

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, September 11, 2023***

The regular semi-monthly meeting of the Tipton Borough Council was called to order by Council President Polinsky at Borough Hall, 205 South Callowhill Street, Tipton, PA 19562 at 7:05 PM. Present were Mayor Miller, Council Members C. Cook, A. Falcone, M. Kunkel, E. Polinsky, E. Stoudt, M. Stoudt, K. Hassler, Solicitor Joan London, Engineer Bryan Smith, RLA & ASLA, Borough Manager Stacy C. Milo and Borough Administrative Assistant Terry Hook.

A moment of silence was observed in remembrance of 9/11.

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

The January 9th, February 13th, and August 14th, 2023 meeting minutes were presented for approval. Mrs. Stoudt made a motion to approve all minutes. Ms. Hassler seconded the motion. The motion passed unanimously.

COMMUNICATIONS

Ms. Milo stated a request was received from the Emergency Management Coordinator requesting approval to borrow the Emergency Communications Trailer from Lehigh Valley Health Network for use during the 2023 TCOC Halloween Parade. Ms. Kunkel made a motion to approve. Ms. Falcone seconded the motion. The motion passed unanimously.

Ms. Milo presented a request to appoint Lorraine Meck as the Tipton Borough Deputy Tax Collector; she is the Longswamp Township Tax Collector and has completed all necessary paperwork required for the appointment. Mr. Stoudt made a motion to approve. Ms. Cook seconded the motion. The motion passed unanimously.

Ms. Milo introduced Jessica Bortz, a board member of the Brandywine Community Library. Ms. Bortz thanked the Council for their support and the opportunity to speak. Ms. Bortz provided updates on activities the Brandywine Community Library participated in, organized, or supported this past year, along with upcoming events and initiatives. Ms. Bortz closed by stating the Brandywine Community Library had submitted its funding request packet for consideration in the 2024 budget and hoped the Library could count on continued support from the Borough.

MAYOR'S REPORT (Miller)

Mayor Miller followed up on concerns raised previously about speeding on Home Avenue. Mayor Miller stated on Saturday there was a police cruiser located in the Trinity Lutheran Church parking lot, so he took the opportunity to introduce himself to the officer; as he spoke

with the officer numerous cars went by very slowly. Mr. Miller stated the officer mentioned it would be helpful if the speed lines could be repainted.

Mayor Miller asked Mr. Andrew Christman, a resident, to step forward. Mayor Miller bestowed Proclamation 2-2023 upon Mr. Christman, which honored Mr. Christman for performing lifesaving measures for a community member in need. Mayor Miller proceeded to express gratitude on behalf of himself, the Borough Council, and a grateful community to Mr. Christman for his remarkable actions.

POLICE REPORT

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

Activity Recap	No./Hrs.
Patrol Miles	951
Patrol Hours	97
IRF (# Incidents / Hours to Handle)	16 / 4
Crash Investigations	0
Traffic Citations	16
Non-Traffic Citations	1
Traffic Checks	13 hrs.
Paperwork	3 hrs.
Vehicle Stops	25
Follow-Up / CI	9 hr.
Court	0 hr.

Citation Breakdown	No.
Speeding	5
Stop Sign Violations	5
Inspection	2
Expired Registrations	2
Parking	1
Obedience to Traffic Control Devices	1

Other significant activity in August included two firearm violations for which charges have been filed and a suspicious vehicle/person which is still under investigation.

Sergeant Focht provided an update on the status of the cruisers available to the Fleetwood Police for patrolling.

Mrs. Stoudt mentioned a homeless encampment appears to be starting just outside of the Borough on the empty lot at Charles Drive and Weis Street. Mrs. Stoudt stated fires have been observed and there are 2 vehicles seen regularly at the location. Mrs. Stoudt stated she believes the State Police have been notified. Sergeant Focht indicated he would make his fellow officers aware, adding unless they are committing a crime, or have a mental health issue, the police cannot arrest them.

Ms. Joyce West, a resident, stated at the residence on Main Street, behind the White Palm, drug needles are being found in the tall bushes. Ms. West stated the police had been called but indicated unless the individuals leaving the needles can be identified, they have to be removed by the property owner. The resident acknowledged they did not know if it was the Fleetwood Police or the State Police that had been called.

Ms. West, raised the issue of the large truck parked along Home Avenue. Ms. Milo indicated she had reached out to the vehicle's owner. Discussion continued around existing borough ordinances, examples of local ordinances that would allow the issue to be addressed legally, etc.

HEARING OF VISITORS

Ms. Cheryl Bleiler, advisor to Brandywine Heights High School Student Council, and Assistant Principal Ostroski were in attendance to discuss combining the Student Council's "Halloween Town" with the Borough's "Trunk or Treat" event. Ms. Bleiler outlined the activities of the "Halloween Town" event and proposed holding the "Trunk or Treat" event at the BHASD High School parking lot. Discussion continued on the participants, support for events, the timing of the events, etc. Mr. Polinsky agreed it was a good idea and confirmed Council would discuss it further and get back to Ms. Bleiler.

SOLICITOR'S REPORT

Ms. London presented the union election results from September 6th, stating the Borough's blue-collar workers voted unanimously to be represented by Teamsters Local 773; Collective bargaining agreement negotiations will commence shortly, with the Borough being represented by special counsel from Kozloff & Stoudt.

BOROUGH MANAGER'S REPORT

Ms. Milo advised she attended a webinar for the state-local fiscal recovery funds, also known as COVID or ARPA funds. Ms. Milo stated the eligible uses for these funds have been expanded to mimic some of the federally funded programs. Ms. Milo confirmed this change should benefit small communities such as Topton.

Ms. Milo confirmed budget requests went out via e-mail to all organizations and individuals who received funding in the current budget; some replies have been received.

Ms. Milo stated the first TCOC Halloween Parade meeting went very well; it was well-organized and productive. Ms. Milo confirmed that 14 fire police members would be sought to support the event.

Ms. Milo confirmed she and Ms. Hassler had a productive meeting with the representative from the YMCA regarding the summer park program. Ms. Milo stated they reviewed the "lessons learned" from this summer's program, and agreed strong communication would be key to minimizing the issues going forward. Mr. Polinsky noted that Ms. Schoonover, Borough Treasurer, had questioned if there would be merit to the Borough assuming responsibility for the summer park program given the overall cost of outsourcing the program to the YMCA. Discussion ensued on the pros and cons of this approach, including rates, counselor coverage,

convenience to residents, etc. Ms. Hassler and Mr. Polinsky agreed it might be something to consider for the future, but perhaps not for next year.

Ms. Milo stated she had attended an excellent webinar put on by the Office of Open Records called “Laws that Protect Information”, not just the Right to Know Law. Ms. Milo offered to share the recording once she received it if any council members were interested.

Ms. Milo advised the Topton Ambulance LSA grant application will be started, with assistance from Barry Isett & Associates.

Ms. Milo confirmed the UGI restoration work being performed on Haas Street is almost done, adding the finishing work still needs to be completed.

Ms. Milo confirmed that 2 letters of interest were received to farm the Borough land at the mine hole. Ms. Cook stated she wanted to know the crops that would be planted on the property, as the type of crop would dictate the chemicals used. Ms. Cook expressed concern over possible sediment runoff into the water shed that could potentially be carried downstream and affect other waterways. Discussion ensued on the acreage involved, farming practices, lease contract, length of leasing period, etc. Mrs. Stoudt made a motion to authorize the preparation of a simple one-page lease by the solicitor. Ms. Hassler seconded the motion. The motion passed unanimously.

Ms. Milo stated 120 Water was finalizing the database with addresses, once complete this will identify who needs a letter from the Borough regarding their water service lines.

COMMITTEE REPORTS

Environment and Conservation Committees – (Cook)

Ms. Cook stated the information requested from PennDOT regarding the placement of the SWPP (Source Water Protection Plan) signs is progressing at PennDOT.

Ms. Cook indicated she was exploring kiosk options for the presentation of SWPP and MS4 (Municipal Separate Storm Sewer System) educational materials. Mr. Polinsky stated grant money may be available for such a program.

Ms. Cook stated the MS4 flyers discussed previously require one small modification and then should be ready for posting.

Ms. Cook shared information on rain barrels and how they contribute to water conservation and prevent water run-off. Ms. Cook expressed interest in placing a rain barrel outside the Borough Office as a visual example and to spark interest from residents, she estimated the cost to be \$75.00. Ms. Cook stated she found another program that planned to make rain barrel kits available to interested individuals at a reduced cost. Ms. Cook asked for support from the Borough to advertise this program on social media.

Personnel and Policy Committees - (Falcone)

Ms. Falcone stated a decision on an offer for the part-time public works position needed to be finalized. Mr. Polinsky confirmed the offer was to be extended to Mr. Leshner. Mr. Stoudt proposed a pay rate of \$20/hour for 30 hours maximum per week. Ms. Hassler proposed 40 hours of PTO, available for use through December 31st, 2024. Ms. Falcone made a motion to offer Scott Leshner the part-time position, not to exceed 30 hours maximum per week, with 40 hours of PTO to expire at the end of 2024 and an hourly rate of \$20/hour. Mr. Stoudt seconded the motion. The motion passed unanimously.

Parks and Recreation Committees – (Hassler)

Ms. Hassler reminded Council of the presentation earlier by Ms. Bleiler and Mr. Ostroski proposing consolidation of the “Halloween Town” and “Trunk or Treat” events at the Brandywine Heights High School. Ms. Hassler expressed concern that a small portion of students would not be able to participate due to a lack of transportation to the event. Discussion ensued around the feedback received last year, the target age of participants, the date of the event, building relationships within the community, and contingency options in the event of rain. Ms. Hassler was going to reach out to Ms. Bleiler and confirm the Borough was interested in combining the “Trunk or Treat” and “Halloween Town” events. Ms. Hassler and Mr. Polinsky will continue conversations with Ms. Bleiler to work out additional details. Ms. Hassler will circulate an update to her earlier e-mail which referenced Home Avenue for “Trunk or Treat”.

Finance and Utility Committee – (Kunkel)

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

Ms. Kunkel reviewed the Borough account balances presented by the Borough Treasurer.

On-Line Bank Account Balances as of 9/11/2023:

General Account:	\$ 222,564.86
Water Account:	\$ 256,515.59
Sewer Account:	\$ 124,548.95
Reeds Beds – Sewer	\$ 5,005.68
Payroll:	\$ 4,377.99
Recreation/Park Project:	\$ 306,119.64
Liquid Fuels:	\$ 337,044.36
Fire Fund:	\$ 100,057.26
Ambulance Fund:	\$ 39,159.29
ARPA Funding:	\$ 83,902.41

Ms. Milo stated Request for Proposals for Auditing Services for Fiscal Year 2023 are due and will be available for review at the September 25th meeting.

Ms. Kunkel stated meetings for the 2024 Budget will commence September 25th at 7PM, adding that the second council meeting each month through the end of the year will be dedicated to budget discussions.

Community Relations Committee – (Polinsky)

Mr. Polinsky stated a list of local businesses and contact information is being assembled, and that he has begun reaching out to local business owners for input.

Mr. Polinsky introduced the “Buzz Around Town” segment, stating he heard the White Palm may have been sold. Ms. Falcone confirmed it was under agreement. Ms. Cook stated she continues to hear from residents about their water bills, but acknowledged it was a matter of educating the community on the topic.

Streets & Property Committees – (E. Stoudt)

Mr. Stoudt provided an update on the High Street paving project, stating paving would not be carried out to Main Street due to fund availability. Mr. Sicher, a borough employee, stated the project would likely finish tomorrow.

Mr. Stoudt stated he met with representatives from Friends of Brandywine about the tee-ball and wiffle-ball fields and they confirmed their interest in proceeding with the project, and their intent to absorb all project costs. Mr. Stoudt stated the Friends of Brandywine will compile and present plans to Council. Mr. Polinsky questioned if a single field could be utilized for both wiffle-ball and tee-ball. Mr. Stoudt confirmed the dimensions of the fields were different.

Mr. Stoudt stated he would like to begin filling in the pool property this year. Mr. Stoudt mentioned he spoke with Mr. Steltz and Mr. Sicher from the Borough’s public works department about utilizing excess fill and dump trucks from Hereford, Longswamp, and Rockland for the project. Ms. Kunkel asked for clarification on who would be breaking up the pool structure. Mr. Stoudt stated with rental equipment, borough employees confirmed they could break up the structure. Ms. Kunkel expressed concern over asking borough employees to dismantle the structure given the potential instabilities and “unknowns”. Mrs. Stoudt stated Mr. Myers suggested he knew the process required to safely dismantle the pool structure. Ms. London asked for clarification on whether the plan to fill the pool would proceed in conjunction with support from the engineering staff from Barry Isett & Associates. Mr. Stoudt confirmed Ms. London was correct. Mrs. Stoudt added that no permits would be required if the project was completed in-house, stating the only requirement was a silt sock between the pool and Toad Creek. Ms. Kunkel asked if the public works employees supported performing the work in-house. Mr. Stoudt confirmed the employees he spoke with supported this approach. Ms. Milo stated she had not spoken with employees because she assumed this conversation was tabled until the Recreation Committee was reinstated. Additional discussion continued around the Recreation Committee, the Master Plan, the safety and liability of the property, and both short and long-term plans for the property. Mr. Smith stated realistically, it would be unlikely that the pool structure could be used for a skate park without extensive retrofitting, adding retrofitting could result in higher costs and a less ideal layout. Mr. Smith noted that Barry Isett and Associates could provide guidance on how to properly demolish the existing structures, and the procedure needed to create a stable base for future use. Mr. Stoudt made a motion to authorize Barry Isett and Associates to create a proposal to demolish the pool. Ms. Falcone seconded the motion. The motion passed unanimously.

Utility Committee – (M. Stoudt)

Mrs. Stoudt stated \$15,734.17 remained outstanding for water/sewer bills. Mrs. Stoudt stated 141 late notices were mailed this quarter compared with 180 in the previous quarter.

Mrs. Stoudt introduced the amendment to Ordinance 7-2007. Ms. London stated the ordinance had been brought up to 2023 standards and summarized the primary updates, which included the charge for late notice, adding a reference to the Water Services Act, and clarification on the fees for disconnection and reinstatement of service. Mrs. Stoudt made a motion to authorize the Solicitor to advertise the new ordinance. Mr. Stoudt seconded the motion. The motion passed unanimously.

Mrs. Stoudt introduced Resolution 14-2023, which amends Resolutions 13-2021 and 24-2022 by updating the finance charge to the new rate of 18% APR. A brief discussion about the reduced rate and Public Utility Commission finance charge limits ensued. Mrs. Stoudt made a motion to approve Resolution 14-2023. Mr. Stoudt seconded the motion. The motion passed unanimously. Mrs. Stoudt sought clarification on the timing of the implementation of Resolution 14-2023. Ms. London confirmed if the amendment to Ordinance 7-2007 was approved at October's meeting both can be applied to October's quarterly water/sewer billing.

Mrs. Stoudt introduced Resolutions 15-2023 and 16-2023, which seek grant funding from the PA DCED (Department of Community & Economic Development) Local Share Account for a new chlorine contact tank. Mrs. Stoudt confirmed the Borough contribution would be \$7,400. Mrs. Stoudt made a motion to approve Resolution 15-2023. Ms. Cook seconded the motion. The motion passed unanimously. Mrs. Stoudt made a motion to approve Resolution 16-2023. Ms. Kunkel seconded the motion. The motion passed unanimously.

Mrs. Stoudt stated she continues to work on water/sewer rates; they should be available for the upcoming budget meeting. Mrs. Stoudt stated her initial review indicates the Borough's commercial and industrial rates are very low, but all rates are still being evaluated.

Mr. Polinsky proposed addressing utilities first at the budget meeting; he encouraged council members to come prepared to discuss. There were no objections.

ENGINEER'S REPORT

1. PADEP Sewer and Water

- a. No open items.

2. Authorizations Needed/Pending

- (1) Water Supply Well – we will seek authorization for each stage.
- (2) DCNR Grant Engineering Services
- (3)

3. Public Works Building Roof

- a. Team is currently undertaking design (i.e. assembly of bid documentation).
- b. Anticipated schedule is to seek approval to bid at September meeting, with bid award for October.

4. 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	Working with PADEP
B. Site Evaluation	
Task II: Site Survey	July-September2023
Task III: Well Construction Specifications	October 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

5. DEP MS-4

MS4 Annual Report to DEP – Engineer draft of Annual report at Borough review and comments. Submission is due to DEP by September 30, 2023.

NPDES MS4 Permit Renewal – Notice of Intent (NOI) – Due to PA DEP by November 1st.
DEP letter noted that the application fee is zero \$0. Engineer to begin NOI application after September 1st with draft of all required documents to Topton Borough for review before October 6th.

Perennial Stream Work – Survey has completed field work, office work has begun, deliverable expected week of 9/18/2023.

6. Grants:

- A. East Barkley - \$385,000, Small Water & Sewer – expect award in summer.
 - a. Next CFA Meeting 9/19/2023

7. Washington Street Pumping Station

Received Grant award, contract with grant agency signed.
Bid delayed due to issues with PADEP.

8. DCNR – Oak Alley Project

Project scope falls within the DCNR requirements. Isett submits a lump sum proposal which is within the grant reimbursement guidelines.

Mr. Stoudt asked about the status of the Washington Street Pumping Station project. Ms. Milo stated there have been delays because the PA DEP requested changes to the permit application, which affects the bid package because some redesign is required.

Mrs. Stoudt asked if the Borough has contacted Longswamp Township regarding the well status, and offered to do so if needed. Mr. Polinsky stated he would contact a representative of Longswamp Township.

Ms. Milo asked Mr. Smith if he required approval to proceed with the DCNR-Oak Alley Project, and he confirmed he did. Ms. Milo asked if the proposal amount was in line with the budget for the grant and Mr. Smith confirmed it was. Mr. Polinsky indicated a motion was needed to authorize Barry Isett & Associates to proceed with the scope of services for the extension of the trail. Mrs. Stoudt made the requested motion. Mr. Stoudt seconded the motion. The motion passed unanimously.

OLD BUSINESS

Mrs. Stoudt provided the following update on the status of the Hometown Heroes Banners project; 80 banners are hung, 10 banners ordered, and 10 more are awaiting payment for a total of 100 banners. Ms. Falcone inquired where the banners would be hung. Mrs. Stoudt stated she expected available locations on Franklin Street would be filled, with any remaining being hung on Centre Avenue.

Ms. Kunkel provided an update from the Topton Community Ambulance Board, stating the next meeting was being held this Thursday, September 14th. Ms. Kunkel confirmed the “Night at the Races” fundraiser has, unfortunately, been canceled, but will be rescheduled.

Ms. Cook stated Topton Preservation Board report was included in the packet.

Mr. Polinsky indicated he received interest from a few individuals to participate in the 150th Anniversary planning committee, acknowledging planning is in the early stages and input is welcome.

Mr. Polinsky stated there were issues accessing the NIMS training online, and Ms. Milo is researching options. Mr. Polinsky stated this training affects the Borough’s ability to secure

grants, so it is important to complete it once it becomes available.

Ms. Cook raised concerns over the lack of options for youth who are not interested in team sports, stating she has received feedback that there is significant interest in a skate park. A lengthy discussion ensued around the team sport fields in town, any funding secured for a skate park, park funds, funds remaining, other financial needs within the Borough to include infrastructure, DCED and DCNR grant funds utilization, the difference between grant and loan funds, and the benefit to applying the remaining loan proceeds to pay back the loan. Mr. Polinsky stated he supported researching skate park options once recreational projects were ready for consideration, but stated at present there are other more pressing demands for Borough funds. Ms. Falcone noted it would be worth reviewing grants or other alternatives to secure funding for a skate park. Mr. Polinsky agreed, that if independent funding was secured for a skate park, it would make sense to revisit the conversation.

Ms. Falcone discussed the lot on Charles Drive discussed earlier in the meeting, stating it looked atrocious and asking if it would be in violation of Longswamp Township's ordinances. Ms. Falcone suggested if it were possible to have Longswamp Township mandate the property owner maintain the grass, it might help resolve the issue with the homeless. A brief discussion ensued about the ability to reach the property owner. Ms. Milo stated she would contact Ms. Pike, the Borough Secretary/Treasurer at Longswamp Township, regarding having the grass at the lot mowed and other concerns.

ADJOURNMENT

Council adjourned at 8:53PM on a motion by Ms. Kunkel, seconded by Mr. Stoudt.

The next regular Borough Council meeting will be held on September 25th, 2023, at 7:00PM.

Respectfully Submitted,
Terry Hook / Administrative Assistant