

***MINUTES OF THE  
BOROUGH OF TOPTON  
BOROUGH COUNCIL MEETING  
Monday, May 9, 2022***

The regular semi-monthly meeting of the Tipton Borough Council was called to order by Council President Lorah at Borough Hall, 205 South Callowhill Street, Tipton, PA 19562 at 7:01 PM. Present were Mayor Biltcliff, Council Members C. Cook, A. Falcone, M. Kunkel, M. Lorah, E. Polinsky, E. Stoudt, M. Stoudt, Solicitor Joan London, Charley Myers, PE, and Borough Manager Stacy C. Milo.

The Pledge of Allegiance was performed.

**POLICE REPORT**

Chief Ulshafer reviewed the April activity report. Chief Ulshafer also reviewed current status of new part-time personnel and equipment. He asked if the Borough has a line painter since the speed monitoring lines need to be repainted using something better than spray paint. Mr. Polinsky and Chief Ulshafer will discuss further at a later time to paint in May or June.

Ms. Cook asked what punishment juveniles could face. Chief Ulshafer briefly explained the juvenile justice system. Ms. Falcone also asked about the damage done by the juveniles and the neighbor harassment situation. The Chief explained the citation procedure for harassment. Ms. Falcone expressed her concern about using Fleetwood Police's services for complaints without financial consequences and she was pleased to hear that there are such consequences.

Ms. Lorah began a discussion regarding the Tipton Park Rules and that Fleetwood is also currently revising their ordinance. Chief Ulshafer summarized the circumstances and what Fleetwood has experienced in their park and why and how Fleetwood will be amending their ordinance. Solicitor London stated that she recommended Tipton adopt the same ordinance that Fleetwood adopts to enable Fleetwood Police to have ease of enforcement. Chief Ulshafer supports using an ordinance that contains tools such as banning a person from a park. Ms. London stated that she will contact Fleetwood's solicitor.

Ms. Kirby asked Chief Ulshafer about speeding on Hoch Avenue. Chief Ulshafer said that he will share this information with his officers and that anyone may reach him directly at (610) 655-4911, the public non-emergency number for Berks County Dispatch, about this or other concerns. A brief discussion occurred on the response and reaction of PA State Police and 911 calls.

**ELECTION OF COUNCIL VICE PRESIDENT**

Ms. Lorah introduced the next agenda item. Ms. Cook asked Solicitor London about the last election of the Council President and this election of Vice President. Ms. London explained the process. Ms. Falcone asked if these rules are in the PA Borough Code. Ms. London explained that any council member is free to make a nomination for council president and call for a vote at any time. Ms. Falcone stated for the record that in 2020 Ms. Kunkel was Council President and then Mr. Toby Bower was elected president by four members that are no longer on council. Ms.

London explained that the process in 2020 was done legally. Ms. London, Ms. Falcone, and Ms. Lorah discussed that situation. Ms. London then directed Council that they must first observe the agenda item that was introduced by Ms. Lorah to elect a vice president. Ms. London further explained that any council member could then request to amend tonight's agenda and add a nomination for president to the agenda. Ms. Cook stated that a representative from PSAB told her that the PA Borough Code does not discuss election of a Council President and Robert's Rules of Order is what we have to use. Ms. London and Ms. Falcone stated that the Borough of Topton does not use Robert's Rules of Order. Ms. London stated that Parliamentary Procedure would be used for designating the executive and the Borough may use procedures previously used/precedent. Ms. London discussed some recent examples and how the way PA law works. Ms. London suggested that, when the Borough Code is unclear and Robert's Rules have not been adopted and Council wants to make it clear, then Council may nominate a president to make it official and clear.

Nominations for Vice President:

Ms. Lorah nominated Ms. Kunkel. Mr. Polinsky seconded the motion.  
Ms. Cook nominated Ms. Falcone. There was no second made.

Ms. London researched if a nomination requires a second since this is not included in the PA Borough Code. Ms. London referred to Robert's Rules of Order, which states that nominations do not need to have a second.

Mr. Stoudt nominated Mr. Polinsky. There was no second made.

Mr. Polinsky made a motion to close the nominations. Mrs. Stoudt seconded the motion. Ms. London stated that a roll call vote would now be performed. Roll call vote to elect Ms. Kunkel to be vice president: Ms. Cook-Yes; Ms. Falcone-Yes; Ms. Kunkel-Yes; Mr. Polinsky-Yes; Ms. Lorah-Yes; Mr. Stoudt-No; Mrs. Stoudt-No. The motion passed with a vote of 5-2.

### **APPROVAL OF MINUTES**

Mr. Polinsky made a motion to approve the minutes of January 3, 2022. Ms. Kunkel seconded the motion. The motion passed unanimously.

Mr. Polinsky made a motion to approve the minutes of January 10, 2022. Ms. Falcone seconded the motion. The motion passed unanimously.

Mr. Polinsky made a motion to approve the minutes of February 28, 2022. Ms. Kunkel seconded the motion. The motion passed unanimously.

### **EXECUTIVE SESSION**

Ms. Lorah noted for the record that prior to this meeting, Council met regarding personnel matters and potential litigation.

### **COMMUNICATIONS**

Ms. Milo stated that Friend, Inc. will be having their Community Services 13th Annual Brake the Cycle of Poverty Cycling Event on August 13, 2022 from 9:00AM to 2:00PM. Ms. Milo explained that part of the 25 mile route will run through Topton and will have signage and chalk paint along the route. Mr. Stoudt made a motion to approve Friend, Inc.'s event on August 13,

2022. Ms. Falcone seconded the motion. The motion passed unanimously. Ms. Milo was directed to contact Friend, Inc. to confirm the event and Council's approval.

Ms. Milo stated that Longswamp Township Historical Society will be having a self-guided tour, "Remember and Honor", during Memorial Day weekend that includes the Larry Hoch Memorial. Ms. Milo will remind borough staff to clean the area before the event.

Ms. Milo stated that the borough received a request from Topton Volunteer Fire Co., No. 1 for approval to borrow an emergency communications trailer from LVHN to use during the TCOC Halloween Parade 2022. Mr. Stoudt made a motion to approve Topton Volunteer Fire Co., No. 1 borrowing this trailer. Ms. Cook seconded the motion. The motion passed unanimously. Ms. Milo will contact Steve Kline from Topton Volunteer Fire Co., No. 1 to confirm Council's approval.

Ms. Milo introduced Amy Crouse, President of the Brandywine Community Library Board. Ms. Crouse updated Council and provided information for the upcoming summer programs. Ms. Crouse also thanked Council and the Borough for supporting the library.

### **MAYOR'S REPORT**

Mayor Biltcliff stated that it was nice to see people outside with the nice spring weather with playing and being outside.

### **HEARING OF VISITORS**

Ms. Kathy Hassler commented on the lack of vandalism in the park. Ms. Lorah thanked Ms. Hassler for all she does. Ms. Hassler wanted to compliment Stacy and Trynda on the job they do and they do it with a smile.

Mr. Duane Moyer, TCOC, asked if there are written procedures for how to have functions on Borough property. Ms. Kunkel stated that she thought this information was provided to TCOC in the past. Ms. Lorah and Ms. Milo explained what is needed from each organization, including communicating in advance with Borough Council and staff. Ms. Lorah stated that a list of what is needed will be emailed to Mr. Moyer. Ms. Milo explained the process of being placed onto a Council agenda. Mr. Moyer then asked what the Legion would need to do for their Memorial Day weekend parade on Saturday to temporarily close streets. Ms. Lorah stated what is needed to close streets as soon as possible since that parade will occur before the next Council meeting. Mr. Moyer stated that TCOC had 86 participants in their Fish Derby.

### **SOLICITOR'S REPORT**

Solicitor London introduced the agenda item for Mr. Sidney Dise, Jr. of 82 Hoch Avenue. Ms. London stated that she created a release agreement between the Borough and Mr. Dise and provided the agreement to Mr. Dise's attorney and to Council. Ms. London will update Council next month at the June meeting.

### **BOROUGH MANAGER**

Ms. Milo stated that Borough Council received the PA Game Commission Hunter Access Program Cooperative Agreement to review. Ms. Lorah began by directing Council to the section

on trapping and stated her support of removing that from the agreement due to safety and other issues. Ms. Kunkel agreed. Mr. Polinsky and Mr. Stoudt did not agree with the Borough restricting this since the PA Game Commission enforces these rules. Mr. Polinsky stated that the acreage in the agreement is incorrect and Ms. Milo confirmed the correct amount would be 180.69 acres in our property.

Ms. London suggested making the first motion to allow any restrictions to the agreement. Ms. Lorah suggested making separate motions for any restrictions on each type of hunting. Ms. Kunkel made a motion to restrict trapping. Ms. Cook seconded the motion. Roll call vote to restrict trapping: Ms. Cook-Yes; Ms. Falcone-Yes; Ms. Kunkel-Yes; Mr. Polinsky-No; Ms. Lorah-Yes; Mr. Stoudt-No; Mrs. Stoudt-No. The motion passed with a vote of 4-3.

Ms. Kunkel made a motion to accept the agreement with a restriction on trapping to disallow trapping. Mr. Polinsky seconded the motion. The motion passed with a vote of 6 to 1.

Ms. Milo introduced the current Berks County Conservation District Memorandum of Understanding with the Borough of Topton. Ms. London explained a few minor changes from the previous agreement including complaints regarding erosion & sedimentation issues. Mr. Polinsky made a motion to authorize executing this agreement. Mr. Stoudt seconded the motion. The motion passed unanimously.

Ms. Lorah introduced a request from the Lutheran Home at Topton to renew and continue having the Borough as an emergency water source. Ms. Lorah and Ms. Milo met with Lutheran Home representatives and will update Council as this matter progresses.

Ms. Lorah stated that, as required by PA DEP, the Borough of Topton's Drinking Water Consumer Confidence Report for 2021 is now available for review by the public. Ms. Milo explained how the Borough has updated where and how these reports are made available.

Ms. Milo received pricing for an additional park camera to be placed to record the area near the restrooms and asked Council if they agreed to this addition. Mr. Polinsky asked how the Borough currently uses footage. Mr. Stoudt made a motion to approve to purchase an additional park camera and move an existing camera at a price of \$1,628.00 quoted by Security Service Company. Ms. Falcone seconded the motion. The motion passed unanimously.

Ms. Milo discussed the current location of files and ideas for relocating all files to the now unused pool locker room. Ms. London asked if the locker room would be secure. Ms. Milo stated that the doors will lock. Ms. Falcone made a motion to move files stored at 44 East Keller Street and at the Borough Hall office into one of the pool locker rooms. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Lorah discussed closing the Borough Hall office on Friday, June 3, 2022 due to both staff members requesting time off. Council was in agreement and directed to post the closing on the Monday prior to June 3. Ms. Falcone asked about restricting some of the hours the office is open to the public, with the office being short-staffed, to minimize interruptions. Ms. Lorah asked for a motion regarding June 3 first. Mr. Polinsky made a motion to close the office on June 3 and post the closing on the door on Monday. Mr. Stoudt seconded the motion. The motion passed unanimously. Council began to discuss changing the hours the office is open. Ms. Lorah directed to place this onto the June agenda.

Ms. Milo updated Council on the status of the pavilion's roof. Ms. Milo also stated that the Borough closed the PA DCNR Feasibility Study grant.

## **COMMITTEE REPORTS**

### **Public Relations and Special Events Committee – (Kunkel)**

Ms. Kunkel reminded everyone that Primary Election day is May 17. Ms. Kunkel also reminded everyone that the Community Yard Sale is May 21 and to not place signs on utility poles; there is no need to register with the Borough.

### **Environmental and Quality of Life Committee – (Cook)**

Ms. Cook stated that the electronics recycling went well with 73 people participating, 31 of those paid for items, and 4 cars were turned away as non-residents. Ms. Cook stated that Tidy Up Topton went extremely well with 22 participants collecting trash around Topton, prizes given, and participants enjoying meeting each other. Ms. Falcone and Council discussed litter and ways to inform the public about why not to litter. Council then discussed the trash from the 330 West Weis Street property. Ms. Falcone stated that she would try to take care of that matter by approaching the property owner.

Ms. Cook extended special thanks to Council Members Ethan Polinsky, Alane Falcone, and Michelle Stoudt for their help with the Tidy Up Topton event.

Ms. Lorah asked Ms. Cook to discuss the Source Water Protection Plan. Ms. Cook stated that the final plan looked good to her. Mr. Polinsky stated that the plan does not state what the Borough of Topton is supposed to do and does not provide any important information. Mr. Myers stated that such a plan is a basis for what goes into ordinances, including zoning, and the attachments within the document provide important information. Mr. Polinsky stated that the current version is not a final plan unless it contains all of the final attachments. Council continued the discussion with Mr. Myers and Ms. London. Mrs. Stoudt questioned who would be performing and paying for the work associated with administering this plan. Ms. Milo and Mr. Myers explained that the Borough and the staff would. Mr. Myers explained that this type of report drives conversations and future actions. With the expectation of more information, the authorization to approve the final plan was tabled until June.

### **Personnel and Policy Committee – (Falcone)**

Ms. Falcone updated Council that there is a group of good applicants and interviews beginning this week to fill the administrative assistant position.

### **Public Safety and Special Events Committee – (Lorah)**

Ms. Lorah reminded everyone that Party in the Park is June 26 and provided some of the details of the event.

### **Streets and Property Committee – (Polinsky)**

Mr. Polinsky attended a seminar with PENNDOT Connects and reviewed what he learned and discussed with Council and Mr. Myers. Mr. Polinsky explained how the system works and why work has not been done in Topton. Ms. Cook asked if we should contact our State and Federal representatives and asked about using liquid fuels funds.

**Parks & Recreation Committee – (E. Stoudt)**

Mr. Stoudt presented the snack stand inventory matter. Ms. Lorah explained that Fleetwood Borough was interested in the inventory. Ms. Milo and Ms. London explained that one municipality may provide this inventory to another municipality without procurement requirements. Council discussed the total amount that they would ask from Fleetwood Borough and Fleetwood would need to haul all items and accept all items ‘as is’. Mrs. Stoudt made a motion to offer the snack stand inventory price for the total lot of items to Fleetwood Borough for \$3,000 ‘as is’. Mr. Polinsky seconded the motion. The motion passed unanimously.

Ms. Milo explained the status of the PA DCNR grant agreement, which was supposed to be used with the TASA project and is now not needed, and now must have a revised scope proposed to PA DCNR including accessibility items. Mr. Myers explained the steps needed with details of timeframes and uses of funding. Mr. Polinsky made a motion to accept the proposal for ADA parking, planting design, and trail connection from BIA. Ms. Kunkel seconded the motion. The motion passed unanimously.

Mr. Stoudt asked Mr. Myers about the payment application #4/Final Retainage for the Toad Creek Phase II project for Stonewood Landshaping, Inc. Mr. Myers stated that a complete application was not received and supported tabling this matter until June.

Mr. Stoudt requested a status on the installation of the dog park. Ms. Lorah stated that staff does not have time yet to install and is planned soon.

Mr. Stoudt asked what will happen to the old bridge that crosses Toad Creek. Mr. Myers explained that a waiver should be requested and the issues with the risk of reusing a bridge due to structural damage. Council directed Ms. Milo to tell the contractor for the TASA project to keep the bridge when it is removed.

**Finance and Utilities Committee – (M. Stoudt)**

Mrs. Stoudt reviewed the Borough account balances presented by the Borough Manager.

**Treasurer’s Report for May 9, 2022:**

On-Line Bank Account Balances as of 05/09/2022:

General Account:	\$ 363,651.15
Water Account:	\$ 10,598.25
Sewer Account:	\$ 80,184.08
Reeds Beds – Sewer	\$ 5,000.55
Pool Account:	\$ 232.03
Payroll:	\$ 3,906.65
Recreation/Park Project:	\$ 325,561.35
Liquid Fuels:	\$ 286,147.78
Fire Fund:	\$ 86,027.48
Ambulance Fund:	\$ 28,783.91

Mrs. Stoudt made a motion to approve the list of bills and transfers as presented on May 9, 2022. Mr. Polinsky seconded this motion. The motion passed unanimously.

Mrs. Stoudt reviewed the current receivables report. Mrs. Stoudt also presented an update on the Water Department's water meter replacement program. Mrs. Stoudt reviewed the budget versus actual accounting report.

## **ENGINEER'S REPORT**

### **1. DEP MS-4**

**MS4 Annual Report to DEP** – Borough continues to work on MS4 program items, as needed. Meeting scheduled with Borough to discuss projects with applicable summer/fall grants.

**Perennial Stream Brush Clearing** – Survey tasks next step of the stream corridor to determine erosion repairs and improvements.

**Berks County MS4 Steering Committee – 2022 Student Stormwater Video Contest OPEN.** Opportunity for local students to participate in creating Public Service Announcement (PSA) contest. Flyers with contest information provided to Borough for circulation and posting to Facebook/social media.

Berks Committee – continues to prepare training videos for municipal staff use. Next updated topics expected to be ready this fall 2022.

### **2. Topton Transportation Alternatives Trail Connection Project**

- The project was let on 1/13/22, awarded on 2/1/22
- Project was awarded to Grace Industries, Inc.
- Submittals are being processed currently.

### **3. Toad Creek**

Construction Status: Work has been completed.

#### Grant funds summary (From BCCD):

- |   |              |
|---|--------------|
| • Remaining Construction Funds =                          | \$190,768.48 |
| • Contract Total for Project:                             | \$100,050.00 |
| • Total funds left after completion of Phase II contract: | \$90,718.48  |

### **4. Washington Street Pumping Station**

Project is currently waiting for Grant Funding feedback, action expected in next couple of months.

### **5. Sewage Treatment Plant Reed Beds**

Project has been completed.

Cost:

J.P. Mascaro	\$43,664.68
Suburban (testing)	\$1,155.00
ORE (Rental)	\$6,551.80
Total	\$51,371.48
Budget	\$88,000.00

**6. DCEC Multimodal Grant – Callowhill Street Calming**

Bid Opening was today, however; due to current project workload by contractors; there were not any bidders. We are following up with several of the contractors that looked at the project to determine how to engender more interest in the project.

Mr. Myers reviewed the good job that Borough staff performed and how the next reed bed project can be improved. Mr. Myers also explained the results of the Callowhill Street Calming bid opening.

Ms. Falcone asked about the current Quality of Life ordinance.

Ms. Cook asked Mr. Myers about the status of the Toad Creek Phase II work due to her observations near Home Avenue. Mr. Myers briefly discussed the completion status and the scope of the work done.

**OLD BUSINESS**

Mrs. Stoudt commented on the former chocolate shop's steps on Home Avenue. Council and the Mayor briefly discussed the status of downtown businesses.

Ms. Falcone asked Ms. Cook for the results of the plant bed survey; Ms. Cook presented the few surveys received showing a lack of interest in this project.

**ADJOURNMENT**

Council adjourned at 9:14PM on a motion by Mr. Stoudt, seconded by Mr. Polinsky.

The next regular Borough Council meeting will be held on June 13, 2022, at 7:00PM.

Respectfully Submitted,  
Stacy C. Milo  
Borough Secretary