

**MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, September 12th, 2022**

The regular semi-monthly meeting of the Tipton Borough Council was called to order by Council President Lorah at Borough Hall, 205 South Callowhill Street, Tipton, PA 19562 at 7:00 PM. Present were Mayor Biltcliff, Council Members C. Cook, A. Falcone, M. Kunkel, M. Lorah, E. Polinsky, E. Stoudt, and M. Stoudt, Solicitor Colin McFarlane, Engineer Charley Myers, PE, and Borough Manager Stacy C. Milo.

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Polinsky made a motion to approve the minutes of August 8th, 2022, with revisions. Mrs. Stoudt seconded the motion. The motion passed unanimously.

COMMUNICATIONS

Ms. Milo informed council of a letter received from the Redevelopment Authority of the County of Berks regarding their new Major Systems Program. This program is targeted towards aging in place and low-income families. Ms. Milo expressed that she wanted to make the public aware of the program and mentioned that there had been social media postings about the program as well.

Ms. Milo also spoke about the Tipton Mini Museum's 10th anniversary celebration that took place at the museum on Saturday, September 10th. On behalf of Council, Ms. Milo presented Mr. Larry Werst, creator of the museum, with a clock to celebrate the anniversary. Ms. Milo also informed Council that the museum received a donation check of \$1,000 from Lehigh Industries, Inc. to celebrate the milestone. Ms. Milo also stated that the museum received many donations the day of the anniversary celebration.

Mr. Werst gave a short speech about the history of the museum. He stated that while this is the 10th anniversary of the museum, it has been going on for many years prior. Mr. Werst spoke about the history of the museum itself, informed Council of the members of the preservation board, shared their mission statement, and offered to answer any questions the public or Council may have. Council thanked Mr. Werst for his work with the museum and his dedication to the community.

MAYORS REPORT

Mayor Biltcliff reminded Council to tell him if they plan to attend East Penn/Deka's Open House. The Mayor also stated that he attended the Mini Museum's anniversary event, it was wonderful, and there was quite a crowd.

POLICE REPORT

Ms. Lorah informed Council that Chief Ulshafer is on vacation and could not attend the meeting tonight.

HEARING OF VISITORS

Dan Hoffstetter, pastor at Redeemer Bible Fellowship Church, informed Council that the church's block party is taking place Saturday, September 17th. He said that it has been a group effort this year, and many other groups and organizations have gotten involved. Ms. Lorah asked the time the event will occur. Mr. Hoffstetter informed Council that the block party will take place from 4-7PM. Ms. Lorah informed Mr. Hoffstetter that the Borough will place No Parking signs for their event, and there will be barricades available for the church to utilize.

Lewis Miller asked Council for an update about the new parking regulations in town. Mr. Polinsky answered saying that it is the law/PA Vehicle Code that parking is not allowed 50 feet away from railroad tracks. Mr. Miller responded by asking Council if they realize what they are doing to the parking in town; by enforcing the law, more parking will be removed. Mr. Polinsky stated that the regulations are a Pennsylvania law and must be enforced. Ms. Lorah added that enforcement is difficult since we lose parking from implementation, but we have to do these things. She concluded by saying that the Borough does not have any land right now to make a public parking lot, and Council is doing their best.

SOLICITORS REPORT

Solicitor Joan London was unable to attend, but Colin McFarlane from Kozloff Stoudt Attorneys attended in her absence. Mr. McFarlane informed Council that Ms. London spoke with the Solicitor of Longswamp Township in regards to the Memorandum of Understanding for the well, and she informed Ms. London that she had not gotten to review the memorandum with the township board of supervisors yet. The Longswamp Township Solicitor also informed Ms. London that there will most likely be pushback, and that the supervisors will most likely expect the 2021 actions against Longswamp Township to be held in abeyance.

Mr. McFarlane informed Council that Ms. London has no update regarding her communication with Norfolk Southern.

Mr. McFarlane continued by saying that Ms. London looked into the vehicle code and found that speed limits in residential areas can be lowered to 25 MPH by ordinance. Ms. Milo asked Mr. McFarlane to let Ms. London know that this is something Council would like to approve in the next two months.

BOROUGH MANAGER

Ms. Milo informed Council that the Berks County Department of Emergency Services (DES) is doing a comprehensive review of their hazard mitigation plan. The DES has asked Council to complete the provided list to prioritize mitigation measures. Mrs. Stoudt explained that her interpretation of the list is that the things they ask are just steps to be taken, and she believes we should tell the county that we agree with whatever they think is best when it comes to hazard

mitigation. Mr. Polinsky made a motion to not complete the list and to instead tell the County that Council agrees with whatever they think is best as prioritizing Topton's mitigation measures. Ms. Kunkel seconded the motion. The motion passed unanimously

Ms. Milo presented Council with Resolution 20-2022, which is for Council's approval for the borough to apply for a Local Share Account grant from the Commonwealth, totaling \$619,942. Mr. Polinsky asked if the amount that we are requesting will cover the whole cost of the project. Mr. Myers informed Council that if granted, the money will only cover the cost of Keller Street's utility work. Mr. Polinsky made a motion to adopt Resolution 22-2022. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. Milo noted for the record that Council received the 2023 Minimum Municipal Obligation worksheet prior to the September deadline.

COMMITTEE REPORTS

Public Relations and Special Events (Kunkel)

No report

Environmental and Quality of Life Committee (Cook)

Ms. Cook informed Council that the suggested changes they submitted to DEP regarding the Source Water Protection Plan were not all made and the document is not fully ready for Council's approval.

Personnel and Policy Committee (Falcone)

Ms. Falcone presented a final copy of Resolution 21-2022. She stated that the borough currently has a resolution regarding this issue, so the new resolution would be a revision. She stated that provisions were added specifically regarding video recording of council meetings. She also said that the attached rules for public meetings, that accompanies the resolution, will be posted in the council room. Ms. Falcone made a motion to adopt Resolution 21-2022. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Falcone stated again that she would like to go through our ordinances and resolutions to update and revise things. She stated that her goal is to find things to update, revise, or remove. Ms. Falcone then asked Council if they believe Council should have a policy or resolution about how vendors are selected for Borough events. Ms. Kunkel stated that she does not think it is appropriate to have a policy regarding this because the Borough deals with such few vendors. Ms. Falcone added that she does not want there to be the appearance of favoritism when the Borough asks the same few vendors to come every time. Ms. Kunkel reiterated that the Borough puts on such few events and only certain vendors want to come to Topton. Ms. Lorah agreed with Ms. Kunkel that it is not necessary to have a policy like that in place. Ms. Stoudt added that we could reach out to everyone in the community with a list of events we want to have, what we want to happen, and ask them to reach out to the Borough if they want to be involved. She does not think we need to have a policy about vendors. Ms. Kunkel asked if, in the beginning

of 2022, Council decided what vendors or events were happening that year. The other Council members responded by saying no, they were not involved with the small details of events. Mr. Polinsky added that such matters were handled at the committee level. Ms. Falcone finished the discussion by agreeing to put this idea on the back burner for now until events for next year are in the process of being made.

Public Safety and Special Events Committee (Lorah)

Ms. Lorah informed Council that she and Ms. Milo met with Chris Young, Borough Manager for Fleetwood Borough, and Fleetwood Police Chief Dale Ulshafer regarding the police contract for 2023. She continued by stating that the Borough currently pays \$156,600 per year to Fleetwood Borough for 40 hours of police presence each week. This will be going up to \$180,000 per year for 2023 due to an overall increase of 5% and additional costs. Ms. Lorah added that both Fleetwood representatives brought up that TCOC and the Topton Halloween Parade were not taken into account when the current contract was established. They suggested that there be a separate line item and cost for the parade itself because of the large police presence needed for the event. The cost of a police car was not included in the current contract, and the Borough will need to pay to lease a car in the contract. The criminal investigative work and court time was not added into the current contract; the cost of these services is currently being covered by Fleetwood Borough. Next year, Topton will need to pay for these services. Fleetwood Police is contracted to spend 40 hours each week of patrol time in Topton. It will need to be budgeted for the extra variable expense of the criminal investigator and court time. Ms. Stoudt asked for clarification of what the \$180,000 will cover. Ms. Lorah clarified that the patrol time and the lease of a patrol car is included in the \$180,000. The cost of the other services is variable and will need to be budgeted accordingly. Ms. Lorah suggested that since you do not know how much time will be spent in court and on investigative work, we should budget for a certain amount, and, if we go over our original budget, the time spent should be taken off of the patrol hours.

Ms. Stoudt stated that Fleetwood Police does a great job in our community. The Borough has no resources to maintain a police force of its own and this is an expense we need to incur. Mr. Polinsky asked approximately how much money should the Borough put aside for the extra services Fleetwood Police will provide. Ms. Milo said that she will see how much can be put towards it in the budget as well as get recommendations of contract language from the others that contract with Fleetwood for police.

Streets and Property Committee (Polinsky)

Mr. Polinsky made a motion to adopt resolution 22-2022, Traffic Calming Policy. Mrs. Stoudt seconded the motion. The motion passes unanimously.

Mr. Polinsky also asked about an ordinance involving limitations regarding utility companies cutting through newly paved streets. Ms. Milo informed Council that she had spoken with Barry Isett and Associates about such an ordinance. They suggested a whole new ordinance that includes requirements such as: a street cannot be cut up until five

years after it was paved; if a company cuts on the same street multiple times, they will need to repave the whole street; and adding a charge for every cut made. Ms. Lorah asked how an ordinance like this is drawn up. Mr. McFarlane said that he can use other ordinances like this one from other boroughs as a starting point. Mr. Polinsky made a motion to advise the solicitor to draft an ordinance for newly paved street opening or evacuation limitation's and requirements. Mr. Stoudt seconded the motion. The motion passed unanimously.

The next item Mr. Polinsky brought to Council is restrictions on tractor trailers entering and exiting the Weis Street parking lot. Ms. Milo informed Council that, with the TASA project, new concrete aprons will be added to that parking lot. The new aprons will be narrower than what is there currently, and if tractor trailers drive over them all the time, they will not last long. To further the life of the aprons, Ms. Milo asked Council if they see a need to restrict tractor trailers in that parking lot. Ms. Lorah agreed with Ms. Milo in saying tractor trailers should not be allowed in that parking lot. Mr. Stoudt mentioned that tractor trailers also get pulled over by police in the parking lot as well. He asked, if we close the parking lot to trucks, where will they be able to pull over. Ms. Milo responded and said that she had already discussed this with Chief Ulshafer to inform him that Council would be considering this action. Ms. Milo said that drivers can pull to the side of the road, or the officer can wait to pull them over once in another municipality; the traffic violation can occur in Topton, but if it is safer for the truck to be pulled over once it exits Borough bounds, that is okay. Mr. Myers added that in the engineering of the TASA project, the aprons are designed to be wider than the average driveway, but they are not wide enough for a tractor trailer to enter them without hitting the curb. Ms. Milo advised Council that the lot is advertised as a public parking lot and to enforce no tractor trailer entry, an ordinance will need to be passed. Mr. Polinsky made a motion to authorize the Solicitor to draft an ordinance for no tractor trailer entry into the Weis Street parking lot. Mrs. Stoudt seconded the motion. The motion passed unanimously

Mr. Polinsky updated Council on the School Zone Permits. He informed Council that they were finally received. This took 10 months because of delays and tie ups with PennDOT. Mr. Polinsky said that school zone signs will be installed on Klein Street, and the existing signs on Henningsville Road will get moved up the hill and installed past the driveway to the school.

Mr. Polinsky also updated Council on the CO-OP Meeting involving the Asphalt Zipper. The co-op received a new interest rate of 3.71%, which is significantly lower than the last rate that was quoted. Mr. Polinsky informed Council that they will need to decide if Topton wants to be involved with the Zipper purchase, and if they do, how does Council want to finance Topton's portion of the purchase. Ms. Falcone asked how this will fit into the budget. Mr. Polinsky answered that the co-op is asking if all municipalities involved would rather give their contribution outright, or if the Zipper should be financed. If the co-op decides that all municipalities need to give their contribution outright, Topton itself can finance our portion. If the co-op all together decides to finance, Topton would pay

\$17,213 per year for 5 years. Ms. Lorah said that she believes that Council should not say no. Mr. Polinsky added that he also feels that we need to be involved with this purchase because the Zipper and the paver go hand in hand. If Topton does not participate, when the Zipper comes to Topton and gets used here, we will get billed for the use. Mr. Polinsky made a motion for the Borough to get involved with the purchase of a zipper with Hereford, Longswamp, and Rockland Townships. Ms. Cook seconded the motion. The motion passed unanimously. Mr. Polinsky continued by asking Council if they think we should finance the Zipper or pay our portion up front. Mr. Polinsky added that it seemed that the three townships are also leaning towards financing the Zipper. He believes this would be a good option for us as well since we are trying to do a lot with a little. Council agreed with Mr. Polinsky.

Mr. Polinsky presented Council with a 2023 proposed street repair plan. He revised his plan slightly to include projects that were not able to get done this year. Mr. Polinsky asked Ms. Milo to use the numbers he provided to draft the street maintenance portion of the 2023 budget.

Parks and Recreation Committee (E. Stoudt)

Mr. Stoudt informed Council that there have been vandalism incidents in the park bathrooms. He asked Council for their input on if the bathrooms should be locked at all times and only accessible to pavilion renters, girls' softball, and other necessary entities Council sees fit. He said that the bathrooms are usually locked at the end of the summer, but he proposes that they should be locked permanently. Ms. Falcone disagreed with Mr. Stoudt. She stated that the bathrooms are there for people to use when they are in the park. She also asked why something hasn't been done to stop the people vandalizing the bathrooms. Ms. Lorah stated that footage has been downloaded and given to Fleetwood Police in regards to the issue. Ms. Lorah proposed that since it is the end of summer, the bathrooms should be locked at all times. Mr. Polinsky said that it should be stated that the bathrooms are locked because people are vandalizing them, not just because it is the end of the season. Ms. Milo added that when the bathrooms lock for the season, residents in the park come down to the office and ask to use the bathroom. This happens not only in fall when they lock, but even when we get an early spring. Because the Borough Office is a public building, we are required to have a public bathroom. The office bathrooms already have problems, adding the extra use onto them will cause serious issues. Ms. Falcone suggested that Council get a porta-potty that does not need to be cleaned by the Borough. Mr. Stoudt said that it would be an extra cost we would have to pay. Ms. Falcone proposed that the bathrooms be locked when school aged children are dismissed for the day. Council agreed to change the bathrooms to lock at 2:00PM instead of 9:00PM.

Mr. Stoudt asked Council who orders the firework display that is put on in August because he does not want the firebombs. The firebomb burned a quarter of his soccer field that is not growing back this year. Ms. Milo said that she did not receive any complaints from the BHASD over the past month since the display and informed him that

it was set off from a gravel road. Mr. Stoudt said that made no difference, portions of his field are not growing back for soccer in the fall.

Finance and Utilities Committee (M. Stoudt)

Ms. Stoudt informed Council that there is a drought watch in place for the Borough. She hopes it will take care of itself.

Mrs. Stoudt reviewed the Borough account balances presented by the Borough Manager.

On-Line Bank Account Balances as of 09/12/2022:

General Account:	\$ 242,288.65
Water Account:	\$ 70,685.19
Sewer Account:	\$ 140,344.79
Reeds Beds – Sewer	\$ 5,000.91
Pool Account:	\$ 232.03
Payroll:	\$ 3,627.04
Recreation/Park Project:	\$ 345,572.71
Liquid Fuels:	\$ 274,087.57
Fire Fund:	\$ 107,885.20
Ambulance Fund:	\$ 58,651.24

Mrs. Stoudt made a motion to pay the bills. Mr. Polinsky seconded the motion. The motion passed unanimously

Mrs. Stoudt informed Council that 48 hour postings for water bills will be done on September 27th with shut offs being scheduled for September 29th. As of September 12th, 2022, there are 67 unpaid accounts.

Mrs. Stoudt said that the replacement of water meters around town is going well. There are only a handful that have not been replaced. She said that if they have not been replaced yet, it is because they are in unoccupied structures or they are a little harder to get to.

Mrs. Stoudt informed Council that she and Ms. Milo visited GMI for a substantial tour. She offered Council pamphlets if any of them are interested.

ENGINEER'S REPORT

1. PADEP Sewer and Water

- a. NPDES Permit for WWTP
 - i. Permit application is due to PADEP by 2/1/2023
 - ii. Initiate work with Alex on Renewal – 9/19/22
 - iii. Complete any necessary testing September and November of 2022
 - iv. Have packet finalized December 2022
 - v. Submit to PADEP January 2023
- b. Media Replacement for Water Plant – PADEP has requested additional

information, we will be submitting that back to them by 9/20/2022

2. **DEP MS-4**

MS4 Annual Report to DEP – Draft MS4 annual report prepared for Borough review and comments. Final edits and appendix documents to be coordinated and Isett to submit final signed report to DEP by September 30th.

Perennial Stream Work – survey quote for field topo and boundary locating along perennial stream channel being added to Isett scope. Borough crew may be requested to spot clear re-growth areas prior to channel work.

3. **Topton Transportation Alternatives Trail Connection Project**

- a. Bridge #3 would require an additional 5 helical piles due to the redesign
- b. Met virtually with contractors and inspectors virtually last week for bi-monthly meeting (9/6)
- c. Met virtually with PennDOT last week to review helical piles and stormwater design (9/6)
- d. Refining and finalizing stormwater design for Weis and Callowhill intersection and at the 36” pipes
 - i. Would involve additional inlets/piping at intersection and rerouting of the sidewalk and trail near the 36” pipes (layout was discussed at meeting with Borough on Thursday 9/8)
- e. Construction is on hold until the stormwater design and helicals are resolved, so Grace is currently not working on site. We are anticipating that we can get a revised design (with grades) completed by the end of the week.
- f. As per PennDOT’s request, Grace is required to submit a new CPM schedule.

4. **Washington Street Pumping Station**

Project is currently waiting for Grant Funding feedback, action expected in next couple of months.

5. **DCNR – Oak Alley Project**

DCNR is currently reviewing the revised scope to ascertain if the revised project meets their requirements.

6. **Topton Public Works Building Roof**

BIA performed a site visit on September 2, with the following being noted:

Total Expected Construction Cost - \$65,000

Engineering Costs (proposal Submitted):

Design - \$6,500

Bidding - \$3,500

Construction - \$5,500

- a. Metal
 - i. There were several areas of corrugated metal roofing with exposed fasteners.
 - ii. **This system was in good condition with the exception that the exposed fasteners are exhibiting signs of surface corrosion. This is not an immediate concern but should be watched in the coming years.**
- b. Shingles

- i. There was a small section of roofing that was asphalt 3-tab shingles.
 - ii. Shingles are in fair condition and are approaching the end of their useful life.
 - iii. Public Works employee indicated that this section does currently leak.
 - iv. I observed staining on the underside of the wood decking but deck appeared to be on otherwise good condition.
 - v. **I recommend that these shingles be removed and replaced.**
 - vi. Shingles are an acceptable roofing product for this section. Relatively inexpensive and the service life of a new shingled roof would be approximately 30 years.
- c. Built up
- i. There is a small canopy section of built-up roof above the overhead doors.
 - ii. Tectum deck.
 - iii. This roof was in poor condition.
 - iv. The deck is exposed below and noticeable holes were observed.
 - v. **This entire structure including framing will need further evaluation and will likely need to be replaced.**
- d. Single – Ply
- i. EPDM membrane – mechanically fastened.
 - ii. Tectum deck.
 - iii. Public works employees reported several leaks.
 - iv. Standing water was observed on the roof in the areas of the reported leak.
 - v. Membrane seams are beginning to fail.
 - vi. Insulation under the majority of the membrane is soft indicating a sign of moisture and deterioration.
 - vii. The fasteners used to secure the insulation and membrane are loose particularly in the area of the overhead doors.
 - viii. Roof drainage consisted of a scupper to the east discharging to the lower metal roof and a scupper to the west that discharged to the small canopy roof above the overhead doors.
 - ix. Roof drainage needs to be evaluated further.
 - x. I suspect that there will be damage to the tectum deck that will require replacement.
 - xi. **My recommendations:**
 1. **Remove membrane and insulation down to deck**
 2. **Inspect deck and replace any damaged decking**
 3. **Install code compliant insulation and 90-mil EPDM membrane with a 30 year warranty.**
 - a. **A 60-mil membrane with a 20 year warranty would be an alternative.**

OLD BUSINESS

Ms. Cook gave an update on the Preservation Board. She reiterated some of what Mr. Werst presented earlier in the meeting. She highlighted that there are six people on the board, and their goal is to protect and preserve the history of the Borough as well as help Mr. Werst wherever they can. Ms. Cook praised Mr. Werst for the marvelous event he

held in honor of the 10th anniversary of the Topton Mini Museum. She said that many residents commented on how well everything is organized and how shocked and surprised they were about how much is in the museum. Ms. Cook said there is always something new to look at when you go in to the museum because as people move away, downsize, and reorganize, they donate things to the museum.

Ms. Kunkel did not have a Topton Community Ambulance Board update.

Ms. Lorah asked Council if they feel there needs to be a second meeting in September. She feels as if Ms. Milo has enough information to start constructing a draft of the budget. Ms. Lorah said that all the major things that need to be budgeted have been discussed in the budget and planning meetings that Council has already had. Ms. Polinsky mentioned that there have been some staffing issues in the summer months. When talking to Mr. Steltz, he said that there is not enough time in a day for the public works crew to get done everything that needs to be done in the day plus all the summer things that need to be done as well. Ms. Lorah asked Ms. Falcone if she could meet with the public works crew to address this issue. Ms. Falcone asked what the problem is. Mr. Polinsky reiterated that the problem is that there is not enough man power on the force. They have enough to keep them busy at the water plant and around town regardless of season, and when you tack on mowing and other things in the summer it becomes too much. Mr. Polinsky and Mr. Steltz talked about the possibility of hiring summer help on the public works crew. Ms. Falcone stated that she will meet with the staff to go over what they do.

Ms. Lorah again proposed that Council not have the second meeting in September since budgetary items have already been discussed. Ms. Falcone asked when Ms. Milo will have the budget presentation ready. Ms. Milo responded by saying that the budgetary meeting has always been scheduled for the second meeting in October. Ms. Milo advised Council to keep in mind that the borough can only have approximately \$6-7 million in debt per the Unit Debt Act. The borough already is \$2.1 million in debt, and she advised Council to keep that in mind during the coming weeks.

ADJOURNMENT

Council adjourned at 8:47PM on a motion by Ms. Kunkel, seconded by Mr. Polinsky

The next regular Borough Council Meeting will be held on October 10th, 2022 at 7:00PM.

Respectfully Submitted,

Courtney Corona

Borough Secretary