

**FLEETWOOD BOROUGH COUNCIL MINUTES**

  X   BOROUGH COUNCIL MEETING

       BOROUGH COUNCIL WORKSHOP

**Date: July 13, 2020 – Council Conference via Zoom with public phone-in**

**Roll Call:**

- x   Suzanne Pittella Touch
- x   Pete Merkel
- x   Jim Meals
- Mark Watkins
- x   Ralph Touch
- x   Colin Boyer
- x   John Rothenberger

- x   Tammy Gore, Mayor
- x   Chris Young, Borough Manager
- x   Doreen O’Neil, Recording Secretary
- x   Kourtney Bernbecker, Esq.

**Also Present:**

- x   Craig Conrad, Public Works Director
- Robert Weidner, Highway Commissioner
- x   Steve Stinsky, Police Chief
- John Manmiller, Fleetwood Fire Company Chief
- x   Ryan Kern, Barry Isett & Associates
- \_\_\_\_\_, Reading Eagle
- \_\_\_\_\_, Patriot

The borough council meeting was held via a Zoom meeting due to COVID-19 restrictions. The meeting was called to order at 6:30pm by President, Suzanne Touch.

**Recording of Borough Meeting**

All attendees were notified that this Zoom meeting was being recorded for borough documentation purposes.

**Guests:**

There were two guests who phoned into the Zoom meeting: Denton Schucker and Anita Tempesco.

**Barry Isett & Associates (BIA) – Ryan Kern**

BIA report as of June 13, 2020 was provided to Council members prior to meeting as per attached. Ryan reviewed the various items on the report.

PSU Extension has prepared a resident’s guide to identifying stormwater BMPs. ISETT recommended the PDF be reviewed by the Borough and provided the following link to be posted on the borough website – <https://extension.psu.edu/roadside-guide-to-clean-water>

**Tannery Lot**

Brief discussion regarding the Tannery Lot, Craig Conrad stated the contractor was working on it today.

**101 South Richmond Street**

An email from Harry (BIA) was sent to Council for review. Guest Anita Tempesco (owner of this property) explained that she is subdividing the building to accommodate 3 tenants. There will be no exterior changes. She is planning on expanding the second story portion of the building for her business. The other 2 subdivisions (in the first story portion of the building) will be used as office space. One of the sub-divisions will be rented to an attorney office, and Anita will use the other office space as her business office. Anita currently has a business ‘Anita Trinkets’ on West Main Street Fleetwood.

Mayor Gore thanked Anita for her business in Fleetwood. Parking at this 101 South Richmond Street location was questioned – it is currently lined for 18 spaces and will remain.

Motion to allow waiver of the Land Use Development for the property at 101 South Richmond Street

**Made by: Pete Merkel**

**Seconded by: John Rothenberger**

  X   Motion Carried

     Motion Failed

**Suzanne Touch took roll-call for verbal acknowledgement from each Council member regarding their vote on this motion via phone/audio during Zoom meeting.**

**Suzanne Touch – Yes**

**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – Yes**

**John Rothenberger – Yes**

## Police Department

Chief Stinsky provided overview to Council of the June 2020 police report as per attached.

There was a public demonstration for Racial Unity in Berks County on June 20, 2020 for a peaceful march. Chief reported that there was support from the following during this event: 6-Fleetwood police officers, 2-Kutztown police officers, 2-KU police officers, 1-Northern Berks police officer, 2-Deputy Sheriffs and Cindy (Fleetwood Police office) who served as a scribe and radio operator. The expense will be between \$5,000-\$10,000 for manpower/overtime for all those that assisted. The Fleetwood Borough does not cover the expense of all forces, only the cost for their Fleetwood Police Officers. Mayor Gore questioned if there was any financial assistance with all the protests occurring – No. Chief stated that the Fleetwood police had helped Kutztown borough a few weeks prior with an event that occurred in their area. John Rothenberger passed along a word of thanks to Chief and other officers that they interacted well, he knows the organizer of this event and she was happy with the plans that were worked out beforehand and the interaction between Chief and herself.

There have been growing pains with relationship with PSP. Fleetwood is trying to be accommodating to the additional patrolling areas (Topton and Ruscombmanor). Chief will be telling Topton tonight (spoke with Ruscombmanor the other week), that if Fleetwood is not covering one of these areas at the time of the call, they will make referral to PSP to take the call – they are on board with this.

On July 30<sup>th</sup>, there will be a 2020 Graduation Parade for Fleetwood Seniors. It will form at the Fleetwood High School up Richmond Street to Arch, then Forest to CrissCross Road to Pleasantville road and loop through Maiden creek area and then back to Fleetwood High School via CrissCross Road. Prior to parade the Superintendent and others will make brief announcements. Some of the school faculty will be standing at Willow Creek Elementary school to cheer/congratulate Seniors as they pass by. Fire Police will assist along the parade routes. Fire Companies from Fleetwood, Blandon, Virginville and Walnuttown will be participating and assistance from Northern Berks Police Dept. The Safe Grad group has been given the rules and maps for this event. A copy of the rules/map was given to Council. Chief has posted this information on the Fleetwood Police Facebook page, Chris Young will post on the borough website following approval of routes. Chief will also notify the Safe Grad group that this was approved.

Motion to approve the 2020 Fleetwood Senior Grad route and parade to be held July 30, 2020.

**Made by: Ralph Touch**

**Seconded by: Colin Boyer**

**X  Motion Carried**

**\_\_\_\_\_ Motion Failed**

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**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – Yes**

**John Rothenberger – Yes**

July 4<sup>th</sup> was extremely loud and unsettling with the volume of fireworks being setup in the Fleetwood Borough and Topton Borough had the same issues. Chief reported that Senator Judy Schwenk is seeking to have the Amusement Tax Generating Fireworks law appealed.

## **Police Department (Continued)**

### **Executive Session**

Prior to going into executive session regarding the police department, Chris Young stated that Doreen O'Neil, Craig Conrad and guests Anita Tempesco and Denton Schuker will be moved to a Zoom waiting room and recording of the Zoom meeting will be paused; once the executive session is completed, Chris would allow them back in. Mayor Gore reminded everyone that no one can be recording during the executive session. Kourtney Bernbecker, Esq. highly recommended that there be no recordings of executive sessions.

Council went into executive session at 7:04pm.

### **Executive Session Ended**

Council returned from executive session at 7:44pm.

Chris Young allowed Doreen, Craig, Anita and Denton back into the Zoom meeting and announced that recording of the meeting was started.

Suzanne announced that were are back from executive session and asked Kourtney Bernbecker, Esq. to direct the next portion of this. Kourtney stated that we are looking for a motion to authorize the Chief to take disciplinary action requested regarding the personnel matter discussed in the executive session.

Motion to authorize Chief Stinsky to take disciplinary action requested regarding the personnel matter discussed in executive session.

**Made by: John Rothenberger**

**Seconded by: Ralph Touch**

**Motion Carried**

**Motion Failed**

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**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – No**

**John Rothenberger – Yes**

## **Real Estate Tax Flat Period Extension**

Kourtney Bernbecker, Esq. explained the resolution for extending the Real Estate Tax flat period due to the COVID-19 stay at home order, Act 15 was enacted by the General Assembly of PA which authorized municipalities to extend the property tax periods.

There are three periods for collection:

- Discount – (Goes to April 30<sup>th</sup>)
- Flat – (Resolution proposed extends this flat period where there is no penalty - change from June 30<sup>th</sup> to Sept 30<sup>th</sup>)
- Penalty – (After Sept 30<sup>th</sup>).

It is recommended by Berks County Commissioners for municipalities to extend the Flat period to limit the penalization for property owners. Other municipalities in Berks County have done this and Kourtney strongly recommended this for Fleetwood Borough.

A copy of the resolution had been sent out to Council for the May 2020 meeting, but was not addressed at the May meeting. Motion to approve the Real Estate Tax Flat Period extension resolution.

**Resolution: 2020-07-13-01**

**Made by: Ralph Touch**

**Seconded by: John Rothenberger**

**Motion Carried**

**Motion Failed**

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**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – Yes**

**John Rothenberger – Yes**

## **Articles of Amendment (Renew Authority Term)**

Kourtney Bernbecker, Esq. discussed the resolution for Articles of Amendment for the Fleetwood Water Authority. The current term will expire December 31, 2020. The new resolution would renew the term of the Fleetwood Water Authority for 50 years. Alicia Kline had sent a copy of this resolution to Council on June 10<sup>th</sup>.

Motion to approve the Articles of Amendment to renew the term for the Fleetwood Water Authority for another 50 years.

**Resolution: 2020-07-13-02**

**Made by: Peter Merkel**

**Seconded by: John Rothenberger**

**Motion Carried**

**Motion Failed**

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**Suzanne Touch – Yes**

**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – Yes**

**John Rothenberger – Yes**

## **Act 93 – Fire Insurance Escrow Act**

Chris Young mentioned that the 4 houses on the 100 block of East Locust Street were destroyed by fire. These 4 properties were purchased by one contractor, who plans to demolish them and rebuild. The demo permits came in last week, so there is progress. Chris had talked to the contractor, who briefly explained what Act 93 was and said the Borough may want to look into Act 93, as other municipalities have done. Kourtney Bernbecker, Esq. explained the Act 93 – Fire Insurance Escrow Act (also Act 95). If someone has fire insurance, a portion of the proceeds can be held in escrow, for costs the borough may incur from the fire, helps to cover costs if property owner collects insurance and then abandons. A sample of a memorandum and ordinance for this was provided to Council that had been prepared for another municipality. The municipality places the proceeds in a separate fund for use if the municipality would need to secure the structure/cover costs. Chris noted that if Council is in agreement, he would ask the office of Andy George, Esq. to start preparing an ordinance for this. This act was started back in the 1990's and Andy was surprised the borough didn't have an ordinance for this. Chris had spoken with Harry (BIA) briefly and got better understanding; Harry was surprised that the Fleetwood Borough did not have an ordinance for this. Council had no objections to pursue.

## **Re-engaging Ordinances/Resolutions**

Chris Young mentioned that there was discussion on ordinances/resolutions that have stalled either in the committee or the energy level.

- Tannery Lot rules
- Parking Ordinance (needs to be updated and folded in with the Tannery Lot rules)
- Shade Tree (written maybe 2ish years ago but not implemented)
- Sidewalk
- Usage of Borough facilities (there are rules, but no resolution).

Council approved for Chris to re-engage with Andy George, Esq. and get back to the committees to review the new ordinances. Chris asked that if anyone else knows of an ordinance that has stalled to let him know. The modifications of these ordinances also involve a re-codification process.

## **Mayors Report**

### **Council Meeting Rules – Resolution Proposal**

Mayor Gore noted that with today's technology, most people have a recording device in hand at all times and needed to update the public meeting policies to include recording devices. Mark Watkins, Chris Young, John Rothenberger, Doreen O'Neil and herself had met to discuss public meeting policies. The policy includes meeting protocol/guidelines, rules for recording of borough meetings, etc. Anyone can record a meeting; however, they need to make it be known that they are recording the meeting and what the purpose is. A copy of the draft resolution was emailed to Council earlier. Tammy also mentioned that pre-bid data cannot be shared during recordings as it would be unfair to future bids.

Kourtney Bernbecker, Esq. and Andy George, Esq. are in the process of reviewing the draft and will discuss findings with Chris Young. They need to make sure it's consistent with borough code and the Sunshine Act.

Tammy reviewed some items of the draft regarding the borough recordings by Chris to be used for documentation of minutes, etc.

Colin Boyer mentioned from his review of the draft, it did not cover virtual meetings. Kourtney mentioned that the copies that were provide to the group were prior to Zoom meetings being authorized, but that during her review of the draft she had made note of this as well. Colin noted that he felt the wording was outdated regarding equipment. Colin questioned what the penalty was if someone was to violate the rules/resolution and how would it be enforced. Kourtney mentioned that municipality guidelines are usually if an attendee does not abide by the rules (after a warning) they would be asked to leave.

### **Proclamations**

Mayor Gore stated that she had done 2 different proclamations:

- Fleetwood Graduating Class of 2020
  - The proclamation had all the class members' names on the back and each graduating student received the proclamation with their diploma.
  - Chris Young stated he had heard positive feedback regarding this.
- Fire Department, Fire Police and Emergency Service personnel
  - For calling 3 alarms quickly, getting 10 fire companies onsite to contain the fire to 4 structures, and for the outstanding service they provided during the devastating fire at the 4 structures on East Locust Street

## **Borough Managers Report**

### **Finance Update**

Chris Young had provided finance report to Council via email. For EIT and Real Estate Tax, Fleetwood is doing well for revenue. Real estate tax, the borough is at 97%. EIT is where municipalities are concerned since this comes from peoples' employment.

### **Main Street Fair (October)**

Chris Young mentioned that the Main Street Merchant Fair will be held on October 3, 2020. They run it with their own planning and little borough involvement – maybe just placement of barricades.

They did inquire if possible to close Main Street between Franklin and Richmond Streets. Last year when this event was held, there was no change in traffic flow. There were safety concerns of the public crossing the street as well as being along the curb sidewalk while at a merchant's table. Chris had spoken to Chief Stinsky about closing down the block, he thinks it is plausible, but needs Council's approval for it and there is a 2-month lead-time with PennDOT to work out the details.

There are 2 options:

- Close the block of Main Street between Franklin and Richmond Streets completely.
- Close it to one-way traffic at a time and allow trucks/traffic to go through the middle of the street.

There was discussion of possibly detouring traffic from South Richmond Street to Locust Street to Franklin Street and back to Main Street. Need to consider the smaller side streets that could see an impact of additional traffic during this time. It was noted that the length of this event would be longer than a parade time frame.

Chris Young will advise the Main Street Merchant group that the borough is in favor and also notify Chief Stinsky to submit application to PennDOT.

Motion to have Chief Stinsky request permission from PennDOT to close Main Street between Franklin Street and Richmond Streets October 3, 2020 for this event.

**Made by: Colin Boyer**

**Seconded by: Jim Meals**

**X   Motion Carried**

**Motion Failed**

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**Suzanne Touch – Yes**

**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – Yes**

**John Rothenberger – Yes**

### **Locust St. Fire – Zoning**

Chris Young mentioned that looking at the zoning ordinance, there are sign issues that Council wanted to look at again.

The zoning ordinance requirements may want to be opened up, to account for the rebuilding of structures devastated by fire.

The buildings need to be built back to code. He had spoken to Harry (BIA) and he suggested that Council look at the current setback requirements for rebuilding. The 4 homes on Locust Street would not pass with the setback specs and will need to go through a variance. Chris had spoken to Harry (BIA) and he suggested the borough look at the ordinance and open up the requirements, given the older structures in the community. Pete Merkel noted that he thought the modification of the zoning ordinance was a good idea. The sign ordinance needs to be looked at regarding signage on Main Street. Since the Sign Ordinance is part of the Zoning Ordinance, it is best to dovetail the changes.

### **Miscellaneous**

Chris Young had mentioned that Grand Central had inquired about closing the section of North Richmond Street aside of their property or even the alley behind the property. Chris had reached out to Diane about putting it on the agenda for tonight and she said they do not want to pursue this at this time.

### **Public Works**

Craig Conrad has report prepared and will send out his report to Council tomorrow. Public Works has been busy with paving, water meter readings, mowing grass, etc.

Craig mentioned that the contractor is finishing up the Tannery Lot items. The contractor had attempted to place more soil for the seed, but it has big clumps and is a mess; Craig contacted them to come clean it up as he can't even mow it. The borough is holding a retainer fee until all items are resolved.



