

**MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, October 10th, 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 Council Members C. Cook, A. Falcone, M. Kunkel, M. Lorah, E. Polinsky, E. Stoudt, and M. Stoudt, Solicitor Joan London, Engineer Charley Myers, PE, and Borough Manager Stacy C. Milo, and Borough Secretary Courtney M. Corona. Mayor Biltcliff was absent.

The meeting was opened with the Pledge of Allegiance.

POLICE REPORT

Chief Ulshafer presented the police report for the Borough for the month of September. Relating to personnel matters, Chief Ulshafer informed Council that on September 19th, 5 Fleetwood Police Officers participated in the written portion of the promotion process; 4 out of 5 will continue to the oral board portion of the process. He also stated that the new body cams have now been received, but it will take several months of coordination between Motorola and IT for the final installation. Chief Ulshafer also informed Council that nighttime weapon qualifications will be held on October 26th and 27th. Lastly, he mentioned that there were zero calls and zero problems during the Halloween Parade this year. Ms. Cook asked Chief Ulshafer how many officers were working the parade this year. He informed Ms. Cook that there were 5 Fleetwood Police officers and 8 Deputy Sheriffs (Berks County) on duty that night, and he believed their presence deterred problems from happening. Ms. Falcone asked Chief Ulshafer what hours the police were here. He said they were on site by 5:30PM and were released by 10PM. Ms. Milo thanked Chief Ulshafer and his officers for their work during the parade. She praised their presence and how much smoother everything ran because of the officers' heavy presence this year. Chief Ulshafer said the officers look forward to doing it next year. Ms. Cook asked Chief Ulshafer if he had a breakdown between speeding and traffic violations for the stops that occurred in September. Chief Ulshafer said he will try to break it down for next month.

APPROVAL OF MINUTES

Mr. Polinsky made a motion to approve the minutes of July 11th, 2022. Ms. Kunkel seconded the motion. The motion passed unanimously.

Ms. Kunkel made a motion to approve the minutes of July 25th, 2022. Mr. Polinsky seconded the motion. The motion passes unanimously.

Mr. Polinsky made a motion to approve the minutes of August 22nd, 2022. Ms. Kunkel seconded the motion. The motion passed unanimously.

Mr. Polinsky made a motion to approve the minutes of September 12th, 2022. Mrs. Stoudt seconded the motion. The motion passes unanimously.

COMMUNICATIONS

There were no communications to report.

MAYOR'S REPORT

The Mayor was not present to give a report.

HEARING OF VISITORS

No visitors had business to present.

SOLICITOR'S REPORT

Ms. London gave Council the status of the revised Memorandum of Understanding for Feasibility Studies on the Secondary Well for the Topton Public Water System. Ms. London stated that she had sent the revised letter to Longswamp Township for their approval, and that the only previous request the Township had was to update the existing intergovernmental agreements for Freehall Street and Woodside Avenue and add that language to the MOU. Ms. Cook asked the solicitor for the details of the agreements that the Township wishes to update. Ms. London explained some of those details need to be written in more current language. Ms. Falcone asked if that would be a repeal of the actions taken by Council in 2021. Ms. London responded affirmatively and explained there is also a clause to reinstate those actions if good faith attempts at resolution is not provided by the Township. Council expressed their satisfaction with the document. Ms. London stated she will send the document for review to Longswamp Township.

Ms. London informed Council she has been trying to get in contact with someone from Norfolk Southern about maintaining their property that lies within the Borough. She stated that she got the name of their District Engineer and contacted him by email. Her goal is to get the company to take care of their easement or to obtain a permit for Borough employees to maintain it for them. Mr. Polinsky asked Ms. London if we will be asking Norfolk Southern for compensation for the work being done by Borough employees. Ms. London explained that is not something the railroad will agree to. Mr. Polinsky then asked why the Borough is asking the railroad for permission, why Council doesn't just instruct employees to do the work. Ms. London stated that it would then be considered trespassing. Mr. Polinsky responded by saying that it will take thousands of dollars to obtain the permit and thousands of dollars to clear the problem and maintain the property. Ms. Kunkel and Ms. Lorah agreed with following the solicitor's course of action. Ms. Falcone stated that the railroad does not have to follow our ordinances but it is the job of Council to make sure residents are safe and that it is unfortunate that our residents have to pay this cost. Mr. Polinsky stated that a private citizen will get a bill from the borough for clearing snow and ice while the railroad will not. Ms. London explained the issue is about maintaining the right-of-way and position the railroad plays in this state and many states. Ms. Falcone asked about making change at the state level. Mr. Myers stated that the railroad will grant an entry permit for the Borough to trespass to maintain the area.

Ms. London presented a draft of a speed limit ordinance. Ms. London stated that with the passing of this Ordinance, all Borough streets would have a 25 MPH speed limit, unless a lower speed has already been enacted, and other details of the ordinance. Mrs. Stoudt asked Ms. London if the ordinance gives both Fleetwood Police and the Pennsylvania State Police the same jurisdiction to stop drivers on the road. Ms. London responded that it does. Mr. Polinsky informed Council that this ordinance makes what is posted by signs official and that most Borough speed limit signs are 25 MPH. Ms. London informed Council that she will also be adding a provision that allows the Borough to collect fines and penalties and will research this. Mr. Polinsky made a motion to authorize the advertisement of the ordinance with revisions for adoption on November 14th. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. London presented Council with a street opening ordinance that states that a street cannot be opened within five years of new paving unless it is an emergency situation and has street restoration requirements depending on the work being done and its own fee schedule. Mr. Polinsky made a motion to authorize the advertisement of the ordinance for adoption on November 14th. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. London presented Council with an ordinance to prohibit the entrance of tractor trailers on Borough property. Ms. London stated that the ordinance restricts the entrance of vehicles weighing 10,000 pounds or more, with the exception of vehicles delivering goods or services to the Borough for official Borough business, emergency vehicles, and vehicles taking refuge from emergency situations. Ms. London and Council discussed details of the ordinance. Ms. Falcone expressed her approval for the new ordinance and also expressed her concerns about the Deka trucks going through town. Ms. Falcone stated that Council should also be worried about the trucks that are on borough streets and not only on borough property. Mr. Polinsky added that he has spoken to representatives from Deka to enlarge their signs on Main Street. Mr. Polinsky stated that trucks get lost in town because they are focused on their GPS and better signage will help them navigate. Ms. London informed Council that she will add a line into the ordinance authorizing the placement of 'Do Not Enter' signs on Borough property. Mr. Polinsky made a motion to authorize the advertisement of the ordinance for adoption on November 14th. Ms. Cook seconded the motion. The motion passed unanimously.

Ms. London presented Council with Commonwealth of Pennsylvania Act 57 of 2022 amending the local tax collection law to require all municipalities that levy real estate taxes to adopt a resolution or ordinance directing their tax collector to implement its provisions effective beginning October 10, 2022. Ms. London stated that the provisions need to be passed by Borough resolution. Ms. London explained that the Act relates to property taxes for newly purchased properties and allows taxpayers, who failed to receive a tax notice during their first year of occupancy, to apply for a waiver from penalties and additional costs from the tax collector. Mr. Polinsky made a motion to adopt resolution 23-2022. Ms. Falcone seconded the motion. The motion passed unanimously.

BOROUGH MANAGER'S REPORT

Ms. Milo presented Council with a letter from RKL, the Borough auditors, explaining the results of the financial statements and supplementary information for year ended December 31, 2021, which was supplied to Council previously. Ms. Cook asked Ms. Milo why a modified cash basis is used in the Borough, which is not in conformity with accounting principles generally accepted in the USA. Ms. Milo responded by stating that would be a question for an accountant and the Borough has switched back and forth in the past, which caused problems with Borough software. Ms. Milo also stated that our auditors suggested choosing one basis of accounting and not changing. Ms. Milo stated that the Borough was using this method when she became manager. Mr. Polinsky asked Ms. Milo if this basis is preferable. Ms. Milo explained that this basis is working with the fund accounting being done and accruals and liabilities require more recording.

Ms. Milo informed Council that the new Borough Secretary successfully completed her 90-day probationary period. Upon this completion, Ms. Milo provided the Borough Secretary a raise of \$0.50 per hour. Ms. Milo reminded Council that when the Borough Secretary was hired, Council gave Ms. Milo the authority to provide a raise. Ms. Milo asked Council to officially approve the Borough Secretary's rate of pay. Mr. Polinsky made a motion to ratify and approve the Borough Secretary's rate of pay. Ms. Kunkel seconded the motion. The motion passed unanimously.

Ms. Milo reminded Council that the Borough had four credit card users as approved by the previous Council. Due to changes in Council and staff, currently only the Borough Manager and the Road Master have credit cards. Mrs. Stoudt expressed her willingness to have a borough credit card if Council feels she is the best fit since she is Finance and Utility Committee Chair. Ms. Stoudt also suggested that Trynda Schoonover, Borough Treasurer, may be a good fit as well. Ms. Cook informed Council that RKL, our auditors, suggest that the treasurer should not have a credit card since that person deals heavily with the bank accounts. Ms. Kunkel responded by informing Council that they received the same comment from the auditors last year because there are only a few staff members in the office. Mrs. Stoudt added that she authorizes all the credit card bills and payments as Finance and Utility Committee Chair, and that she believes Mrs. Schoonover would be the best fit. Council discussed separation of duties, internal control, compensating control mechanisms, and audit performance. Mr. Polinsky made a motion to approve Trynda Schoonover to have a Borough credit card. Ms. Kunkel seconded the motion. The motion passed unanimously.

Ms. Milo reminded everyone that the proposed budget presentation is scheduled for October 24th, 2022.

COMMITTEE REPORTS

Public Relations and Special Events Committee (Kunkel)

Ms. Kunkel reported that the Halloween parade went very well this year and there are no events planned in the near future.

Environmental and Quality of Life Committee (Cook)

Ms. Cook informed Council that the Source Water Protection Plan is ready to be approved by Council. Ms. Cook made a motion to approve the Source Water Protection Plan. Mr. Polinsky seconded the motion. The motion passed unanimously. Ms. Milo added that Council will need to direct the signor of the plan. Ms. Cook amended her motion, and added that the Borough Manager should sign the document. Mr. Polinsky seconded the amended motion. The amended motion passed unanimously.

Ms. Lorah discussed the current Borough ordinance requiring only paved walkways to be cleared of snow and/or ice. Ms. Lorah stated that not having pathways through the snow effects not only residents but also postal carriers and delivery people. Ms. Lorah suggested that Council should consider amending the ordinance to require that all walkways need to be cleared of snow. Ms. London stated that this issue had been discussed in the past, has possible liability issues, and such an amendment of the ordinance would result in property owners being required to clear a path over grass. Ms. London added that she is not convinced that a revised ordinance would hold up in court if challenged. Council and Ms. London discussed whether or not to amend the current ordinance and Borough snow clearing procedures. Mr. Polinsky made a motion to direct the solicitor to prepare a draft amendment to the property maintenance code and Quality of Life ordinance regarding the clearing of pathways in snow. Ms. Kunkel seconded the motion. The motion passed unanimously.

Personnel and Policy Committee (Falcone)

Ms. Falcone informed Council that she is drafting a chain of custody of water meters and water/sewer services policy and is working on putting together job descriptions for the public works, water department and waste water department positions. She also informed Council that she instructed staff to fill out a daily log of everything they do in a day. Mr. Polinsky stated that the public works employees have reported that they need more staff members. Ms. Falcone said she wants to see what the employees do as the seasons change, how much time they are spending on each task, and what is needed to be done throughout the year in the Borough.

Public Safety and Special Events Committee (Lorah)

Ms. Lorah informed Council that the fireworks display that the Borough showed this year was approximately \$12,000, and the cost steadily increases every year. Mr. Polinsky sees both sides of the argument, on one side the residents love it but on the other side it costs a lot of money. Ms. Falcone stated that she is not in favor of fireworks and emphasized Council should be spending that money on other Borough needs. Resident Lisa Godshall informed Council that in a municipality she used to live in, the residents do fundraisers for fireworks display. She asked if this is something that would be able to happen in Topton. Ms. Lorah responded that yes, fundraisers could be done for the fireworks, but it all has to be done privately since a borough may not fund raise. Ms. Falcone stated that there is nothing in the Borough Code that says Council has the obligation to entertain our

residents. She believes Council should prioritize the Borough's spending and use that money somewhere else. Council discussed the whether or not to include this expenditure in the budget.

Streets and Property Committee (Polinsky)

Mr. Polinsky informed Council that the other three municipalities in the CO-OP agree to purchase the asphalt zipper. He stated that all of the municipalities are leaning towards financing the machine, which is also in the best interests of Topton. Mr. Polinsky stated that the Borough has a copy of the understanding among all of the municipalities involved regarding how the machine will be purchased, stored, and licensed. Ms. London cautioned Mr. Polinsky to examine the insurance coverage requirement for a piece of equipment of that size.

Mr. Polinsky extended his thanks to the Public Works employees and the three other municipalities that helped with the paving of Oak Alley. He said that the employees received a lot of praise for the great work they did, and the work they did to make the asphalt smoother at the entrances of residents' driveways is wonderful. He added that having our employees do this gives the project a hometown touch because the people doing it truly care about the community. Ms. Lorah added that she even saw employees from the three other municipalities helping a resident who was struggling to cut the branches down in their yard. Ms. Lorah echoed how great of a job the employees did on that job.

Parks and Recreational Committee (E. Stoudt)

Ms. Milo informed Council that everything is still going well with drafting an agreement between the Borough and Kutztown regarding pool and snack stand inventory in exchange for Borough pool pass rates at Kutztown.

Mr. Stoudt asked Ms. Milo for the status of the park survey, like Ms. Falcone inquired earlier, that was mailed with the third quarter water bills. Ms. Lorah suggested that Mr. Stoudt form a recreation committee to view and work through the results of the survey.

Finance and Utilities Committee (M. Stoudt)

Mrs. Stoudt presented Resolution 24-2022 to Council. Mrs. Stoudt explained that this resolution adds a \$25.00 fee to a water/sewer account when the account is unpaid and is subject to a notice being placed, on the entrance of the service address, 48 hours prior to termination of services. Mrs. Stoudt explained that 30 to 50 accounts are receiving these notices each quarter, and each notice takes staff a lot of time to process and place on entrances. Mrs. Stoudt stated that the resolution also includes that if an account is on a payment plan and defaults on the plan, the account will not be allowed to enter into another payment plan for 12 months. Council discussed the resolution. Mr. Polinsky made a motion to pass resolution 24-2022. Ms. Falcone seconded the motion. The motion passed unanimously.

Mrs. Stoudt asked Mr. Myers to discuss the information he provided to her on the PA Small Water & Sewer and PA H2O grant programs. Mr. Myers presented the details of these two programs. Council inquired about match requirements, timelines,

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

Online Bank Account Balances as of 10/10/2022:

General Account:	\$ 266,049.69
Water Account:	\$ 35,803.60
Sewer Account:	\$ 173,586.00
Reeds Beds – Sewer	\$ 5,001.12
Pool Account:	\$ 232.03
Payroll:	\$ 6,352.06
Recreation/Park Project:	\$ 345,575.55
Liquid Fuels:	\$ 274,089.82
Fire Fund:	\$ 107,889.63
Ambulance Fund:	\$ 58,653.64

Ms. Kunkel made a motion to approve the list of bills and transfers. The motion was seconded by Mr. Polinsky. The motion passed unanimously.

Mrs. Stoudt informed Council that there are currently five active payment plans, and fourth quarter water/sewer bills are being mailed by the end of the month.

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. Initiated 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 – In review.

2. DEP MS-4

MS4 Annual Report to DEP – the 2021-2022 MS4 Annual report was finalized from Borough comments and uploaded to DEP online portal on September 28th. Copy of the annual report and confirmation email of DEP acceptance has been provided to the Borough. Isett preparing a summary of MS4 tasks and recommendations for permit tasks through 2023.

Perennial Stream Work – Field survey and design scope information under Borough review. Examples of other municipalities with similar stream and tributary work provided for Borough discussions.

3. Tipton Transportation Alternatives Trail Connection Project

- a. Bridge #3 would require an additional 5 helical piles due to the redesign; this is currently in review and pending costs of adjustments to Weis Street Sidewalk and Drainage.
- b. Design revisions include:
 - i. Removal of sidewalk and curb from Callowhill to Toad Creek Crossing.
 - ii. This section will be a little further off the road edge as a trail.
 - iii. This allows for the elimination of the base drain in this section and overland flow of the water as it currently does.
 - iv. The drive entrances into the park/pool parking lot will still be reconfigured.
 - v. These changes also eliminate the need for several of the inlets over the pipes conveying Toad Creek under the road.
- c. Construction is on hold until the stormwater design and helicals are resolved, so Grace is currently not working on site. We are anticipating restart shortly.
- d. As per PennDOT's request, Grace is required to submit a new CPM schedule.

4. **Grants:**

- A. LSA Grant: Application is in for Keller Street: \$620,000
- B. The DCED Small Water and Sewer Grant Program and the H2O Program are coming out: just confirmed it opens 10/1 and applications are due 12/21. The program appears to have similar parameters as in the past, HOWEVER – because the funding source is ARPA money, there are additional needs for this round. Municipalities and Authorities are eligible to apply.
- C. PA H2O - funds the construction of drinking water, sanitary sewer and storm sewer projects; the construction or renovation of flood control projects; and the repair or rehabilitation of high-hazard unsafe dams.
 - a. Projects > 500,000
 - b. 50% match required
 - c. This program has additional application requirements (more money = more justification/paperwork)
 - d. The H2O program has \$214.4 million available
- D. Small Water and Sewer Activities are to assist with the construction, improvement, expansion, repair, or rehabilitation of a water supply system, sanitary sewer system, storm sewer system, or infrastructure that reduces the amount of runoff that needs to be managed by traditional infrastructure that are owned and maintained by an eligible applicant
 - a. Projects between 30,000 to 500,000
 - b. 15% match required
 - c. A new addition to the eligible use of funds this year: “green stormwater infrastructure, including bio retention basins and rain gardens”
 - d. The Small Water & Sewer program has \$105.6 million of ARPA funds available.
- E. The two remaining water projects are estimated as follows:
 - a. East Barkley - \$385,000
 - b. Franklin - \$124,000

5. **Washington Street Pumping Station**

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

6. **DCNR – Oak Alley Project**

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

7. **Topton Public Works Building Roof**

Report is in the hands of the Borough for action.

OLD BUSINESS

Ms. Cook had nothing to report for the Preservation Board. Ms. Cook informed Council that she attended the East Penn/Deka Anniversary Open House. Ms. Cook spoke about their recycling efforts and how they recycle or responsibly dispose of all their materials in the business. Ms. Cook stressed what a good job they are doing, how good of a neighbor they are for their efforts, and thanked Deka.

Ms. Kunkel had no report on the Ambulance Board, but she stated they are always in need of help. Ms. Kunkel explained that they are hiring part-time EMS workers and are always looking for volunteers.

Ms. Stoudt informed Council that she is meeting with Mr. Mark with BHASD to get the first 10 Hometown Heroes banners' pictures uploaded. She cannot guess when they will be up, but they are getting the process started.

ADJOURNMENT

Council adjourned at 9:05pm by a motion from Mr. Polinsky, seconded by Mr. Stoudt.

The next regular Borough Council meeting will be held on November 14th, 2022 at 7:00pm.

Respectfully Submitted,

Courtney M. Corona
Borough Secretary