

FLEETWOOD BOROUGH COUNCIL MINUTES

 X BOROUGH COUNCIL MEETING

 BOROUGH COUNCIL WORKSHOP

**Date: February 15, 2022 – In-person meeting, held in Café
Council meeting is recorded and posted on website after meeting**

Roll Call:

 Suzanne Pittella Touch

 X Pete Merkel

 X Jim Meals – called-in

 X Mark Watkins – called-in

 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 Andrew George, Esq.

Also Present:

 X Dale Ulshafer, Police Chief

 X Craig Conrad, Public Works Director

 Robert Weidner, Highway Commissioner

 John Manmiller, Fleetwood Fire Company Chief

 Ryan Kern, Barry Isett & Associates

The borough council meeting was held at 110 West Arch Street, in the cafeteria to allow for social distancing as needed. Vice-president Pete Merkel called the meeting to order at 6:30pm.

Recording of Borough Meeting

A public notice sign was posted at the cafeteria entrance to notify attendees that the Fleetwood Borough Council meeting was possibly being recorded.

Police Department

Chief Ulshafer provided overview to Council of the January 2022 police report.

Chief provided update on the following:

- Personnel
 - Criminal investigator has started with the department and doing a fantastic job
 - Two new part-time officers have started this month
- The new Ford Explorer was delivered to the outfitter on 02-14-22. They are working on getting it equipped and it’s possible it could be back later this week.
- Scheduling software is now actively being used.
- Police department has started to use electronic log sheets, and once training is completed, they will no longer use paper log sheets.

Pete Merkel inquired with Chief that the police log overview seems to only contain a portion of what the police department does. Chief explained that he looks at report and lists what is significant on his monthly report to Council. Chief mentioned with the use of the electronic logs he will be able to query and provide better reporting showing what they actually doing and the amount of time spent.

Public Safety

Hire Full-Time Police Officer

Chief Ulshafer mentioned that after the hiring process, two applicants are being submitted as recommendations. The first recommendation is Brandon Kendall for the full-time hire. Chief Ulshafer recommended Jonathan Troyer in the event something occurs that officer Kendall does not accept the full-time position.

Motion to hire Brandon Kendall for the full-time police officer position; and if position is not accepted, then approve hiring Jonathan Troyer which is consistent with the Civil Service recommendations.

Made by: Ralph Touch

 X Motion Carried

Seconded by: John Rothenberger

 Motion Failed

Public Safety – (continued)

Police Contract Addendum – OIC

Assignment of OIC to Mike Quinn

Chris Young explained that the current police contract does not allow someone to be promoted to sergeant position; it only allows an officer to be promoted to a temporary chief position. Chris stated that the recommendation to council is to adopt the policy to allow a temporary sergeant position to be an OIC (Officer in Charge) appointed position until the sergeant position is filled. Amendment was written by the local FOP and is subject to review by Andy George, Esq.

Motion to adopt the police contract addendum (subject to review by Andy George, Esq.) and appoint Officer Michael Quinn for OIC.

Made by: Ralph Touch

Seconded by: Colin Boyer

X Motion Carried

Motion Failed

Police Body Cameras

Ralph Touch explained that currently the police officers are using their phones with adaptors to be able to use as body cameras. Ralph mentioned cost to purchase body cameras is \$21,000.

Colin Boyer inquired if this was through Axon. Chief Ulshafer stated it was through WatchGuard. Colin mentioned that it could cause problems at the DA’s office not being compatible and learning curve since most of the departments that have body cameras use Axon. Chief Ulshafer said Wyomissing and Spring Township are two departments that are using WatchGuard. Chief explained the reason to stay with WatchGuard is because they are compatible with the current MVR (Motor Vehicle Recording) devices in the patrol cars. To go to another system would be higher cost as they would not integrate with current MVR devices or downloading to servers. Chief explained that when MVR activates, the body cam will activate.

Motion to new body cameras at a cost of \$21,000.

Made by: Ralph Touch

Seconded by: Mark Watkins

X Motion Carried

Motion Failed

Barry Isett & Associates (BIA)

BIA Report

Attendance of a BIA representative is on an as-needed basis for borough council meetings. The BIA Engineer report was emailed to Council members prior to tonight’s meeting. If there is a need to have an engineer present at meeting, Chris Young should be notified to schedule them to be in attendance.

ARRO

The ARRO report was emailed to Council members prior to tonight’s meeting.

Guests: See attached list.

Trinity Solar

Two representatives from Trinity Solar were there to introduce themselves and stated they had received their solicitor permit. They offer residential solar programs - purchase or rental options. They would be in the Fleetwood borough educating home owners on the solar panel programs that Trinity Solar has to offer.

It was mentioned that it is required for a resident to get a permit for the installation of the solar panels. Once installed an engineer from BIA inspects the tie-in from the solar panels to the electric meter.

Legal - Andrew George, Esq.

Ratify Bills Procedure

Andy explained that procedure to ratify bills had changed to require it to be posted in the meeting agenda. We are compliant since the ratification of bills is listed on our agendas. Andy mentioned he discussed the Fleetwood borough process with Joan London, from his office and she agreed our process was good.

Tannery Deed Restrictions

Andy mentioned that the environmental engineer companies are working on final report for the Act 2 which is an environmental type of cleanup needed to be approved by PA DEP. Part of Act 2 requires, an Environmental Covenant which lists restrictions against the property related to future use.

Motion to accept the Environmental Covenant language.

Made by: Ralph Touch

Seconded by: Pete Merkel

X Motion Carried

Motion Failed

Legal - Andrew George, Esq. – (continued)

Tannery Lot Parking Permits

Andy mentioned the Tannery parking lot lease agreements are in progress (personal and business). The plan is to bring the agreements to March 2022 meeting.

Disposal of Obsolete Records

Andy mentioned the 2014 records are up for disposal.

Motion to approve the disposal of the 2014 records.

Resolution: 2022-02-15-01

Made by: Ralph Touch

Motion Carried

Seconded by: John Rothenberger

Motion Failed

Sub –Division - 303 E. Locust Street

Andy discussed the property currently contains a house with an empty lot next door. The owner is looking to sub-divide the property. The developer did not have all the paperwork that Planning Commission required and was told to re-submit drawings. Developer has until March 15, 2022 to provide the information to the Planning Commission. This can be tabled until the March 14th borough council meeting.

Sewer Lease Agreement – Amendment

Andy discussed the amended sewer lease between the Fleetwood Borough and the Authority which lists responsibilities of each party.

Motion to adopt amended sewer lease agreement between the Fleetwood Borough and the Authority.

Resolution: 2022-02-15-02

Made by: Pete Merkel

Motion Carried

Seconded by: Ralph Touch

Motion Failed

Ruscombmanor Water Agreement

Andy explained that the Ruscombmanor water agreement has been amended. The Authority and Ruscombmanor Township have signed the agreement.

Motion to adopt the Ruscombmanor Water Agreement.

Resolution: 2022-02-15-03

Made by: Ralph Touch

Motion Carried

Seconded by: John Rothenberger

Motion Failed

Solar Contract – Renewable Energy

Andy had reviewed the contract and did not see any major issues, however, there is no process documented regarding the removal of the solar panels. Andy noted at this time, it is ok for Council to proceed with further discussions with Renewable Energy. Andy mentioned that the Borough has not heard anything from Richmond Township; they have provisions in their ordinances regarding solar farms. Andy reported on a conversation he had with Chris Hartman, the Richmond Township solicitor. Mr. Hartman said the solar farms restrictions would not apply to this matter because the Borough is using the panels for its own use and not selling power on the grid. This is still considered an open item for discussion.

LSA Grant

Discussion of resolution for the Fleetwood Borough of Berks County requesting a statewide local share assessment of LSA grant in the amount of \$228,583 for the commonwealth finance authority for stream bank improvements and flood plain restoration for Willow Creek at the Fleetwood Park. LSA is a no match grant. Chris Young mentioned there was discussion earlier with the BIA engineers and this amount would be for phase 3 (stream bank restoration from bridge on Main Street down to band shell and from bridge #2 to bridge #3 where it floods out) .

Chris will provide information to Andy George, Esq. for him to place in proper format for signatures.

Motion to apply for the LSA Grant.

Resolution: 2022-02-15-04

Made by: Ralph Touch

Motion Carried

Seconded by: John Rothenberger

Motion Failed

Finance

ARPA Fund Disbursement

John Rothenberger mentioned that the rules have changed for the distribution of where the ARPA funds can be used. The borough received half of the funds in 2021 and the other half will be received May/June 2022. In January 2022, Congress made a final ruling for these ARPA funds, they gave every municipality a \$10 million automatic loss, regardless if the municipality loss money or not. With this new ruling, the ARPA funds can be used for general expenses.

The ARPA funds cannot be used to pay down debt or for capital expenses.

Motion to take the existing ARPA funds from the special account and place them in the general fund for general use.

Made by: Ralph Touch

Seconded by: John Rothenberger

Motion Carried

Motion Failed

Herbein Letter - Audit

Motion to engage Herbein for the yearly audit.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Capital Expense Plan

Jim Meals stated that the capital project lists for 2022 were distributed to Council prior to meeting. The capital project list is broken down in the five different departments.

- Community Center
 - Main expense is the roof at \$140,000.
 - This is area is over the gym and is the last section of roof that was not been replaced yet.
 - It will be replaced with a rubber roof.
 - This section of roof needs to be replaced in 2022 due to issues that have occurred
- Park
 - Three major expenses for the restoration of the creek bank, new park bridge, and band shell
 - The expense listed on report is the borough's matching amount for grants
- Pool
 - No expenses for this year
- Streets
 - Paving \$60,000
- Police
 - Body cams \$21,000

Jim mentioned that between the grant money and ARPA funds, some of these could be moved into cover some expenses.

Motion to adopt the 2022 capital expense plan.

Made by: Jim Meals

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Fleetwood Park

Band Shell Design Update

The packet of proposed band shell drawings was provided to Council prior to meeting. Mark Watkins reviewed the new proposed band shell style is a metal support structure with wood decking under the roof. The band shell price is \$73,244 plus an additional \$5000 for the wood decking under the roof. The wood backdrop is not part of the quote, but can be added.

The stone veneer is not included, but will get prices. Mayor Gore mentioned that the wood backdrop is necessary for sound and acoustics. The prices provided are for supplies only and does not include installation cost. Chris Young mentioned they are working on getting estimates for the installation. BIA engineers would need to look at the concrete and height regarding codes. Mark mentioned this is just an update to the concept of the new band shell and looking for feedback from Council.

Chris mentioned there is an eleven month lead-time; the hope is to be done by 2023. The band shell is secondary to the bridge, we are still getting the DCR grants approved, and design concept finalized. Chris mentioned besides the band shell expense, there are other modifications needed – ADA ramps, parking, and greenery that needs to go in. The overall project would be broken down into smaller pieces.

Fleetwood Park – (continued)

Additional Trees in Park

Mark Watkins mentioned that the covering over the seating is a request, but is extremely expensive. Part of the park packet included a diagram that showed concept of planting 4-5 large trees to replace trees that had died and were removed years ago. Mark explained that the proposal is to transplant 20' large shade trees; the type of tree has not been decided. These large shade trees would add some shade to the seating area. This concept does not impact the future possibility of a roof over the seating area. These trees could be planted in April of this year and cost would be kept to less than \$20K. Mark explained the trees would have about a 6" trunk; the trees are brought in on truck with large spade to dig holes. Expense of the trees was questioned. It was stated that planting the trees also helps build up the park greenery and ARPA funds could be used.

Motion to purchase 4-5 large shade trees with cost not to exceed \$20K.

Made by: Mark Watkins

Seconded by: Ralph Touch

Colin Boyer: Opposed

Motion Carried

Motion Failed

Pedestrian Bridge Proposal

Mark stated that using DCNR grants and potentially DCED grants the proposal is to purchase an aluminum bridge with composite decking material which includes ramps, handrails to meet ADA requirements. This new bridge will replace the washed-out bridge in the park. The vendor is Boardsafe Docks and they are COSTARs vendor. The bridge will be about 3ft higher than before. The cost of new bridge and ramp is \$105,000. The cost of piers will need to go out for bid. If the order is placed now, the bridge would be ready around May 2022. The bidding and concrete work would be determined. If the bridge is ready before the concrete work is completed, Boardsafe Docks will store it at their facility. The pedestrian bridge is part of the project that also includes the band shell. The overall estimate for that project is \$579,840.40. The DCNR grant is for \$250,000, DCED grant is \$132,000. This leaves a net borough cost of about \$200,000 plus the \$20,000 for trees for a total of \$220,000. This project was in the capital budget for a cost of \$260,000.

Colin Boyer expressed concern that if the original problem is not addressed, the new bridge could be lost again and it's a waste of money given there are already 3 bridges over the creek.

Motion to proceed with purchasing new bridge/ramp and concrete work as described.

Made by: Mark Watkins

Seconded by: Ralph Touch

Colin Boyer: Opposed

Motion Carried

Motion Failed

BIA – Develop Spec/Advertise Bid Package for Bridge Support Work

Motion for BIA to develop spec and advertise for bridge support work.

Made by: Mark Watkins

Seconded by: Ralph Touch

Colin Boyer: Opposed

Motion Carried

Motion Failed

Water / Sewer Committee

Water Rate Increase

Peter Merkel explained that the borough and Authority had authorized water rates (not sewer rates) to be increased in August 2021 and again in August 2022 to start paying the PennVest loan for the new water main system. With the turmoil of Covid, the rate increases were not implemented. The PennVest loan payback is not due until the project is completed which will be towards the end of this year, 2022. Pete Merkel mentioned the recommendation back to the Authority is to raise the water rates (by the same increase). On October 1, 2022 increase water rates for residential by 12.5% and commercial by 7% and on October 1, 2023 increase water rates for residential by 12.5% and commercial by 6%. Residents would see the increase in their January 2023 bill.

Motion to recommend the Authority to raise the water rates for residential by 12.5% and commercial by 7% on October 1, 2022 and again on October 1, 2023 increase rates residential by 12.5% and commercial by 6%.

Made by: Pete Merkel

Seconded by: John Rothenberger

Motion Carried

Motion Failed

Water / Sewer Committee – (continued)

Sewer Plant Upgrade

Pete Merkel mentioned that the sewer plant is somewhat approaching their capacity in next few years. Craig Conrad explained that the county has a grant program out currently with some of their ARPA funds that we could apply for. The Authority had given Craig permission to apply for the grant. Part of the grant application is to provide letters of recommendation. Ruscombmanor Township and Richmond Township have provided letters of support. The Authority is doing a feasibility study for future expansion. The application must be submitted by the end of March 2022.

Motion to authorize the Fleetwood Borough to provide letter of support and authorize Pete Merkel to sign letter.

Made by: Pete Merkel

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Reservoir Area – Berks Nature

Pete Merkel stated they are working with Larry Lloyd from Berks Nature. The question is do we want to preserve the Reservoir property (approx. 190 acres) as a forest forever. Craig Conrad explained that the committee had a meeting with Larry Lloyd. The watershed, several wells are on the property, and two large storage tanks. Craig noted it is a burden to maintain (access roads, forestry, walls, etc) and last year about \$17,000 was spent to maintain. Craig mentioned to Larry about a way to come up with a fund that could be used to maintain the property. Larry Lloyd told Craig that Berks Nature is involved with sale of development right agreements. The Fleetwood Borough would still own the property, but would sell the development rights; Berks Nature helps protect the land and holds the trust for the land. DCNR buys the development rights, to eliminate the possibility of development in the future. Craig said the first step of the process to get a development rights appraisal and they would pay the borough half of the highest appraisal amount. Craig noted that some areas could be excluded from the development rights appraisal (shooting range, parking area, picnic area). The funds that DCNR pays the borough for the development rights could be placed in a special fund to use for maintenance. Craig explained there are two steps: 1) Appraisal step (there is no commitment if this is done) 2) Enter into agreement with DCNR to buy development rights (once this is started, we are committed). The cost of the appraisal is \$3,500 and Berks Nature pays half of that. The deadline to do this is April 6, 2022. It was mentioned that the woodland would be surveyed for appraisal, not the house on reservoir property.

There was discussion of having a separate workshop to discuss more questions with Berks Nature. Ralph Touch asked Craig to forward documents to Andy George, Esq. to review.

Motion to move forward with appraisal and pay half the appraisal cost of \$1750.

Made by: Pete Merkel

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Annrich Payment Application

The Arro report that was distributed prior to tonight's meeting contains details regarding the Annrich Pay application for water main work that was completed on Main, Arch, Race, Green, Pine and Cedar Streets. The current payment due for the completed work is \$834,135.25.

Motion to pay Annrich \$834,135.25 for water main project and approve/sign the six payout documents.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Borough Managers Report – Chris Young

Bridge / Band Shell Grants

Chris mentioned we are waiting for DCED to approve the bridge part of it. DCNR already covers the bridge. DCNR has been approved but not the contracts.

Cyber Insurance

Chris mentioned earlier this year it was recommended to purchase cyber insurance. The cost would be \$1900 for \$1 million of liability. This insurance would cover the borough and police server.

Motion to add cyber insurance to the policy for one year.

Made by: Ralph Touch

Seconded by: Pete Merkel

Motion Carried

Motion Failed

Borough Managers Report – Chris Young – (continued)

Berks Solid Waste Donation Request

Chris stated Berks Solid Waste is requesting donation. In 2021 the borough sponsored this at the \$500 level. This cost was not budgeted. This program runs recycling programs of electronics, paints, etc. Mark Watkins suggested adding a link to Berks Solid Waste to the borough website.

Motion to sponsor \$500 to Berks Solid Waste.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Art Event – Community Center

Chris discussed that the Fleetwood Library is trying a new event this year in the community center and would like Council to endorse it. The library is looking to do an art event similar to what used to be done at the high school. There would be limited vendors in hallway, food in café, use of library, and they have spoken to Ron regarding use of gym. The event would be held on Saturday, May 7th.

Motion to approve the Fleetwood Library art event in the community center on May 7th.

Made by: Pete Merkel

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Fish Rodeo – Fleetwood Park

Chris mentioned the Fleetwood Rodeo organization has asked to use the pond in the Fleetwood Park for the Fish Rodeo on May 7th and May 8th. The organization does not have insurance and is asking the borough to co-sponsor it. Ralph Touch mentioned the organization does give back to the parks.

There was discussion for future fish rodeos, possibly have the Fleetwood Rec Board sponsor the event.

Motion for the Fleetwood Borough to be a sponsor and absorb it under the borough insurance policy.

Made by: Ralph Touch

Seconded by: Colin Boyer

Motion Carried

Motion Failed

Longswamp Learning Center Emergency Plan

Chris stated the Longswamp Learning Center would like to use the Fleetwood Community Center for their emergency plan. In the event there is a severe emergency in Longswamp Township they would use the Fleetwood Community Center as a place to bus the children to and parents would pick up children at community center. This was part of their emergency plan last year and they would like to continue it. Chris suggested to Council to consider doing it continuously until Longswamp Learning Center decides they don't need it as part of their emergency plan.

Motion to allow Longswamp Learning Center to use the Fleetwood Community Center as part of their emergency plan on a continuous basis, until Longswamp Learning Center changes their emergency plan.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

LIHWAP (Low Income Household Water Assistance Program)

Chris mentioned that he signed the borough up for this program at no cost. What the program allows is if a resident has low income and can't pay their water bill, the resident can get assistance from LIHWAP. LIHWAP would help pay the bill and submit the funds directly to the borough. Chris explained the reason it was on agenda was during a prior borough meeting that Andy was not in attendance (possibly Brad Davis, Esq.) there was mention of this available program. Chris mentioned additional information about this is on the borough website.

Public Works – Craig Conrad

The Public Works report was emailed to Council members prior to tonight's meeting.

Bills

Current Month – February 14th

Motion to pay the current month – February 14, 2022 bills.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Ratify Bills Paid January 17th

Motion to ratify the bills paid on January 17, 2022.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Ratify Bills Paid January 31st

Motion to ratify the bills paid on January 31, 2022.

Made by: John Rothenberger

Seconded by: Ralph Touch

Motion Carried

Motion Failed

Colin Boyer mentioned that he thought it was a good idea when Kap scanned/emailed summary of bill information to Council to review due to the impending storm for weekend prior to Jan. 17th. Colin asked if Kap could do this all the time; Chris Young will notify Kap.

Minutes

Motion to approve the January 3, 2022 reorganization and regular borough Council meeting minutes.

Made by: Ralph Touch

Seconded by: Pete Merkel

Motion Carried

Motion Failed

Miscellaneous

Solar Farm Facility

Pete Merkel mentioned he is going to a solar farm facility in Mt Joy on 03-02-22. If anyone Council is interested to let Chris Young know.

Adjourn

Motion to adjourn meeting at 8:39pm.

Made by: Ralph Touch

Seconded by: Pete Merkel

Motion Carried

Motion Failed

Submitted by:

Doreen O'Neil, Borough Recording Secretary