functioned without a manager, the council voted in May to accept a legal agreement with the manager. I would have expected the council to come to the June meeting prepared to start the hiring process for a new manager. Instead what happened (and what is stated in the public record) is that 4 of the 7 council members voted, or tried to vote, to make substantial decisions to the operation of the borough without full council involvement.

Mr. Stauffer, who chairs the personnel committee, knowing there was an irrevocable contract signed and who voted for the managers resignation, did not come to the June meeting with a motion to hire a new manager, but instead came up with a preconceived plan to make motions on significant borough matters that were never discussed among the 7 council members. Motions were made and voted on to: 1. Remove (or impeach) the current president of the council, 2. Terminate our borough solicitor (a vote which did not stand), 3. Reinstate the manager, (a vote which did not stand but was seriously considered), 4. Reduce the only office admin staff our borough had to part time positions, and then to "on call" positions (I surmise in an effort to get them to quit) stating they were no longer a good fit for the borough, and would make the manager uncomfortable (a vote which did not stand); and 5. To reappoint a new president and vice president to the council. I asked and it was confirmed by Ms. Kunkel that none of these motions were ever discussed in meetings among the 7 elected officials.

I found it to be odd that in addition to Mr Stauffer, 3 other council members (a quorum) would have voted on motions that were never discussed in public meetings or executive session meetings. Mr Stauffer stated he did on occasion have conversations outside of the meetings with some council members and he also stated he hated to see Marcus go, as Marcus was his friend. I am not sure how any of these motions were in the best interest of this borough, (especially to reduce our office personnel) but it is interesting that the same 4 members voted the same way on all of these motions.

The solicitor stated a council member may make any motion they want too, and vote any way they want to, but she could not answer me on the question of the ethics of these types of actions. An argument could be made that 4 members of this council colluded together to make changes to the operation of this borough, intentionally bypassing the democratic process; and were acting on personal interests, and not in the best interests of our community.

In years past I have attended council meetings and this is not the first time I have witnessed inappropriate conduct by some of the same council members.

In closing I ask the misconduct that has taken place over the last several months be taken seriously and made public; and that any actions made as a result of these unethical deeds be reversed. I also request this unethical behavior be censured as a matter of public record.

Thank you for allowing me to voice my sincere concerns for the Borough of Tipton.

Respectfully submitted,



Alane Falcone, Resident
West Franklin St. Tipton