

**MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
Monday, March 11, 2024**

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, A. Falcone, D. Haney, K. Hassler, E. Polinsky, E. Stoudt, and M. Stoudt, Solicitor Colin Macfarlane, Engineer Charley Myers, PE, and Borough Manager Stacy C. Milo. Solicitor London was absent.

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Stoudt made a motion to approve the minutes from February 12, 2024. Ms. Hassler seconded the motion. The motion passed unanimously.

COMMUNICATIONS

There were no communications to report.

MAYORS REPORT

Mayor Miller was pleased to see people using the paths in the park during the nice weather.

POLICE REPORT

Sergeant Focht was present for questions and presented a report for the month of February for Fleetwood Police within the Borough of Tipton. Ms. Cook requested details for the criminal hours reported. Sergeant Focht stated that he did not have the exact details but explained time could be spent answering someone's questions, following up on officer's work like a person trying to purchase a firearm, who is not permitted to own one.

HEARING OF VISITORS

Mr. Brian Fronheiser requested to review a copy of the February 12, 2024 minutes. Ms. Milo provided him with a copy.

SOLICITOR

Solicitor Macfarlane presented Council with an ordinance that would repeal Ordinance 1-2023, which requires clearing of a path on a grass plot adjacent to a street in the absence of a sidewalk.

ORDINANCE NO. 3-2024

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA BY REPEALING ORDINANCE NO. 1-2023 REQUIRING THE

CLEARING OF A PATH ON A GRASS PLOT ADJACENT TO A STREET IN THE ABSENCE OF A SIDEWALK.

Mrs. Stoudt made a motion to adopt Ordinance 3-2024. Mr. Stoudt seconded the motion. The motion passed with a 5-2 vote.

Solicitor Macfarlane presented Council with a new Berks County Polling Place agreement that includes allowing signs at the polling place. Ms. Cook made a motion to authorize the execution of this agreement. Ms. Hassler seconded the motion. The motion passed unanimously.

Solicitor Macfarlane deferred to Ms. Milo for the status of the discussions with the International Brotherhood of Teamsters Local 773. Ms. Milo stated that the Teamsters economic proposal was distributed to the Solicitor and Council, the Borough received a second economic proposal with minor revisions, an executive session is scheduled for March 18, 2024 at 6:00PM, and the next bargaining meeting is scheduled for March 22, 2024 at 9:00AM. Council discussed and decided that the original Council attending the bargaining meetings will remain the same.

BOROUGH MANAGER

Ms. Milo stated that the Borough staff continues to work with the auditors to complete the year ending December 31, 2022 and 2023 financial statements/audits and the 2023 single audit. Ms. Milo received a draft of the 2022 audit to review and will be finalized soon.

Ms. Milo stated the 2023 recycling report to Berks County and the 2023 ACA reporting are underway.

Ms. Milo reminded Council that Norfolk Southern Railroad is scheduled to close two crossings in the Borough during the week of March 18 and detours occur.

Ms. Milo stated that she obtained quotes for the shingle roof of the public works building and that work will begin March 12.

Ms. Milo stated that the Borough interviewed candidates for the Wastewater Treatment Plant/Public Works position.

Ms. Milo stated that the Borough is preparing for spring in the park, including the fields for BYBA and BGSL.

Ms. Milo informed Council that the drinking water plant's new generator was installed but still needs to be completely tested and connected to communication systems.

COMMITTEE REPORTS

Environment and Conservation Committees – (Cook)

Regarding the SWPP, Ms. Cook reviewed the recent communications with PennDOT.

Ms. Cook asked Mr. Myers about the recent notification the Borough received from our SWPP contact at PA DEP regarding public comment requested on the sale of three Topton properties. Mr. Myers suggested not commenting at this time but paying attention to what the new owners

use the three properties to do. Ms. Milo stated that the properties include the Lehigh Industries ballfield and GMI's properties. Mr. Myers explained that the Borough of Topton has easements on one of the properties, which will transfer with the property if sold, and not affect the Washington Street pump Station project work since the work will occur in the easement.

Personnel and Policy Committees - (Falcone)

Ms. Falcone reported on the status of Public Works Laborer/Wastewater Treatment Plant Operator position that after completing multiple interviews an offer letter was sent to Kyle Roth, who has accepted the position subject to Borough Council's approval. Ms. Falcone read some of the details from the offer letter. Council began to discuss the applicant's qualifications and the offer. Mr. Macfarlane stated that Council can recess to executive session to discuss questions about hiring this person. Council continued to discuss this matter. Mr. Polinsky asked Council if they would like to continue this discussion in executive session and Council agreed.

Ms. Falcone stated that the part-time administrative assistant resigned, thanked Ms. Hook for her service, and would like to offer Ms. Hook an exit interview per Borough policy. Ms. Falcone made a motion to accept Ms. Hook's resignation effective immediately. Ms. Hassler seconded the motion. The motion passed unanimously.

Ms. Falcone discussed the employment advertisement for the part-time administrative assistant position with Council. Ms. Milo made note of revisions made to the draft per Council recommendations. Ms. Falcone made a motion to authorize the Borough Manager to publish the advertisement for the part-time position, as revised. Mr. Haney seconded the motion. The motion passed unanimously.

Ms. Falcone discussed the CDC's updated recommendations, made on March 1, 2024, relating to protecting communities from respiratory viruses including COVID-19 and how this affects the current Borough of Topton COVID-19 Policy. Council agreed to place this on the April agenda to repeal.

Ms. Falcone requested having an executive session to discuss personnel matters and policies and Council not following the Borough Code. Mr. Polinsky suggested March 18, 2024 and Council agreed.

Streets Committee (Haney)

Mr. Haney stated he had nothing to report.

Finance Committee – (Hassler)

Ms. Hassler requested a motion to approve the bills and transfers as presented to Council. Mr. Stoudt made the requested motion. Ms. Falcone asked for details of Millers Sanitary Service. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Community Relations Committee – (Polinsky)

Mr. Polinsky stated that TCOC is starting their sausage sandwich fundraising for 2024 and encouraged participating since this helps with their Halloween Parade. Mrs. Stoudt requested dates for April events. Ms. Falcone requested a list of all 2024 events. Mr. Polinsky stated a list will be provided. Ms. Hassler stated that the bi-annual electronics recycling event is April 13 and Tidy Up Topton in April 20.

Property Committee – (E. Stoudt)

Mr. Stoudt stated that he met with staff to plan the relocation of the t-ball field, by removing and moving the new t-ball field's structures, to Broad Alley near Home Avenue by borough staff soon.

Mr. Stoudt asked if the next project to be done will be the demolition of the pool. Ms. Milo deferred to Mr. Myers, who explained that an E&S plan is needed and will be provided by BIA soon.

Mr. Stoudt referred to the Shultz logging agreement for the watershed, provided to Council to review, and recommends using Shultz Forest Management and Consulting LLC. Ms. Falcone asked Mr. Stoudt for the basis of his recommendation. Mr. Stoudt explained that the reasons are: details provided, good communication, up-front costs, thorough nature of proposal, and confidence in their knowledge. Council and Mr. Myers discussed details of the actual process and the project. Mr. Brian Fronheiser asked about how the work will be done while protecting the Borough's springs. Mr. Stoudt will contact Shultz. Mr. Haney made a motion to accept the timber logging contract with Shultz contingent upon both parties, Shultz and the Borough, agreeing on the terms of the contract. Ms. Falcone seconded the motion. The motion passed unanimously.

Mr. Stoudt asked Mr. Myers for a status on the public works building's roof replacement. Mr. Myers stated that bids will be due prior to Council's April meeting and will be available for Council to award on April 8. Mr. Stoudt asked Ms. Milo for the condition of the leaks.

Mr. Stoudt presented the project to revise of the park master plan. Ms. Milo explained the Berks County grant funding meets the cost of the engineer's proposal presented to the Borough to perform the work. Mr. Haney asked if the Borough could get this park master plan to the committee compiling the Joint Comprehensive Plan. Mr. Polinsky confirmed that this will be done. Mrs. Stoudt made a motion to approve the engineer's proposal. Mr. Stoudt seconded the motion. The motion passed unanimously.

Mr. Stoudt discussed the pool and park benches with Council, including placing some along the park's new walking trail. Council agreed to obtain a solid inventory before making decision on using and donating benches at a later time.

Utility Committee – (M. Stoudt)

Mrs. Stoudt presented the status of delinquent water and sewer accounts and meter replacement status. Ms. Falcone asked Mrs. Stoudt for a status on the ‘zero read’ meters reported during the previous Council meeting. Mrs. Stoudt stated that staff are handling and addressing this matter.

ENGINEER

1. **PADEP Sewer and Water**

- a. DRBC submitted 1/29/2024
- b. Chapter 94 due to PADEP 3/31/2024, final draft to Alex and Stacy 3/11/2024

2. **Authorizations Needed/Pending**

- (1) Water Supply Well – we will seek authorization for each stage.
- (2) Master Site Plan (Park) Proposal for \$25,000

3. **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	March 2024 (In process)
Task III: Well Construction Specifications	March 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

4. **DEP MS-4**

a. **MS4 Annual Report to DEP** – MS4 educational posters, media postings sent to the Borough 2/29/24 for review and use. Isett continues to assist the Borough, as needed.

b. **Perennial Stream Work** – Pending funding acquisition.

c. **Brandywine Heights HS Stream Signage** – Science Teacher working with Berks County Conservation District (BCCD) and Stroud Water Research Center for grant funding to have educational signage and possible small plantings installed near the bridge to explain riparian buffer and floodplain. Initial student

project was originally larger in scope, but permission to alter area along the creek is limited to BCCD and DEP. Borough to promote and support the HS and its students' efforts through their process.

5. **Grants:**

- A. East Barkley - \$385,000, Small Water & Sewer
 - a. \$185,000 was awarded for the project on 12/19/2023
 - b. Attached is a revised cost estimate to keep the project in the funding limits.

6. **Public Works Building Roof**

- a. Bids will be in hand for award at the April 8, 2024 meeting for the membrane roof.
- b. Engineering services will stay within the agreed upon budget:
 - i. Construction Documents - \$6,500
 - ii. Bid Phase Services - \$3,500
 - iii. Construction Phase Services - \$5,500

7. **Washington Street Pumping Station**

Budget Status:

Design - \$30,500 (\$30,250 invoiced)

Bidding - \$6,000

Construction – \$10,500

Anticipated Schedule:

Open for Bidding – March 25, 2024

Bid Opening – May 3, 2024

Award – May 13, 2024

Pre-Con – May 29, 2024

Installation Actual Start – September 2, 2024

Installation Complete – September 20, 2024

Construction Complete – October 19, 2024

8. **Pool Demolition**

- a. Budget is as follows:
 - i. Prepare E&S Plan \$2,500
 - ii. Compaction Testing \$2-5,000 (services as ordered by the Borough)
 - iii. On-Site Observation up to \$10,000 (services as ordered by the Borough)
 - iv. Soil Probes up to \$3,000 (services as ordered by the Borough)
 - v. All field services as ordered by the Borough.
- b. E&S Plan is in process, will be to the Borough week of March 18

9. **DCNR – Oak Alley Project**

Finalizing Construction Documents:

March – Plans to Borough for final review

April – Plans to DCNR for approval

May 13th – Council Approval for Bidding

June 10th – Potential for Contract Award

Ms. Falcone asked Mr. Myers if having a shipping container in a front yard is allowed in the borough according to our zoning and other ordinances. Mr. Myers discussed this with Ms. Falcone and stated that BIA will check the permit status of the container stored at a property on East Franklin Street.

OLD BUSINESS

Mrs. Stoudt informed Council that 8 or 9 Hometown Heroes banners applications have been submitted.

Ms. Monica Kunkel had nothing to report for the Topton Community Ambulance Board stating there has not been a meeting since Council's last meeting.

Ms. Cook stated that the Topton Borough Preservation Board did not have a meeting and presented the Board's bank account balance. Council received a monthly report from Mr. Werst for their review.

ADJOURNMENT

Council adjourned at 8:00PM by a motion by Mr. Polinsky, seconded by Mr. Stoudt to enter into executive session regarding personnel matters. Mr. Polinsky stated that Council will return to make a motion regarding the new hire.

Council returned to regular session at 8:16PM by a motion by Mrs. Stoudt and seconded by Mr. Stoudt.

Ms. Hassler made a motion to approve the terms of the written offer made to Kyle Roth to be hired, with a start date of March 18, 2024, as the Public Works Laborer/Wastewater Treatment Plant Operator, contingent upon results of background checks: the position is full-time and non-exempt, has a starting wage of \$22.25 per hour; an increase of \$0.50 per hour upon successful completion of the probationary period; and an increase of \$1.00 per hour upon successful completion of the Wastewater Treatment Plant Operator coursework and training and certification. Mr. Haney seconded the motion. The motion passed unanimously.

Mrs. Stoudt made a motion to adjourn the regular meeting at 8:17PM. Ms. Hassler seconded the motion. The motion passed unanimously.

The next regular Council meeting will be held on April 8, 2024 at 7:00PM.

Respectfully Submitted,

Stacy C. Milo
Borough Manager/Secretary