

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, November 13, 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 7:00 PM. Present were Mayor Miller, Council Members C. Cook, M. Kunkel, E. Polinsky, K. Hassler, M. Stoudt, Solicitor Joan London, Engineer Charley Myers, PE, Borough Manager Stacy C. Milo, and Borough Administrative Assistant Terry Hook. Council Members A. Falcone and E. Stoudt were absent.

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

The October 9th and October 23rd meeting minutes were presented for approval. Mrs. Stoudt made a motion to approve all minutes. Ms. Kunkel seconded the motion. The motion passed unanimously.

COMMUNICATIONS

Ms. Milo shared a communication from the Tipton Community Outreach Club which expressed their appreciation for the Borough's financial contribution, assistance from staff, and continued support of the TCOC Annual Halloween Parade.

Ms. Milo stated the Borough of Alburtis thanked the Borough of Tipton for lending 30 barricades for use during their Halloween parade. The barricades were returned in good condition.

MAYOR'S REPORT (Miller)

Mayor Miller referenced the recent TCOC Tipton Halloween Parade, stating it was the first Sunday parade he could recall. Mayor Miller stated the event was well attended, and commended staff members for the speedy and complete clean-up at the conclusion of the parade.

POLICE REPORT

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

Activity Recap	No./Hrs.
Patrol Miles	879
Patrol Hours	77
IRF (# Incidents / Hours to Handle)	23 / 5
Crash Investigations	0
Traffic Citations	15
Non-Traffic Citations	0

Activity Recap	No./Hrs.
Traffic Checks	15 hrs.
Paperwork	2 hrs.
Vehicle Stops	26
Follow-Up / CI	2 hrs.
Court	2 hrs.

Citation Breakdown	No.
Parking Violations	9
Speeding Violations	3
School Zone Violation	2
Obedience to Traffic Control Devices	1

Chief Ulshafer stated other significant activities included one incident of passing counterfeit money, one incident of disorderly conduct, and one weapons offense. Chief Ulshafer stated charges are pending for the weapons offense, which involved a prohibited person attempting to purchase a firearm.

Chief Ulshafer stated Corporal Michael Quinn resigned for personal reasons in October; Officer Arndt was promoted to Corporal to fill the position vacated by Officer Quinn. Chief Ulshafer stated a part-time officer would be hired.

Chief Ulshafer stated the new Ford Explorer should be up-fitted by the 2nd week of November.

Chief Ulshafer stated that 2 additional portable radios (used) and 4 additional tasers (used) have been purchased from other local police departments at discounted pricing.

Chief Ulshafer stated there were no issues with the TCOC Halloween Parade.

HEARING OF VISITORS

There was no visitor input.

SOLICITOR'S REPORT

Ms. London stated Council members met with Attorney Boland from Kozloff Stoudt, who answered questions on the collective bargaining agreement process with Teamsters Local 773.

Ms. London revisited previous conversations around amending traffic and parking ordinances. Mrs. Stoudt stated LTAP had been contacted and had confirmed their approval was not required to place parking, stopping or standing signs within the Borough. A discussion ensued about what was required in order to ensure ordinances are enforceable, possible revisions to existing ordinances, signage placement and costs, if signage is required, and signage and enforcement practices in the Fleetwood Borough. Ms. London stated she would review the traffic and parking ordinance on file for Fleetwood, which is not believed to require signage, and report back at the next meeting.

BOROUGH MANAGER'S REPORT

Ms. Milo stated her report would be brief as she has been busy working on the 2024 budget.

Ms. Milo stated the Halloween Parade numbers will be finalized for the next meeting, and that she will provide the amount that will be applied to the 2023 budget line item. Ms. Milo noted savings were realized for lighting that was not required because the parade was held during daytime hours.

Ms. Milo stated the MS4 report was reviewed and submitted on time, and expressed appreciation for the assistance provided by Ms. Emily Lehman (Barry Isett & Associates).

Ms. Milo stated she was in the process of completing 2024 insurance applications for buildings, equipment, and vehicles. Ms. Milo confirmed that Weiss-Schantz will provide quotes for 2024 coverage.

Ms. Milo stated she was completing required compliance forms for benefit coverage and preparing open enrollment packets for employees. Ms. Milo confirmed the deadline for employees to make changes to their coverage is December 15th, 2023. Ms. Cook questioned if any of the alternate categories of plans offered by Benecon had been explored. Ms. Milo confirmed that through PMHIC, the Borough is only provided Capital Blue PPO. Ms. Cook asked if the Borough would be able to gain access to alternate plans at some point in the future. Ms. Milo and Mr. Polinsky stated that this could be part of a future discussion.

Ms. Milo introduced the topic of an ordinance for the 2024 real estate taxes. Mrs. Stoudt stated a 1.0 mill increase is included in the proposed 2024 budget. Ms. Cook stated she felt there were items in the budget that could be cut and proceeded to share her thoughts on specific budget expense line items that could be decreased. Ms. Cook stated that she would rather not raise taxes if expenses can be cut. Mr. Polinsky agreed. Additional discussion ensued on the due diligence around the savings being outlined, efforts already completed by Borough staff to pursue savings, concerns over passing a tax increase when residents are already struggling financially, acknowledgment of inflationary pressures on residents and the Borough alike, the need to raise taxes, and the role and functionality of a budget. Ms. Hassler and Mrs. Stoudt acknowledged that no one on Council wanted to increase taxes. Mr. Polinsky pointed out that a full 1.0 mill increase was a symptom of not having incremental increases in prior years. Ms. Cook stated she felt all Council members should be present to vote on a tax increase. Mr. Polinsky acknowledged Ms. Cook's opinion but noted a quorum was present and the topic had been discussed with all Council members at the last meeting. Ms. Kunkel asked Mr. Polinsky if he had received any feedback from Council members in response to his e-mail on the topic. Mr. Polinsky confirmed he had not had any private conversations with anyone that were not discussed during this Council meeting. Mrs. Stoudt made a motion to authorize the preparation and advertisement of an ordinance for adoption on December 11th, 2023, for a 1.0 mill increase, raising the real estate taxes from 6.4 mills to 7.4 mills. Ms. Kunkel seconded the motion. Ms. Cook opposed the motion. The motion passed with a 4-1 vote.

Mrs. Stoudt stated she had run calculations on commercial and industrial water and sewer rates, using increases of 50%, 75%, and 100% and 2023 usage numbers. Mrs. Stoudt stated that even with 100% increases, both the water and sewer revenue accounts are "short"/not going to cover the budgeted expenses. Mrs. Stoudt recommended a 50% increase for both commercial and industrial water and sewer rates. Mrs. Stoudt noted that if the grant for the sewer chlorine contact tank is not awarded, the Borough will not have the money for the chlorine contact tank. Mrs. Stoudt stated even with a 100%

increase, the water budget is not on track due to the costs associated with the Well Project. Mrs. Stoudt indicated that in conversations with Mr. Myers, slowing down the pace of the Well Project appeared to be an option, and expressed interest in spreading the project over 2 years to ease the demands on the water budget. Mr. Polinsky agreed with Mrs. Stoudt’s approach. Mrs. Stoudt reiterated she did not want to raise rates, but something had to be done. Mrs. Stoudt recapped the changes the proposed 50% increase would have on commercial and industrial rates.

Commercial & Industrial Water/Sewer Rates – Current and New

WATER	RATES	
Commercial	Current	New
Min Service Rate (up to 4,000 gallons)	\$52.20	\$78.30
Per Every 1,000 Gallons	\$ 7.02	\$10.53
Industrial	Current	New
Min Service Rate (up to 4,000 gallons)	\$52.20	\$78.30
Per Every 1,000 Gallons	\$ 7.02	\$10.53
SEWER	RATES	
Commercial	Current	New
Min Service Rate (up to 4,000 gallons)	\$99.60	\$149.40
Per Every 1,000 Gallons	\$13.92	\$ 20.88
Industrial	Current	New
Min Service Rate (up to 4,000 gallons)	\$99.60	\$149.40
Per Every 1,000 Gallons	\$15.12	\$ 22.68

Mrs. Stoudt stated if the water/sewer rate increase ordinance was passed in 2023, the new rates would take effect for the Q2-2024 billing cycle. Mr. Fronheiser, a resident, asked when the Lutheran Home at Topton sewer contract expires, and discussion ensued on the contract length and expiration date, as well as daily flow amounts and maximums from the Lutheran Home. Ms. London confirmed the ordinance would need to be to authorize the preparation and advertisement of an ordinance for a 50% increase in commercial and industrial water and sewer rates. Mrs. Stoudt made the motion. Ms. Hassler seconded the motion. The motion passed unanimously. Ms. Milo thanked Mrs. Stoudt for her work evaluating the rates. Mrs. Stoudt followed up stating the commercial and industrial rates currently being paid in the Borough are almost identical to the residential rates and are significantly lower than commercial and industrial rates outside our area. Mrs. Stoudt stated this increase will help bring the rates more in line with what they should be.

Ms. Milo presented the 2024 office holiday calendar, stating the list was informational only and no motion was required.

Ms. Milo requested the closure of the Borough Office to the public from December 26th – December 29th, 2023, stating the office would remain open to staff and for emergencies. A brief discussion ensued on water/sewer bill timelines, and assuring no service shut-offs occurred during this period. Ms. Kunkel made a motion to authorize the closure of the Borough Office to the public from December 26th – December 29th. Ms. Hassler seconded the motion. The motion passed unanimously.

COMMITTEE REPORTS

Environment and Conservation Committees – (Cook)

Regarding the SWPP, Ms. Cook confirmed she is waiting for an update from the PennDOT representative. Mr. Polinsky encouraged Ms. Cook to remain persistent with PennDOT.

Ms. Cook reiterated that the MS4 report had been submitted, and new documents were expected from BIA (Barry Isett & Associates). Mr. Myers confirmed the Borough had completed the necessary PRP (Pollution Reduction Act) work for its permit.

Personnel and Policy Committees - (Falcone - absent)

In Ms. Falcone's absence, Mr. Polinsky addressed the personnel agenda item stating Mr. Sicher had requested to roll over 5 days of vacation that he was unable to utilize (due to an unexpected staff absence) to 2024. Mr. Polinsky confirmed both he and Ms. Falcone supported allowing the 5 vacation days to be rolled over. Ms. Cook made a motion to allow Mr. Sicher to carry over 5 vacation days into 2024. Ms. Hassler seconded the motion. The motion passed unanimously.

Parks and Recreation Committees – (Hassler)

Ms. Hassler reported that the Trunk or Treat event was a huge success, noting both Mr. Polinsky and Ms. Kunkel were also in attendance. An additional conversation ensued on the event attendance, the number of participants, the event layout, the contents of the treat bags, and the general atmosphere at the event. Mr. Polinsky agreed the event was an enormous success, and stated teaming up with the High School was a fantastic idea. Ms. Kunkel added the weather was perfect which also likely contributed to the success of the event. The discussion continued briefly into trick-or-treating night events.

Ms. Hassler stated the Borough Tree Lighting event would be held on Sunday, December 3rd from 4:00-6:00 PM. Ms. Hassler stated help would be appreciated, and outlined some of the details she was working on in preparation for the event. Ms. Hassler stated a Boy Scout troop had reached out to her asking to participate. Mr. Polinsky stated in general, anyone interested in participating is welcome, and that the specific details could be worked out. Additional discussion continued around beverages, treat bags, a recipe "book" project, and possible donation efforts on behalf of the Safety Net Sanctuary.

Ms. Hassler stated the new park restroom doors have been ordered and will be painted prior to installation by the supplier.

Finance and Utility Committee – (Kunkel)

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

Ms. Kunkel noted the Treasurer's Report was as of Friday, 11/10/23, not today.

On-Line Bank Account Balances as of 11/10/2023:

General Account:	\$ 295,655.70
Water Account:	\$ 178,624.90
Sewer Account:	\$ 55,372.15
Reeds Beds – Sewer	\$ 5,006.51
Payroll:	\$ 1,732.06
Recreation/Park Project:	\$ 306,503.45
Liquid Fuels:	\$ 284,977.92
Fire Fund:	\$ 100,483.24
Ambulance Fund:	\$ 22,624.50
ARPA Funding:	\$ 84,007.61

Ms. Kunkel stated consistent with a previously approved motion, \$6,931.00 would be transferred from the Recreation/Park Project Fund account to the General Fund account to pay the last of the engineering costs associated with the TASA project.

Ms. Kunkel introduced the 2024 Proposed Budget agenda item. Mr. Polinsky asked if anyone had specific points they would like to discuss regarding the 2024 Proposed Budget. No feedback was received.

Community Relations Committee – (Polinsky)

Mr. Polinsky briefly touched on the success of the Halloween Parade, Trunk or Treat and trick-or-treat events. He asked if any Council members wished to present anything they were hearing around town; there was no feedback provided.

Mr. Polinsky stated he had spoken to Dan Schlegel whose father is the Mayor of Kutztown. Mr. Polinsky stated Kutztown had been contacted by a city in Germany that eventually became their “sister city”, adding feedback was received indicating there are other cities in Germany looking to participate in a similar arrangement. Mr. Polinsky stated Mr. Schlegel was looking for more information to see if this might be something the Borough could be part of, possibly for the 150th anniversary celebration.

Mr. Polinsky recognized the passing of Veterans Day this past weekend and thanked all the veterans in the Borough and surrounding communities.

Streets & Property Committees – (E. Stoudt - absent)

In Mr. Stoudt’s absence, Mrs. Stoudt addressed the topic of the Pool /Parking Lot Demolition project. Mrs. Stoudt stated the \$20,000 in engineering costs seemed high. Mr. Myers offered to provide a breakdown of each task. Mr. Polinsky noted the quote states “not to exceed \$20,000”. Mrs. Stoudt stated the next step, in her estimation, would be to get quotes for the equipment that would be needed. Mr. Polinsky stated an estimate on the parking lot would be important as well since asphalt would be a significant cost. Ms. Cook asked if gravel could be used so as to provide a permeable surface. A brief discussion ensued on why gravel was not a permeable surface, how permeable and non-permeable surfaces would be addressed during the transition of this property, and future volunteer opportunities that might provide opportunities to incorporate stormwater management strategies on this property. Mrs. Stoudt stated Mr. Stoudt would be speaking to Mr. Steltz to confirm the equipment needed and to get an

estimated time frame so more costs can be gathered. Ms. Hassler asked if the Borough staff would be handling the demolition of the pool structure. Mr. Polinsky confirmed that was the current expectation, but expressed he was open to feedback from Borough staff if they had concerns about undertaking the project. Additional discussion on the pool property, known and unknowns, and employee comfort level with the project. Ms. Milo asked Ms. London if employees would need to sign a release for this project. Ms. London stated “no”, and continued to elaborate on ordinary, foreseeable risk, hazard mitigation efforts, sinkholes in this part of the state, due diligence as far as geotechnical studies, risk mitigation, etc. Ms. Cook inquired about the potential need for a geotechnical engineer, and whether it was directly tied to the discovery of a sinkhole. Mr. Myers stated generally sinkholes are handled by forensic or geotechnical engineers. Mr. Myers added it is not possible to estimate costs for a sinkhole, unfortunately, until one is discovered. Additional discussion ensued on possible sinkholes and other scenarios that might be uncovered during this project. Ms. Cook clarified that a sinkhole and the need for geotechnical services could result in engineering costs in excess of the \$20,000 reflected in the current engineering proposal. Mr. Myers confirmed that was correct. Mrs. Stoudt stated Mr. Stoudt would reach out to the Borough employees and confirm they are on board with undertaking this project, and proceed as noted previously, with securing cost estimates for the project. Mrs. Stoudt stated she hoped this could be available for the December meeting.

Utility Committee – (M. Stoudt)

Mrs. Stoudt stated regarding water/sewer billing, there are no payment plans currently in place. Mrs. Stoudt acknowledged the efforts of Borough employees to change out meters, stating it had led to a significant reduction in the number of zero read meters this billing cycle.

Mrs. Stoudt reminded everyone that water/sewer bills are due on November 24th which is a Borough Holiday, adding the Borough Office will be closed, but payments can be made online or placed in the Borough Office drop box.

Mrs. Stoudt stated the Berks County drought watch was lifted by the PADEP on October 20th.

ENGINEER’S REPORT

1. PADEP Sewer and Water

- a. Preparing for DRBC and PADEP reporting.

2. Authorizations Needed/Pending

- (1) Water Supply Well – we will seek authorization for each stage.
- (2) Pool Decommissioning Proposal for Council consideration
- (3) Park Master Plan Update for Council consideration

3. Public Works Building Roof

- a. Expecting COSTARS Quotes for December 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	January 2024
Task III: Well Construction Specifications	February 2024
Task IV: Well Drilling	April 2024 – June 2024
Task V: Pump Tests	July 2024
Task VI: Final Design of Water Improvements Award	TBD after Grant Applications and Award
Task VII: Final Permitting of Water Improvements Award	TBD after Grant Applications and Award
Task VIII: Construction of Final Water Improvements Award	TBD after Grant Applications and Award

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 – Boundary Plan submitted.

6. Grants:

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

a. Next CFA Meeting 11/21/2023

7. Media Filters

Received information from Scott on administrative paperwork and operations paperwork, plan to submit permit in December.

8. Washington Street Pumping Station

Received Grant award, contract with grant agency signed.

Bid delayed due to issues with PADEP.

9. DCNR – Oak Alley Project

Survey is complete. Working on preliminary layout and design.

Ms. Cook inquired about the warranty for the birch trees in the park. Mr. Myers confirmed typically they make sure they come out the next growing season, typically a full year.

OLD BUSINESS

Mrs. Stoudt provided an update on the status of the Hometown Heroes Banners project, stating that 99 banners are hung and there are none waiting to be ordered. Mr. Fronheiser, a resident, asked for clarification on an earlier Council meeting discussion on banner placement requests. A brief discussion ensued around the specific exception made without Council's approval, the priorities of the Borough, the possible need for a process to review special circumstances, and the standard response for handling specific banner placement requests.

Mr. Fronheiser raised the topic of ordinance enforcement, asking if there was a code enforcement officer in town. Mr. Polinsky stated Council members generally handle enforcement of quality of life issues. Mr. Myers confirmed Barry Isett & Associates handles all other code enforcement needs. Mr. Fronheiser asked specifically about the enforcement of snow and ice removal ordinances. Ms. Kunkel noted there had not been any snow since an amendment to the quality of life ordinance was passed in January 2023. Discussion ensued on the Borough's complaint-based system, historical enforcement activity, Borough resource limitations, and opportunities for community volunteers.

Ms. Kunkel stated Topton Ambulance Service meeting was cancelled, but confirmed call volume was up since they now cover Kutztown and Maxatawny. Ms. Kunkel confirmed that Kutztown and Maxatawny each passed a 0.5 mill EMS tax. Ms. Kunkel confirmed the Topton Ambulance Service currently has 5 vehicles.

Ms. Milo presented Resolution 17-2023 for adoption; the resolution is an LSA Statewide Grant application for the purchase of a new, fully equipped ambulance for the Topton Ambulance Service. Ms. Cook asked if the additional vehicle was needed to support the expanded territory being covered. Ms. Kunkel confirmed the vehicle need existed prior to the expansion of services, and provided additional details on the state of the Topton Ambulance Service's current fleet of vehicles. Ms. Kunkel made a motion to adopt Resolution 17-2023. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. Cook provided a brief update on the Topton Preservation Board.

Mr. Polinsky introduced Mr. Leo Scott representing the Borough's Planning Commission. Mr. Scott shared the names of the Planning Committee members who would be participating in the Joint Comprehensive Plan meetings; Ms. Julie Pummer, Mr. Bruce Meitzler (potentially, awaiting confirmation), and Ms. Maryellen Monaghan. Mr. Scott stated he would act as an alternate. Mr. Scott shared information obtained from Ms. Reznick (representative of DCED Governor's Center for Local Government Services) regarding MAP Grants and the timing of grant applications and notifications. Mr. Scott directed Council members to sample documents (MOU and Resolution) that model what Berks County Planning Commission is looking to receive from the communities involved in the Joint

Comprehensive Plan discussions. Mr. Scott and Ms. London clarified that a Resolution could include text making it contingent upon receipt of grant funding within a specific time frame. Mr. Scott outlined the remaining steps in the process and stated his recommendation is for Council to consider having Ms. London draft a LOI (Letter of Interest) for signatures that could be presented at the next BCPC meeting slated for December 13th, 2023. A discussion ensued on the cost scenarios which vary based on Longswamp Township's participation and receipt of grant funds, and the potential implications and consequences of not participating in the plan. Mr. Polinsky stated he would reach out to Longswamp Township regarding their participation plans.

Mr. Randy Sicher stated that the Topton Volunteer Fire Company No. 1 took delivery of their new utility truck this week. Mr. Sicher confirmed the vehicle would be used instead of the larger apparatus for medical calls, traffic control, and non-emergency calls (ex. tree down). Mr. Sicher shared additional details on the funding that allowed the vehicle to be paid off and the final vehicle preparation steps taking place (lettering, radios, lights...etc.). Mr. Sicher stated a new ladder truck would need to be purchased within the next 3 years, and he did not anticipate many withdrawals from the Fire Tax Fund prior to that purchase.

Mr. Sicher followed up on the earlier water/sewer meter comments from Mrs. Stoudt, confirming there were less than 10 zero read meters remaining in the Borough. Mr. Sicher confirmed a replacement plan was in place to swap out those meters.

ADJOURNMENT

Council adjourned at 9:14PM on a motion by Ms. Kunkel, seconded by Mrs. Stoudt.

The next regular Borough Council meeting will be held on December 11th, 2023, at 7:00PM.

Respectfully Submitted,
Terry Hook / Administrative Assistant