

***MINUTES OF THE  
BOROUGH OF TOPTON  
BOROUGH COUNCIL MEETING  
Monday, February 13, 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 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.

The meeting was opened with the Pledge of Allegiance.

Ms. Lorah noted that an Executive Session was held before tonight's meeting to discuss personnel matters.

**INTERVIEWS OF INTERESTED CANDIDATES & APPOINTMENT OF MAYOR**

Ms. Milo confirmed there were 3 letters of interest for the Mayor position; Mr. Miller, Ms. Hassler and Mr. Bower; Mr. Bower was not in attendance. Ms. Lorah asked if anyone present had questions for the candidates. Ms. Lorah invited the candidates to explain why they had expressed interest in becoming Mayor. Mr. Miller stated he had both grown up in and raised his family in Tipton; he volunteers in the community and attempts to stay informed on what is happening in town. Ms. Hassler indicated she has lived in Tipton her whole life, and knows a lot of residents in town; she has a strong rapport with people in town, especially with the teenagers and their parents; she provided an example of the strength of her relationship with the teenagers. Ms. Hassler also indicated that now that she is no longer involved with Girl Scouts, she has more time to devote to the town and wants to help out where help is needed. Ms. Falcone thanked the candidates for stepping up to the plate and stated both were great candidates. Mrs. Stoudt stated the mayoral candidates at the last council meeting were asked if they would be willing to stay on as Mayor once the interim term was completed, and asked Mr. Miller to answer the same question. Mr. Miller stated he would be open to running again. Ms. Lorah asked the candidates what they felt the role of a mayor involved. Mr. Miller indicated he thought it involved attending community events, finding answers to residents' questions, keeping the town clean, and assisting, as he is able, with the creation (and continuance) of the same tight-knit community he grew up in. Ms. Lorah followed up asking if the candidates knew the official responsibilities of the Mayor. Mr. Miller stated he was not familiar with the formal responsibilities of the Mayor. Ms. Hassler stated her understanding was the Mayor would sign declarations, meet with companies to encourage involvement in town and try to assist small businesses. Ms. Kunkel stated Mr. Miller's letter of interest indicated he had previously been very involved with sports, and asked why he was shifting his volunteer efforts now. Mr. Miller stated his children were older now, and that his involvement in sports was necessary at the time because often teams were only able to be formed if parents volunteered as coaches. Ms. Lorah discussed the format briefly, then asked for nominations for mayor. Mr. Stoudt nominated Mr. Miller. Mr. Polinsky seconded the motion. Ms. London clarified that before a vote, all nominations should be made, explaining the vote would follow when the nominations were closed and in nomination order. Ms. Kunkel nominated Ms. Hassler. Ms. Falcone seconded the motion. Nominee Miller was presented for a

roll call vote.

Nay – Ms. Kunkel

Yay – Ms. Cook, Ms. Falcone, Ms. Lorah, Ms. Polinsky, Mr. Stoudt, Mrs. Stoudt

Mr. Miller received a majority vote and was elected as Mayor through the end of 2023. Mrs. Stoudt administered the oath of office to Mr. Miller.

### **APPROVAL OF MINUTES**

No minutes were presented for approval.

### **COMMUNICATIONS**

Ms. Lorah introduced the Letter of Interest for the Vacancy Board from Maryellen Monaghan. Mrs. Stoudt made a motion to appoint Ms. Monaghan to the Vacancy Board. Ms. Cook seconded the motion. The motion passed unanimously.

Ms. Lorah inquired if Ketti Mehlman was in attendance, but she was not.

Ms. Milo stated the Berks County Planning Commission was circulating throughout Berks County seeking input on the topic “How to Capitalize on Your Municipality’s Opportunities”; she indicated in addition to plans the BCPC had under review (comprehensive etc.), communities are offered the opportunity to meet with the BCPC to review their own plans that may require an update. Ms. Milo stated the BCPC is hosting a regional meeting at 5:30 PM on May 1<sup>st</sup>, 2023 at Washington Grill and Pub, 1063 PA Route 100 in Bechtelsville; Topton, Longswamp, Rockland, District, Herford, Washington, Bally and Bechtelsville municipalities are invited to attend. Ms. Falcone asked if an RSVP was required. Ms. Milo confirmed the correspondence was a “save the date”; no RSVP was requested at this time.

Ms. Milo indicated the TCOC had requested approval from Council to hold the following events:

- 1) Egg Hunt: to be held Saturday, April 8<sup>th</sup>, starting at 10:00 AM; this event would be held in the park and pavilion area.
- 2) Fishing Derby: set up would be on Saturday, May 6<sup>th</sup>, the Derby would be held on Sunday, May 7<sup>th</sup> starting at 8:00 AM.
- 3) Halloween Parade: to be held Saturday, October 14<sup>th</sup>, with a rain date of Sunday, October 15<sup>th</sup>.

Mr. Polinsky made a motion to approve all 3 events. Mrs. Stoudt seconded the motion. The motion passed unanimously. Ms. Falcone inquired if the pavilion was being reserved for the Egg Hunt event, Ms. Milo confirmed the approval of the events served as approval to use the park area, not the pavilion specifically.

### **MAYOR’S REPORT (Miller)**

Ms. Lorah advised Mr. Miller that no report was expected this evening, but asked that he be prepared to provide a report at the next Council meeting.

## **POLICE REPORT**

Sergeant Focht was present at the meeting and provided the following report on Fleetwood Police activities for January:

<b>Activity Recap</b>	<b>No./Hrs.</b>
Patrol Miles	1,293
Patrol Hours	120
IRF (# Incidents / Hours to Handle)	21 / 8
Crash Investigations	0
Traffic Citations	19
Non-Traffic Citations	0
Traffic Checks	17 hrs.
Paperwork	9 hrs.
Vehicle Stops	39
Follow-Up / CI	1 hr.
Court	2 hrs.

Other significant activities included responding to the middle school for a juvenile in possession of a vape pen containing THC.

## **HEARING OF VISITORS**

Christine Lottes, a resident, asked that her statements be documented in the meeting minutes; she provided a copy of her statement to Ms. Milo; she reported: “She checked with her insurance company on her liability if someone slipped and injured her/himself on her slick, shoveled grass. She was told that to be liable, she would need to be found negligent. Her agent also stated that 1) the Topton Borough could also be liable if found negligent, if, for instance, they had dumped snow or ice on [a resident’s] already shoveled grass, and then someone was injured walking on the “grass”; 2) the Borough, through the ordinance, could be found at fault for forcing [a resident] to provide a non-safe walkway on the “grass”.”

## **SOLICITOR’S REPORT**

Ms. London provided an update on the status of the memorandum of understanding with Longswamp Township, indicating that around 6:00 PM a draft had been received from the Longswamp Township solicitor. Ms. London indicated she would e-mail Council her review of the document.

## **BOROUGH MANAGER’S REPORT**

Ms. Milo advised the Borough’s accounting firm, RKL, and the tax collector auditor, completed the Audit of the Tax Collector for the year ending December 31, 2021; the audit results are on display in the office for review during normal business hours. Ms. Milo stated Council was provided with letters from the auditors, noting one concern, which is unavoidable at this time; the concern relates to the tax collector working alone and being responsible for all tasks, including receipt of checks, bank deposits, reconciling the account, etc. Ms. London noted this is a common finding in audits for small municipalities that do not have the segregation of duties

due to their size. Ms. Milo noted it is the responsibility of the Tax Collector to name a Deputy Tax Collector.

Ms. Milo reminded Council of the “Next Generation 911” project and confirmed the Borough had provided the information on Borough properties that had been previously missing in the county records.

Ms. Milo stated the Water and Sewer Service Policy is still being reviewed and apologized that a draft was not available for Council to review.

Ms. Milo reminded Council that government employees are required to complete some level of NIMS (National Incident Management System) training, acknowledging the “on the ground” staff would require a higher level of training; she noted that the courses can be taken online at Council’s convenience and stated questions regarding which courses to take, or how to access, can be directed to the Borough office. Ms. Falcone requested that the information be e-mailed to Council.

Ms. Milo stated the wastewater treatment plant vehicle was inspected and will not pass next year’s inspection; the utility bed will need to be repaired or the vehicle replaced before next year.

Ms. Milo confirmed the pool and snack stand items under agreement to be provided to Kutztown are being picked up progressively by Kutztown as they are able, but the large items still need to be collected.

Ms. Milo confirmed the “Zipper” machine that was purchased jointly with 3 other municipalities has been delivered; the machine mills and grinds the asphalt into little pieces, or millings.

Ms. Milo stated a significant project for the water department over the past few weeks has been working to resolve issues with some of the springs; she indicated some of the springs would be considered blocked and are not being utilized; staff is working to flush and gain proper flow again. Ms. Milo added the staff’s attention to resolving the issue with the springs has delayed the installation of the Hometown Hero banners.

Ms. Milo stated available staff members, not working on the issue with the springs, are working on completing the installation of the school signs. Ms. Milo expressed her appreciation to Rockland Township, who assisted with equipment to simplify the installation, allowing staff to pound a sign into the ground rather than utilizing a backhoe to dig.

Ms. Milo stated UGI is scheduled to replace mains & perform restoration work on Haas, Penn, and Franklin Streets, as well as Home Avenue; there will be significant digging occurring on those streets as the projects get underway. Ms. Milo noted the projects should start and finish this year, with the start of work commencing at some point in the Spring; UGI is required to submit permits for the work being performed. Ms. Falcone asked how long the project would take. Ms. Milo advised no specific timeline is provided by UGI. Mr. Stoudt asked if UGI would be employing traffic control. Ms. Milo confirmed, as part of the permit process, UGI is required to submit traffic control plans.

Ms. Milo noted the wastewater treatment plant was maintaining the “status quo” while waiting for the Washington Street Pump Station project to start.

Ms. Milo advised all Borough locations are scheduled for an IT cybersecurity review this week; an assessment of any potential weaknesses will be performed, along with any prevention measures needed to secure the Borough facilities. Council will receive both a summary and full report outlining the results of that review.

Ms. Milo stated Hometown Hero banners will be going up in the next few weeks and apologized that staff has not had time to install them yet.

## **COMMITTEE REPORTS**

### **Public Safety and Personnel Committees – (Lorah)**

Ms. Lorah stated the Borough Secretary position is still posted; applications are being accepted and interviews continue; she noted there has been difficulty gaining interest in a part-time position that has no opportunity to transition to a full-time role.

Ms. Lorah mentioned the Planning Commission has an open seat; she added, generally, at least one seat on the Planning Commission is occupied by an active Council member. Ms. Lorah noted that the Planning Commission meets quarterly; plans and submissions are reviewed by the Planning Commission, and then are eventually brought before Council for approval. Mr. Polinsky questioned the order in which items are addressed by the Planning Commission and Council, and a brief discussion ensued. Ms. Lorah stated any interested Council members or other parties should apply.

### **Public Relations and Quality of Life Committee - (Kunkel)**

Ms. Kunkel reported the Topton Community Ambulance had an upcoming “Spring Dance” fundraiser; the band “Kinda Sorta Maybe” would be playing; the event will be held on Saturday, March 25<sup>th</sup> at the Alburdis Recreation Hall; the doors open at 6:30, the event is BYOB and tickets are available for \$25.00. Ms. Kunkel stated questions or ticket inquiries should be directed to the Topton Ambulance or to Ms. Kunkel’s borough e-mail address.

### **Environmental and Quality of Life Committee – (Cook)**

Ms. Cook advised the Mini Museum is running a sale on decks of “Topton Heroes” playing cards; the sale offers 4 decks of cards for \$25 (normally priced at \$10/deck). Ms. Cook added the cards are similar to a traditional deck of playing cards, but feature individuals who have been wonderful servants in the Borough. Ms. Cook added the next Preservation Board meeting is scheduled for May 14<sup>th</sup>, 2023.

### **Policy and Special Events Committee – (Falcone)**

Ms. Falcone indicated she has begun assembling a special event schedule and had been in contact with Ms. Milo; she stated she would be asking the office staff to begin posting some information on the Borough’s Facebook page and to advertise for volunteers from

the community. Ms. Falcone stated as she had previously mentioned, she was interested in utilizing private donation money to fund some of the Borough events; she stated if there were no objections from Council, she would begin reaching out to local businesses.

Ms. Falcone mentioned she wanted to have an initial discussion regarding sidewalk policies, specifically, locations in town where sidewalks should have been placed, but were not in past years; she stated currently there are 65 such properties in the Borough; she added residents need a way to safely travel from one property to the next. Ms. Falcone stated consideration of a policy or plan to address these properties was needed. Additional discussion continued around ordinances currently on the books, lack of consistent enforcement, potential obstacles or challenges with enforcement, Borough rights concerning requiring sidewalks, notice and compliance periods, financing options, costs to the Borough, affordability and means limitations to property owners' means, ADA requirements, existing sidewalks in need of repair, phasing in, etc.

Kendra High, a resident, noted she could see the merits of requiring sidewalks, but could also understand how it could create financial difficulties for residents; she cited a school district poverty rate of 35%. Ms. High wondered if, to secure advantageous pricing, it would be possible to seek quotes for the sidewalk project overall; she suggested explaining the objective and asking contractors for price concessions either by the block or for the town as a whole.

Christine Lottes, a resident, agreed with comments made concerning the financial burden to property owners and the Borough. Ms. Lottes stated she had contacted Kutztown and Fleetwood, who both indicated sidewalks are only required for newly constructed homes or if a street is reconstructed. Ms. Lottes also indicated she had reached out to a colleague on East Main Street in Kutztown, who indicated when their street was redone the homeowner had to pay for the sidewalks; if the homeowner was unable to pay, the Borough paid and a lien was placed on the property. Ms. Lottes stated she would appreciate Council members speaking up against continuing this discussion and aligning policy with that of neighboring municipalities.

Brian Fronheiser, a resident, stated he felt the Borough should be required to fully comply with the ordinance before asking residents to meet the obligations of the ordinance.

Kathy Hassler, a resident, stated many Borough residents are on fixed incomes and may not have savings; she questioned why there was such a big push to resume enforcement of the ordinance now, and wondered if sidewalks currently in disrepair should also be an area of focus. Ms. Hassler noted that allowing a longer period of time to meet the obligation would not make the cost more affordable for those already on limited fixed incomes, and questioned if the Borough's own financial limitations would prevent it from stepping in to finance sidewalks for residents unable to pay.

Ms. Falcone reiterated concerns for resident safety, acknowledged the Borough's financial limitations, and stated the need to evaluate the best path forward. Ms. Falcone quoted the following poverty statistics for the Topton Borough as of the 2020 census:

- Under 18      6.1%
- 18-64        4.4%

- 65+ 1.6%

### **Streets & Property Committee – (Polinsky)**

Mr. Polinsky indicated he had no pressing issues to discuss this evening.

### **Parks & Recreation Committee – (Mr. Stoudt)**

Mr. Stoudt indicated there was a request from local churches to use the park area for VBS from June 18<sup>th</sup> - 22<sup>nd</sup>; activities will be similar to last year's. Ms. London reminded Council that a certificate of insurance would be required. Mr. Stoudt made a motion to approve the VBS event, conditioned upon receipt of a certificate of insurance. Mr. Polinsky seconded the motion. The motion passed unanimously.

Mr. Stoudt indicated the agreement with the YMCA Summer Park Program was signed.

Mr. Stoudt presented his thoughts on options for the pool area and distributed an aerial picture of the pool area; he proposed the pool area be split into parking and grass multipurpose areas. Mr. Stoudt stated parking could extend from the front edge of the building to the existing Weis Street parking lot, eliminating the current parking lot on the hill in front of the Borough. Mr. Stoudt indicated the Borough staff could complete much of the work, and it would address both handicapped accessible parking needs, as well as increase the overall parking spaces by approximately 40. Mr. Stoudt continued stating the remaining area could be converted into a grassy area for picnics, Music in the Park, and other events. Mr. Stoudt acknowledged the plans still required review by the engineering team at Barry Isett, but stated he hoped this would provide a lower-cost option that would help fill needs in the Borough. Discussion continued around the proposed parking configuration, concerns about the sinkhole, and the anticipated steps required to convert the pool into a grassy area. Ms. Lorah confirmed that a public meeting would need to be held as park funds would be utilized. Ms. Falcone noted having a grassy area close to the Borough building would provide simpler access to electricity and bathrooms (would require upgrades) which would be beneficial during events. Ms. Cook noted there had been conversations about having a skateboard park or other events in the pool space. Mr. Stoudt confirmed there were no plans to continue forward with a skate park. Mr. Polinsky stated by converting the space to a grassy area now, it would allow for further transformation of the space in the future. Ms. London added, by converting to a grassy area, stormwater management issues could be averted. Mr. Stoudt inquired about grant money possibilities to Mr. Myers; Mr. Myers stated it might be possible, that in general, there was grant money available for parks but not pools. Ms. Falcone asked Mr. Stoudt why there was resistance to pursuing an option for skateboarders. Mr. Stoudt replied that he was interested in pursuing an option that could be utilized by a large portion of residents, and with lower liability for the Borough. Ms. Cook expressed concern about not having options for teens that were not interested in formal athletics, stating there is no designated space for skateboarders so they end up utilizing areas that could be upsetting to residents. Ms. London advised researching liability insurance for a skate park. Ms. Falcone acknowledged parking and a grassy area are needed, and it might be possible to pursue a skate option elsewhere in the community.

Ms. Milo asked Mr. Myers what grant fund sources might be available for the renovations discussed by Mr. Stoudt to the pool area. Mr. Myers advised the process would be to determine the Borough's goals for the space, then consult with representatives from Barry Isett to structure the project to fit grant requirements. Mr. Myers noted that grass and parking alone would not likely be sufficient to secure any grant funding, but that by adding other elements, the project might be able to align with requirements for some grants. Mr. Myers added, securing grant funding is typically a longer process that will take time to process.

Mr. Stoudt had an inquiry requesting the use of the pool snack stand; Ms. Lorah confirmed there was a leak and it is not useable.

Mr. Stoudt confirmed he received the yearly signed agreements from Little League, baseball, and softball; softball is looking to install lights on the field, using lights donated by the school and poles donated by another source. Mr. Stoudt noted the electricity access still needs to be sorted out and softball will need to pursue permits. Ms. Cook noted the lights are high voltage and would have high energy requirements and costs; Mr. Stoudt confirmed Softball would be responsible for the electricity charges.

Ms. Milo provided an update on the TASA project; 3 bridges are to be delivered Friday, with installation Friday and Monday. Ms. Milo reached out to the "Nimrods" organization, and they confirmed they would be interested in having the old bridge. Ms. Milo advised that Ms. London would prepare an agreement of sale for an "as is" donation, with no liability or guarantees on the part of the Borough. Ms. Milo noted curb and sidewalk work would occur after the bridge installations were complete. Ms. Milo stated there was an approved motion on the books to transfer funds from the park loan proceed account to the general fund account to cover engineering costs associated with the TASA project; in the past 12 months, this totaled approximately \$40,800. Ms. Milo indicated she wanted to make Council aware that the \$40,800 would be transferred out of the loan proceeds and moved to the general account.

**Finance and Utility Committee – (Mrs. Stoudt)**

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

**On-Line Bank Account Balances as of 2/13/2023:**

General Account:	\$ 112,760.04
Water Account:	\$ 89,329.46
Sewer Account:	\$ 12,297.23
Reeds Beds – Sewer	\$ 5,002.77
Pool Account:	\$ 232.03
Payroll:	\$ 2,887.32
Recreation/Park Project:	\$ 345,857.69
Liquid Fuels:	\$ 274,313.59
Fire Fund:	\$ 51,966.12
Ambulance Fund:	\$ 2,189.49
ARPA Funding:	\$ 217,412.76



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

Mrs. Stoudt provided an update on water/sewer bills; she indicated that currently there are no payment plans and 564 unpaid accounts as of Friday, February 10<sup>th</sup>. Ms. Milo stated assistance from Council to log water/sewer payments until the due date would be appreciated.

## **ENGINEER'S REPORT**

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#### **1. PADEP Sewer and Water**

- a. NPDES Permit for WWTP
  - i. Submitted to PADEP
  - ii. They requested additional sampling data, samples taken last week, should be able to send data this week.
- b. Media Replacement for Water Plant – In review
- c. Chapter 94, to Alex for review. There are no capacity issues noted. (Data and graphs attached)

#### **2. DEP MS-4**

**MS4 Annual Report to DEP** – Engineer's office provided recommended staff training videos and webinars for internal use. Isett continues working with the Borough for spring education and outreach tasks and remaining outfall inspections. Last inspection was conducted in 2018. Additional inspections required by end of this year.

**Notice of Intent (NOI)** – Topton Borough's current MS4 permit expires 4/30/2024. The Borough is required to submit a renewal application to DEP 180 days before the current permit expires, which makes the renewal date 11/2/2023. No action items needed until August.

**Perennial Stream Work** – Work being scheduled for spring by Borough forces.

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

Bridges being delivered on Friday (2/17), setting scheduled for Friday (2/17) and if needed Monday (2/20).

#### **4. Grants:**

- A. LSA Grant: Application is in for Keller Street: \$620,000
- B. East Barkley - \$385,000, Small Water & Sewer

#### **5. Washington Street Pumping Station**

Project is currently waiting for Grant Funding feedback; Next meetings of CFA are 3/16/23 and 5/16/23.

#### **6. DCNR – Oak Alley Project**

DCNR has approved the alternate project, funds are being held for possible use on either Oak Alley or TASA.

Mr. Polinsky made a motion to proceed with Mr. Myers suggested process for the Washington Street Pump Station bid. Mrs. Stoudt seconded the motion. The motion passed unanimously.

### **OLD BUSINESS**

Mrs. Stoudt provided the following update on the status of the Hometown Hero Banners project; 20 banners are hung, 10 banners are ready to be hung, 10 banners are pending delivery, and 10 more will be ordered shortly for a total of 50 banners; additional discussion around the locations being utilized to hang the banners ensued.

Maryellen Monaghan asked Mr. Polinsky when Main Street would be resurfaced; additional discussion around the painted lines, funds to complete the resurfacing, timing, the painted lines and damage to cars parked along that route ensued.

### **ADJOURNMENT**

Council adjourned at 8:33PM on a motion by Mrs. Stoudt, seconded by Mr. Polinsky.

The next regular Borough Council meeting will be held on March 13th, 2023, at 7:00PM.

Respectfully Submitted,  
Terry Hook for  
Stacy C. Milo / Borough Secretary