

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

The meeting was opened with the Pledge of Allegiance.

Mr. Polinsky noted for the record that an executive session was held prior to the meeting regarding personnel matters.

APPROVAL OF MINUTES

The November 13th 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 stated there were no communications.

MAYOR'S REPORT

Mayor Miller stated the weather did not cooperate for the Tree Lighting, but the rain held off long enough to allow the lights to get plugged in.

POLICE REPORT

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

Activity Recap	No./Hrs.
Patrol Miles	959
Patrol Hours	106
IRF (# Incidents / Hours to Handle)	13 / 5
Crash Investigations	1
Traffic Citations	15
Non-Traffic Citations	0
Traffic Checks	16 hrs.
Paperwork	2 hrs.
Vehicle Stops	33

Activity Recap	No./Hrs.
Follow-Up / CI	9 hrs.
Court	4 hrs.

Citation Breakdown	No.
Parking Violations	4
Speeding Violations	4
Inspection Violations	2
Safe Speed Violations	2
No Insurance	1
Driving Under Suspension	1
Suspended Registration	1

Chief Ulshafer stated there were no major activities in November; officers responded to some non-criminal “domestics” and a warrant violation.

Chief Ulshafer stated a new part-time officer should start on January 1st, 2024.

Chief Ulshafer stated that 2 additional ballistic shields have been purchased and placed into service.

Ms. Cook asked if individuals pulled over with a suspended license are prevented from driving away from the site. Chief Ulshafer confirmed that was correct, violators with a suspended license are not permitted to continue driving after being pulled over.

HEARING OF VISITORS

There was no visitor input.

SOLICITOR’S REPORT

Mr. Macfarlane introduced discussion on amending the Quality of Life ordinance to include defining PRIVATE PREMISES and discussed Ordinances 08-2021 and 03-2021 with Ms. Milo. Ms. Milo confirmed that Ordinance 03-2021 already defines PRIVATE PROPERTY but does not define the word PREMISES. Ms. Milo then explained that PREMISES was then used in the subsequent Ordinance 08-2021, which revised Ordinance 03-2021. Ms. Milo continued that the words PRIVATE PROPERTY were used in 08-2021. Mr. Macfarlane confirmed that the word PREMISES needs to be defined. Ms. Kunkel made a motion to authorize the solicitor to advertise an amendment to the Quality of Life ordinance. Mrs. Stoudt seconded the motion. The motion passed unanimously.

BOROUGH MANAGER’S REPORT

Ms. Milo stated the Borough’s insurance broker (Weiss-Schantz) has quotes for 2024 coverage available to review and is available to come to the Borough Office on Wednesday, December 13th at 10:30AM. Ms. Milo invited any interested Council members to join her for this meeting. Ms. Cook asked which insurances were being addressed. Ms. Milo confirmed it was all of the insurances related to Borough property, equipment, vehicles, liability, and worker’s compensation. Ms. Cook clarified that the broker would provide more than one quote for each category. Ms. Milo confirmed he would.

Ms. Milo stated that RKL advised a draft of the 2022 Tax Collector Audit and Financial Statement had been completed.

Ms. Milo confirmed the LSA grant application (Resolution 17-2023) for the Topton Ambulance Service, Inc. had been submitted. Ms. Milo thanked Barry Isett & Associates, especially Ms. Himmelberger, for their assistance with the submission.

Ms. Milo stated she attended water & sewer training at Albright College last week, stating the topic was PFOS/PFOA or “forever chemicals”. Ms. Milo warned that wastewater treatment requirements are likely to become even more expensive to operate a wastewater treatment plant. Ms. Milo stated these trainings are intended to provide advance notice of EPA regulations that may lead to PA DEP requirements in the future. Ms. Milo stated the Lead and Copper Rule was also discussed, adding she was appreciative of tips shared by the Fleetwood public works department.

Ms. Milo stated the Borough’s costs associated with the annual TCOC Halloween Parade had been finalized, and provided the following itemization of costs:

- \$330 Police
- \$375 Trash
- \$100 Fire/Police Donation
- \$334.65 Staff

Ms. Milo stated the costs were lower than expected, likely due in part to the parade being held on Sunday afternoon instead of Saturday evening.

Ms. Milo stated she had met with Ms. Christine Mildner from Barry Isett & Associates to review the results of the watercourse survey and discuss the next steps.

Ms. Milo introduced the 2024 Budget, stating Council members had been provided with a copy that included their requested revisions prior to Thanksgiving. Ms. Milo and Mr. Polinsky asked if anyone had any questions. Ms. Cook raised two specific concerns involving costs for the YMCA Park Program and the replacement truck bed and lift. Discussion ensued on budgeting versus spending, the general consensus was it made sense to pursue additional savings in both instances Ms. Cook noted, but that for budgeting purposes it made sense to leave the budgeted costs as currently reflected. Mrs. Stoudt made a motion to approve the budget. Ms. Hassler seconded the motion. The motion passed unanimously.

Ms. Milo presented Ordinance 4-2023 for approval and adoption, which raises real estate taxes by 1.0 mill to align with the 2024 approved budget. Mr. Macfarlane confirmed the ordinance had been properly advertised in the Reading Eagle on December 1st, 2023. Mrs. Stoudt made a motion to approve. Mr. Stoudt seconded the motion. The motion passed with a 5-1 vote. Ms. Cook opposed the motion. Ms. Stoudt stated she felt many residents were unaware the Borough was utilizing COVID ARPA (American Rescue Plan Act) funds to survive, and that those funds are now depleted.

Ms. Milo presented Ordinance 5-2023 for approval and adoption, which raises Industrial and Commercial water/sewer rents to align with the 2024 approved budget. Mr. Macfarlane confirmed the ordinance had been properly advertised in the Reading Eagle on December 1st, 2023. Mrs. Stoudt made a motion to approve. Ms. Hassler seconded the motion. The motion passed unanimously. Mrs.

Stoudt reiterated that this water/sewer increase does not affect Residential rates, and confirmed Residential rates will remain the same.

Ms. Milo introduced Fleetwood Ordinance 619, which regulates traffic and parking in the Fleetwood Borough. Mr. Polinsky asked Council members for their thoughts. Mrs. Stoudt stated the section addressing the Borough's area of concern seemed good, especially since it did not require signage and would apply to all roadways, streets, and alleys. Mr. Stoudt confirmed the Large Vehicle restriction applied to vehicles over 11,000 pounds. Mr. Polinsky added the Ordinance laid out physical dimension restrictions as well (width in excess of 96 inches). Ms. Kunkel asked if it would be possible to exclude specific street references in the ordinance. Mrs. Stoudt noted the section under review did not indicate specific streets and was more general and would encompass the entire Borough. Discussion ensued briefly on additional restrictions related to paved surfaces, side yards, and unlicensed or unregistered vehicles. Ms. Cook stated she was not interested in adopting the Fleetwood ordinance in its entirety due to the length of the document. Mr. Macfarlane stated the Borough's interest was to adopt only the section related to Large Vehicles and to keep it as close as possible to the Fleetwood Ordinance since the same police department enforced regulations in both municipalities. Mr. Macfarlane requested a motion to prepare an ordinance, similar to the Fleetwood Ordinance, that regulates Large Vehicles within the Borough. Mrs. Stoudt made the motion. Ms. Hassler seconded the motion. The motion passed unanimously.

Ms. Milo stated a motion to advertise the 2024 Council Meetings was needed, adding currently the meetings are scheduled for the 2nd and 4th Monday each month, with the 2nd monthly meeting being optional at the discretion of the Council. Ms. Milo stated she also needed a motion to advertise the Planning Commission Meetings and the Municipal Authority Reorganization Meeting. Ms. Milo stated only a single advertisement was needed. Mr. Polinsky asked if it was possible to change the Council Meeting scheduled for Memorial Day to the following day, Tuesday, May 28th. Ms. Milo confirmed this was possible, but that a motion was still needed. Mrs. Stoudt made a motion to advertise the 2024 Council Meetings, Planning Commission Meetings, and the Municipal Authority Reorganization Meeting. Ms. Kunkel seconded the motion. The motion passed unanimously.

Ms. Milo stated the Borough's new auditors, Zelenkofske Axelrod LLC, require commitment letters for the 2022 & 2023 Borough Audits and the 2023 Tax Collector's Audit. Ms. Milo indicated she had sent the letters to Council members previously, and stated the documents outline the responsibilities of the auditors and the Borough. Ms. Milo requested a motion to accept and sign the commitment letters. Ms. Cook asked if the letters outlined the date they would perform the audits since there had been problems previously. Ms. Milo confirmed the letters stated they will adhere to the deadline of the PA DCED, which occurs annually at the end of March. Ms. Kunkel made a motion to approve accepting and signing the commitment letters. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. Milo requested the closure of the Borough Office at noon on Monday, December 18th for a staff meeting and luncheon. Mrs. Stoudt asked if there was a reason the meeting was not being held on Wednesday when the office was already scheduled to be closed at noon. Ms. Milo stated employees were starting to use their vacation days, noting she also tried to schedule the meeting on Friday 12/22. Mrs. Stoudt stated the Borough office was scheduled to be closed from December 25th – December 29th, and expressed concern over adding more closure dates. Ms. Hassler made a motion to close the office on Monday, December 18th at noon. Ms. Kunkel seconded the motion. The motion passed unanimously.

COMMITTEE REPORTS

Environment and Conservation Committees – (Cook)

Regarding the SWPP, Ms. Cook confirmed she continues to follow up with her PennDOT representative, who had indicated he will check on the status with the individual who has been assigned to the request and will reach out to Ms. Cook once he can provide an update. Mr. Polinsky asked how long Ms. Cook had been waiting to hear back. Ms. Cook indicated it has been months. Mr. Myers asked if Ms. Cook was asked to submit a form. Ms. Cook stated she had submitted the information Mr. Myers had provided to her, and during her follow-up with PennDOT would repeatedly inquire if anything additional was required. Mr. Myers stated PennDOT’s standard turnaround time is 30 days, and typically they can be relied on to meet that deadline.

Ms. Cook thanked the Borough public works staff for the excellent job they did on leaf collection and noted how important it is to keep leaves out of Toad Creek.

Personnel and Policy Committees - (Falcone)

Mr. Polinsky noted Ms. Falcone’s absence and stated he was unaware of any pressing matters requiring discussion.

Parks and Recreation Committees – (Hassler)

Ms. Hassler reported that despite the poor weather conditions, 25 children attended the Tree Lighting event, met Santa Claus, and received a gift. Mr. Polinsky thanked Santa and Mrs. Claus for helping celebrate the event.

Finance and Utility Committee – (Kunkel)

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

On-Line Bank Account Balances as of 12/11/2023:

General Account:	\$ 253,225.75
Water Account:	\$ 305,710.16
Sewer Account:	\$ 62,767.67
Reeds Beds – Sewer	\$ 5,006.92
Payroll:	\$ 2,139.51
Recreation/Park Project:	\$ 299,760.82
Liquid Fuels:	\$ 285,153.59
Fire Fund:	\$ 65,578.51
Ambulance Fund:	\$ 17,916.33
ARPA Funding:	\$ 84,059.40

Community Relations Committee – (Polinsky)

Mr. Polinsky acknowledged the cheerleaders riding through town on fire trucks that had participated in the Thanksgiving Parade. Mr. Polinsky noted that the Kutztown University football team competed in the NCAA DII semi-finals.

Ms. Cook stated she had heard residents expressing displeasure with the tax increase.

Mr. Polinsky stated the Borough's Quality of Life Appeals Officer, Eileen Black-Rodriguez, is very ill and probably will not be returning to the position. Mr. Polinsky stated individuals interested in the position should contact the Borough office.

Streets & Property Committees – (E. Stoudt)

Mr. Stoudt indicated the Friends of Brandywine were still planning to take on the tee-ball / wiffle ball project, but had asked if the Borough would be able to confirm where the existing backstop and dugouts were purchased. Ms. Milo stated she would investigate and advise. Mr. Stoudt asked if Ms. Milo could provide current prices for the materials. Ms. Milo confirmed that assuming she could confirm the materials used, yes, she would try to provide that information. Mr. Myers indicated Mr. Bryan Smith of Barry Isett & Associates may be able to assist in the process as well.

Mr. Stoudt directed Council members to the Pool Demolition estimate provided by Mr. Steltz. Mr. Stoudt asked Mr. Myers if the engineering estimate he had previously provided was still accurate. Mr. Myers reviewed the pricing outlined in the Pool Decommission Proposal section of the Engineering Report. Mr. Myers stated typically Barry Isett & Associates would ask the Borough to authorize the E & S Plan and an amount that a Borough representative was approved to act on without any additional approvals. Mr. Myers stated if the authorized amount was set at zero, then all costs would be brought back to the Borough. Mr. Myers suggested that a couple of thousand dollars be approved so that if Borough staff encounter an issue, Barry Isett & Associates can dispatch individuals to provide guidance. Mr. Stoudt expressed interest in getting this project approved so work could begin. Ms. Cook inquired about permeable surface options and a discussion ensued on the increased expense, ongoing intensive maintenance requirements, and durability of permeable pavement products. Mr. Myers stated that the water from the paved parking lot surface should hit the creek before other flows which should alleviate any flooding concerns, and recommended using a standard parking surface in this instance. Mr. Myers stated there is a timing consideration on this project, noting earth cannot be disturbed until the TASA project is closed out, which is expected in early January. Discussion ensued on the engineering costs, the overall project cost, the budget, how to handle any costs exceeding the current engineering quote, and the need for a motion. Mrs. Stoudt made a motion to approve engineering costs, field inspections, tests, and plan preparation not to exceed \$20,000. Ms. Cook seconded the motion. The motion passed unanimously.

Mr. Stoudt introduced the topic of logging the watershed property. Mr. Stoudt stated Mr. Myers had provided the name of a consultant (forester) who had assisted with a 60-acre project in Coopersburg that netted over \$100,000. Mr. Myers advised the consultant would

come out to evaluate the property and the potential value of a harvest. Mr. Myers confirmed consultants typically offer either a defined service or a percentage-based contract and manage the harvest. Discussion ensued on the process including adhering to township regulations, notification requirements, permits, entrances, involvement from Borough staff because of proximity to springs, bid requirements, the availability of logging services in this area, costs of the feasibility study, the number of brokers to reach out to and the reaching out to Longswamp Township to let them know logging of the watershed property is under discussion. Mr. Fronheiser, resident, stated the Lutheran Home at Topton logged a portion of their property 8-10 years ago and they might be able to supply the name of the logging service they utilized.

Utility Committee – (M. Stoudt)

Mrs. Stoudt stated that 133 water/sewer late notices were sent out this cycle. Mrs. Stoudt confirmed that water/sewer final notices will be posted on doors on Tuesday, January 2nd, and a \$25 fee will be added to any remaining balance at that time. Mrs. Stoudt stated payments will be due Wednesday, January 3rd, and service terminations will take place on Thursday, January 4th. Mrs. Stoudt stated the Borough office will be closed from Monday, December 25th through Friday, December 29th; the Borough Office door will be posted with instructions on how payments can be made while the office is closed. Mrs. Stoudt stated there are currently 3 payment plans, and 70 accounts remain unpaid.

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
 - a. Fee breakdown as follows:
 - i. Prepare E&S Plan - \$2,000
 - ii. Compaction Testing - \$2-5,000
 - iii. On-Site Observation – up to \$10,000
 - iv. Soil Probes – up to \$3,000

3. Public Works Building Roof

- a. Expecting COSTARS Quotes for January meeting (design of cantilever portion delayed bids).

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	
B. Site Evaluation	Working with PADEP
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	TBD after Grant Applications and Award
Task VII: Final Permitting of Water Improvements	TBD after Grant Applications and Award
Task VIII: Construction of Final Water Improvements	TBD after Grant Applications and Award

5. DEP MS-4

MS4 Annual Report to DEP – coordinating with Borough for on-going MS4 programming tasks, as needed.

NPDES MS4 Permit Renewal – Notice of Intent (NOI) – Completed. Submitted electronically to DEP on October 30th. DEP will review and notify Borough of renewed permit before April 2024.

Perennial Stream Work – Boundary Plan submitted. Currently reviewing grant options for additional field work items and/or breaking up the stream into smaller improvement projects with BIA Grant Manager.

6. Grants:

- A. East Barkley - \$385,000, Small Water & Sewer – expect award ?
 - a. Next CFA Meeting January 2024

7. Filter Media Replacement

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.

OLD BUSINESS

Mrs. Stoudt stated there was no change from last month for the Hometown Heroes Banners, and that she is waiting for the next batch of 10 to complete. Mrs. Stoudt stated she is working with Borough office staff to make some adjustments to the Hometown Heroes application form and hopes to have the new form available for the first of the year.

Ms. Kunkel stated there were 2 mailings sent out on behalf of the Topton Ambulance Service, Inc., one was for a subscription, and one was for a donation. Ms. Kunkel stated because Topton residents pay an EMS tax, there is no need to pay for a separate subscription. Ms. Kunkel stated a postcard would be forthcoming stating the correction. Ms. Kunkel noted residents interested in making an additional voluntary donation should use the mailing which states “Topton and Longswamp Residents, the EMS tax pays for your subscription, your donations are an integral part of running this emergency service”. Ms. Milo clarified this was a contractor error and that Ambulance funds were not misspent.

Ms. Cook provided a brief update on the Topton Preservation Board and stated the Topton Mini Museum hoped to receive a \$500 donation as in the past.

Mr. Polinsky introduced Mr. Leo Scott representing the Borough’s Planning Commission, who summarized the activities of the Planning Commission to date as they pertained to the Eastern Berks Joint Comprehensive Plan. Mr. Scott requested direction from Council on what to communicate at the upcoming Berks County Planning Commission meeting scheduled for 6:00 PM on Wednesday, December 13th at the BHASD Middle School. Mr. Scott stated both District and Rockland Townships had completed LOIs (Letters of Intent) indicating their intended participation, and stated both letters appeared to be contingent upon receipt of funding. Discussion ensued around funding, the timing of a decision, MAP Grant deadlines, the likelihood of Longswamp Township’s participation, the pros and cons of participating, independent development of a plan, the expiration date of the current plan and ways to improve the end product. Mr. Polinsky stated he would attend the upcoming BCPC meeting.

Mr. Polinsky thanked Ms. Kunkel for her years of service on Council and welcomed new Council member, Mr. Dan Haney.

ADJOURNMENT

Council adjourned at 8:19PM on a motion by Mr. Stoudt, seconded by Ms. Kunkel.

The annual Reorganization meeting will be held on January 2th, 2023, at 7:00PM.

Respectfully Submitted,
Terry Hook / Administrative Assistant