

FLEETWOOD BOROUGH COUNCIL MINUTES

X BOROUGH COUNCIL MEETING

BOROUGH COUNCIL WORKSHOP

Date: February 8, 2021 – Council Conference via Zoom with public phone-in

Roll Call:

x Suzanne Pittella Touch
 x Pete Merkel
 x Jim Meals
 x 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 Bernecker, Esq.
 x Craig Conrad, Public Works Director
 Robert Weidner, Highway Commissioner
 x Steve Stinsky, Police Chief

Also Present:

John Manmiller, Fleetwood Fire Company Chief
 x Ryan Kern and Mike Eversole, Barry Isett & Associates
 x Doug Rauch, Esq. , Geogeadis | Setley
 _____, 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 6:31pm by President, Suzanne Touch.

Recording of Borough Meeting

All attendees were notified that this borough meeting was being recorded for borough documentation purposes when they joined the meeting via the Zoom link.

Doreen O’Neil took roll-call for verbal acknowledgement from each Council member and borough staff members of their attendance and if any intent to record this borough council meeting.

Suzanne Touch – No Peter Merkel – No Jim Meals – No Mark Watkins – No
Ralph Touch – No Colin Boyer – Yes John Rothenberger – No Craig Conrad – No
Mayor Tammy Gore –No Chief Stinsky – No Chris Young – Yes, for borough use only

The following were also included in the roll-call and if any intent to record the meeting.

Kourtney Bernecker, Esq. – No Doug Rauch, Esq. - No
Ryan Kern (BIA) – No Mike Eversole (BIA) – No Denton Schucker (Guest) - No

Police Department

Chief Stinsky provided overview to Council of the January 2021 police report as per attached.

Chief asked Council to consider promotion of Officer Maria Ruiz-Cabrera from probationary status to full-time status effective March 2, 2021.

Motion to promote Officer Maria Ruiz-Cabrera from probationary status to full-time status, effective March 2, 2021.

Made by: Colin Boyer Seconded by: John Rothenberger

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 Mark Watkins – Yes
Ralph Touch – Yes Colin Boyer – Yes John Rothenberger – Yes

Police Department - Continued

Chief noted:

- Steven Beckasey (part-time officer) has started training and patrolling.
- Feb 8th - Forwarded packet for hiring and letter of intent to hire a retired trooper that Chief Stinsky has worked with in the past on various task forces. The trooper is interested in the part-time Detective/Criminal Investigator position that was allocated for in the budget this year.
- There may be another officer looking to join Fleetwood Police Dept to fill that role as well.
- Provided update of police personnel and status of the mandatory training
- Provided update regarding the status of police vehicles.
- New red-light at railroad tracks at South Richmond Street and East Locust Street. There were reports from people that wait time was 10-15 minutes; the longest wait should be 18 seconds. Chief talked with PennDOT and Telco about the long wait; they thought it was from recent storms/winds, and that the sensor/eye may have shifted. Craig Conrad reported that he spoke with Telco today; they were out and replaced a card in the cabinet (Feb 4th or 5th).
- John Rothenberger mentioned that when traveling north towards Main Street in a pickup truck during the daylight hours, it is hard to see the green light and need to be over the stop bar at the intersection to see the color of the light. This is not a problem when it is dark. In a lower car it is not a problem in the daylight. Other Council members noted they have experience the same thing when traveling in SUVs. Craig Conrad will contact PennDOT and Telco to see what can be done. There were filters placed on the light to prevent confusion when drivers are stopped for the red light at the railroad tracks.

Barry Isett & Associates (BIA) – Ryan Kern/Mike Eversole

Pool Replaster Bids – Mike Eversole

This project had been bid on in 2020, but was postponed due to Covid-19 and not planning on opening pool in 2020.

Mike Eversole reviewed the two pool replastering bids as per attached.

- Deduct Alternate-1 option, is a lesser quality product and would be a credit back if choose this option.
- Add Alternate-2 option – option should be done
- Add Alternate-3 option – this option should be put off for now
- Add Alternate-4 option – this option should be done

Mike explained there is a 1-year workmanship warranty and 5-year plaster warranty. If go with the Deduct Alternate-1 (Marcite Plaster Finish); only has a 1-year workmanship warranty.

Public Works does not have the equipment to do this type of project.

John Rothenberger noted that this should not be put off any longer. This was in the budget and plan was do this work in 2020; Ralph Touch and Mark Watkins agreed. It was also noted that if this work is not done now, may have more significant work and expenses in future.

Colin Boyer stated that further on in meeting agenda there will be significant discussions in regards to the park, feels focus should be on the park and not the pool. Does not think the pool will be able to open this year, which is the second year of the pool being closed. Colin also stated he does not think we should have a pool at all, based on the amount of repairs and future repairs.

Motion to accept the bid base with add Alternate-2 and add Alternate-4 from Premier Pool Renovations for total of \$145,450.

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

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

BIA Report

BIA report was provided to Council as per attached. Ryan Kern reviewed the BIA Engineer report as of 02-08-2021.

Willow Creek Restoration – Ryan Kern

The Park Creek committee met 01-20-2021 to review the design/layout of the 3 phases and cost estimates. It was decided to move ahead with Phase 1 and 2; but to eliminate Phase 3 (bio-retention garden) was found to be the least cost effective. BIA will look for grants to apply to the Phase 1 and Phase 2. Mary Himmelberger (BIA) will coordinate with the borough.

Barry Isett & Associates (BIA) – Continued

Offensive Outdoor Lighting Codes/Ordinance

Pete Merkel inquired regarding this item from last month's meeting for a building on West Main Street. Mayor Tammy Gore mentioned that the tenant of the building had received grant money to install the lights. Mayor Gore noted that the school board was not aware of these lights being installed at the building. She noted that Greg Miller (Superintendent of school) is working with the lighting company to have hoods installed on the lights that face North Richmond Street. It was stated that if the borough wants all lights hooded/addressed, they would need to contact the school. Chris Young asked if there is a timeline for the school to resolve this issue with the building before they are cited. It was noted that there is no known timeframe, but there is a school board meeting tomorrow where this can be discussed.

It was also mentioned that the current ordinance needs to be updated to have the correct verbiage regarding lumens/light pool for parking lights and buildings. Chris Young mentioned that we did receive a recommendation from BIA for a lighting ordinance which would be part of the Zoning Ordinance. Chris Young will send letter to Dr. Greg Miller indicating the borough would like them to address all lights on the West Vine Street building.

Water Main Project

PennVest Funding Ordinance – Doug Rauch

Doug Rauch, Esq. of Geogeadis | Setley, assists the borough with PennVest loans. When the borough borrows money it must be done by ordinance. Doug provided summary of the ordinance. Doug explained that the bids came in and it is thought to be less than \$2 million. . It was decided to go with a \$3.5 million loan to eliminate the need to go back through process (another ordinance, etc) if need additional monies. If monies initially loaned are not used, there is no penalty. There are various documents that need to be submitted to PennVest which is handled by Doug Rauch, Esq. Doug mentioned the closing date with PennVest is March 31, 2021.

Chris Young mentioned that meetings with PennVest have been informative and PennVest appreciated hearing that Doug Rauch was our legal counsel. Doug is experienced with this. Chris mentioned that the bid was \$1.7 million but with legal and engineering feeds, it will be closer to \$2.2 million.

Doug Rauch, Esq. explained the resolution for the intent to reimburse which needs to be adopted by Council.

Colin Boyer mentioned there is litigation between RAWA and Geogeadis | Setley but not related to services provided by Doug. It was confirmed that Doug Rauch, Esq. would be the only one handling the paperwork for the PennVest loan, etc. Doug stated that with this loan, the first 5 years is 1.107% interest and the following 15 years would be 1.861% interest.

Kourtney Bernecker Esq. stated that she and Andy George, Esq. have a strong approval of Doug Rauch.

Doug mentioned that documents were delivered to the borough for signatures.

Motion to pass the ordinance for PennVest Funding for the water main project and to accept the legal services agreement.

Made by: Pete Merkel

Seconded by: Ralph Touch

 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

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

Motion to accept the resolution for the PennVest funding.

Resolution: 2021-02-08-01

Made by: John Rothenberger

Seconded by: Ralph Touch

 X Motion Carried

 Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

Guests:

Denton Schucker mentioned that the Authority is still looking for a replacement for their secretarial position. They have a secretary for the March meeting, but will then need a replacement. They have not been able to secure someone for this position and asked Council if they know of anyone interested in this position to let him know. The Authority meets 6-7 times a year, this is a paid position.

Fleetwood Park – Band Shell

Chris Young stated that Council was provided a copy of the letter from Gregory Marks (Structural Engineer with BIA) regarding the assessment of the band shell condition. Chris Young explained his power point detailing the status of the band shell and possible options. This had been reviewed by the Parks Committee and decided would be good to share with Council.

Chris Young reported that BIA evaluated the band shell condition and determined it was unsafe and it has been condemned. There is rotting wood and support beams have shifted off footers. Mayor Gore mentioned that the structure is 35 years old and that the Fleetwood Lions Club had it installed and has seen tremendous usage over the years.

Chris Young reported that once it was deemed unsafe; planning was started regarding doing repairs or replace the structure to gather information to provide to Council tonight.

The repair of the current structure is not recommended by the original manufacturer or the BIA engineer. This is due to the structure being laminate and glue.

The packet contains some ideas for replacing the structure. Replacing the current structure with the exact type of structure (the original manufacturer is still in business) would cost \$500,000. The Park Committee team also started to look at a new stage with cover and also cover for the seating area that has been talked about for many years.

Mayor Gore mentioned that we need to take our time with this and determine how it is used and what is needed so that it provides the correct structure. She mentioned that we're coming up on deadlines for grant monies. This project will need to be addressed in 3 phases and will take a few years:

- 1) Teardown the current structure – looking for approval
- 2) Determine what is needed and what we want to replace it with
- 3) Start looking for grant monies – looking for what's available with DCNR

Chris Young mentioned that Mary (BIA) looking for potential grants/loans. We need to start with the demo of the existing structure ASAP. Various businesses were contacted to provide quote for the demo process, however the following day was snow storm and could not get to the band shell site. Chris is still trying to get quotes; the thought of demo cost is around \$25,000. Mike Eversole said the cement stage area can remain.

It was discussed that a 8 x 8 shed could be placed in the area to house the electrical boxes, etc. When the shed is no longer needed, Public Works would use at the community center to house snow blower, salt, tools.

Chris noted that a temporary tent could be rented for the summer-time events until a permanent structure can be built.

Mayor Gore mentioned that a new structure may not be in place for the Fleetwood 2023 Celebration – 150 years.

There was discussion if the demo project needs to go out for bid, if over \$21,300. Kourtney Bernecker, Esq. noted that this would be considered an emergency standard/need, since it's a safety issue, so no need to bid-out. Kourtney can double-check with Andy George, Esq.

Mike Eversole will provide demolition contractor to Chris Young.

Demolition would be addressed as soon as quotes come in to eliminate the hazard of the structure.

Colin Boyer questioned what budget line is this cost coming from. Chris Young mentioned there is no budget line for this and would need to come out of savings.

Motion to approve up to \$40,000 for demolition and preservation (shed and electrical) of the band shell. If the demolition portion is higher than \$21,300 then Chris Young to check with Andy George, Esq. regarding the bid-out rules when it's an emergency.

Made by: Ralph Touch

Seconded by: John Rothenberger

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

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – Yes

John Rothenberger – Yes

Discussion that we should ask BIA to start looking for grants with DCNR for this possible \$500,000 project and tentative design concept. Tammy mentioned that there is a rush to get authorization to start looking for grants since the expiration date this year is April 15, 2021.

Motion to authorize BIA engineers to start looking for grants/funding resources toward the replacement of the band shell.

Made by: Ralph Touch

Seconded by: Mark Watkins

X Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

Legal – Kourtney Bernecker, Esq.

Covid Vaccine – Employer Option

Kourtney Bernecker, Esq. reviewed the Pennsylvania Commonwealth vaccine phases for personnel. Kourtney explained the different employer policy options regarding vaccines.

- Mandated – Vaccines can be mandated, but must comply with workplace state laws.
- Encouragement – Recommend to clients to review work force to determine best approach. Use encouragement by providing education. Kourtney has names of education resources that can be provided to Chris Young. Part of the education would include explaining the development of the vaccine, how to get the vaccine, and the risks/side effects, etc. It was mentioned that scheduling of workforce getting the vaccine should be considered. Some people after getting the vaccine have symptoms which is normal, but may result in the person needing to be off the next day, so need to plan for coverage in the workplace.

Kourtney recommended that the borough document which employees had the vaccine. By people getting the vaccine, reduces the likelihood of people needing to be quarantined and reduces the exposure to employees and community members. Kourtney can help with options and documenting the policy.

Suzanne Touch mentioned to take the encouragement approach, not mandate. There was discussion regarding protocol and policies in the workplace. It was noted that Chief Stinsky is encouraging his officers to get the vaccines. Discussion of purchasing multiple thermometers to have at different locations (office, water/sewer, mnt building, police office) versus only borough office. Chris Young will work with Andy George, Esq. on education portion for encouraging the vaccine. Motion to allow Chris Young to purchase 4-5 thermal thermometers to have at different locations for borough employees to use to check temperatures at beginning of each day.

Made by: Ralph Touch

Seconded by: Colin Boyer

Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – Yes

John Rothenberger – Yes

Codification

Kourtney Bernecker, Esq. mentioned that the American Legal Publishing has provided comments to the codification. Kourtney and team are about half way through reviewing their comments and should have an update for Council at next month’s meeting.

Finance Team

John Rothenberger reviewed the 2021 Capital Plan and expenses/summary as provided to Council. Chris Young mentioned this document is showing the band shell demo under Capital and as pointed out earlier this expense would be out of savings, not capital. Chris mentioned that Jan 1, 2020 and Jan 1, 2021 the savings account is the same which is in good shape. Motion to approve the 2021 Capital Budget as provided to Council, minus the demo of the band shell entry.

Made by: Mark Watkins

Seconded by: Ralph Touch

Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

Borough Managers Report – Chris Young

Planning Commission – Sprecher Time Extension

A letter from OTM, LLC was provided to Council. OTM, LLC had gone to the Planning Commission regarding a subdivision. The Planning Commission required more information from OTM, LLC. This letter to provide a 90 day extension to allow OTM, LLC to provide details back to the Planning Commission.

Motion to authorized OTM, LLC a 90 day extension.

Made by: Pete Merkel

Seconded by: Ralph Touch

Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – Yes

John Rothenberger – Yes

Borough Managers Report – Continued

Fleetwood Park Bridge

Chris mentioned that the bridge replacement is in the Capital Budget plan. Chris had provided bridge documentation to Council prior to meeting. Chris reviewed the status of the bridge replacement and hopes to have it replaced prior to summer. There is proposal to have Kleckner Laucks architects work with BIA engineers on this project. Chris had spoken with Ryan Kern (BIA) and he is comfortable with this plan. Bridge cost is under bid threshold, other work would be done by the Public Works department. The bridge is constructed with ‘green’ materials and would be a higher elevation; it is also being looked at to have a debris blocker further upstream. The estimate is \$60,000 and does not include the cost of a debris blocker. The bridge replacement does require a DEP permit. The cost of bridge is \$20,000; the remaining cost is for DEP permit and Engineering fees. Chris mentioned the first phase is to get quotes and start getting a proposal plan in place by the March 2021 meeting.

Colin Boyer questioned the estimate of \$60,000 if the bridge is only \$20,000. Why are we not researching other avenues as there are other bridges into the park? Why is the borough expected to pay for this when the Rec Board has thousands of dollars over the years and it doesn’t appear they will be spending down these monies any time soon? The FCCO is planning to spend over \$100,000 on a parade down Main Street for the celebration, why aren’t these organizations being asked to replace this bridge. Colin does not think it’s an emergency to replace this bridge when there are other bridges.

John Rothenberger stated that his concern is that it’s the only access from that section of town to get into the park; this bridge is the most heavily used entrance into the park.

John Rothenberger mentioned that he does not have a problem if someone else wants to pay/contribute to the bridge project, this is just to get the ball rolling at this time and make this a functional bridge.

Suzanne Touch mentioned that other resources could be looked into to help defray costs. Mayor Gore mentioned that she had gone to the Fleetwood Rotary Club and this is not their type of project. Chris Young mentioned that the Rec Board does have a proposal for a significant project in the borough. An update on this project will be presented at a later borough meeting by a Rec Board representative.

Motion to engage Pete Laucks (Kleckner Laucks architect) services, not to exceed \$6,000 for the architect designs and project management.

Made by: John Rothenberger

Seconded by: Ralph Touch

X Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – No

John Rothenberger – Yes

Autistic Child Sign

Chris Young had received a request for an Autistic Child sign for the 00 block of South Franklin Street. Chris Young recommends Council approves. Kourtney Bernecker, Esq. stated that this has become more requested in cases where the autistic child is likely to be outside or a runner. The borough covers the cost of the sign and there one is in place on West Washington Street. Documentation from a HealthCare provider was provided that the child is a runner and recommends signage to alert drivers and make aware of danger to the child. Kourtney noted that is also good, and allows residents to be aware if see a child running in this area to contact police as awareness.

There was discussion that there is no time frame that person needs to re-apply. It was noted that if the resident was to move, then the sign would be removed. It was discussed of putting on list to check with resident every 2 years to see if still reside in the area. Chris will look into options on database to flag this.

Motion to authorized installing Autistic Child signs in the 00 blank of South Franklin Street

Made by: Colin Boyer

Seconded by: John Rothenberger

X Motion Carried

Motion Failed

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Suzanne Touch – Yes

Peter Merkel – Yes

Jim Meals – Yes

Mark Watkins – Yes

Ralph Touch – Yes

Colin Boyer – Yes

John Rothenberger – Yes

Public Works – Craig Conrad

Craig provided monthly report to Council.

Craig provided status of the snow plowing from last week's storm and that Public Works still removing snow from some side streets (Locust, Elm, Washington, etc). Mayor Gore mentioned that Hamburg's street crew has asked to talk to Craig to discuss snow plowing/snow removal techniques with them. They had come through town after this last storm of over 20" and commented how well the roads were cleared.

Craig noted that salt supplies have been restocked and ready for the next storm later this week.

Guest Denton Schucker mentioned to Craig that snow was being dumped in the grass area of North Richmond Street and Friendship Drive and with the creek being so close expressed concern of the salt getting into the water. Craig mentioned he did not know of anyone dumping in that area. He has them dumping at the Fleetwood Park and the Pool parking lot.

Bills

Current Month – Feb 5th

Motion to pay the current month – Feb 5, 2021 bills.

Made by: John Rothenberger **Seconded by: Pete Merkel**

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	Mark Watkins – Yes
Ralph Touch – Yes	Colin Boyer – No	John Rothenberger – Yes	

Ratify Bills Paid January 25th

Motion to ratify the bills paid on January 25, 2021.

Made by: John Rothenberger **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	Mark Watkins – Yes
Ralph Touch – Yes	Colin Boyer – No	John Rothenberger – Yes	

Minutes

Motion to approve the January 11, 2021 borough Council meeting minutes.

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	Mark Watkins – Yes
Ralph Touch – Yes	Colin Boyer – Abstain	John Rothenberger – Yes	

The minutes for the Conditional Use Hearing meeting do not need to be approved or provided to the borough office since the meeting was recorded by the Court Reporter.

Petition Signings

Council members discussed process for signing petitions. A suggestion was made to utilize the 'red' drawer in the office. Colin mentioned this was not allowed, as the circulator must witness in person the signing of the petition. Chris Young volunteered to be a witness as needed.

Adjourn

Motion to adjourn meeting at 9:09pm.

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

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	Mark Watkins – Yes
Ralph Touch – Yes	Colin Boyer – Yes	John Rothenberger – Yes	

Submitted by:

Doreen O'Neil, Borough Recording Secretary