

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, October 9, 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 7:04 PM. Present were Mayor Miller, Council Members C. Cook, A. Falcone, M. Kunkel, E. Polinsky, E. Stoudt, M. Stoudt, Solicitor Joan London, Engineer Charley Myers, PE, Borough Manager Stacy C. Milo, and Borough Administrative Assistant Terry Hook. Council Member K. Hassler was absent.

The meeting was opened with the Pledge of Allegiance.

Mr. Polinsky wished Council Member K. Hassler's family well with the birth of a grandchild and congratulations.

Mr. Polinsky noted for the record that an executive session was held on September 25, 2023 regarding personnel matters.

APPROVAL OF MINUTES

The March 13th, September 11th, and September 25th, 2023 meeting minutes were presented for approval. Ms. Kunkel made a motion to approve all minutes. Ms. Cook requested a revision to the September 11th meetings. Mr. Stoudt seconded the motion. The motion to approve the minutes, including the September 11th minutes with the requested revisions, passed unanimously.

COMMUNICATIONS

Ms. Milo stated the Pennsylvania State Auditor General provided the Tipton Fireman's Relief Association Compliance Audit for January 1st, 2020 – December 31st, 2022; the audit was completed in September 2023. Ms. Milo noted the audit is a public document and can be viewed by the public at any time by coming to the Borough Office during regular office hours. Ms. Milo stated there were only minor items listed for non-compliance, including a list of inventory; overall it was a favorable audit.

MAYOR'S REPORT (Miller)

Mayor Miller stated he is noticing a lot of Halloween decorations up as he walks through the Borough; everyone is gearing up for the TCOC Tipton Halloween Parade this weekend.

POLICE REPORT

Chief Ulshafer was present at the meeting and provided the following report on Fleetwood Police activities for September:

Activity Recap	No./Hrs.
Patrol Miles	1,125

Activity Recap cont.	No./Hrs.
Patrol Hours	101
IRF (# Incidents / Hours to Handle)	23 / 3
Crash Investigations	0
Traffic Citations	21
Non-Traffic Citations	3
Traffic Checks	14 hrs.
Paperwork	3 hrs.
Vehicle Stops	26
Follow-Up / CI	2.5 hrs.
Court	0 hr.

Citation Breakdown	No.
Parking Violations	10
Speeding Violations	6
School Zone Violation	1
Obedience to Traffic Control Devices	1
Driving Under Suspension	1
Stop Sign Violation	1
Registration Violation	1

Chief Ulshafer stated one incident was a weapons offense; an individual prohibited from purchasing a firearm attempted to purchase a gun. Chief Ulshafer stated charges have been filed. Chief Ulshafer stated they are seeing more and more of this type of activity, particularly at smaller shops.

Chief Ulshafer stated the new Ford Explorer, which replaces the flooded cruiser, has been received and is currently being up-fitted.

Ms. Cook asked if the burgundy SUV parked the wrong way on Barkley Street had been cited. Chief Ulshafer stated communications from the Borough are pushed out to the department and the officers on patrol are good about checking on those types of items. Chief Ulshafer noted that just because a vehicle is ticketed does not mean the behavior will stop, stating enforcement of parking violations is challenging, but the officers will keep after it.

Chief Ulshafer noted there was rain forecasted for Saturday; he asked when and how any changes to the TCOC Halloween Parade schedule would be communicated, citing staffing level considerations. Discussion ensued on the forecasted timing of the rain, how prior parades dealt with rain, rescheduling to Sunday, and the projected attendance of a rescheduled event. Ms. Milo indicated Steve Kline was the Emergency Management Coordinator for the event, so he would be disseminating information once he is made aware of any changes taken by TCOC; she encouraged Chief Ulshafer to reach out to Mr. Kline directly. Ms. Milo stated Mr. Kline would be at Thursday night's parade planning meeting as well.

HEARING OF VISITORS

There was no visitor input.

SOLICITOR'S REPORT

Ms. London stated Ordinance 3-2023 was advertised in the Reading Eagle on September 29th for adoption tonight. Ms. London stated the ordinance authorizes the disconnection and termination of water services for failure to pay sewer and water charges. Ms. London stated this disconnection and termination is authorized under the Water Services Act, which allows for shut off of water/sewer after notice has been provided. Ms. London listed the conditions and regulations included in the ordinance and stated Ordinance 3-2023 would become effective immediately. Mrs. Stoudt made a motion to adopt Ordinance 3-2023. Mr. Stoudt seconded the motion. The motion passed unanimously.

Ms. London presented the Farm Lease Agreement prepared for Mr. Muth. Ms. London stated the lease, as written, includes a term of 25 years because any lease longer than 24 years must be recorded with the County and would ensure an official record of the transaction. Ms. London stated the lease would be for Mr. Muth's lifetime, or until such time that the lease was terminated; the lease would not extend to Mr. Muth's heirs or successors. Ms. Cook stated she had concerns about Mr. Muth's farming practices. Ms. London stated the lease agreement included verbiage forbidding the use of biosolids on the property, limiting use to crop farming and use of acceptable farming methods for proximity to a wellhead, Lessee's responsibilities to operate and utilize the Property in compliance with all applicable laws, and indemnification of the Lessor from any loss, damages, penalties or fines resulting from the Lessee's violation of any environmental laws or regulations. Ms. Cook questioned how any violation of the lease with respect to farming practices would be determined. Discussion continued on which agencies would regulate, the net impact this piece of land would have over and above the other nearby land in use by Mr. Muth, effect on the aquifer, nitrate/nitrogen levels, the length of the lease, the lease termination options, and benefits to having the land farmed rather than becoming overgrown. Mrs. Stoudt made a motion to approve the lease. Mr. Stoudt seconded the motion. The motion passed unanimously.

Ms. London provided an update on the meeting with Teamsters Local 773. Ms. London indicated Brian Taylor, the teamster representative, had asked for some available dates to begin the collective bargaining sessions. Ms. London stated her colleague, Attorney Boland, provided numerous dates between October 23rd and November 2nd and they were waiting to hear back from Mr. Taylor. Mr. Polinsky asked if it would be possible to meet with Attorney Boland before the collective bargaining sessions commence. Discussion ensued around meeting requirements such as executive session, public notice, less-than-quorum options, and the times to meet. Ms. London confirmed she would arrange a meeting.

BOROUGH MANAGER'S REPORT

Ms. Milo confirmed the Tax Collector Audit for 2022 is underway with representatives of RKL. Ms. Milo stated the onsite portion of the audit had been completed, and RKL should have everything needed to complete the audit. Ms. Milo acknowledged Mr. Biltcliff for assisting with the preparation; Mr. Polinsky and Ms. Milo thanked Ms. Hassler for her assistance with organizing the records.

Ms. Milo stated she and Ms. Kunkel met with the current insurance broker; they do not anticipate any change to the broker for 2024. Ms. Milo stated the insurance policies may be evaluated for any necessary revisions at a later time, either with the current or a different broker.

Ms. Milo stated evaluation of vendor software that could handle accounting, billing, and payroll processes is underway. Ms. Milo stated the current vendor under evaluation is listed on COSTARS (Pennsylvania's Cooperative Purchasing program), so if a reasonable cost is provided it would eliminate the need to pursue a RFP (request for proposal).

Ms. Milo stated the County of Berks Planning Commission presented a list of funding recommendations to the Berks County Commissioners; the Borough is slated to receive \$25,000 towards the Park Master Plan revision. Ms. Milo confirmed Barry Isett and Associates had provided a quote for the Master Plan revision, which was used as backup documentation for the grant request. Ms. Milo stated the Borough was awaiting confirmation on whether the proposed funding was approved. Ms. Milo advised, in the interim, the Berks County Planning Commission requested that the Borough sign the Grant Funding Agreement. Ms. Milo requested a motion approving the Borough to execute the Grant Funding Agreement (IGA-GW-03-23). Mrs. Stoudt stated she recollected an amount of \$50,000 being discussed to revise the Master Plan. Discussion continued around the cost of the Master Plan revision, the practicality of pursuing a Master Plan revision, the lack of funding available for park projects, and revising the scope of the Master Plan quote from Barry Isett and Associates. Ms. Cook raised a concern over the signage requirements. Discussion ensued around the signage requirements. Ms. Kunkel made a motion to execute the Grant Funding Agreement. Ms. Falcone seconded the motion. The motion passed unanimously.

Ms. Milo stated the 2024 Budget presentation to the public would be held at the Borough Council meeting scheduled for October 23rd at 7:00PM.

COMMITTEE REPORTS

Environment and Conservation Committees – (Cook)

Ms. Cook stated she is still working with PennDOT regarding the placement of the SWPP (Source Water Protection Plan) signs.

Ms. Cook presented the final Rain Barrel flyer she was posting around town; the flyer provides contact information for the Berks County Conservation District representative, who can provide additional information on rain barrels, and where they can be purchased. Ms. Cook shared additional information on how rain barrels can help conserve water. Ms. Cook stated her intent to have a rain barrel placed at the Borough office at a future date.

Personnel and Policy Committees - (Falcone)

Ms. Falcone stated there was a discussion in executive session tonight about personnel matters regarding a request to make an exception for Mr. Steltz to carry his vacation balance into 2024. Ms. Falcone made a motion to carry over up to two weeks of vacation into 2024. Mr. Stoudt seconded the motion. The motion passed unanimously.

Parks and Recreation Committees – (Hassler)

Ms. Hassler was absent, but Mr. Polinsky introduced Ms. Hassler's Park Party agenda topic, stating the document provided represented Ms. Hassler's preliminary ideas on the event.

Discussion ensued on the timing of the event, committee turnover, pavilion reservations, and special event budgeting.

Ms. Falcone inquired about a status update for “Trunk or Treat”. Mr. Polinsky stated as part of a general conversation his understanding was it was progressing well. Mrs. Stoudt stated she would reach out directly to Ms. Hassler with some logistic questions regarding set-up locations and rain dates. Mr. Polinsky stated it made sense to reach out to organizations and businesses that had expressed interest to confirm the event details.

Mr. Polinsky confirmed the Tree Lighting was previously approved for December 3rd. Ms. Milo suggested tabling further discussion until Ms. Hassler was present.

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 10/9/2023:

General Account:	\$ 484,785.76
Water Account:	\$ 163,296.40
Sewer Account:	\$ 82,957.46
Reeds Beds – Sewer	\$ 5,006.09
Payroll:	\$ 3,568.76
Recreation/Park Project:	\$ 306,302.05
Liquid Fuels:	\$ 284,788.51
Fire Fund:	\$ 100,065.49
Ambulance Fund:	\$ 22,307.81
ARPA Funding:	\$ 83,952.41

Ms. Kunkel introduced further discussion of the proposals for auditing services discussed previously. Ms. Milo confirmed her preference would be Zelenkofske Axelrod, LLC. Ms. Kunkel agreed that was her preference as well. Mrs. Stoudt stated if there was no reason not to choose the lowest bid, it made sense to do so. Ms. Milo confirmed the bid from Zelenkofske Axelrod, LLC was similar to the pricing structure of the current auditors, and that the contract pricing covered three years of audits for both the Borough and Tax Collector. Ms. Kunkel made a motion to accept the proposal for auditing services from Zelenkofske Axelrod, LLC starting fiscal year 2023 in 2024. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Community Relations Committee – (Polinsky)

Mr. Polinsky stated the TCOC Topton Halloween Parade is becoming more difficult to put on each year, noting only 4 of the 14 extra fire police requested for the parade were currently available for the event. Mr. Polinsky encouraged Council members, as they engage with the community about the parade, to please remind residents of the effort involved in putting this event on each year, and the need for resident support leading up to the event and not just the night of the parade. Mrs. Stoudt pointed out, as a cautionary tale, what almost happened to the

Hamburg “King Frost” parade. Mr. Polinsky acknowledged the TCOC and First Responders work very hard each year to put this parade on; he added the Borough may be able to provide additional support, both with organization and communication elements. Discussion ensued on the role of fire police in ensuring safety in the streets before, during, and after the event.

Mr. Polinsky stated in conversations with Ms. Falcone, Mrs. Stoudt, and Mr. Stoudt, the general consensus was that the Quality of Life ordinance was intended as punishment for either flagrant or repeat offenders. Mr. Polinsky expressed an interest in “toning down” the initial interactions through the use of a door hanger or card that outlines the concern and respectfully asks the property owner to resolve the observed issue. Mr. Polinsky stated a more formal process could be employed if escalation due to inaction is required. Mr. Polinsky also noted it may be appropriate to impose stricter enforcement and penalties for repeat offenders. Mr. Polinsky asked Council members for their thoughts on a potential adjustment to the way the Quality of Life is being addressed currently. Ms. Kunkel asked for clarification on how the method of handling violations has changed. Mr. Polinsky confirmed the current process has not changed, but he’s asking Council members to re-evaluate if changes may be appropriate. Mrs. Stoudt stated she supported a more informal approach when warranted. Mr. Stoudt agreed. Ms. Falcone stated safety issues, such as ice on sidewalks would represent an urgent issue that required immediate action. Discussion ensued on the current process and objective. Ms. London confirmed it is reasonable to have a courtesy step for non-emergency violations that is followed prior to issuing a notice of violation, and stated language could be added that allows for some discretion in the application of the ordinance, especially with respect to safety. Further discussion ensued on the current ordinance procedure requiring photos of the violation, GIS location, and other search for information. Ms. London stated a courtesy notice does not have to be included in the ordinance, and that it can be an informal procedure. Discussion ensued on the right balance of enforcement and the division of responsibilities between Borough employees and Council members.

Streets & Property Committees – (E. Stoudt)

Mr. Stoudt stated he spoke with Andy Schuman about the tee-ball and wiffle-ball fields. Mr. Schuman advised they were still awaiting numbers from their vendors and would like to table their presentation until the November 13th meeting.

Mr. Stoudt stated Mr. Myers, Mr. Polinsky, Ms. Milo and he had a meeting last Friday about the pool, parking, and demolition. Mr. Myers stated they hoped to have rough numbers this week. Mr. Polinsky stated the general concept is to evaluate the funds available in the Recreation/Parks Project account, utilize no more than 50-60% to address the pool, parking, and demolition, and then apply the remaining funds to the Park loan if Council members agree. Mr. Myers stated his firm must complete their due diligence with respect to communicating a proper warning to the Borough of potential issues, stating the previous forensic report shows potential but no known issues-however, with no additional exploration or remediation, there is a risk of an unexpected issue turning up once the work gets underway.

Mr. Stoudt raised the subject of the oversized vehicle parking on Home Avenue. Mr. Stoudt stated he had located an ordinance (1991-2) that addresses the issue, but some steps must be taken before the ordinance can be enforced. Mrs. Stoudt shared an overview of the ordinance and stated it was necessary to go through LTAP to make sure the signage could be installed. Mr. Polinsky stated his understanding was Pennsylvania law prohibited impeding traffic in a

way that is dangerous, so he was unclear why it could not be enforced without signage. Ms. Milo stated that 18' clearance is the PA vehicle code, and signage is not required to enforce state vehicle code regulations. Discussion ensued on why the Borough did not have the authority to place signage on its own streets, Home Avenue's status as a PennDOT road, state laws, how the laws would be enforced, and who would enforce them. Mr. Stoudt stated he did not feel the Borough should have to do anything additional to enforce the law. Mr. Polinsky suggested Mr. Stoudt, prior to reaching out to LTAP, reach out to Chief Ulshafer for guidance on what can and cannot be enforced. Mr. Polinsky stated ultimately the objective is to prevent large vehicles from parking on any Borough streets, stating the roads in the Borough are not large enough to accommodate safe passage for drivers when oversized vehicles are obstructing the roadway.

Mr. Stoudt asked Mr. Myers if he knew when the reconstruction of Haas Street would be completed. A brief discussion on the painting of crosswalks and public works workload ensued. No timing for completion was confirmed.

Mr. Stoudt stated at the meeting between Mr. Myers, Mr. Polinsky, Ms. Milo, and himself, the subject of logging at the watershed was raised. Mr. Stoudt stated one option discussed was hiring a forester. Mr. Myers confirmed contracting with a forester provided the option to pay a set fee or pay a percentage of the harvested value. Mr. Myers confirmed the forester would also handle the sale of the wood, essentially providing the services of a broker. Ms. Falcone shared a recent experience with a forestry broker and suggested it may be worthwhile to get the value appraised prior to committing to a contract with a forester. Mr. Myers confirmed as part of the standard process, the forester would provide an assessment. Mr. Polinsky acknowledged that additional details needed to be sorted out, but the concept made sense. Mr. Myers stated he would provide Mr. Stoudt with the names of some foresters. Mr. Stoudt stated he thought the proceeds from the harvest should be allocated towards specific needs within the Borough, such as the new well.

Utility Committee – (M. Stoudt)

Mrs. Stoudt shared the accounts receivable report; there were 22 shut-off notices posted, but no service terminations.

Mrs. Stoudt introduced Ms. Milo's e-mail to Council members regarding non-principal water/sewer balances carrying over into the subsequent quarter. Discussion ensued on whether to include the late fees and finance charges as principal for subsequent bills or retain them as a non-principal amount. Ms. London stated a motion for 'any monies owed on an account to become principal and be applied to the principal balance owed on an account in the next billing cycle' was needed. Mr. Stoudt made the motion. Mrs. Stoudt seconded the motion.

Mrs. Stoudt stated the water/sewer rates for 2024 are still a work in progress. Mrs. Stoudt stated, based on some quick calculations of where the Borough accounts are currently, the Borough will be short approximately \$100,000 for sewer and \$170,000 for water assuming the 2023 budgeted expense amounts are reached. Mr. Polinsky stated Ms. Milo had provided historical shortfall data for use in defining the updated rates. Discussion on grants and matching funds, the Washington Street Pump Station costs, engineering costs for the well that were not included in the 2023 budget, sewer loan payoff timing, and the Borough's financial position. Mr. Myers stated when providing engineering costs to Ms. Milo for the 2024 budget,

he tried to include all projections for proposed projects and the amounts provided this year should be on the high side, but actual costs will depend on when projects occur.

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.

3. Public Works Building Roof

- a. Expecting COSTARS Quotes for November meeting.

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 – Submitted.

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 drafting of all required documents to Topton Borough for review.

Perennial Stream Work – Survey has completed field work, plan to be delivered this week.

6. Grants:

- A. East Barkley - \$385,000, Small Water & Sewer – expect award in summer.
 - a. Next CFA Meeting 11/21/2023

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 is in process, expect update in October.

In addition to the Engineering Report, Mr. Myers stated a data-related notice of violation had been issued by the DRBC to the Borough for the wastewater treatment plant, but the data was available. Mr. Myers confirmed that Alex Lord provided the DRBC with the data and has cleared the notice of violation, and thanked Mr. Lord for his assistance in providing the data. Mr. Myers stated BIA is taking steps to ensure the problem does not reoccur next year.

Mr. Myers confirmed the grant application for the chlorination contact tank was submitted.

Ms. Milo stated Barry Isett & Associates were also working on the grant application for the ambulance.

OLD BUSINESS

Mrs. Stoudt provided the following update on the status of the Hometown Heroes Banners project; 90 banners are hung, 10 banners with the school being prepared for order. Mrs. Stoudt stated there are a few spots open on Franklin Street, but she was unsure if there are enough to cover the upcoming order and wondered if Council members would like to approve another street for banners. Mr. Stoudt made a motion to expand Hometown Heroes banners onto High Street. Ms. Cook seconded the motion. The motion passed unanimously.

Ms. Kunkel stated Topton Ambulance Service was covering Topton, Kutztown, and Maxatawny and that everything was going well although they need more staff. Ms. Kunkel stated Topton Ambulance Service had moved into a second building previously occupied by the police.

Ms. Falcone raised the topic of time clock software, specifically suggesting “Quick Books Timesheet” as an option that would allow employees to log time spent on specific tasks. Ms. Falcone is researching options to then provide about three options to Ms. Milo to decide which works best for the office. Discussion ensued on the type of application (app. or website-based), Ms. Falcone’s preferred timing for implementation as the first of the year, the perceived ease of use, the procedure and/or approval requirements for any change to the current Handbook requirements, and time tracking as a term or condition of employment to be discussed as part of the upcoming Collective Bargaining negotiations. Ms. London stated that it is management’s prerogative to require employees to track time. Ms. London and Mr. Polinsky recommended allowing Ms. Milo to complete her review of software options, rather than put a finite date for approval on the calendar.

Ms. Cook provided a brief update on the Topton Preservation Board finances and directed Council members to the report available in their packets on recent Topton Preservation Board activity.

Mr. Polinsky stated none of the NIMS training is mandatory for Council members, stating there is no punishment associated with not completing it. Ms. Milo stated that we remain non-compliant.

Mr. Polinsky stated rather than replacing the 2006 truck, a quote to replace the bed on the existing truck was secured by Mr. Alex Lord. Ms. Milo and Mr. Polinsky thanked Mr. Lord for researching this option and securing the quote. Mr. Polinsky confirmed replacing the bed of the truck will buy the Borough a few years with the existing vehicle. Mr. Polinsky confirmed the cost of the new bed with a liftgate was \$14,681, and would be included as part of the budget discussions.

ADJOURNMENT

Council adjourned at 8:50PM on a motion by Ms. Kunkel, seconded by Ms. Falcone.

The next regular Borough Council meeting will be held on October 23rd, 2023, at 7:00PM.

Respectfully Submitted,
Terry Hook / Administrative Assistant