

## FLEETWOOD BOROUGH COUNCIL MINUTES

BOROUGH COUNCIL MEETING

BOROUGH COUNCIL WORKSHOP

**Date: August 10, 2020 – Council Conference via Zoom with public phone-in**

**Roll Call:**

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

Tammy Gore, Mayor  
 Chris Young, Borough Manager  
 Doreen O'Neil, Recording Secretary  
 Andy George, Esq.  
 Craig Conrad, Public Works Director  
 Robert Weidner, Highway Commissioner  
 Steve Stinsky, Police Chief

**Also Present:**

John Manmiller, Fleetwood Fire Company Chief  
 Ryan Kern, Barry Isett & Associates  
 Brad Smith, Arro  
 \_\_\_\_\_, 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 6:34pm 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 4 guests who phoned into the Zoom meeting: Keith Holland, Daphne Bauer, Jennifer Schwegler, and Denton Schucker.

**Police Department**

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

Chief stated that the background checks for the two applications for Community Center Ambassador positions are good. Chief will provide Chris Young with paperwork on 08-11-2020.

Chief reported that between May 30<sup>th</sup> and July 20<sup>th</sup> additional manpower expenses were \$4679.66 that was not accounted for. These expenses were from police support during protest demonstrations in the Kutztown and Fleetwood boroughs. On 08-06-20, Chief was contacted by Berks DES to submit by 4:00pm that day the manpower expenses incurred from the protests for possible recoup of these monies.

July 30, 2020 Fleetwood Police, Northern Berks Police and local Fire Companies participated in a 2020 Senior Graduation parade; approximately 40 students participated.

The new Fleetwood police officers are doing well, and Chief is looking for some part-time officers.

Chief is reviewing equipment needs for the 2021 budget. Chief has order some road flares due to low inventory.

SafetyNet Sanctuary has approached Chief Stinsky regarding increasing the borough contribution to them. The last two years have been \$1000 which was for Fleetwood Borough and Richmond Township. Chief suggested contributing \$2000 to them, which would be split between Fleetwood Borough and Richmond Township. Topton and Ruscombmanor Township have their own agreements with SafetyNet Sanctuary.

Mayor Gore inquired about school crossing guards. Chief explained that the last two years, the Fleetwood School district had contracted for safety guards. Chief will check with the school district to see if the same will be done this school year.

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

BIA report as of August 10, 2020 was provided to Council members prior to meeting as per attached.

Ryan reviewed the various items on the report

Ryan reported that there were additional areas of stream damage in the Fleetwood Park as a result of the rain storms on Aug. 2<sup>nd</sup> and 4<sup>th</sup>.

Ryan mentioned that Berks MS4 committee has a video about 'What is a Watershed'. He recommended that it be posted on Fleetwood Borough website/social media. The video is at <https://www.youtube.com/watch?v=iF5j3tNrLT4>. Posting/sharing of this video by the borough would count towards public education and outreach requirement of the MS4 permit.

Ryan mentioned that for internal review there is an article on Berks County representatives looking at alternative solutions to fire departments using firefighting foam (PFAS), which has been found to contaminate surface and ground water. The article was recently posted by WFMZ [https://www.wfmz.com/news/area/berks/berks-reps-look-alternative-to-contaminate-d-fire-foam/article\\_66707fca-d5a4-11ea-aafa-a7326136c07c.html](https://www.wfmz.com/news/area/berks/berks-reps-look-alternative-to-contaminate-d-fire-foam/article_66707fca-d5a4-11ea-aafa-a7326136c07c.html).

Chris Young will share this link with the Fleetwood Fire Company.

Tannery Lot - It was thought the scour mat issue was resolved in the mulch beds as of July 30<sup>th</sup>. However, when the storms hit August 2<sup>nd</sup> and August 4<sup>th</sup>, the scour mat was washed out with the heavy rain. The solution at this time is to add stone.

Fleetwood Park had flooding with the storms on August 2<sup>nd</sup> and August 4<sup>th</sup>. Bridge #1 (at curve of Arch Street/Maple Street) received heavy damage from the impact of debris. The bridge will need to be fully replaced. Craig Conrad mentioned that someone is taking down the Caution Tape and walking across the bridge is not safe. Craig said Public Works will have the bridge removed by August 14<sup>th</sup>. Chris Young met with a construction firm that was retained by the insurance company. Tomorrow Chris is meeting with an insurance adjuster to show them the damage and then a claim will be submitted. The cost to construct a new bridge is \$50,000. The current bridge is not fixable.

## **Guests**

While Ryan Kern (BIA) and Brad Smith (Arro) were still present for the meeting, phone lines were opened for the guests. Refer to the attached guest list for addresses.

**Keith Holland** has been at this resident for 30 years. In 2003/2004 he had gotten water through the foundation. He had system put in to rectify and was working fine. During the August 2<sup>nd</sup> and 4<sup>th</sup> storms, flooding came up from the floor drain, which his system is not setup for, which resulted in flooding. Pete Merkel mentioned the sewer system was overloaded during these storms; which has not happened in this magnitude. Keith mentioned there was significant water coming down Willow Street that it was over the sidewalks. Suzanne Touch inquired if Keith had submitted a claim. Keith said he was told since it came up through the drain it is not covered and he does not have sewer backup coverage.

Suzanne Touch said a claim can be made to the borough insurance by submitting information to Fleetwood Borough Emergency Management and they will make a determination.

Chris Young mentioned the borough's insurance company requested that every homeowner who experienced flooding get a statement from their homeowners insurance saying they are covered/not covered, and if homeowner has denial that they are not covered. The homeowner should provide the denial along with submission of damages to the borough. The borough will submit to borough insurance company to see if anything would be covered.

Tammy Gore questioned if anything can be done with floor drains to prevent this. Brad Smith (Arro) stated that the homeowner can install a valve on the line; sometimes they work well. If debris gets hung up on the valve, then it will not work. Pete recommended if someone has a floor drain and if there is potential of backup if the system is overloaded he would get rid of floor drain. Ryan Kern (BIA) mentioned that Tipton borough has a program that every year they inspect residences and if there is a floor drain hooked to the storm sewer or sanitary sewer, system, they make the person close it up with concrete. Craig Conrad said that floor drains and sump pumps that feed into the sewer system add to overload. John Rothenberger asked Ryan about Tipton program. Ryan explained that Tipton was finding people were pouring paint, oil, chemicals in their floor drains, so the program was to eliminate the polluting/contaminating the system.

**Daphne Bauer** stated she had sewer backup on August 2<sup>nd</sup>, but not on August 4<sup>th</sup>. She does have a bathroom in the lower level basement which is where the backup occurred. On August 4<sup>th</sup> only had water come in; the sewer did not backup. She has a plug in the lower drain. Clarification from Craig Conrad about the sump pump – they should not be hooked into the sanitary system; they should discharge to the yard/ground area. Daphne said her sump pump does discharge to the yard. Daphne mentioned that they have a plug in their drain on August 2<sup>nd</sup>. On August 4<sup>th</sup> they took out the drain plug and did not have any sewer backup. Curious as to why the sewer backup occurred on August 2<sup>nd</sup> and not on August 4<sup>th</sup>; unsure why as the system was overloaded more on August 4<sup>th</sup> than August 2<sup>nd</sup>. Suzanne Touch mentioned that Daphne can submit a claim



## **PennVest Attorney**

Chris Young explained that PennVest has a lot of requirements. Andy George, Esq. explained LGUDA(Local Government Unit Debt Act). Doug Rauch, Esq. of Georgeadis|Setley would handle this. The state also requires the borough to do this because of the debt increase with the loan.

Motion to approve Doug Rauch, Esq. as the attorney to assist the Fleetwood Borough with the PennVest loan.

**Made by: Pete Merkel** **Seconded by: Ralph Touch**

**Motion Carried**  **Motion Failed**

**Doreen O'Neil 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 – Abstain – Does not agree with the project and does not think a loan of this volume should be done during this time; should use some internal funds.**

**John Rothenberger – Yes**

Mayor Gore mentioned that taking out the loan versus using internal monies; make more sense from an economic standpoint. If the Water Authority was to invest the internal monies, it would make more money than what the loan interest rate is. Pete Merkel confirmed that the Water Authority does invest monies and makes about 3-4% interest.

## **Water Rates**

Discussion regarding the increase of the water rates. The Water Committee is recommending raising residential water rates 25% over 2-years (12.5% August 2021 and 12.5% August 2022) and raising industrial water rates 13% over 2-years (7% August 2021 and 6% August 2022).

Denton Schuker noted that the Water Authority would need to authorize the rate increases. Chris Young mentioned that is correct, this is a Council request to raise the rates and Water Authority would authorize.

Motion to increase the residential water rates 25% and industrial water rates 13% over 2-years starting Aug. 2021 and then Aug. 2022.

**Made by: Pete Merkel** **Seconded by: Ralph Touch**

**Motion Carried**  **Motion Failed**

**Doreen O'Neil 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 – No** **John Rothenberger – Yes**

## **Public Meeting Rules**

Andy George, Esq. provided summary of the latest resolution draft for Public Meeting Rules, which has been a working document for a few months.

Colin Boyer questioned the penalty for someone who does not abide by the rules; penalties are not listed in the resolution draft. Andy referenced Page 3, section E. Colin questioned possible unconstitutional issues with this in relation to the Sunshine Act and Wire Tap Act. Andy mentioned that people can record meetings, but nothing prohibits Council from requiring that person identifies that they are recording the meeting. Andy George, Esq. said he could to inquire with the Office of Open Records for their thoughts. Suzanne Touch asked Andy George to inquire more on that and report back to the committee.

## **Finance SOP**

Andy George, Esq. provided summarized overview of the Finance SOP and duties of the borough treasurer. John Rothenberger noted that it's important step in making sure process is being done consistently and that the process is defined.

Motion to accept the Finance SOP resolution as presented.

**Made by: John Rothenberger** **Seconded by: Ralph Touch**

**Motion Carried**  **Motion Failed**

**Resolution: 2020-08-10-00**

**Doreen O'Neil 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 – No** **John Rothenberger – Yes**

## Act 93 – Fire Insurance Escrow Act

Andy George, Esq. provided overview of the ordinance draft and purpose of ordinance.

Motion to advertise the ordinance for adoption at the September 2020 meeting.

**Made by: Ralph Touch**

**Seconded by: Jim Meals**

**Motion Carried**

**Motion Failed**

**Doreen O’Neil 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**

## Public Safety

### Emergency/Rescue Truck – Fleetwood Fire Company

Ralph Touch mentioned that the plan to purchase the new truck was discussed at prior meeting and approved. The Public Safety committee wanted Council to have copy of the invoice (which was emailed last week) due to the large amount and the payment is being made directly to the vendor. The invoice is \$100,000 for the down payment towards the new emergency/rescue truck. The down payment funds will come from the Fire Tax account.

## Borough Managers Report – Chris Young

### Flooding in Fleetwood

Chris stated he had reached out residents of what they needed to be done. The borough is looking for FEMA or PEMA to see if any funding available for grant money or low interest loans. The Emergency Management Coordinator was very active during/after the flooding distributing paperwork to residents.

Fleetwood Park – Bridge #1 took the brunt of debris and is no longer safe. Other park damage is cleaned up and some squares at the playground were washed out and need to be reinstalled. Chris mentioned that he is meeting on 08-11-20 with the insurance adjustor. Bridge #1 is demolished and needs to be replaced. The estimate for replacement is \$50,000; if the cost is not covered by insurance, will need to discuss. Craig and Public Works will be working on removing Bridge #1 this week. Bridge #2 and #3 were inspected by engineers; these 2 bridges are ok.

Mark Watkins questioned Chris about the condition of the band shell. Mark had noticed so areas that had washed away at side of band shell. Chris stated that the band shell structure was inspected by engineer that looked at bridges. The band shell foundation is fine and will require the areas to be filled in.

Denton Schucker questioned Craig Conrad about the sanitary sewer and if there were any overflows or spills during the flooding that was reportable to the state. Craig mentioned that the auxiliary pumps were in place prior to the storm. Craig said there was surcharging at the plant and Vine Street station. These were reported to the state. With the reporting to the state, DEP did come out the day after the storm to see how the situations were handled; they were satisfied with how it was handled.

Denton mentioned that in years gone by, the Emergency Management Plan had a list of community residents with impairments and may need assistance in the event of an emergency. Chris stated there may have been updated, but possibly not in last 2-3 years. Chris will check with the Fleetwood Borough Emergency Management coordinator. Denton suggested that this list be updated twice a year. Chris will need to check where the database is/would be stored so it would be accessible for FVFC and EMS personnel. Suzanne Touch asked Chris Young to look into this and see how other municipalities handle. Suzanne Touch also mentioned that need to consider the HIPAA rights regarding this data.

## Finance Update

Chris had provided finance report to Council via email. Chris stated that expenses and revenue are good. Chris noted that the finance committee had met to review the Capital plan. A revised Capital plan was distributed to Council members last week. The financial committee made recommendations of projects to be done or pushed to 2021. New items Tannery pavement (Franklin Street), concession stand siding, storm drain - sinking (Arch/Richmond Streets), and watershed roof damage at Hickory Drive for a total of \$103,000 into the Capital which is under what was planned on being spent as of Jan. 2020. Motion to approve adding new additional items to the Capital plan and postpone other items until 2021.

**Made by: Ralph Touch**

**Seconded by: Jim Meals**

**Motion Carried**

**Motion Failed**

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**Suzanne Touch – Yes**

**Peter Merkel – Yes**

**Jim Meals – Yes**

**Ralph Touch – Yes**

**Colin Boyer – No**

**John Rothenberger – Yes**

## **Borough Managers Report – Chris Young (continued)**

### **Borough Website**

Chris stated that the new website was to be effective week of August 3<sup>rd</sup>. However, with the forecasted storms for August 4<sup>th</sup> Chris had notified the developer to postpone. Due to schedules, this implementation of the website has been scheduled for September 2020. Chris noted that current website is still available and working fine.

### **Community Center Ambassadors**

Chris stated Ashley Shilling had resigned from this position. The recommendation is to hire Camille Bertin (Oley student/Fleetwood address) and Leo Hummer (Fleetwood student). They both have good references and as Chief Stinsky reported earlier their background checks cleared. Chris had spoken to Andy George, Esq. since there was a need for these people. These two were hired with conditional statement that employment was dependent on the background checks and approval at tonight's meeting.

Motion to hire Camille Bertin and Leo Hummer as ambassadors for the Community Center.

**Made by: Mark Watkins**

**Seconded by: Colin Boyer**

**X   Motion Carried**

**Motion Failed**

**Doreen O'Neil 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**

### **Water Bill Errors**

Chris mentioned that water bills went out. For residents that receive email notices (the email went out 08-08-20), residents who accessed bill online noticed errors. The amount was correct, but then there were 2 additional line items that showed on account. Chris was contacted at 10:00am on 08-08-20. He contacted Dallas (Xpress BillPay) about the billing error and by 2:00pm it was corrected. Chris spoke to Dallas and there was an error in the data transfer and has since put in a quality/data check to prevent this from happening again.

### **MMO (Minimum Municipal Obligation)**

Chris mentioned that copies of documents were part of the packets distributed to Council via email. This is the 2021 financial requirement Minimum Municipal Obligation (MMO) for both police and non-uniform employees. The MMO is for the pension.

Motion to authorized Chris Young to sign MMO documents.

**Made by: Ralph Touch**

**Seconded by: Mark Watkins**

**X   Motion Carried**

**Motion Failed**

**Doreen O'Neil 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**

### **Fleetwood Forum Newsletter**

Normally the newsletter is published twice a year. The spring newsletter went out, however due to the COVID pandemic, the events listed in the newsletter ended up being cancelled. With the current status of COVID and restrictions, the thought is to not do a Fall/Winter newsletter; as most group activities/events may end up being cancelled. Also there is no reason to solicit advertisements from business that are also dealing with the pandemic as well. The thought is to re-address this for a Spring/Summer 2021 newsletter. Pete Merkel voiced agreement of this plan.

## **Public Works – Craig Conrad**

### **Vine Street Pumping Station**

Craig mentioned that the Authority did award the bid to install some bigger pumps based on flow data. DESCO has submitted all their submittals and were approved by Arro. The equipment has been ordered, estimate start date for the pump installation is late September 2020 with a completion date of late-November/early-December 2020. John Rothenberger noted that the enhancements being made at this pumping station are a direct result of the flooding 2 years ago.

### **Flooding**

Craig mentioned the flooding was devastating. It was bad that day and got to the point of not being safe to be out driving. Public Works was out closing roads and deal with the flooding. The sewer employees did all they could prior to the storm and trying to stay ahead of it for awhile, but eventually the storm ended up winning and just needed to wait for the storm to recede. Craig commended the employees for all their work and remaining for clean-up.

## **Bills**

### **Ratify Bills Paid July 27, 2020**

Motion to ratify the bills paid July 27, 2020.

**Made by: John Rothenberger**

**Seconded by: Ralph Touch**

  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 – Abstain**

**John Rothenberger – Yes**

### **Current Month**

Motion to pay the current month bills.

**Made by: John Rothenberger**

**Seconded by: Ralph Touch**

  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 – No**

**John Rothenberger – Yes**

## **Finance**

Chris Young mentioned about Finance review of invoices. John Rothenberger stated that the current method discussed a few months ago, where check register was made available to everyone to view/signoff and was done for preserving the integrity of the invoice/confidential information. If a Council member wanted to view and invoice, Chris would hide all confidential information before providing copy of invoice. Since that time, the Finance committee has discussed and proposes that the check register be available for Council to review. If someone wants to look at invoices, they sign-off on a document that states they acknowledge confidential data may be seen, and they will not share any of this data. Andy George, Esq. and Chris would discuss the draft of the sign-off sheet based on responses tonight. Ralph Touch stated that since all Council members have keys to the office, they would have access to the invoices, so is waste of time having Chris make copy of invoice and omitting the confidential data from the copy. Discussion of how the invoices are filed – which is by the vendor. Chris noted that he emailed another proposal to Colin Boyer which would be to keep all the invoices as a group typically from the Friday before Council meeting and for a week after Council meeting to allow Council members to review the invoices. After that week, the invoices would then be filed in each vendor's folder.

Suzanne asked if next step is for the financial committee make a final recommendation for this and present it at the next borough meeting.

Colin mentioned that he felt it should be taken back to the vendors and ask that they do not include confidential information on the invoices they send. Colin would like to have a process/procedure in place to train Council and borough staff on the best practices for handling confidential data.

Suzanne asked about organizations that we could pay to have them provide training/teaching modules to Council/Staff and review our processes and address what changes should be made in our procedures. Chris noted that they did inquire with PSAB and they did not have anything at the time but were researching. Chris asked if Andy's office or Colin had any resources that could provide training for this.

Ralph noted that some data needs to be seen on an invoice to submit/process medical claims and credit card receipts.

Discussion of credit cards for department heads versus staff using their personal credit card. This data also needs to be secure.

It was stated that insurance premiums were converted to have an account number on paperwork versus an SS# of the person.

Andy mentioned that the Right To Know covers confidential data and that may be a place to start.

Suzanne suggested maybe the committee check with other municipalities to see how they address this topic.

Chris mentioned that in the meantime until information can be found regarding training resources, he and Andy would come up with document based on the Right To Know to be signed by staff.

Colin questioned that once invoices are processed and filed, the invoices still remain in the borough office; true.

Chris mentioned that the invoices could be placed in a distinct location (maybe the red drawer) along with document acknowledging that there may be confidential information that should not be shared. Council agreed.

Suzanne asked that Andy draft the document and this would be reviewed at the next borough meeting.

