

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, June 12, 2023***

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 Miller, Council Members C. Cook, A. Falcone, M. Kunkel, M. Lorah, E. Polinsky, E. Stoudt, and M. Stoudt, Solicitor Joan London, Engineer Charley Myers, PE, Borough Manager S. Milo and Borough Administrative Assistant T. Hook.

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Meeting minutes from the May 8, 2023 Council Meeting were presented for approval. Mr. Polinsky made a motion to approve. Ms. Kunkel seconded the motion. The motion passed unanimously.

COMMUNICATIONS

Ms. Milo informed Council a request would be forthcoming to pass a resolution to accept and adopt the Berks County Hazard Mitigation Plan; a draft of the plan is available on the Berks County website for review and comments; following approval by PEMA and FEMA a resolution will be presented. Mr. Polinsky inquired if it was truly optional to adopt the plan. Ms. Milo confirmed it is optional, but adoption of the plan was necessary to be eligible for grant funding. Ms. London inquired if the County would provide a copy of the resolution it is proposing, and Ms. Milo confirmed they would.

Ms. Milo presented the request from Redeemer Bible Fellowship Church to hold their 2nd annual 3 vs. 3 Basketball Tournament on August 19th from 10AM – 7PM at the Borough Park court. Mr. Polinsky made a motion to approve. Ms. London stated approval would be subject to certificate of insurance. Mr. Stoudt seconded the motion. The motion passed unanimously.

Ms. Milo presented the request for a designated persons with disability parking space at 29 E. Franklin Street; the applicant already possesses a permanent persons with disability parking placard. Mr. Polinsky made a motion to approve. Ms. Lorah asked if the resident understood it was a public parking space, Ms. Milo confirmed that was communicated. Mr. Polinsky requested clarification. Ms. Milo clarified anyone with the proper persons with disability designation is allowed to park in the space; it is “first come, first serve”. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. Milo presented communication from residents at 308 Penn Street inquiring about the next steps in the watercourse project; Ms. Milo stated Roberta Kemp had also contacted the Borough office regarding this matter. Ms. Milo stated a study of the watercourse was performed by Barry Isett & Assoc. in 2021 and some work has been completed; the next steps would include a survey of the properties along the watercourse to define land ownership and the responsibilities of the Borough and property owners. Mr. Polinsky asked Mr. Myers if it were possible to address the

issue with a retaining wall. Mr. Myers questioned if Barry Isett has been authorized to conduct a survey. Ms. Milo confirmed the next steps for the Borough involve securing funding for the survey, and notifying landowners that survey teams may require access to their property. Mr. Myers stated an easement would be required if work is to occur on private property. Mr. Polinsky questioned some technical aspects of the work. Mr. Myers reiterated the first step is to define the specific property locations. Ms. Milo encouraged the Council members to keep the watercourse project in mind during upcoming budget discussions. Mr. Myers will add the watercourse project to section 2 of his report going forward. Ms. Milo shared some thoughts on possible avenues to fund, she indicated typically surveys would be considered “soft costs” and would not be eligible for grant funding; one option might be grant funding for the brick and mortar, with matching funds covering the soft costs; options will be explored.

Ms. Milo asked if Council wanted to approve the meeting minutes prepared by Longswamp Township from the Topton Borough Council and Longswamp Township Board of Supervisors Joint Meeting. Ms. Lorah stated the motion to adjourn needed to be revised to reflect Mrs. Stoudt. Mr. Polinsky made a motion to approve with the revision noted. Mr. Stoudt seconded the motion. The motion passed unanimously.

MAYORS REPORT

Mayor Miller advised there were several events held during the past month 1) Community Yard Sale; 2) Food Trucks at Legion; 3) Strawberry Festival; and 4) Memorial Day Parade. Mayor Miller stated how nice it was to see all the community members in attendance at the memorial event held at the cemetery showing respect for those who served.

Mr. Polinsky mentioned he spoke with the new Legion President, who expressed interest in a collaborative partnership with the community.

POLICE REPORT

Officer Maria Ruiz joined the meeting and provided the following report on Fleetwood Police activities for May:

Activity Recap	No./Hrs.
Patrol Miles	973
Patrol Hours	90
IRF (# Incidents / Hours to Handle)	9 / 3
Crash Investigations	1
Traffic Citations	12
Non-Traffic Citation(s)	1
Traffic Checks	10 hrs.
Paperwork	4 hrs.
Vehicle Stops	28
Follow-Up / CI	0 hrs.
Court	4 hrs.

Citation Breakdown	No.
Stop Sign	4
Speeding	5
Left Turn Violation	1
Obedience to Traffic Control Device	1
Driving Under Suspension	1

Mr. Fronheiser, resident, mentioned to Officer Ruiz that he was noticing unregistered vehicles parking along St. John Street in the evenings. Officer Ruiz stated she would try to perform additional checks for vehicles out of registration.

Mr. Rauenzahn, resident, asked why a tractor trailer was allowed to park on Haas St. for over 8 hours on Memorial Day. Mr. Rauenzahn indicated he had called the non-emergency police number, the State Police responded and spoke with the driver, but the driver remained parked in the same location. Officer Ruiz stated that if the truck created a traffic issue, she would recommend contacting 911 to ensure the call goes directly to an officer's computer. Mr. Rauenzahn indicated he never received a report back from police, so he followed-up with the Borough the next day and was advised the ordinance allows parking for a 24 hour period. Officer Ruiz reiterated that if the truck was creating a hazard for traffic, they may try to arrange movement to a parking lot or other location if possible, but also stated regulations related to truck driver hours are stringent. She stated she would see if she could find out more information about this specific incident.

Officer Ruiz excused herself, but returned to the meeting later in the evening; she confirmed that the Fleetwood Police were not on duty in Topton on Memorial Day, which is why the State Police responded to the call. Office Ruiz confirmed State Police would not enforce local ordinances and offered to provide Mr. Rauenzahn with a card with a non-emergency number that would go directly to the Fleetwood Police computers. Ms. Milo noted trucks may legally park for 24 hours; additional discussion ensued regarding parking of boats, trailers etc.

HEARING OF VISITORS

Carole Eisenhard expressed concern over the location of a Hometown Hero banner for a 21 year old veteran; she stated she understood it was not possible for the Borough to honor all specific location requests, but felt this veteran's banner should be allowed to hang by the monument erected in his memory. Ms. Stoudt stated it is not possible to make an exception for a single individual. Ms. Eisenhard questioned how many other Hometown Heroes were KIA and Mrs. Stoudt confirmed there were numerous. Mr. Polinsky indicated an exception cannot be made, that the process must be the same for all who submit. Ms. Eisenhard expressed her disappointment in the outcome of her request.

SOLICITOR

Ms. London reported that a letter of agreement to proceed with a feasibility study for a secondary well site on the Topton Volunteer Fire Co., No. 1 property in Longswamp Township, as discussed at the Board of Supervisors Joint Meeting on May 3rd, was prepared; the agreement

was sent to the Topton Volunteer Fire Co., No. 1 with copies to Longswamp Township; the President of the Topton Volunteer Fire Co., No. 1 Board signed the agreement.

BOROUGH MANAGER

Ms. Milo advised there was no change to the status of the Residential Water and Sewer Service Policy; it is still under review; she will provide an update at July's council meeting.

Ms. Milo confirmed the old backhoe was sold above asking price through Municibid for \$31,100 and has been picked up and paid for by the successful bidder.

Ms. Milo requested to close the Borough Office at noon on June 29th for a surprise employee event. Mr. Polinsky made a motion to approve. Mr. Stoudt seconded the motion. The motion passed unanimously.

Ms. Milo reported that the Fleetwood Police have been provided office space in the former pool guard house.

Ms. Milo stated the Pennsylvania DEP completed their FPPE (Filter Plant Performance Evaluation) inspection; Borough staff have been making improvements in response to initial feedback provided; the inspection audit report will not be finalized until a close out meeting is held; the DEP meeting is expected to occur in the next few weeks and final feedback will be provided at that time; the meeting time will be announced to Borough Council, everyone is welcome to attend; Council members with utility responsibilities are encouraged to attend.

Ms. Milo indicated the collaboration with 120 Water to identify the composition of service lines continues; 120 Water now has data on the meter users and is working to refine the list of properties where the composition of service lines remain unknown.

Ms. Milo noted Ms. Hook has been on staff a month as the Borough Administrative Assistant.

Ms. Milo advised the truck purchased using Recycling Grant funds a few years ago was recently audited by DEP and passed; staff needs to ensure all hours of use are logged.

Ms. Milo reported that Norfolk Southern has a contractor scheduled to begin performing work at the Home Ave. and Main St. crossings the week of June 26th; based on historical experience, there may be fluctuation in the timing and this date should be considered tentative.

Ms. Milo shared that there was positive feedback from Kutztown pool and maintenance regarding the pool supplies that were provided in exchange for pool pass eligibility for Topton residents; there have been several applications for pool passes submitted.

Ms. Milo stated street sweeping will occur June 13th-June 15th; an application of herbicide was completed last week to allow activation prior to sweeping.

Ms. Milo reported that the Berks County Conservation District treated the residual pool water for West Nile Virus as a preventative measure; this proactive support was appreciated.

Ms. Milo stated the Berks County Planning Commission received feedback at a regional meeting indicating Topton could benefit from assistance to finalize renovations to the Topton Borough Park; they approached the Borough to provide a letter of interest so allocation of funds could be

considered; Ms. Milo provided them with a letter of interest, and noted to the BCPC the Borough would need to revise the park master plan.

Ms. Milo indicated a notice about Reading's 275th Anniversary Bike Ride was provided to Council and posted to Facebook. Ms. Milo mentioned Topton's 150th Anniversary would be coming up in a few years, and mentioned Council may want to consider forming a committee to begin planning events to celebrate the anniversary.

Ms. Milo requested consideration from Council to attend the PAMA 2023 Conference (Pennsylvania Association of Municipal Administrators); the conference is being held in Boalsburg, PA from July 30th to August 2nd; the estimated cost would be \$1,000 and Ms. Milo indicated she would be utilizing her own vehicle for travel. Ms. Kunkel made a motion to approve. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Milo introduced the topic of Health Benefits for Borough Employees. Mrs. Stoudt led the discussion indicating she had reviewed the Borough's Employee Handbook; the 2016 update to the handbook revised the eligibility parameters for spousal and dependent coverage based on whether or not the spouse and/or dependents have access to medical coverage through their own employer. Mrs. Stoudt, Ms. London, Ms. Lorah, Mr. Polinsky, Ms. Kunkel, Ms. Falcone & Mr. Stoudt proceeded with an extensive discussion around current health benefit plans, dependent child coverage, spousal coverage, plan costs, current policy implementation practices, grandfathering coverage for existing employees, and potential employee or applicant reactions to changes in coverage. Mrs. Stoudt noted the cost to the Borough to cover medical for all single rate employees on the individual plan was \$65,000, and the cost for all family plan employees was \$122,000. Ms. Falcone inquired as to the total line item cost for benefits; Mrs. Stoudt stated the current medical benefit cost to the Borough for 4 individual and 3 family plans was approximately \$187,000. Mr. Polinsky questioned if the Borough should pursue two part-time employees instead of a full time employee. Ms. London recommended speaking further with an insurance broker to explore options. Ms. Milo noted the Borough joined PMHIC (Pennsylvania Municipal Health Insurance Cooperative) in the 1990's, which enables the Borough to secure more advantageous benefit rates; there are alternate medical providers and plans available, and alternate dental and vision plans available with the same providers; in order to maintain membership status with PMHIC, any new quotation requests would need to be handled by the plan administrator (Benecon), who would secure and provide quotes from different providers. Additional discussion amongst Council, surrounding the timing of any change, general business practices with respect to annual insurance enrollment, reaction of current employees to any potential change in plans and Borough revenue limitations, ensued. Ms. Falcone noted the one line item accounts for almost 50% of the total real estate taxes collected in the Borough. Mr. Stoudt raised the question of how benefits would be handled for the current public works opening. Ms. Lorah stated the current policy as outlined in the handbook would apply for any new hire. Mrs. Stoudt asked if it would be possible to obtain quotes from Benecon. Ms. Milo confirmed it would be. Ms. Falcone asked if pricing information could be available for the next Council meeting. Ms. Milo indicated no changes to benefits can be made until the next open enrollment period at the end of this year. Mr. Polinsky asked Ms. Milo to reach out to Borough employees for input on the existing benefit coverage. Ms. Milo indicated she would inquire.

COMMITTEE REPORTS

Public Safety and Personnel Committee (Lorah)

Ms. Lorah stated the Public Works full-time position had been advertised. Mrs. Stoudt noted this position had not been discussed by Council prior to advertising and that it appeared to be a new position. Mr. Polinsky indicated the topic of the hire had been touched on briefly previously, stating Mr. Steltz confirmed he would need 2 water, 2 sewer and 2 public works employees. Ms. Milo confirmed the budget reflects this structure, where, at Mr. Fairchild's retirement, the remainder of the year would be paid as public works hours. Mrs. Stoudt reiterated she did not have an issue with the personnel structure planned, but felt having a conversation prior to advertising a hire would ensure alignment amongst everyone in advance. Ms. Falcone noted that the advertisement requested a college degree, and speculated if that was deterring potential applicants. Ms. Milo clarified the advertisement indicated an associate degree was preferred, not required. Mr. Polinsky inquired how long the advertisement had been in place. Ms. Milo estimated roughly 3 weeks in the Reading Eagle. Ms. Falcone asked if the pay range for the position had been discussed. Ms. Milo confirmed the pay range was not published in the advertisement. Mr. Polinsky stated he expected the pay rate to be determined based on applicant's qualifications. Ms. Stoudt agreed and indicated she did not have a concern leaving pay rate out of any initial discussions.

Public Relations and Quality of Life (Kunkel)

Ms. Kunkel stated she would have an update on the Topton Community Ambulance for the next meeting.

Ms. Kunkel noted she had been assisting Ms. Cook in the management of the Quality of Life complaints; complaint volume is low currently, likely due to lack of rain. Ms. Kunkel provided a reminder to the public to keep lawn and weeds mowed and in control, and to make sure there is no indoor furniture or appliances outside, and no accumulation of trash; if arrangements have been made for the pick-up of large items, but there is a delay outside of a resident's control, please notify the Borough Office so a citation can be avoided.

Mr. Stoudt asked if it would be possible for Ms. Hook to post a Facebook reminder that sidewalks and alleys need to be passable and free of hazards such as overgrown shrubbery; there are numerous sidewalks and alleys that are obstructed currently.

Environmental and Quality of Life Committee (Cook)

Ms. Cook stated there was no update for the Topton Borough Preservation Board.

Ms. Cook provided an update on the MS4 requirement to educate the public on stormwater; she indicated in the past year, she created curriculum and taught several classes. Ms. Cook confirmed she had identified someone willing to share their stormwater displays. Ms. Cook indicated her contact will hold classes to educate

residents on the critical importance of source water protection and has access to a graphic designer, who will provide material for Facebook posts in the fall; these services will be provided to the Borough at no cost. Ms. Lorah asked if Ms. Cook had contacted PennDOT or Longswamp regarding the source water protection signs that were to be placed around the Borough. Ms. Cook indicated she had contacted the Borough engineers for assistance with sign locations. Mr. Myers confirmed he had received the report that evening and would provide locations. Ms. Milo offered to provide locations in order to avoid incurring engineering charges. Mr. Myers indicated he would provide at no charge; Ms. Milo thanked Mr. Myers for the accommodation.

Ms. Lorah invited Mr. Polinsky to address his requested agenda topic as it related to Ms. Cook. Mr. Polinsky expressed his displeasure with Ms. Cook's handling of her Council duties and shared his concerns, which included a lack of action until very recently on the source water protection program, lack of reporting on quality of life activities, undue attention being given to activities that are not part of her committee responsibilities, and a general inequity in workload amongst Council members. Ms. Falcone commented that Mr. Polinsky was entitled to his opinion, but was not sure it was appropriate for Council to critique each other in this forum. Mr. Polinsky indicated he felt Council members should critique one another. Ms. Falcone stated she would prefer concerns be handled with direct conversations amongst individuals, with further escalation and involvement by Council only after individual channels of communication were exhausted with no satisfactory resolution. Mr. Polinsky stated he felt he had reached out in a private forum already with no response, which is why he was raising the issue during the Council meeting. Ms. Lorah and Ms. London stated Ms. Cook should be provided the opportunity to respond; a discussion around the original Source Water Protection Plan adoption process and Ms. Cook's support of the process ensued between Mr. Polinsky and Ms. Cook; Ms. Cook reiterated her support of the plan from the onset, and expanded on the efforts she made to ensure the correctness and quality of the final Plan. Mr. Polinsky agreed Ms. Cook was very involved in the development of the plan, but stated implementation actions since the plan was approved were lacking; discussion continued between Ms. Cook and Mr. Polinsky in regard to signage related to the plan.

Ms. London invited Ms. Cook to respond to the Quality of Life concerns raised by Mr. Polinsky. Ms. Cook asked if there was a policy requiring reporting on Quality of Life complaints. Mr. Polinsky indicated in past years the volume of Quality of Life issues had been so significant, the management responsibility had been shifted from Borough Office staff to Council. Ms. Falcone questioned the role of Council with respect to Quality of Life complaints, indicating the role of Council was different than that of a Borough employee. Mr. Polinsky clarified that the role of Council with respect to Quality of Life complaints had been established prior to Ms. Falcone's election to Council, and that the role of Council, as it currently stands, is for chairpersons to handle the management of the complaints. Ms. London corroborated Mr. Polinsky's statement referencing the 2014 Quality of Life Ordinance. Ms. Kunkel agreed reporting on Quality of Life during Council meetings would be helpful, but that currently there were no unresolved Quality of Life complaints. Mrs. Stoudt added, because nothing is being reported during Council

meetings regarding Quality of Life, it's not clear what, if anything, is being done with respect to Quality of Life. Ms. Lorah stated this discussion could be taken as a learning experience.

Ms. Cook asked Mr. Polinsky about his thoughts on Public Relations since he had also raised that as a concern. Mr. Polinsky stated there should be initiatives to build stronger relationships with our community. Ms. Falcone questioned whether that shouldn't be the role of the Borough employees. Mr. Polinsky asked Ms. Falcone to elaborate on her thoughts around the role of Council. Ms. Falcone indicated she felt it was to provide guidance to the Borough Manager. Mr. Polinsky stated he considered providing residents with a voice a primary responsibility of Council. Ms. Falcone agreed. Mr. Polinsky noted while there is good community support for some of the events, there are also unhappy residents in the community who are not willing to talk to Council. Ms. Kunkel stated without direct feedback from the community she is unable to respond to resident concerns.

Special Events and Policy Committee (Falcone)

Ms. Falcone shared that despite the rainy conditions, the Community Yard Sale on May 20th had a great result; a volunteer assembled a list outlining items being sold by address, and there was very positive feedback on this addition. Ms. Falcone indicated they will endeavor to continue improving this event.

Ms. Falcone stated the next event would be the "Park Party" to be held June 25th from 11am-8pm; the original plan was to have involvement from community groups. Ms. Falcone reached out to numerous organizations, but received feedback indicating there were no volunteers available to support the event, or responses were not received in time so the plan was revised to be a day of music; food and ice cream will be available for purchase. Ms. Kunkel asked if road closures were being requested for the Park Party. Ms. Falcone initially indicated road closures were not required, but after further discussion it was decided a motion should be made at this Council meeting as a contingency in the event road closures were identified as a need closer to the event; additional discussion around the specific locations of the closures followed. Mr. Stoudt made a motion to close Oak Alley and a portion of Spruce Street to Barkley Street for the entire day for the Park Party on June 25th. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Falcone indicated additional upcoming events scheduled for the park include 1) the "Senior Luncheon" on Thursday, July 20th from Noon to 4:00pm; 2) the "Classic Cars & Classic Music" event on July 23rd from 3:00pm – 8:00pm; 'Flamin' Dick and the Hot Rods' will provide entertainment at this event; Scott Arndt and Tom Biltcliff are coordinating the car show items; and 3) the "National Night Out" event on August 1st.

Ms. Falcone provided an update on the status of donations and balance used year to date.

Towards the end of the Council Meeting, Ms. Falcone indicated she could not attend the "Park Party" and asked for volunteers from Council; Mr. Stoudt and Mrs. Stoudt indicated they could deliver payments to vendors as needed.

Streets and Property Committee (Polinsky)

No new agenda items were presented.

Mr. Polinsky revisited the West High Street paving discussion; a site visit with Mr. Steltz had not been possible, but he proposed paving the stretch of road between the Borough line and Electro-Space; further down on High Street that there are some spots the mastic machine could be used to address. Mr. Stoudt inquired about the estimated cost. Mr. Polinsky referred to the earlier estimate provided by Mr. Steltz, which was agreed to be a high estimate; a rough approximation of \$80,000 as provided. Mr. Stoudt inquired about the funding source. Mr. Polinsky confirmed it would be financed with Liquid Fuel funds. Mr. Stoudt and Mr. Polinsky had further conversation about approaching Electro-Space for financial support on the project. Ms. Falcone indicated with respect to priorities, she would prefer to see Main Street addressed first based on traffic volume. Mr. Polinsky agreed in theory, but indicated Main Street should be much less expensive to complete as it required only oil and chip; he stated he was interested in supporting the CO-OP agreement. Mr. Polinsky indicated he felt both the West High Street paving and Main Street oil and chip could be completed this year, but that it would be necessary to get a final estimate on the CO-OP project with Longswamp and for the oil and chip.

Mr. Rauenzahn, questioned the high cost of the project since CO-OP machinery was being utilized. Ms. Milo and Mr. Polinsky confirmed the projected costs were related to the macadam usage. Mr. Rauenzahn inquired to the status of Haas Street, indicating the road surface was rough because of work performed by UGI. Mr. Polinsky confirmed UGI would return to repair the roads as part of the project. Ms. Milo confirmed UGI would be required to reconstruct the road per ordinances once work was completed. Mr. Polinsky advised a separate UGI team would come to perform the road reconstruction after the pipe work is completed. Ms. Milo confirmed there was a time restriction on completion of the road restoration work. Mr. Rauenzahn had a second question related to where the millings from road work are taken, and questioned if UGI was dumping their millings in the watershed; a lengthy discussion ensued related to activity in the watershed, the need to respect the integrity of the watershed, the Water Authority's role, and regular DEP inspections of selected springs. Ms. Lorah noted the discussion was off topic.

Parks and Recreation Committee (E. Stoudt)

Mr. Stoudt introduced Mr. Shuman and Mr. Wagaman representing "Friends of Brandywine", who presented preliminary thoughts on converting the existing tee-ball field to a wiffle ball field. Mr. Shuman stated it was his understanding that the existing tee-ball field is no longer viable for tee-ball and will be relocated; he indicated the "Friends of Brandywine" were offering to convert the existing tee-ball field to a wiffle ball field with no financial impact to the Borough; the wiffle ball field would be for public use for tournaments, picnics, parties and the like; the "Friends of Brandywine" would ensure equipment availability at the field; field use management would be finalized at a later point, but initial thoughts were it could be managed similarly to the Pavilion by the Borough; assistance would be requested from the Borough to maintain a small strip of grass at the field. Mr. Shuman indicated initial informal discussions were

positive and that he was hoping to gauge interest for this project. Mr. Shuman stated he understood there were grant considerations tied to the existing tee-ball backstop and dugouts, but indicated a willingness to supply a new backstop and dugouts for the relocated tee-ball field, if allowed, with the intent of eliminating the need to move the existing items to a new location. Mr. Stoudt asked Mr. Shuman if as per their previous discussions, the intent would be to donate wiffle ball tournament proceeds to the Brandywine Little League boys and girls teams. Mr. Shuman stated that is in line with the mission of "Friends of Brandywine". Mr. Polinsky stated he liked the idea of a wiffle ball field as it is more inclusive for all age groups. Mr. Wagaman indicated a secondary intent is to keep kids off the BYBA fields. Mr. Shuman added, as an ancillary benefit, the project would provide the opportunity for high school kids to earn community service hours by assisting with upkeep of the field. Mr. Polinsky expressed support for the project and suggested the project be included in future conversations by the Recreation Committee. Ms. Milo confirmed the current tee ball field was installed by Borough staff and was designed for both tee-ball and wiffle ball. Mr. Stoudt indicated an additional field at no cost to the Borough could be a "win-win".

Mr. Stoudt introduced his next topic related to the Recreation Committee established under ordinance 4-2018. Mr. Stoudt reviewed the ordinance and stated he was surprised to learn the ordinance does not create a temporary committee to deal with the park project, but rather a permanent committee to deal with all matters related to the park; the ordinance requires public notice of all meetings, an agenda and minutes; additionally, nine voting members must commit to a 2 year term; any and all matters of the park must be reviewed by the committee prior to being presented to Borough Council, to include overall park management, scheduling of all events to include ball field use, budget items, development of recommendations to council regarding any and all expenditures and program enhancements, development & advertisement of all grant proposals related to Borough's recreation facilities and operations, development and facilitation of agreements with schools & community groups to undertake cooperative programs, projects & events, partnering of recreational programs for the community, oversight of pragmatic development and use of recreation facilities and more. Mr. Stoudt stated that according to the ordinance the Borough has been non-compliant for more than 3 years. Ms. London noted that the ordinance no longer meets the needs of the Borough because it calls for membership of organizations that no longer exist and the facilities that have changed such as the pool; Ms. London recommended the ordinance be repealed and replaced with one that reflects the current needs and facilities in the Borough. Mr. Stoudt stated he was advised no money could be spent without also complying with ordinance 4-2018; Ms. Lorah confirmed she had stated the ordinance was put in place for the park project. Ms. London confirmed it had to do with all monies, not just the one Mr. Stoudt raised previously. Mr. Stoudt requested ordinance 4-2018 be repealed. Ms. London stated the ordinance could be repealed and replaced with a version that meets the Borough's needs. Mr. Stoudt disagreed with replacement; he stated there were other committee partners handling some of the requirements now, for example Ms. Falcone's committee scheduled events in the park. Mr. Stoudt continued stating the ordinance as currently written is more extensive than required, referencing meeting minutes and advertising

costs as potentially unnecessary; he recapped the primary remaining needs for the park as the pool, parking and the tee-ball field. Ms. London stated if other committees have, over time, assumed the work and are handling the needs addressed in the ordinance it would be appropriate to repeal the recreation committee ordinance so it is no longer on the books. Ms. London indicated it is not uncommon for there to be outdated ordinances that do not reflect current practice. Ms. London stated the ordinance could be repealed with a two line ordinance, and that new ordinance could be ready for next month's meeting. Ms. Milo noted the Borough is currently under an active agreement with DCNR to receive funds. Ms. London stated if the ordinance was put in place as part of the grant agreement, the ordinance would need to remain in place until the DCNR grant is closed out. Ms. Milo stated no funds had been administered yet from the DCNR grant. Ms. London clarified that the ordinance could be amended to reflect current practices and proper reference to committee membership and facilities, however the Sunshine Act requires the public notice (advertising) and documentation of Council and Council committee activities (agenda, meeting minutes); it is acceptable to advertise yearly all meetings at once to save on advertising expenses. Mr. Stoudt stated his understanding of the conversation was that the use of the \$300,000 loan proceeds would not require adherence to the Recreation Committee requirements outline in the ordinance and questioned when the ordinance had to be in place for the DCNR grant. Ms. Milo clarified the first step should be to contact DCNR to clarify several things: if the funds were awarded as part of the overall plan; the overall plan required a master plan, the formation of a recreation committee, and had to allow for public review of the master plan and decisions made by the recreation committee. Ms. Milo stated this is not a brand new project, it's a continuation of the master plan that is not completed yet; as condition of receipt of the money, the DCNR may be under the assumption that the Borough was continuing to operate under this Master Plan, and with a recreation committee making decisions until such time as the Master Plan is revised. Mr. Stoudt asked if it would be possible to obtain a copy of the DCNR grant documentation. Ms. Milo confirmed it was available in the Borough office and a copy could be provided. Mr. Rauenzahn noted the master plan he viewed included a band shell. Mr. Stoudt agreed and confirmed it was at the location of the old tee-ball field. Mr. Polinsky stated in his opinion the plan was done poorly and should be modified. Ms. Milo stated revisions would require updating the existing master plan as communicated previously by Mr. Myers. Mr. Polinsky asked if a meeting should be called to change the Master Plan. Mr. Myers stated the scope of the existing Master Plan, which included the band shell and TASA, went through the recreation committee. Mr. Myers advised that as long as grant program money is not being used for an ancillary project not covered by the Master Plan, an amended plan to reflect the work is not required. If grant program money is utilized to fund a project not covered in the existing approved master plan, the grantor will look to see that the appropriate steps were followed, to include having a committee that actively sought input from the public; Mr. Myers stated public input is valued very highly by the DCNR. Mr. Polinsky stated the people currently recorded as members of the recreation committee may no longer be appropriate to include. Mr. Myers clarified that DCNR does not mandate who is on a committee, but rather that a functioning body exists and is doing the work of the

committee as outlined in the ordinance. Mr. Polinsky questioned why this could not simply be a function of the Parks and Recreation Committee. Ms. Milo responded it cannot because an ordinance is already on record, and there is a history of the recreation committee handling items such as developing the Master Plan. Mr. Myers noted that Ms. London suggested repealing and replacing the ordinance. Mr. Stoudt questioned what representatives should be on the recreation committee. Responses from the discussion were to have members that Mr. Stoudt wants to be represented, e.g. baseball, softball. Mrs. Stoudt asked if the ordinance has to include specific voting members, and questioned why attendees at Recreation Committee meetings could not satisfy the requirement. Ms. London stated the intent is to have a committee that can make recommendations and receive public input, adding it appears to be a condition of the DCNR grant. Ms. Milo noted the objective is to include stakeholders that will utilize what is outlined in the plan, such as athletic organizations and the school district (representing the children of the community). Mrs. Stoudt expressed concern about retaining nine committee members for a two year period once they learn the pool will not be part of future plans. Ms. London stated it may not be necessary to have nine voting committee members. Ms. Milo pointed out that clarifying current committee requirements by contacting DCNR for a copy of the latest model of an ordinance would be a recommended first step. Mr. Polinsky questioned why the school would be involved in decisions related to Borough property in that they are not part of the Borough's governing body for the Borough. Mr. Myers stated the advisory representatives on the committee are stakeholders that will utilize the facilities and support the project; the DCNR requires significant matching funds as stipulation for the grant; the Borough is utilizing the TASA funds as the matching funds for the DCNR grant, so work performed must tie into the TASA grant. Mr. Polinsky questioned why there was a need for specific representation on the Recreation Committee; additional discussion continued regarding committee representation and responsibilities. Ms. London agreed that requiring residents to seek approval through a committee prior to Council would not necessarily make sense, but noted many statewide grant programs are created with larger municipalities in mind. Ms. London emphasized it is important to see what the grant requires so the ordinance can be amended to reflect the current composition of the Borough and active organizations, and still comply with grant requirements and not jeopardize grant funding. Mr. Stoudt asked if Ms. London felt comfortable repealing Ordinance 4-2018 this evening. Ms. London stated she was not; repeal of the ordinance was not an agenda item, and an ordinance must be repealed by another ordinance. Ms. London recommended preparation of a list of proposed committee membership for the next Council meeting. Mrs. Stoudt wanted to clarify that the Recreation Committee covered under ordinance 4-2018 would only be for the available money tied to the grant, and the \$300,000 loan proceeds are not part of plan. Ms. Milo advised that was not necessarily the case, and that Council may elect to continue with that structure beyond the scope of the grant work. Mr. Myers stated the requirement that drove the creation of the Recreation Committee outlined in ordinance 4-2018, enabled the Borough to access the funding to support the park improvements as a whole. Having a master plan and an organization that administers the master plan was central to meeting the grant fund requirements. Mrs. Stoudt clarified

that utilization of the loan proceed money would not have to adhere to the recreation committee requirements since those requirements were tied only to the use of the grant funds. Mr. Myers confirmed Mrs. Stoudt was correct, but emphasized if the Borough wants to secure funding from DCNR to do anything, the project has to be in the Master Plan; he added all funding streams have requirements tied to them, they won't block the Borough from using its own money, but anything done outside of the Master Plan will not be eligible as match for funding or as part of funding requirement.

Ms. Milo introduced the revisions to the DCNR grant agreement scope of work as prepared by Bryan Smith at Barry Isett & Associates; the DCNR grant revisions are being requested because the TASA project received more funds from the state, which enabled items originally slated for completion with DCNR funds to be completed using the additional TASA funds; revisions requested in the DCNR grant include new ADA ramps at Callowhill Street and Oak Alley, concrete sidewalks and curbs along the south side of Oak Alley, an ADA ramp at the playground entrance at the Oak Alley parking area, surface mounted removable bollards at the each bridge entrance, signage and landscaping. Additional conversation on vehicles and e-bikes utilizing the bridges followed. Ms. Milo recommended reviewing park rules as an agenda item at a subsequent meeting. Mrs. Stoudt made a motion to approve the revisions to the DCNR grant; Mr. Stoudt seconded the motion. The motion passed unanimously.

Finance and Utilities Committee (M. Stoudt)

Mrs. Stoudt introduced the bills and transfers. Mr. Stoudt made a motion to approve the list of bills and transfers. Mr. Polinsky seconded the motion. The motion passed unanimously.

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

On-Line Bank Account Balances as of 6/12/2023:

General Account:	\$ 443,887.82
Water Account:	\$ 174,695.83
Sewer Account:	\$ 59,924.13
Reeds Beds – Sewer	\$ 5,004.42
Payroll:	\$ 2,959.17
Recreation/Park Project:	\$ 305,541.67
Liquid Fuels:	\$ 336,408.01
Fire Fund:	\$ 97,747.64
Ambulance Fund:	\$ 37,392.23
ARPA Funding	\$ 217,779.30

Mrs. Stoudt confirmed there were 180 water/sewer late notices sent; the account status as of today is noted below:

# Accounts	Status of Account
56	Unpaid
19	Unpaid Finance Charge + Late Notice Fee
5	Payment Plan
1	Final Notice Posted
1	Terminated; still accruing finance charges
82	TOTAL

Mrs. Stoudt noted the total amount owed for the 82 accounts is approximately \$18,000; the final 48 hour door posting will occur on Tuesday, June 27th. Mrs. Stoudt requested confirmation from Council that any and all accounts with an unpaid balance will receive the 48 hour final notice door posting, regardless of how small the balance. Ms. Falcone raised the topic of residents paying the full amount of their bill after the due date, but not the late notice fee and finance charges associated with the late payment; additional discussion around recurring instances of unpaid charges associated with late payments, the finance charge and late notice fee structure, and the presentation of late payment fees on subsequent invoices continued. Ms. Lorah confirmed Mrs. Stoudt is just clarifying the current process, and Mrs. Stoudt confirmed that was correct. Ms. Milo stated that Council's agreement with the statements made means, if even only a penny is owed on an account, the resident's door will still be posted with a 48 hour shut off notice. Ms. Falcone noted that an honest mistake in writing out a check incorrectly could result in a door posting. Mr. Polinsky noted he was confident residents who made an honest mistake would make the necessary payment to clear up their account.

Mrs. Stoudt confirmed there are 60 Hometown Hero banners installed, 10 ready to install, 10 completed and pending payment notification, and 5 more submissions in the office. Mrs. Stoudt advised there was feedback indicating those submitting applications did not want banners posted at the middle school; many are World War II veterans and they no longer travel to the schools; additional discussion continued on current remaining capacity and additional streets that could be utilized to accommodate as many requests as possible. Mrs. Stoudt made a motion to add Haas Street, Callowhill Street, Centre Street, and Franklin Street to the list of approved locations for Hometown Hero banner installation. Mr. Polinsky seconded the motion. The motion passed unanimously.

ENGINEER'S REPORT

1. **PADEP Sewer and Water**
 - a. Media Replacement for Water Plant – Will provide receipt of submission as soon as it is received from DEP.
2. **Authorizations Needed/Pending**
 - (1) Public Works Building Roof – authorization for Bid package and to bid:
 - a. Design \$6,500

- b. Bidding \$3,500
- c. Construction Engineering \$5,500

(2) Water Supply Well – we will seek authorization for each stage

3. **Water Supply Well**

Task I: Feasibility Study	
A. Site Feasibility	\$5,000.00
B. Site Evaluation	\$7,500.00
Task II: Site Survey	\$7,500.00
Task III: Well Construction Specifications	\$5,000.00
Task IV: Well Drilling	\$60,000.00
Task V: Pump Tests	\$15,000.00
Task VI: Final Design of Water Improvements	\$50,000.00
Task VII: Final Permitting of Water Improvements	\$10,000.00
Task VIII: Construction of Final Water Improvements	\$200,000.00
Total Estimated Cost	\$360,000.00

Tentative Schedule:

Task I: Feasibility Study	
A. Site Feasibility	June 2023
B. Site Evaluation	July 2023
Task II: Site Survey	August 2023
Task III: Well Construction Specifications	August 2023
Task IV: Well Drilling	October 2023 - December 2023
Task V: Pump Tests	December 2023
Task VI: Final Design of Water Improvements	August 2023 - January 2024
Task VII: Final Permitting of Water Improvements	February 2024 - September 2024
Task VIII: Construction of Final Water Improvements	November 2024 - March 2025

4. **DEP MS-4**

MS4 Annual Report to DEP – Isett scheduling remaining outfall inspections for end of June. MS4 meeting occurred between borough and Isett on June 7th. Borough is nearly complete with 2022-23 annual report items. The remaining have been scheduled for completion.

Perennial Stream Work – On Hold. No change

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

Construction is complete. Contractor working through final punch list items.

6. **Grants:**

- A. East Barkley - \$385,000, Small Water & Sewer – expect award in summer.

7. **Washington Street Pumping Station**

Received Grant award, contract with grant agency signed.

Anticipated Schedule:

Bid Opening - July 7, 2023

Potential Award – July 10, 2023

Pre-Con – Aug 1, 2023

Installation Actual Start – November 6, 2023

Installation Complete – November 17, 2023

Construction Complete – December 22, 2023

8. **Roller Hockey Rink**

Initial draft sketch & estimate sent on 6/5/2023 for review. Revisions are being made based on feedback.

9. **DCNR – Oak Alley Project**

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

OLD BUSINESS

Ms. Milo introduced the Brandywine Community Library Fundraiser materials. Mrs. Stoudt made a motion to approve the event. Mr. Polinsky seconded the motion. The motion passed unanimously.

OTHER BUSINESS

Ms. Lorah, Council President, submitted her resignation citing life events. Mr. Polinsky made a motion to accept Ms. Lorah's resignation. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. London advised Council of the next steps with respect to replacement of a Council member; the vacancy must be filled within 30 days; applicants must be registered voters and have been a resident of Topton for a minimum of one year. Mr. Polinsky asked Council to consider nominees for President prior to the next meeting.

ADJOURNMENT

Council adjourned at 9:27PM by a motion from Ms. Kunkel, seconded by Mr. Polinsky. The next regular Council meeting will be held on July 10, 2023 at 7:00PM.

Respectfully Submitted,

Terry L. Hook
Administrative Assistant