

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, March 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.

APPROVAL OF MINUTES

No minutes were presented for approval.

COMMUNICATIONS

Ms. Milo stated a request was received to ban Summer YMCA Park Program participants from utilizing mini rubber bands; she indicated use of the bands is increasing and they create a mess in the pavilion and pose a hazard for the younger children. Council agreed to include the request as a requirement in the YMCA Park Program agreement.

Ms. Milo stated the Brandywine Community Library is seeking preliminary approval to utilize the park and pavilion for a celebration honoring Sheldon this summer; the event may include a toy turtle race in the creek. Ms. Cook expressed concern about boulders along the creek and the potential hazard to the children participating. Mrs. Stoudt questioned if a Certificate of Insurance would be provided. Ms. Milo confirmed it would be. Mr. Polinsky proposed approving preliminarily, with future details to follow for an official approval; Council agreed.

Ms. Milo confirmed she and Ms. Lorah were working with the BHASD to add signs at the communal bus stops. Ms. Milo confirmed six PennDOT compliant signs at \$86.00/sign would be purchased and installed by Borough employees; the cost of the signs would be invoiced to the BHASD. Mr. Polinsky made a motion to authorize the installation of school bus stop signs. Ms. Kunkel seconded the motion. The motion passed unanimously.

Ms. Milo confirmed there were two communications received after the meeting agenda was finalized and posted. Ms. Milo stated the first was from Trinity Lutheran Church who advised their newly formed Youth Group (Revive Café) was interested in holding a “Bike Safety Rodeo” on March 26th from 12-2PM. Ms. Milo spoke with the requestor and advised Council could not vote on the item since it was not submitted in time to be included on the agenda; a revised request will be included in April’s agenda.

Ms. Milo confirmed the second late communication received was from Connor Hollenbach. Ms. Lorah stated Mr. Hollenbach requested the conversion of the old Smith Street basketball court into a hockey rink. Ms. Lorah noted the hockey conversation would also encompass a discussion

about the tee-ball field. Additional conversation continued about the tee-ball field, safety concerns with the current tee-ball field configuration and returning the tee-ball field to its original location. Ms. Lorah stated if the tee-ball field is moved, the parking lot is no longer needed, adding the cost of converting the parking lot to a hockey rink would be minimal. Ms. Lorah noted the last \$20,000 donation towards park activities was slated for receipt this year. Discussion about a skate park at the former pool location ensued, and then the conversation returned to the topic of the hockey rink. Ms. Falcone asked about the survey results from the resident questionnaire previously circulated. Ms. Lorah clarified that the survey pertained to the pool area and that a meeting would be required for those discussions. Ms. Falcone stated she felt all recreational areas under consideration should be discussed in a meeting and sought clarification on the \$20,000 funds. Ms. Cook asked if the Borough was working on a 10-year plan. Ms. Milo stated input from both the Recreation Board and the community are what shaped the current Master Plan; she added the plan included stages of development, such as the tee-ball field, the playground equipment, the basketball court and the pavilion; incomplete elements from the Master Plan included the band shell and the Smith Street parking lot. Ms. Cook asked for clarification on why there was a conflict with the tee-ball field and the park bridge if they were part of the master plan. Additional discussion ensued regarding the configuration, accessibility and connectivity requirements for the bridge and the Borough installing the tee ball field without engineering design. Mr. Myers stated the current Master Plan also included the pool area and that ultimately the Master Plan should be updated as a result. Ms. Cook questioned if the existing Master Plan did not include a skate or pump park. Mr. Myers confirmed that was correct. Ms. Cook stated residents have shared with her their desire to have a skate park created. Ms. Cook shared her thoughts on the benefits of having the pool space converted into a skate park, to include the availability of electricity and lighting, nearby police presence and a pre-existing “half pipe” layout. Additional discussion on demolition requirements, costs and the scope of the discussion ensued; the topic was tabled for future discussion.

MAYOR’S REPORT (Miller)

Mr. Miller shared it was great to see all the community members in attendance at two events recently: 1) TCOC Sausage Sandwich Sale to benefit a member experiencing health issues and 2) Topton Fire Company breakfast.

POLICE REPORT

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

Activity Recap	No./Hrs.
Patrol Miles	899
Patrol Hours	93
IRF (# Incidents / Hours to Handle)	13 / 6
Crash Investigations	0
Traffic Citations	18
Non-Traffic Citations	2
Traffic Checks	21 hrs.
Paperwork	4 hrs.
Vehicle Stops	32

Activity Recap cont.	No./Hrs.
Follow-Up / CI	3 hr.
Court	0 hrs.

Citation Breakdown	No.
Speeding	12
Driving Without a License	2
Expired Registration	2
Inspection	1
Parking State Citation	1

Officer Focht also stated 1) Part-time Officer Cataudella had returned from military leave 2) Funds were secured through the Kyle Pagerly Memorial Fund for \$1,900 which will go towards the purchase of a new ballistic shield 3) Grant application had been submitted through AAA seeking approximately \$3,000 for new alcohol sensors for the department.

Ms. Falcone stated she understood the Borough had its first catalytic converter theft recently. Officer Focht provided additional details on this type of crime, and suggestions to deter or help solve these type of thefts.

Ms. Cook asked Officer Focht to share the nature of the criminal citations. Officer Focht stated he did not have that information available, but noted these are typically summary offenses such as underage drinking or harassment which are accompanied by a fine.

Officer Focht noted the volume of parking violations in the Borough are higher than surrounding communities. Ms. Falcone asked him to elaborate on the types of violations. Discussion continued on the types of offense, and the Fleetwood Police department's efforts to address the issues by issuing tickets or, occasionally, warnings.

HEARING OF VISITORS

Kyle Moll, a resident, stated he was in attendance to show support for the designation of a pump track, noting many of the parking lots in town are posted for no bikes, skateboards or scooters. A brief discussion continued around other local pump tracks (Emmaus, Quakertown, and Lower Macungie), general popularity and interest, maintenance requirements of different surface types, committee participation and fundraising.

SOLICITOR'S REPORT

Ms. London provided an update on the status of the Memorandum of Understanding for feasibility studies with Longswamp Township, indicating that Longswamp Township is interested in modifying the Woodside and Freehall agreements before proceeding with MOU for the secondary well. Ms. London confirmed she had received a proposal from the Longswamp Solicitor, some of the proposal items she agreed with, and some she did not. Ms. London made some specifics to Council for consideration. Mr. Polinsky questioned the order of the Memorandum of Understanding, Woodside and Freehall agreements. Discussion ensued around the relationship between the agreements, priorities of the respective municipalities, and thoughts on the response that should be presented to Longswamp Township.

Ms. Cook stated she heard the licensing on well #1 expired and asked what was involved to bring that well back online. Mr. Myers clarified it was actually well #5, and that he was working with the DEP. Discussion ensued on the issues preventing the well from meeting current DEP requirements, grandfathered permit expiration, the timing and reasons well #5 was taken offline, turbidity issues, and options to utilize the well for non-potable water requirements.

Ms. London indicated an amendment to Ordinance 2013-1 was required to add Centre Ave to the identified Snow Emergency routes. Ms. Lorah confirmed Centre Avenue was currently signed as a snow emergency route, but was not identified in the ordinance. Ms. London confirmed a simple amendment to the ordinance should be created and advertised. Ms. Cook raised a concern about the verbiage in Section 5. A discussion ensued about the meaning behind the snow chain and snow tire requirements outlined. Ms. London confirmed Section 5 provided notification that vehicles getting stuck on a snow route are subject to fines. Mr. Polinsky made a motion to create and advertise an amendment adding Centre Avenue to the Snow Emergency ordinance. Ms. Kunkel seconded the motion. The motion passed unanimously.

BOROUGH MANAGER'S REPORT

Ms. Milo presented the 120 Water Service Line Inventory Proposal for \$5,500. Ms. Milo provided an overview of the services included in the proposal. Mr. Myers confirmed the big deliverable due for October 2024 is an inventory of water service lines, adding some can be categorized as “unknown”. Mr. Myers stated a plan to figure out how to identify the unknown lines, and a plan for how to seek remediation of any lead lines or lead components must also be delivered. Discussion ensued on the data collection processes, the documentation to support findings, DEP timelines, notifications to property owners and how statistics may impact the results. Mr. Myers stated DEP has not written their regulations yet, nor will the regulations be written in time for the 2024 deadline. Mr. Myers confirmed that after the water line composition report is provided to the DEP, the Borough has 30 days to notify property owners of lines requiring remediation or with an “unknown” composition. Mr. Myers provided additional detail on remediation responsibilities and potential grant options. Mrs. Stoudt made a motion to authorize the acceptance of the 120 Water Proposal. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Milo expressed concern over the time Borough staff spends catering to property owners and management companies who expect Borough staff to pursue payments on their behalf. Ms. Milo, Mr. Polinsky and Ms. Falcone shared examples of how other communities handle similar issues. Ms. Milo stated she would consider this feedback when drafting the Water/Sewer Policy.

Ms. Milo provided updates on the TASA Project, specifically bridge progress and some maintenance considerations for the bridges.

Ms. Milo stated Mr. Sicher, after successfully completing his certifications, was licensed by the DEP. Ms. Milo added this is not automatic upon completion of the certifications.

Ms. Milo stated two water service line breaks on Keller Street required immediate attention. Ms. Milo confirmed an outside contractor assisted with the repair; grant funding was requested to complete the project, but a decision is still pending.

Ms. Milo stated the water plant will be inspected by DEP for its FPPE (Filter Plant Performance Evaluation) soon, she noted it is a rigorous review.

Ms. Milo confirmed UGI has begun major renovations on Haas Street; Penn and Franklin Streets will follow, with Home Avenue after that. Ms. Milo added there may be changes to traffic patterns.

Ms. Milo confirmed an evaluation of the Borough's cybersecurity was completed and the results were favorable. Ms. Milo stated there were a few minor items noted which the Borough will address.

COMMITTEE REPORTS

Public Safety and Personnel Committees – (Lorah)

Ms. Lorah stated applications were received and interviews held for the Borough Secretary position; the employee will report to Ms. Milo. Ms. Milo stated applications are being received, but emphasized spelling, grammar and sentence structure knowledge are basic requirements for this employee. Ms. Milo indicated no degree is required, but elaborated on the unique requirements for a municipal secretary. Discussion continued around the challenges with separation of duties when the Borough Office is short-staffed, the position offering concerning hours and pay rate and alternatives to a single part-time employee. Ms. Falcone outlined the duties of the prior office employee, questioning if they were more clerical than administrative in nature. Ms. Milo indicated the Borough office functions best with a team of three professionals in the office with the knowledge to support and cover for one another as needed. Mr. Myers stated administrative support staff at his employer aligned very closely with the duties outlined for this position, with the exception of handling social media which would be considered a more elevated task. Mr. Myers added their administrative support positions would be full-time with benefits and at the high end of the target range for this position. Ms. Milo stated the position would be re-advertised on Indeed with consideration for the comments discussed. Ms. Kunkel suggested removing the 30-35 hours specification in the advertisement too.

Ms. Lorah confirmed the seasonal public works position was posted on Facebook and social media but no applications have been received; it will now be advertised on Indeed. Mr. Stoudt indicated Scott Leshner was interested in the position and had picked up an application last week; Ms. Lorah encouraged him to submit it.

Public Relations and Quality of Life Committee - (Kunkel)

Ms. Kunkel reported the Topton Community Ambulance "Spring Dance" fundraiser has, unfortunately, been canceled.

Environmental and Quality of Life Committee – (Cook)

Ms. Cook advised Larry Werst provided her with a list of Mini Museum activities; anyone interested in reviewing should reach out to her after the meeting. Ms. Cook stated the Mini Museum Anniversary celebration will be held September 9th from 9AM-2PM. Ms. Cook reminded everyone that packs of "Topton Hero" playing cards are available for

\$10/pack, or \$25 for 4 packs. Mr. Polinsky asked if any updates were available on Source Water Protection; a discussion ensued around the status, signs & approvals needed for signs, etc.

Policy and Special Events Committee – (Falcone)

Ms. Falcone shared a list of 10 community events tentatively planned for this year. Discussion continued around dates, community volunteers, a request from the Brandywine Library, certificate of insurance requirements for organizations utilizing Borough facilities, the types of activities requiring a certificate of insurance, and the Borough liability and insurance coverage. Ms. Falcone noted the “Tidy Up Topton” event will be held in April, and requested suggestions on where to secure gift cards that could be given away at this event. Ms. Falcone asked the Borough office staff to add these events to the Borough calendar. Ms. Falcone added she had sent letters to local businesses requesting donations towards the cost of these events, and some sizeable donations have been received. Ms. Falcone wanted to ensure donations are used exclusively towards the events. Ms. Milo had suggested coding the donations to a separate account. Mrs. Stoudt confirmed this was consistent with how other park donations have been handled. Ms. London stated if coding enables the segregation of funds that is acceptable, there is no requirement for a separate fund. Ms. Falcone agreed to proceed with a separate account code for the park event donations.

Ms. Falcone provided a handout about sidewalks in the Borough, a lengthy discussion ensued around a lack of uniformity in the Borough, safety issues, the number of related ordinances on the books, the number of properties affected, historical oversight, financial burdens and options, recourse for non-conformance, the appetite for ordinance enforcement amongst Council members, alternatives and the overall priority of sidewalks when compared to other needs within the Borough.

Mr. Myers stated as part of Washington Street Pump Station project, an inspection would be performed along Washington Street; the inspection would identify where there isn't sidewalk or curbing, or where curbing is deficient. Mr. Myers stated Orchard Alley and the intersection at High Street would likely also be affected. Mr. Myers confirmed it would be similar to the Barkley Street project.

Pat Miller, resident, observed that for a topic that has been identified as low priority, there has been extensive discussion around sidewalks and curbing at recent Council meetings. Ms. Miller continued to outline steps she had taken to educate herself on the Borough's ordinances after January's meeting and observations made about the information contained in the ordinances; she shared her thoughts on further conversation on the topic.

Brian Fronheiser, resident, stated as a former letter carrier he could confirm that once mail delivery has been established at a residence, it is not an option to require relocation of mail delivery to curbside. Mr. Polinsky noted that if faced with installing a curbside mailbox or installing a sidewalk, he anticipates many residents would elect the more cost-effective option of relocating their mailbox. Mr. Fronheiser shared his thoughts on the Borough's obligation to do so, e.g. install sidewalks.

Streets & Property Committee – (Polinsky)

Mr. Polinsky indicated he had no items to discuss this evening.

Parks & Recreation Committee – (Mr. Stoudt)

Mr. Stoudt indicated his topics have been covered.

Finance and Utility Committee – (Mrs. Stoudt)

Mrs. 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 3/13/2023:

General Account:	\$ 204,397.83
Water Account:	\$ 34,057.39
Sewer Account:	\$ 31,865.82
Reeds Beds – Sewer	\$ 5,003.15
Pool Account:	\$ 0.00
Payroll:	\$ 6,445.37
Recreation/Park Project:	\$ 305,085.92
Liquid Fuels:	\$ 269,428.75
Fire Fund:	\$ 51,970.09
Ambulance Fund:	\$ 2,189.65
ARPA Funding:	\$ 217,454.46

Mrs. Stoudt indicated 128 late notices were sent for water/sewer accounts.

Ms. Lorah asked if Met Ed contracting out for utility pole inspection was a countywide occurrence, or if it was specific to the Borough. A brief discussion ensued.

Brian Fronheiser, resident, questioned why the Hometown Heroes banners could not be hung on certain streets. Mrs. Stoudt confirmed only Main Street, Home Avenue, Weis Street and the school properties were the authorized locations for banners at this time.

Mrs. Stoudt provided the following update on the status of the Hometown Heroes Banners project; 40 banners are hung, 10 banners are pending delivery, and 10 more will be ordered this week.

ENGINEER'S REPORT

1. PADEP Sewer and Water

- a. NPDES Permit for WWTP
- b. Media Replacement for Water Plant – In review
- c. Chapter 94, finalized being submitted this week

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

Construction is proceeding, weather dependent for Asphalt.

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 being put out to bid currently. Next meetings of CFA are 3/16/23 and 5/16/23. If they award grant funding at the meeting this week (3/16) we will incorporate that award into the bid package.

6. DCNR – Oak Alley Project

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

OLD BUSINESS

Mr. Stoudt asked if feedback had been received from Senator Tracy Pennycuick regarding grant funding.

Mr. Polinsky stated, as follow-up to a prior conversation, that Cleveland and Jefferson Streets were previously dedicated via Ordinance 2-1996.

ADJOURNMENT

Council adjourned at 9:25PM on a motion by Mrs. Stoudt, seconded by Mr. Polinsky. The motion was unanimously approved.

The next regular Borough Council meeting will be held on April 10th, 2023, at 7:00PM.

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