

**MINUTES OF THE  
BOROUGH OF TOPTON  
BOROUGH COUNCIL MEETING  
Monday, April 8, 2024**

The regular semi-monthly meeting of the Tipton Borough Council was called to order by Council Vice President Stoudt at Borough Hall, 205 South Callowhill Street, Tipton, PA 19562 at 7:00 PM. Present were Council Members A. Falcone, D. Haney, K. Hassler, E. Stoudt, and M. Stoudt, Solicitor London, Engineer Charley Myers, PE, and Borough Manager Stacy C. Milo. Mayor Miller and Council Members C. Cook and E. Polinsky were absent.

The meeting was opened with the Pledge of Allegiance.

**EXECUTIVE SESSION**

Mr. Stoudt noted for the record that executive sessions were held on March 18 and 27, 2024, regarding labor negotiations.

**APPROVAL OF MINUTES**

No minutes were available for approval.

**POLICE REPORT**

Sergeant Focht presented a report for the month of March for Fleetwood Police within the Borough of Tipton. Sergeant Focht offered their time to provide programs to the community and answered questions regarding seat belt enforcement.

**COMMUNICATIONS**

Ms. Colleen Kristula presented an update from the Brandywine Community Library Board.

Ms. Milo stated that Tipton Community Outreach Club will be having their Fish Derby on May 5 at the park.

Ms. Milo stated that Senator Tracy Pennycuick will be having a license plate replacement event for Berks County residents on May 15 from 4:00PM to 6:00PM at Borough Hall's parking lot.

Ms. Milo introduced Steve Kline, Tipton's Emergency Management Coordinator. Mr. Kline explained the Berks County Hazard Mitigation Plan and the need for Council to approve a resolution to adopt the Plan. Ms. London agreed that the resolution may be approved. Ms. Falcone asked Mr. Kline to confirm that the Borough will not have any costs associated with this Plan. Mrs. Stoudt made a motion to approve **Resolution 16-2024**:

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF TOPTON,  
BERKS COUNTY, PENNSYLVANIA, TO ADOPT THE HAZARD VULNERABILITY  
ASSESSMENT AND MITIGATION PLAN UPDATE FOR THE BOROUGH.

Ms. Falcone seconded the motion. The motion passed unanimously.

### **POLICE REPORT**

Sergeant Focht presented a report for the month of March for Fleetwood Police within the Borough of Topton. Sergeant Focht offered their time to provide programs to the community and answered questions regarding seat belt enforcement.

### **HEARING OF VISITORS**

Ms. Monica Kunkel asked if there was going to be a Party in the Park/Park Bash/Music in the Park. Ms. Milo explained that events are now organized by the community and not run by the Borough. Ms. Kunkel asked if dates have been set in order to schedule an ambulance to attend. Ms. Milo suggested contacted Mr. Polinsky for more information. Ms. Hassler stated that Community Day will be in June.

### **SOLICITOR**

Solicitor London provided the status of the discussions with the International Brotherhood of Teamsters Local 773.

### **BOROUGH MANAGER**

Ms. Milo presented a report including: the Borough completed the 2023 recycling report for Berks County and the annual Source Water Protection Plan report; new employee, Kyle Roth, started working for Wastewater Treatment Plant/Public Works; and informed Council that the property within the Borough's watershed property in Longswamp Township had been sold. Ms. Milo continued to explain that the new property owners of this Woodside Avenue location would like the Borough to be the applicant for a Highway Occupancy Permit (HOP) for PENNDOT and recommended that Council approve sending a letter of concern and provide utility locations to the Longswamp Township Board of Supervisors and Sewage Enforcement Officer. Ms. London explained the need for an indemnification agreement for being the HOP applicant. Council, Ms. London and Mr. Myers discussed this property.

### **COMMITTEE REPORTS**

#### **Environment and Conservation Committees – (Cook)**

In the absence of Ms. Cook, Mr. Myers supplied an update on placing signs for the SWPP and communications with PENNDOT. Mr. Myers stated that PENNDOT would like to meet and he would supply Ms. Milo with the meeting information when he receives it.

#### **Personnel and Policy Committees - (Falcone)**

Ms. Falcone presented the current COVID-19 Policy for repeal per the discussion at the last Council meeting. Ms. Falcone made a motion to repeal the Borough of Topton COVID-19 Virus Policy. Mrs. Stoudt seconded the motion. The motion passed unanimously. Ms. Falcone stated that the Borough has a condemned property on Celia Avenue that the Borough has had code and water/sewer invoice issues with. Ms. Falcone discussed this property

and introduced the topic of a lien policy. Ms. Falcone, Ms. London and Council discussed filing a lien on a property, attempts to contact property owners, and options other than filing a lien. Ms. London will use the contact information provide by Ms. Falcone and report to Council in June. Council tabled the lien policy until June.

Ms. Falcone requested a status of the employment advertisement for the part-time administrative assistant position from Ms. Milo. Ms. Milo stated that many resumes have been received and interviews are being scheduled.

### **Streets Committee (Haney)**

Mr. Haney stated that he attended the last CO-OP meeting on March 21 that included discussion to purchase a used tractor and trailer. Mr. Haney stated that these pieces of equipment are needed to transport the larger, previously purchased CO-OP equipment, the zipper and the paver, and have been inspected by Longswamp Township's Roadmaster. Mr. Haney made a motion to participate in the joint CO-OP purchase of a 1990 International Tractor with 35-ton Low Boy Trailer at a cost to the Borough of Topton not to exceed \$4,625.00 pending determination of the budget line to be used. Ms. Falcone seconded the motion. The motion passed unanimously. Mr. Haney requested Ms. Milo contact the CO-OP and confirm our participation.

### **Finance Committee – (Hassler)**

Ms. Hassler stated that the 2022 audit is complete and will be presented to Council when the 2023 audit is complete with one presentation, which is included in the cost for the audits.

Ms. Hassler requested a motion to approve the bills and transfers as presented to Council. Mrs. Stoudt made the requested motion. Mr. Haney seconded the motion. The motion passed unanimously.

### **Community Relations Committee – (Polinsky)**

Mr. Stoudt suggested checking the Borough calendar for details on events.

### **Property Committee – (E. Stoudt)**

Mr. Stoudt referred to the Shultz logging agreement for the watershed. Ms. London stated that she would like to see more indemnification and insurance in the agreement and asked Ms. Milo to incorporate those changes into the agreement. Ms. Falcone questioned needing a survey, the timeline for this project, and logging questions. Mr. Myers and Ms. London supplied additional information. Ms. Milo will distribute the revised agreement to Council and Solicitor for execution in May.

Mr. Stoudt noted that the bids for the public works building's roof replacement were provided to Council. Mr. Myers asked if Council had any questions. Council discussed the insurance claim, possible sources of funds to use for this project, and the need to get this work finished soon due to active leaks. Council then discussed the details of the bid prices. Mr. Stoudt made a motion

to award the bid to the lowest bidder, Alan Kunsman Roofing & Siding, Inc., at a price of \$116,550.00. Mrs. Stoudt seconded the motion. The motion passed unanimously. Mr. Myers believes that the contract can be completed quickly.

Mr. Stoudt stated that the relocation of the tee ball field backstop was moved and placed and dug outs will be completed this week, weather permitting, to Broad Alley near Home Avenue by borough staff.

Mr. Stoudt introduced the topic of demolishing the pool and the pool parking lot construction. Mr. Myers provided an update including the status of the permit from the Berks County Conservation District.

### **Utility Committee – (M. Stoudt)**

Mrs. Stoudt presented the status of delinquent water and sewer accounts, the change in our pre-termination notification process.

Mrs. Stoudt introduced the topic of the East Barkley Street water main project. Mr. Myers discussed the potential match of \$30,000 and revisions to the cost estimate for the project. Council tabled further discussion and approval of the revised estimate until May.

Mrs. Stoudt stated that the Waste Water Treatment Plant’s chlorination system rehabilitation LSA grant contract was provided to Council for review. Mr. Myers stated that the work could be done in the end of the summer or early fall and explained how the work needed to be done and how long it may take. Mr. Myers stated that the project would have to be bid. Mrs. Stoudt discussed the budget for this item with Council. Mrs. Stoudt made the motion to authorize execution of the LSA Grant Contract C000088548. Ms. Hassler seconded the motion. The motion passed unanimously.

## **ENGINEER**

### **1. Authorizations Needed/Pending**

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

### **2. 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 - septic separation and well monitoring sampling needed

Task II: Site Survey

Completed

Task III: Well Construction Specifications

Working with PADEP

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

3. **DEP MS-4**

a. **MS4 Annual Report to DEP** – 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.

4. **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.

5. **Master Site Plan**

a. Planned Schedule

i. Initial Plan Discussion with Committee – May 2024

6. **Public Works Building Roof**

a. Received three bids, with Low bid of:

i. Alan Kunsman - \$116,550 – Base Bid and allowance for Deck Replacement (2850 sq ft of roof)

1. Canopy Repair – add \$34,000.00

2. Change from 90mil to 60 mil Membrane – subtract \$8,500.00

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, working with Conservation district on requirements as we need to get the project under ½ acre to avoid permitting and need base requirements.

9. **DCNR – Oak Alley Project**

Finalizing Construction Documents:  
April – Plans to DCNR for approval  
May 13<sup>th</sup> – Council Approval for Bidding  
June 10<sup>th</sup> – Potential for Contract Award

Mr. Myers discussed a flood study with Council and stated that he would have a proposal for Council in May.

**OLD BUSINESS**

Mrs. Stoudt informed Council that 10 more Hometown Heroes banners are to be ordered once all payments are received, reminded all that the first banners installed will be approaching two years, and discussed naming additional locations for banners to be placed. Council agreed to placing banners on Smith Street where poles are available and appropriate once other named locations are used. Mr. Scott Arndt asked Council if banners can be installed with two per pole. Mr. Stoudt explained that doing that is difficult. Mrs. Stoudt discussed procedures for damaged banners with Council.

Ms. Monica Kunkel discussed the fundraising efforts of the Topton Ambulance: September 21, 2024 at Bowers Park; looking for volunteers for the Kutztown Folk Festival June 29-July 7, 2024 during the day-please contact Topton Ambulance directly; and will be at Swampfest on June 8, 2024.

Mr. Stoudt stated that Council received the Topton Borough Preservation Board monthly report from Mr. Werst for their review and the report is available if anyone wishes to view it.

Ms. Milo asked Mrs. Stoudt about the water/sewer account shut off waiver request the Borough received due to medical circumstances. Mrs. London explained the request and how to review the request. Mr. Stoudt made a motion to approve the waiver of shut off request. Ms. Falcone seconded the motion. The motion passed unanimously.

Ms. Falcone asked Ms. London if the PA Borough Code, the Sunshine Laws, and Ethics are the three documents that Council should follow. Ms. Falcone asked Ms. London if an elected official would need authorization from anyone to ask the solicitor a question. Ms. London stated that authorization to ask a question, as Ms. Falcone was currently doing, is not required but authorization is required if the solicitor is asked to do research because that involves an expenditure. Ms. London further reminded Council that the Borough Solicitor is the solicitor to Council as a whole and is not an attorney to any specific Council member. Ms. Falcone then asked Ms. London if an elected official may request an executive session. Ms. London confirmed that a member of Council may request an executive session but it is a motion of Council whether there will or will not be an executive session. Ms. Falcone requested that these two questions and the answers given by the Solicitor be included in the minutes for this meeting.

Ms. Falcone requested the status of the March 2024 and April 2023 meeting minutes with Ms. Milo. Ms. Hassler asked if she could help by reviewing the minutes.

Ms. Falcone recommended that all council members review the PA Borough Code.

### **ADJOURNMENT**

Mrs. Stoudt made a motion to adjourn the regular meeting at 8:35PM. Ms. Falcone seconded the motion. The motion passed unanimously.

The next regular Council meeting will be held on May 13, 2024 at 7:00PM.

Respectfully Submitted,

Stacy C. Milo  
Borough Manager/Secretary