

***MINUTES OF THE
BOROUGH OF TOPTON
BOROUGH COUNCIL MEETING
May 13, 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 Joan London, Engineer Charley Myers, PE, and Borough Manager Stacy C. Milo.

The meeting was opened with the Pledge of Allegiance.

EXECUTIVE SESSION

Mr. Polinsky noted for the record that an executive session was held on May 7, 2024 regarding labor negotiations with Teamsters Local 773 and personnel matters regarding the hiring of a part-time administrative assistant.

APPROVAL OF MINUTES

Ms. Hassler made a motion to approve the minutes from March 11, 2024. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Ms. Hassler made a motion to approve the minutes from April 10, 2023 with correction on page 4 (year change from 2024 to 2023). Ms. Cook seconded the motion. The motion passed unanimously.

COMMUNICATIONS

Trinity Evangelical Lutheran Church and Cub Scout Pack 510 Bike Safety Rodeo on May 18 from 9:30AM through 11:30AM – Request to Close E. Smith Street from S. Home Ave. to Birch Alley

Ray A. Master Post 217 American Legion Tipton Memorial Day Parade on May 25 at 6:00PM – Request to Temporarily Close Parade Route

Car Show and Music Event on July 21, 2024 – Request to Close North and South Callowhill Street and Oak Alley from 10:00AM through 10:00PM

Ray A. Master Post 217 American Legion Event on August 24 – Request to Close Hemlock Drive between N. Haas and Heffner Streets from 9:00AM through 9:00PM

Request from Tipton Volunteer Fire Co., No. 1 – Approval to Borrow Emergency Communications Trailer from LVHN for TCOC Halloween Parade 2024

Request from Tipton Volunteer Fire Co., No. 1 – Approval to Provide \$50 donation to Each Fire Police Volunteer for TCOC Halloween Parade 2024 as budgeted in the 2024 budget

Request of Accessible Parking Space Permit – 107 South Home Avenue for Tenant

Resignation from Planning Commissioner Leo Scott – Accept and Thank You

Mr. Stoudt made the motion to approve all requests as listed. Mrs. Stoudt seconded the motion. The motion passed unanimously.

Council thanked Mr. Leo Scott for his years of service on the Planning Commission.

MAYOR'S REPORT

Mayor Miller noted that Topton Community Outreach Club had their Fishing Derby in the rain with a good turnout considering the weather. Mayor Miller also stated that pedestrian crossing signs have been placed on Topton crosswalk areas and reminded public to please slow down.

POLICE REPORT

Chief Ulshafer reviewed the April report of activities.

HEARING OF VISITORS

Brian Fronheiser asked why Council minutes are not provided or read to public for review prior to being approved. Ms. London explained that draft minutes are not required to be provided in advance of approval, approved minutes are public record as soon as the vote to approve is made, and anyone with a correction may present that at a Council meeting, at which time the correction will be noted in that meeting's minutes but not to previous meeting's minutes.

Colleen Kristula thanked the Borough maintenance crew for their rapid response turning off water temporarily during an emergency water leak in their home.

SOLICITOR

Ms. London presented an update for 546 Celia Avenue, including overdue invoices for water and sewer usage and disconnection charges as well as pest control and maintenance that are being incurred by the Borough with the condemnation of the property. Ms. London has contacted the appointed guardian for the owner of the property, who is not living there because of health problems, Elder Care Solutions, Inc. of Williamsport. Ms. London explained that the director, Debra Berg, and the real estate director, Megan, were both contacted in writing and in voicemail messages as to the situation. Ms. London suggests Council hold the guardian responsible for reimbursing the Borough for these expenses, currently \$1393.62, and to take over responsibility including securing it from unauthorized entry and property maintenance. Ms. London stated that the guardian has the ability to sell the property and apply the proceeds to the individual's care. Ms. London further stated that Council has the option of further enforcement for these conditions including filing liens.

Ms. London stated that Council was updated on ongoing negotiations with Teamsters Local 773 at the Executive Session held on May 7, 2024.

BOROUGH MANAGER

Ms. Milo reported that the Ambulance financial report for 2023 is now available for review.

Ms. Milo stated that the Kutztown Pool is once again open for Tipton residents, who must come to the Borough office first; the agreement continues through the 2025 season.

Ms. Milo reported that the insurance claim on the Public Works building's roof is now closed, the work has begun and is almost finished, and the roof replacement will be inspected by Barry Isett & Associates throughout the project.

Ms. Milo informed Council that the software conversion is being delayed but will take place this year.

Ms. Milo noted that revenues/finances are tight until real estate tax dollars are received.

Ms. Milo informed Council that pedestrian cross walk signs are being located on Friday and all drivers are encouraged to slow down on Borough roads.

COMMITTEE REPORTS

Environment and Conservation Committee –

Ms. Cook reported that she has not received responses regarding the Source Water Protection Plan spill response signs. Mr. Myers stated that he had received a response from PennDOT on April 18 stating they were finalizing reviews but has received no further response. Mr. Polinsky reported that letters have been delivered to parties with a potential contamination source to alert them that they have been flagged.

Ms. Cook reported regarding MS4 that she is hoping to hold a program in conjunction with the library this summer and thanked the Borough office for posting MS4 Mondays on Facebook.

Personnel and Policy Committee –

Ms. Falcone noted that there is no policy regarding the delinquency amount, which, when reached, would trigger a lien against a property. Ms. London indicated a reason to do so would be to help the Borough recover costs, fees, and attorney fees. However, Ms. London further explained that it would have to be consistently enforced; other communities look at filing liens when costs, fees, etc. reach \$500 or \$1000. Ms. London stated that liens protect the community by ensuring that all or a portion of debt is paid prior to tax or sheriff's sale or bankruptcy and should be filed immediately if a property is noticed to go up for sale. Ms. London stated that costs of filing the lien should be taken into consideration, approximately \$200-300 for filing fee, service, and attorney fees are involved. The Council was in consensus to review filing liens on a case by case basis.

Ms. Falcone asked Ms. London if personal judgements against an individual would be appropriate. Ms. London explained the results this judgement and that it would not be cost effective for smaller amounts.

Ms. London updated Council regarding ongoing attempts to resolve the issues with the owner's guardian for 546 Celia Avenue. Mr. Stoudt made a motion to authorize the filing of a lien against 546 Celia Ave. Ms. Hassler seconded the motion. The motion passed unanimously.

Ms. Falcone requested authorization to offer Brenda Hensinger the part-time administrative assistant position at a rate of \$16.00 per hour for up to 30 hours per week with a rate increase of \$1.00 per hour after six months' probation pending background checks as per policy. Ms. Falcone made a motion to hire Brenda Hensinger. Mr. Stoudt seconded the motion. The motion passed unanimously.

Streets Committee –

Mr. Haney reported that the cooperative agreement for the 1990 International Tractor and 35-ton Low Boy Trailer as per Resolutions 17-2024 and 18-2024 has been finalized and is ready for signature. Ms. Hassler made a motion to approve Resolutions 17-2024 and 18-2024 and to execute the agreements. Mr. Stoudt seconded the motion. The motion passed unanimously.

Finance Committee –

Ms. Hassler noted that the General Fund will need to cover the amount of the Sewer loan temporarily.

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

Ms. Falcone questioned the line items listed as EFTPS and Ms. Milo indicated that it represents biweekly employee payroll taxes.

Ms. Hassler has received request through Monica Kunkel from Topton Ambulance Board to change the way Topton Ambulance is paid; the current process is to reimburse receipts submitted. Ms. Kunkel presented the Topton Ambulance's suggestion of three regular payments per year, leading to fewer checks for the Borough to write. Ms. Hassler recommended keeping current procedure until further information or recommendation is received from Borough auditors.

Community Relations Committee –

Mr. Polinsky reported that the Bullet Academy, program for ages 0-5 years to increase readiness for school, is now up to speed under the direction of Ms. Acosta. He reported that they were able to link with Dolly Parton's Imagination Library to provide free books to children monthly until age five.

Mr. Polinsky indicated that discussions have begun with local agencies regarding requesting funding from Borough budget and possible adjustment of how things are done. Ms. Falcone requested a list from previous budget and what has been requested. It was noted by Ms. Falcone and Ms. Stoudt that Topton's support of the library is triple what the other participating townships pay and thus are subsidizing the library for other townships. Ms. Cook quoted the per capita amounts of donations. Council suggested that Topton might reduce their contribution and the library should ask the other municipalities to increase their contributions.

Property Committee –

Mr. Stoudt indicated that the logging agreement with Jacob Shultz is ready to be signed once workers compensation and additional liability insurance is provided. Ms. Cook asked questions regarding contract wording with concerns about who might be responsible if any damage is done. Ms. London noted that this document is for administration and the forester's harvesting document will be more detailed in these areas. Mr. Haney made a motion to approve the agreement with Jacob Shultz contingent on receiving workers compensation and liability insurance certificates. Ms. Hassler seconded the motion. The motion passed unanimously.

Mr. Stoudt reported that the Oak Alley project was about to be finalized when it was found that the water lines are in different places and shallower than expected; project plans are now in review and the project will not be bid yet and will be delayed two months.

Mr. Stoudt also reported that the T-ball field was successfully moved and looks good. Mr. Stoudt reported that the pool demolition project is still waiting for the E&S permit with clarification requested on post-construction stormwater plans. Mr. Myers noted that there will be an actual increase in permeable area.

Regarding property within the Borough's watershed property in Longswamp Township off of Woodside Avenue, the property owner requested that the Borough apply for a Highway Occupancy Property (HOP) with owner assuming costs; this permit is required by PennDOT for a legal entrance off of the state road. The property owner and the realtor were present and indicated the property will remain clean and green and that Longswamp Township requires a paved surface for a certain distance from the road. The realtor stated that the property owner was aware of this when purchasing the property. Ms. London reiterated that there are still set-back restrictions regarding the watershed drinking water resources for isolation distance. Mr. Stoudt made a motion to sign the agreement, which includes the Borough applying for the HOP, with the property owner. Mr. Haney seconded the motion. The motion passed unanimously.

Mr. Stoudt reported that the Recreation Committee had a good turnout to consider a revised Master Plan for the park and had good discussion. Mr. Stoudt stated that the next meeting is June 12, 2024 at 6:30 pm in the Pavilion.

Ms. Hassler reported on request to extend park restroom hours from current 6AM to 2 PM. The consensus of Council was to extend hours for summer to 6AM to 9PM unless vandalism or other issues occur. Ms. Hassler noted that someone was using a pocket knife to access the men's room.

Utility Committee –

Mrs. Stoudt reported that there are no current payments for water/sewer accounts. Mrs. Stoudt explained that if a resident applies for a plan before the bill is due, additional fees would not be due. Mrs. Stoudt stated that payments are due May 25 and about half of payments are still outstanding. Mrs. Stoudt stated that seventeen meters were changed, the new Deka meter had arrived, and Deka will install have the new meter installed.

Mr. Myers reported on the status of East Barkley Street Water Main project. Mr. Myers explained that the grant award, from PA Small Water & Sewer, will only pay for half of the original project

(Home to Haas St.). Mr. Myers suggested changing the scope and cost estimate to include trench restoration instead of overlay road surface. Mr. Myers noted that the grant expires in 2026 and the project could be delayed. Mrs. Stoudt made a motion to authorize the engineer to submit the suggested revisions to PA DCED. Ms. Cook seconded the motion. The motion passed unanimously.

Mr. Myers stated that no bids were received for the Washington St. Pump Station Rehabilitation project. Mr. Myers explained that, upon review, it was found that companies would bid if there were an easement from the property next to the pump station for staging to avoid parking under trees, etc. Mrs. Stoudt made a motion to authorize the preparation of temporary construction easement as part of rebidding. Mr. Stoudt seconded the motion. The motion passed unanimously.

National Pollutant Discharge Elimination System (NPDES) Waste Water Treatment Plant permit: Mr. Myers presented a copy of the permit and explained additions, changes, and carryovers from previous permits, particularly phosphorus and copper discharge limits that have been changed and will require the addition of more chemicals. Mr. Myers will write to PA DEP about the negative cost impact on the Borough. Mr. Myers explained that if requirements cannot be achieved, a structural solution may be necessary for the Borough's WWTP. Discussion ensued on where these requirements originate and how they are applied. Mr. Myers explained that sampling and creek characteristics such as the value of the stream and its location go into the analysis; an anti-rollback policy means once notified, limits will not be loosened.

Mrs. Stoudt noted some negative feedback regarding recent letters to residents regarding water usage. Mrs. Stoudt will clarify this in the next newsletter.

Also in the next newsletter, Mrs. Stoudt will inform people that the two-year end to Hometown Heroes project is coming up and the last order will go in pending receipt of payment. Mrs. Stoudt stated that there are 112 banners to date.

ENGINEER

1. Authorizations Needed/Pending

- (1) Water Supply Well – we will seek authorization for each stage.
- (2) Chlorine Contact Basin Rehab – once grant documents are executed.

2. NPDES PERMIT

a. Received draft permit.

i. Changes: (see attached)

1. Added reporting for: CBOD5 Influent, CBOD Percent Removal, E. Coli, Total Nitrogen, and Nitrate as N – all but E.coli are from DRBC requirements
2. Added Limits:
 - a. TDS – from DRBC Requirements
 - b. Phosphorus – newly returned limit
 - c. Copper – limit reduced

ii. Impacts:

1. Slight increase in testing requirements will add testing cost.
2. Phosphorus limit will require the re-introduction of Alum for treatment.
3. Copper limit tightening will require additional chemicals to be utilized.

iii. Working with Alex and Stacy on a letter to DEP on the additional costs that will be incurred

due to these changes.

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 - septic separation and well monitoring sampling needed
Task II: Site Survey	Completed
Task III: Well Construction Specifications	Working with PADEP, getting monitoring well data.
Task IV: Well Drilling	Summer 2024
Task V: Pump Tests	Summer 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** – Isett continues to assist the Borough, as needed. Outfall inspections conducted end of April, Isett finalizing report for Borough delivery by May 15th.
- b. **Perennial Stream Work** – Pending funding acquisition. Anticipated grant application for DEP Growing Greener funding due June 21st.
- c. **Brandywine Heights HS Stream Signage** – Borough to continue to support HS teachers and students efforts for educational opportunities, where applicable. Conservation District and DEP to assist and direct Science class projects along with Creek.

5. **Grants:**

- A. East Barkley - \$385,000, Small Water & Sewer
 - a. \$185,000 was awarded for the project on 12/19/2023
- B. Potential for Flood Study Grant

6. **Master Site Plan**

- A. Meeting with Rec Committee held on May 8th at 6:30PM

7. **Public Works Building Roof**

- a. Construction is almost complete.

8. **Washington Street Pumping Station**

Budget Status:

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

Bidding - \$6,000

Construction – \$10,500

Anticipated Schedule:

Looking to re-bid in May with revisions including additional work area through construction Easements

9. **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 review with BCCD..

10. **DCNR – Oak Alley Project**

Finalizing Construction Documents:

Project being looked at for conflicts with water lines.

Mr. Myers presented the engineer’s report. Mr. Myers gave an update on the Water Supply Well Project, which is delayed by PA DEP requesting a background lead test due to the proximity of the Topton Rod and Gun Club to the site.

Mr. Myers reported that the Public Works roof repair is progressing with metal work to finish up this week; and none of the decking was damaged.

Mr. Myers noted that a grant had been found that would help with a flood mitigation study for the Borough if Council would like to pursue such a grant. Council decided not to pursue the study at this time. Mr. Myers noted that in the future if culvert work were to be addressed, such a study will need to be done first.

OLD BUSINESS

COMMUNITY AMBULANCE BOARD: Monica Kunkel asked if there is a status on the LSA grant application for the ambulance. Mr. Myers reported that they had received notice that at least two of the requests they had submitted were under review, but suggested it might take three months or longer to get an answer. Ms. Cook asked Ms. Kunkel if response times have gotten longer for Topton Ambulance. Ms. Kunkel indicated they are the same for the entire coverage area even with increased area to cover. Ms. Falcone complimented Topton Ambulance on their service and rapid response times.

TOPTON BOROUGH PRESERVATION BOARD: Ms. Cook reported the following: The board did not meet this month. The Anniversary Celebration will be held Saturday, September 14, 2024 from 9:00AM to 2:00PM.

Ms. Milo stated that several members of the Planning Commission were present and reported that the Planning Commission received a grant for the joint comprehensive plan with other municipalities covering much of the cost.

ADJOURNMENT

Mrs. Stoudt moved to adjourn the regular meeting at 8:40PM. Ms. Hassler seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Stacy C. Milo
Borough Manager/Secretary