

**MINUTES OF THE  
TOPTON BOROUGH COUNCIL MEETING  
Monday, September 13<sup>th</sup>, 2021**

Members of the Topton Borough Council met on Monday, September 13<sup>th</sup>, 2021 at 7:00 P.M. at Borough Hall for the regularly scheduled monthly meeting. The meeting was called to order by Council President 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, Mrs. Moll, Mr. Beck and Mr. Polinsky. Solicitor Joan London, Engineer Charley Myers, Police Chief Stinsky and visitors were also in attendance.

**APPROVAL OF MINUTES**

On a motion by Ms. Kunkel, seconded by Mr. Polinsky, the minutes of August 9<sup>th</sup>, 2021 were approved unanimously.

**COMMUNICATIONS**

Ms. Milo noted The Market Café was awarded a grant in the amount of \$15,000 from the County of Berks Commonwealth's Hospitality Industry Recovery Program.

Ms. Milo shared with council that the Topton Community Outreach Club invited Mayor, Council and employees to appear in the 65<sup>th</sup> Annual Halloween Parade.

Ms. Milo presented council with a public meeting request from Berks County Commissioners for their "On the Road" series. Council expressed interest in holding a meeting in Topton and requested Ms. Milo to research availability.

Ms. Milo shared a letter received from BHASD Superintendent thanking the Borough of Topton for the fireworks display.

Ms. Milo presented council with a municipal request to participate in the Reading Area Transportation Study.

Ms. Milo also presented council with the 2020 US Census Bureau initial results for the Borough of Topton.

**MAYOR'S REPORT**

Mayor Biltcliff announced that the Borough's trick or treat will be held on Sunday October 31<sup>st</sup>, 2021 from 6-8pm.

Mayor Biltcliff noted the request he received from the Mayor of Kutztown to cosponsor, at no cost to the Borough of Topton, an event for Veterans that will be held at the Topton American Legion on November 5<sup>th</sup>, 2021. Borough Council was in agreement with the co-sponsorship of

this event.

## **POLICE REPORT**

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

Chief Stinsky discussed the lack of crossing guards on Haas & Smith Street with Mrs. Michelle Stoudt.

Chief Stinsky also spoke with Ms. Debra Kirby in regards to an issue she had reporting fraud.

## **HEARING OF VISITORS**

Ms. Alane Falcone of West Franklin Street addressed council regarding Council's discussions and motions regarding the decision to not renew current contracts in place providing water and sewer to some Longswamp Township property owners.

Ms. Falcone also discussed the Borough's Solicitor's billable hours in relation to the matter of water and sewer. Borough Solicitor Ms. London stated that her invoices are public records and that a right to know request can be submitted to the borough to receive these documents.

Mr. Jack Rauenzahn of 311 East Weis Street discussed with council his issues with his neighbor in regards to weeds, trespassing, parking and harassment. Chief Stinsky, Borough Manager Stacy Milo and Council offered suggestions to possibly help remediate the situation.

Mr. Bob Rauenzahn thanked council for the help to have his neighbor's property cleaned up.

Mr. Bob Rauenzahn also discussed sidewalks on Centre Avenue that are rocks and variance for sheds in the Borough.

Ms. Pat Miller of 233 East Smith Street discussed with council issues that her and other neighbors are currently and have previously been having issues including confrontational issues, threats, parking issues and issues with their dog. Council advised Ms. Miller to contact police when there are issues.

Mr. Adam Eschbach of 224 East Smith Street also discussed with council the issues with their neighbor including trespassing, littering, weeds, rodents, and inappropriate language. Council also advised Mr. Eschbach to contact police when there are issues.

Mrs. Michelle Stoudt requested the addition of a crosswalk at Home Avenue and Smith Street. Council will research the addition of this crosswalk.

## **SOLICITOR'S REPORT**

Mr. Polinsky made a motion to adopt advertised Ordinance 6-2021, Fire Loss. Ms. Lorah seconded this motion passing unanimously.

Solicitor London discussed the amendment to Fireworks Ordinance 3-2019. This item will be discussed further at the October council meeting.

Ms. Kunkel made a motion to adopt Resolution 25-2021, Berks County Consolidated Dispatch Services Agreement for 2022 forward. Mr. Beck seconded this motion passing unanimously.

Mr. Polinsky approved the revised temporary construction easement agreement with 1 South Home Avenue for the Toad Creek Phase II Project. Ms. Kunkel seconded this motion passing unanimously.

Ms. Lorah made a motion to authorize Solicitor London to draft an Act 50 Small Wireless Telecommunication Facilities Ordinance. Mr. Polinsky seconded this motion passing unanimously.

Solicitor London continued the discussion regarding the Peace and Good Order Ordinance. This matter will be discussed more in the future.

Mr. Polinsky made a motion to authorize Solicitor London to amend and advertise Ordinance 3-2021 to include uninspected motor vehicles. Ms. Lorah seconded this motion passing unanimously.

Mr. Polinsky made a motion to authorize Solicitor London to create an ordinance that would include all the stop signs in the borough. Ms. Kunkel seconded this motion passing unanimously.

### **BOROUGH MANAGER**

Ms. Lorah made a motion to adopt Resolution 26-2021, appointing Nicole DelGuerico to the Berks County Tax Collection Committee Board as the alternate delegate. Ms. Kunkel seconded this motion passing unanimously.

Mr. Polinsky made a motion to adopt Resolution 27-2021, Update and Adopt revised Emergency Operations Plan. Mrs. Moll seconded this motion passing unanimously.

Ms. Milo discussed with council the need for reminder letters to be sent to residents advising that trees and shrubs in streets and alleys must be trimmed up at least 8 feet from pavement inside the curb line. The letters will give residents 10 days to rectify the situation or the borough will trim the trees or bushes.

Ms. Milo reviewed the preliminary narrative report for accessibility of the borough hall, pool and playground. A full report will be provided in the weeks to come.

Ms. Milo provided information received from Brandywine Community Library regarding state and local funding.

Ms. Milo discussed with council the borough's current towing agreement with Getz Towing. After further discussion Ms. Milo was advised to put out a request for proposal for future towing services. Solicitor London advised the borough code states we may have a list of multiple towing companies to use for towing services.

Ms. Milo provided the proposed 2022 Animal Control Services Agreement with Safety Net Sanctuary. Further discussion regarding this matter will be considered during budget discussions.

Ms. Milo presented borough council with the 2022 Borough of Topton Minimum Municipal Obligation.

Ms. Milo and council discussed the newly elected municipal officials training offered by Pennsylvania State Association of Boroughs. These will be held on November 17<sup>th</sup> and 18<sup>th</sup>, 2021. This would be an update and review for previous council members and initial training for newly elected council members.

Ms. Milo and council spoke regarding the borough's current COVID-19 policy in place. The borough will continue to monitor and follow policies set by the Department of Health as noted in the borough's current policy.

Ms. Milo shared with council a communication she received from 503 West Franklin Street. He offered to allow the borough to cut the tree located on the front of his property to be used as a tree for the 2021 holidays. Borough council chose to not take action on this offer.

## **COMMITTEE REPORTS**

**Public Affairs Committee – (Mr. Bower)**

No Report

**Personnel Committee – (Mrs. Moll)**

No Report

**Finance Committee – (Ms. Kunkel)**

Ms. Kunkel reviewed the borough account balances presented by borough manager, treasurer.

**Treasurer’s Report for September 13, 2021:**

On-Line Bank Account Balances as of 09/13/2021:

General Account:	\$ 487,696.40
Water Account:	\$ 119,881.18
Sewer Account:	\$ 44,838.55
Reeds Beds – Sewer	\$ 4,954.24
Pool Account:	\$ 5,733.04
Payroll:	\$ 8,031.87
Recreation/Park Project:	\$ 627,629.47
Liquid Fuels:	\$ 232,332.41
Fire Fund:	\$ 92,180.02
Ambulance Fund:	\$ 29,839.15

Mr. Polinsky made a motion to approve the list of bills and transfers as presented on September 13th, 2021. Mrs. Moll seconded this motion passing unanimously.

**Property Committee – (Mr. Stauffer)**

Ms. Carol Cook presented council and borough manager with photos in regards to flooding and erosion on her property located at 112 South Home Avenue. After discussion borough council noted they will have the borough engineer visit Ms. Cook’s property to review possible issues and complaints.

**Parks & Recreation Committee – (Ms. Lorah)**

Ms. Lorah discussed communication received regarding a community service project from a BHASD Sophomore. Ms. Lorah requested Ms. Milo ask the student to attend and present her project at the October meeting.

Ms. Lorah made a motion to approve Stonewood Landshaping, Inc. payment application #2 in the amount of \$14,220.00. Mr. Beck seconded this motion passing unanimously.

Ms. Lorah noted the August 20<sup>th</sup>, 2021 event with music and fireworks was a big success. Ms. Lorah would like to continue to hold fireworks the same time in the future.

Ms. Lorah informed council and visitors that the Topton Memorial Pool is now closed for the 2021 season.

Ms. Lorah discussed the Borough of Topton holding their annual Trunk-or-Treat on Sunday October 31<sup>st</sup>, 2021 on Home Avenue. After further discussion Ms. Lorah made a motion to hold trunk-or-treat as noted above and to close Home Avenue from East Barkley Street to East Smith Street beginning at 5pm. Mr. Polinsky seconded this motion passing unanimously.

**Streets Committee** – (Mr. Polinsky)

Mr. Polinsky shared with council that he and Borough of Topton's Road Foreman Scott Steltz attended a joint meeting in regards to a multi-municipal purchase of a street paver. After further discussion Mr. Polinsky made a motion to authorize the Borough of Topton to enter into an intermunicipal agreement and purchase of a paver in the amount of \$73,288.50. Ms. Lorah seconded this motion passing unanimously.

**Utility Committee** – (Mr. Beck)

Ms. Palinkas presented council with an updated accounts receivable status for the water and sewer billing.

Ms. Milo noted the borough has received the water supply inspection report from Pennsylvania Department of Environmental Protection.

Ms. Milo also shared with council that the borough had their MS4 Inspection on September 8<sup>th</sup>, 2021.

Engineer Charley Myers and Borough Manager Stacy Milo discussed the need for maintenance of the sewage treatment plant reed beds. After further discussion Mr. Polinsky made a motion to approve to temporarily stop using the current reeds beds and

to pump and haul the sewage plant sludge. Mr. Beck seconded this motion passing unanimously.

## **ENGINEER'S REPORT**

### **1. DEP MS-4**

**MS4 Annual Report to DEP** – Annual report draft document forwarded to Borough on 8/12 for review. Hard copy documents for insertion to the report's Appendix obtained on 9/8 from the Borough. Final report being prepared for Borough signature.  
Report packages being submitted on Tuesday, September 28<sup>th</sup>.

**MS4 Program Inspection by DEP** – Inspector from the Southcentral Regional Office conducted an office inspection of the Borough's MS4 files, protocols and programming on 9/8. Stacy Milo attended on behalf of the Borough and Christine Mildner attended on behalf of the Borough Engineer office. No permit violations were issued. DEP had a number of recommendations to strengthen programming elements, and suggestions for more site specific and detail in maintenance protocols. A summary letter is being prepared by DEP that will list these recommendations as notices or corrective measures.

**Perennial Stream Brush Clearing** – The Borough and Isett discussed options for clearing brush along the perennial, tributary stream corridor starting at Weis Street. Borough reviewing recommendations.

**Berks County MS4 Steering Committee** – next meeting Thursday, October 21<sup>st</sup>.

1. American Rivers and the Center for Excellence in Local Government – survey on funding local stormwater management programs. Reminder to take the survey by September 17<sup>th</sup>.  
Link: <https://www.surveymonkey.com/r/SFZZNL9>
2. Free Webinar on Bioretention Functions - hosted by Penn State Extension  
Presentation – September 28<sup>th</sup> Time: 12:00 – 1:00 pm  
Webinar can be applied to MS4 staff training requirements, but you need to register  
<https://elink.clickdimensions.com/m/1/62134848/02-b21251-ca27b0fb324849cf9d76e02dcaf5f179/1/426/b3aa47fb-9c52-4709-aaa7-32d459b3da9a>
3. PSATS Annual Stormwater Conference will be held virtually this year  
September 14 & 22 for Technical topics  
September 21 & 29 for Policy topics  
Agenda schedule here <https://www.psats.org/wp-content/uploads/2021/09/2021-Virtual-PSATS-Stormwater-Conference-Agenda-9.7.21.pdf>

### **2. Topton Transportation Alternatives Trail Connection Project**

- PennDOT has confirmed an official let date of 1/13/2022. We anticipate having the project wrapped up by late September 2021.

### **3. Toad Creek**

Construction Status: Base work completed through the area not covered by easement.  
Pay Application #2 has been submitted.

Progress has been made on easements, revised easement is being presented to Council for approval, it is anticipated that the easement will be executed quickly and work completed by the end of the month.

Change order #1 includes the removal of the unused allowances and the addition additional biologs and rock regrading, as follows:

Credit to Borough - \$12,700

Additional Work - \$2,200

Total Credit to the Borough - \$10,500

Revised Contract Value = \$90,000 - \$10,500 = \$79,500

Change Order #2 is also included and it reflects the following additions:

Tree Planting on School District Property (13 Trees) - \$8,125

Wild Seed Mixture planting - \$8,200

Revised Drainage Pipes - \$200

Total Additional Cost - \$16,525

Revised Contract Value = \$79,500 + \$16,525.00 = \$96,025

There is adequate grant funds remaining to more than cover the additional \$6,025 over the original contract value.

### **4. Washington Street Pumping Station**

Projected project schedule is as follows:

PADEP Permitting June through September 2021

Finalize Bid documents October 2021

Bid Project November 2021

Construction – Manufacture January through May 2022

Construction – Field June 2022

Shakedown/Finish July 2022

### **OLD BUSINESS**

None

### **ADJOURNMENT**

Council adjourned at 9:52PM on a motion by Ms. Lorah, seconded by Mrs. Moll.

Next Borough Council meeting will be held on October 11<sup>th</sup>, 2021, at 7:00PM.



Respectfully Submitted,  
Sherry Palinkas  
Borough Secretary