

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, April 11, 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. Lorah, E. Polinsky, E. Stoudt, M. Stoudt, Solicitor Joan London, Charley Myers, PE, and Borough Manager Stacy C. Milo.

The Pledge of Allegiance was performed.

APPROVAL OF MINUTES

None

INTERVIEWS OF BOROUGH COUNCIL CANDIDATES FOR APPOINTMENT

Ms. Lorah asked if both of the candidates for the Council vacancy, Mr. William Gehman and Ms. Monica Kunkel, were present. Ms. Milo stated that Mr. Gehman was not present and did not provide information to contact him. Ms. Lorah asked other Council members if they had questions for Ms. Kunkel. Ms. Cook asked Ms. Kunkel if she has any ideas for a future project for the Borough. Ms. Kunkel stated that the lot on West Smith Street, the site of the former basketball court, would be a project she would like to see used as part of completing the plans for that area of the park.

Ms. Falcone asked Ms. Lorah how long the Borough advertised the vacancy. Ms. Lorah explained that the Borough advertised for two weeks. Solicitor London briefly explained the process of filling a vacancy.

Mr. Polinsky made a motion to appoint Ms. Monica Kunkel to the vacant Council seat. Ms. Cook seconded this motion. The motion passed unanimously.

Ms. Kunkel was sworn in by Mayor Biltcliff. Ms. London stated that Ms. Kunkel will serve until the next municipal election.

**PUBLIC HEARING: AMENDMENT TO ZONING ORDINANCE - Act 50 Small
Wireless Telecommunication Facilities Ordinance**

Ms. Lorah made a motion to adjourn to go into the public hearing at 7:07PM. Ms. Lorah made a motion to return to the regular meeting at 7:19PM. The motions had no objections.

Mr. Polinsky made a motion to adopt Ordinance 03-2022, Amending Chapter 154 Small Wireless Telecommunication Facilities Ordinance. Mr. Stoudt seconded this motion. The motion passed unanimously.

ORDINANCE NO. 03 - 2022

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF TOPTON CODE OF ORDINANCES, CHAPTER 154 TITLED "ZONING", TO CREATE A NEW §154.101 TITLED "SMALL WIRELESS FACILITIES" UNDER GENERAL REGULATIONS TO ALLOW FOR AND TO REGULATE SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY IN THE BOROUGH OF TOPTON.

COMMUNICATIONS

Ms. Milo provided Council with a communication from Safety Net Sanctuary to thank the Borough and to list their recent achievements.

Ms. Milo provided Council with a communication from Service Electric Cablevision explaining new rates, speed upgrades, and a new tier plan.

Ms. Milo stated that the Borough received a letter from the PAPUC regarding an application from CenturyLink Communications, LLC to install fiber optic cables in the Norfolk Southern Railroad right-of-way. Solicitor London explained the purpose of the letter and the period of 30 days that the Borough has to submit objections involving the Borough's crossings to the PAPUC. Considering the location of the installation being far away from utilities and being in the railroad right-of-way, Ms. London stated no reason to file any objections unless Council sees any concerns. Mr. Myers stated that the Borough Engineer will be receiving permit applications for this work.

MAYOR'S REPORT

Mayor Biltcliff advised that there were no snow emergencies this season. Mr. Biltcliff suggested that Council set a deadline for submissions to the agenda with the exception of an emergency. Ms. Lorah agreed and stated that Council should request items to be placed on an agenda that have already been researched and all information has been gathered to conserve time for Council and audience members. Council set the agenda deadline to be 12 noon on the Thursday prior to any Council meeting.

Mr. Biltcliff noted for the record that Mike Wentzel was sworn in prior to the meeting as Fire Police.

HEARING OF VISITORS

None

SOLICITOR'S REPORT

Solicitor London stated that Council has discussed the request from Mr. Sidney Dise, Jr., of 82 Hoch Avenue, in prior meetings. Ms. London communicated with Mr. Dise's attorney, who sent a letter to Ms. London. Ms. London and Ms. Lorah reviewed the letter and the actions taken by Mr. Dise, including receipts for materials he installed. Council discussed the situation relating to Mr. Dise's water meter and his request and asked Mr. Dise questions.

Ms. Falcone made a motion to issue Mr. Dise a credit of \$1,000.00 to his water/sewer account. Mr. Polinsky seconded this motion. Ms. Cook: Yes; Ms. Falcone: Yes; Mr. Polinsky: Yes; Ms. Lorah: Yes; Mr. Stoudt: Yes; Mrs. Stoudt: Yes; Ms. Kunkel: Yes. The motion passed unanimously.

Mr. Dise stated that he will discuss Council's decision with his attorney and his attorney will contact the Borough Solicitor.

POLICE REPORT

Chief Ulshafer was present for questions and presented a report for the month of March for Fleetwood Police within the Borough of Tipton. Mayor Biltcliff reminded Chief Ulshafer to monitor vehicles parked the wrong way. Chief Ulshafer stated that the officers do and they also always monitor the Borough Park.

BOROUGH MANAGER

Ms. Milo reported that the Tipton Mini Museum will now be open on Saturdays from 9:00AM through 11:30AM and the Tipton Borough Preservation Board meetings are temporarily not in person due to members' health issues.

Ms. Milo explained the Borough's participation with the PA Game Commission Hunter Access Program and the opportunity to review and to sign a new agreement, including any revisions that Council would decide to make. Ms. Milo explained that an office staff person signed the current agreement in 2020 without the knowledge of Council. Council briefly discussed licensing/permits, conservation, and safety. Solicitor London explained that the Borough is protected from liability under recreational use of land and water for unimproved lands and use of releases. Ms. Milo will place this on the May agenda.

Ms. Milo presented a request from the Lutheran Home at Tipton for an emergency water source updated agreement. Council and Solicitor London discussed the agreement, tabled the request, and directed Ms. Milo to place this item on the May agenda.

Ms. Milo discussed the PA pesticide applicator certification and the need for Borough staff to be certified in order to legally apply pesticides and herbicides on public property owned by the Borough. Ms. Milo explained that staff would like to know how each would be compensated to acquire and maintain this certification. Council agreed that staff would have an incentive to acquire the certification and the certification will be considered when Council sets an increase in wage rates during the budget process each Fall.

Ms. Milo introduced the PA DHS LIHWAP program and the requirement of a vendor to execute an agreement; the Borough is a water/sewer vendor. Solicitor London further explained the program and discussed the details with Council. Mr. Polinsky made a motion to authorize execution of the PA DHS LIHWAP vendor agreement. Ms. Kunkel seconded this motion. The motion passed unanimously.

Ms. Milo stated that she and Mr. Stoudt met with a Tri-Valley YMCA representative regarding the 2022 program in the Borough Park. Ms. Milo stated that the Borough received the agreement from the YMCA for a program budgeted at \$6,500. Mr. Stoudt made a motion to authorize the Borough Manager to sign the agreement for the 2022 YMCA program. Mr. Polinsky seconded this motion. The motion passed unanimously.

COMMITTEE REPORTS

Public Relations and Special Events Committee – (Vacant)

None

Environmental and Quality of Life Committee – (Cook)

Ms. Cook stated that the Borough will be having an Electronics Recycling Event on April 16th that has been advertised. Ms. Cook requested help from one or two Council members for the Tidy Up Topton event, on April 23rd from 9 to 11AM, the day of the event and with award ideas.

Ms. Cook asked Council if they had spoken to anyone about interest in community gardens. Mr. Polinsky has not received any negative comments. Ms. Cook stated that she contacted BIA to investigate grants and would like to insert something into the newsletter to assess interest in community gardens. Upon Ms. Kunkel requesting the potential location, Ms. Cook provided some details of the garden boxes and where they could be located.

Personnel and Policy Committee – (Falcone)

Ms. Falcone made a motion to rescind the decision to hire Kaye Sward as part-time office staff. There was no discussion since this is a personnel issue. Mr. Polinsky seconded this motion. The motion passed unanimously.

Ms. Falcone introduced the need that staff and the Borough Manager have to purchase or enter into an agreement prior to approval of Council. Ms. Falcone asked the Borough Manager to explain this need. Ms. Milo discussed the Borough's current credit cards and spending limits and how she usually asks Council for pre-approval on large purchases on a case by case basis. Council and Solicitor discussed this request. Mr. Polinsky made a motion to authorize the Borough Manager to approve purchases up to \$6,000 in accordance and with regard to the approved, annual Borough budget. Ms. Falcone seconded this motion. The motion passed unanimously.

Ms. Lorah asked Ms. Falcone for the status of filling the office staff position. Ms. Falcone stated the office staff vacancy is being advertised. Mr. Polinsky suggested

contacting local colleges to get potential applicants from those receiving political science or civil engineering degrees. Ms. Falcone will work with Ms. Milo to review applicants.

Public Safety and Special Events Committee – (Lorah)

Ms. Lorah stated that Topton's Party in the Park event will take place on June 26 from 10:00AM through 7:00PM and Flamin' Dick and the Hot Rods and Car Cruise event will take place on July 24 from 3:00PM through 7:00PM. Ms. Lorah requested a motion for road closures for these events.

Mrs. Stoudt made a motion as follows:

On June 26 close East Callowhill Street from Weis Street to Barkley Street and Oak Alley from East Callowhill Street to Spruce Street. Road closures would begin at 10AM. On July 24 close East Callowhill Street from Weis Street to Franklin Street, including entering into Barkley Street, and Oak Alley from East Callowhill Street to Spruce Street. Road closures would begin at 12 NOON.

Accessible parking will be located in the Weis Street parking lot (former pool parking lot).

Mr. Polinsky seconded this motion. The motion passed unanimously.

Streets and Property Committee – (Polinsky)

Mr. Polinsky informed Council that Pembroke Borough has offered Topton temporary speed humps at no cost and plans to place them on Hoch Avenue and on Charles Drive.

Mr. Polinsky explained the need to schedule some work using the new paver in September 2022. Mr. Polinsky suggested paving Oak Alley with Borough funds. Council discussed other possible paving locations. Mr. Polinsky explained the need to investigate locations for a project. Mr. Stoudt made a motion to discuss paving Cherry and Broad with Barry Isett & Associates. Mrs. Stoudt seconded this motion. The motion passed unanimously.

Parks & Recreation Committee – (E. Stoudt)

Mr. Stoudt introduced and thanked our park volunteer, Kathy Hassler.

Mr. Stoudt inquired about taking inventory of the pool and snack stand items. Mr. Stoudt made a suggestion to sell the pool and snack stand inventory and asked how the inventory may be sold. Ms. London researched and informed Council of the requirements.

Mr. Stoudt explained that the Borough's park volunteer, Kathy Hassler, requested getting access to storage of supplies and water hose connection to assist her with her work at the park bathrooms and pavilion. Ms. Falcone made a motion to provide Kathy Hassler with a key to access any facilities needed, including the supplies storage closet between the park bathrooms and access to water. Mr. Stoudt seconded this motion. The motion passed unanimously.

Mr. Stoudt made a motion to authorize the advertisement for the sale by sealed bids of the snack stand inventory. Mr. Polinsky seconded this motion. The motion passed unanimously.

Council discussed the pool inventory. Mr. and Mrs. Stoudt will take that inventory.

Mr. Polinsky made a motion to approve payment application #3 from Stonewood Landshaping, Inc. for the Toad Creek Phase II project. Ms. Kunkel seconded this motion. The motion passed unanimously.

Mr. Stoudt presented a request from Steven Fariss to reserve the Borough Park's basketball court on Sundays from 1:00 to 4:00PM indefinitely. Council denied the request.

Finance and Utilities Committee – (M. Stoudt)

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

Treasurer's Report for April 11, 2022:

On-Line Bank Account Balances as of 04/11/2022:

General Account:	\$ 354,442.97
Water Account:	\$ 4,589.31
Sewer Account:	\$ 105,753.74
Reeds Beds – Sewer	\$ 5,000.51
Pool Account:	\$ 232.03
Payroll:	\$ 5,872.20
Recreation/Park Project:	\$ 325,558.76
Liquid Fuels:	\$ 286,145.51
Fire Fund:	\$ 76,359.80
Ambulance Fund:	\$ 21,347.87

Mrs. Stoudt made a motion to approve the list of bills and transfers as presented on April 11, 2022. Mr. Stoudt seconded this motion. The motion passed unanimously.

Mrs. Stoudt presented an accounts receivable update for the water and sewer accounts and water meter replacement. Mrs. Stoudt requested Council to assist the office staff to process the next quarterly water and sewer invoices.

Mrs. Stoudt directed Mr. Myers to update Council on the reed bed cleaning project's bid results. Mr. Myers explained the bid results and recommended awarding the bid. Mr. Polinsky made a motion to award the bid to Solid Waste Services, Inc., d.b.a. J.P. Mascaro & Sons, to authorize the execution of the agreement between the Borough and Solid Waste Services, Inc., d.b.a. J.P. Mascaro & Sons, authorize the Notice of Award, and authorize the Notice to Proceed. Mrs. Stoudt seconded this motion. The motion passed unanimously.

ENGINEER'S REPORT

Mr. Myers presented Council with the traffic calming project on Callowhill Street and requested approval to bid the project. Mr. Polinsky made a motion to approve the Engineer bidding this project. Mr. Stoudt seconded this motion. The motion passed unanimously.

1. **Annual Reporting**

PADEP:

The 2021 Chapter 94 Report does not project any overloads. The Chapter 94 Report (Waste Load Management) was submitted to DEP.

2. **DEP MS-4**

MS4 Annual Report to DEP – Borough continues to work on MS4 program items, as needed. Isett to schedule a meeting with Borough Manager to discuss 2022 workloads.

Perennial Stream Brush Clearing – Borough staff completed clearing and preparation of the stream channel.

Berks County MS4 Steering Committee – see attached educational workshop availability. “Funding Natural Stormwater Infrastructure: A Workshop Series” by American Rivers. Sessions begin May 2022.

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

- The project was let on 1/13/22, awarded on 2/1/22
- Project was awarded to Grace Industries, Inc.
- Construction is anticipated to begin on (NTP) 4/11/22 and end on 12/2/22.

4. **Toad Creek**

Construction Status: Work has been completed.

Grant funds summary (From BCCD):

- | | |
|---|--------------|
| • Remaining Construction Funds = | \$190,768.48 |
| • Contract Total for Project: | \$100,050.00 |
| • Total funds left after completion of Phase II contract: | \$90,718.48 |

5. **Sewage Treatment Plant Reed Beds**

Project was bid, award recommendation and contracts are presented at this evening’s meeting.

6. **DCEC Multimodal Grant – Callowhill Street Calming**

Project includes two speed humps with warning signs and markings, and ADA ramps with crosswalks at Barkley and Callowhill Intersection. Estimated construction costs are \$168,600. All work to be in the road ROW so no easements required. **Draft Plans provided with this report.**

Projected project schedule is as follows:

- | | |
|---------------------------------------|------------|
| Construction Plans and Specifications | March 2022 |
| Finalize Bid documents | April 2022 |

Bid Project	May 2022
Construction	June 2022
Final Inspection & Project Close-out	July 2022

Mr. Myers discussed the PA DCNR grant application and awarded contract with Council. Mr. Myers requested approval from Council to submit an amended scope of work for the project, which was originally written to be a supplement to the TASA funding. Mr. Polinsky made a motion to approve the Engineer to submit an amended scope of work to PA DCNR. Mr. Stoudt seconded this motion. The motion passed unanimously.

OLD BUSINESS

Mrs. Stoudt presented an update to the banner project. Mrs. Stoudt communicated with MetEd/FirstEnergy. Mrs. Stoudt plans to communicate with other local municipalities, including Kutztown, Fleetwood and Maiden creek, for details on their banner projects. Mrs. Stoudt requested Council's approval and input on which streets to place the banners; Council approved Weis, Home, Haas, Main, Franklin, Center, and Callowhill. Mr. Stoudt suggested contacting the Topton Legion.

ADJOURNMENT

Council adjourned at 9:08PM on a motion by Mr. Stoudt, seconded by Mr. Polinsky.

The next regular Borough Council meeting will be held on May 9, 2022, at 7:00PM.

Respectfully Submitted,
Stacy C. Milo
Borough Secretary