

September 15, 2015
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:32 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. James Schlegel, Mr. Edwin Seyler, Mr. Derek Mace, Ms. Rachael Martin, Ms. Peggy Devlin, and the Mayor, Ms. Sandra Green. Mr. Keith Mooney Borough Solicitor; Mr. Darryl Jenkins, representing the Borough's planning and water/wastewater engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Daniel Eslinger, Community Development Director/Zoning Officer; Police Chief Craig Summers; Mr. Mark Arnold, Telecommunications Director; Kutztown University Student Ambassadors Christopher Kril and Cole Mitchell; Long Barrell representative Jack Long; Maxatawny Township representative Steve Wilson; Kutztown Area Transport Services representative Rodney Freeman; Memorial Sky Lantern representatives Michele O'Donnell and Laura Miller; Borough employee Therese Mertz; resident Allison Fuller; and reporter for the Reading Eagle, Ms. Karen Chandler, was also present.

Mayor Green swore in Cole Mitchell as the new Student Ambassador to Council.

Jack Long, from Long Barrell presented Council with the 2014 Audit Report.

There were no questions or comments.

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

A motion was made by Mr. Schlegel, seconded by Ms. Mace, Resolved, To

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approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the August 18, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for August 2015.
- Ratify approval for the payment of bills and necessary transfers of funds which, have been provided to Borough Council in the Accounts Payable G/L Distribution Report, including payment dates from August 14, 2015 through September 10, 2015, as summarized below:

General Fund	\$183,336.74
Refuse and Recycling Fund	\$30,251.30
Fire Protection Tax Fund	\$119.13
Recreation Tax Fund	\$190.30
Road Tax Fund	\$476.90
Water Fund	\$72,737.14
Electric Fund	\$412,098.97
Sewer Fund	\$60,437.86
Telecommunications Fund	\$78,776.94

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly

Police Report for August 2015 was submitted.

The following fines were collected:

District Justice Greth	July, 2015	\$3,080.48
Clerk of Common Pleas	July, 2015	\$1,348.64
Secretary's Office	August, 2015	\$1,875.00

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the Cooperative Police Service Agreement between the Kutztown University police and the Borough police. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To

authorize the drafting of a Resolution opposing House Bill 809 and to include with it the letter written by Dan Eslinger and Gina Wiand.

After further discussion on this matter, Ms. Devlin withdrew her motion and Mr. Schlegel withdrew his seconding of the motion, and it was the consensus of Council.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To revise the letter written by Dan Eslinger and Gina Wiand to include how current landlords and students would also be impacted, and to authorize execution of the following Resolution upon written expression of Council's intention:

RESOLUTION NO. 16-2015

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ASSERTING OPPOSITION TO HOUSE BILL NO. 809.

WHEREAS, the Borough of Kutztown is a college town that relies on its Zoning Ordinance to ensure the quality of life for everyone living, working and visiting our town; and

WHEREAS, with Kutztown University's continued increase in enrollment, the pressure to create additional student rental units throughout the Borough of Kutztown, but especially in the residential neighborhoods located closest to Kutztown University, has been constant; and

WHEREAS, student housing places a massive burden on our community in regard to quality of life issues, infrastructure and emergency services; and

WHEREAS, House Bill No. 809 would negatively impact current rental property owners by decreasing the value of their student rental properties by a potential infiltration of additional student housing in areas that are currently restricted; and

WHEREAS, student occupants could be negatively impacted by unrestricted student housing because of the potential for increased safety hazards and overcrowded living conditions associated with increased student occupancy; and

WHEREAS, all of the stresses that the student rental population places on the Borough of Kutztown are dealt with and paid for by the taxpayers of the Borough of

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Kutztown with very little, if any, financial assistance from Kutztown University or the State System of Higher Education.

NOW, THEREFORE, BE IT RESOLVED that it is the opinion of the Council of the Borough of Kutztown that if the Borough of Kutztown had not started regulating student rental housing and how many unrelated persons can live in a rental unit, we would have a community overwhelmed with student rental units and fewer owner occupied dwellings in a majority of our residential neighborhoods, which is not healthy for any community.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Council of the Borough of Kutztown does hereby oppose House Bill No. 809.

DULY ADOPTED AS A RESOLUTION this 15th day of September, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from Allison Fuller to use the Scooter Building on September 27, 2015. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve the request from Laura Miller to use the Kutztown Park football field for a Memorial Sky Lantern benefit event, on October 17, 2015 (rain date – October 24, 2015), from 6:30 p.m. to 9:00 p.m.

After further discussion on this matter, a motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To amend their motion and seconding of the motion to include making the previous/original motion contingent upon the Borough receiving a certificate of insurance and the fire company being contacted about the event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Mary Millin and Dana Romig to use the Scooter Building on October

31, 2015. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To renew the Borough's revised Winter Municipal Agreement with PennDOT and to adopt the accompanying Resolution authorizing execution of the agreement.

RESOLUTION 13-2015

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR WINTER TRAFFIC SERVICES FOR FIVE WINTER SEASONS, BEGINNING OCTOBER, 15, 2015, AND ENDING APRIL, 30, 2020.

BE IT RESOLVED, by authority of the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby resolved by authority of the same, that the Council President of the Borough of Kutztown be authorized and directed to sign the attached Agreement on its behalf.

BE IT FURTHER RESOLVED, that Resolution 12-2015 authorizing the execution of the prior agreement is hereby rescinded.

DULY ADOPTED AS A RESOLUTION this 15th day of September, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Ms. Martin, seconded by Mr. Seyler, Resolved, To approve Payment # 3, in the amount of \$74,089.37, to Land-Tech Enterprises, Inc., for the Kutztown Park – Phase 2 Playground Project. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To approve the estimate for off-site document shredding provided by RRS. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve May 14 and September 10 as the Borough's 2016 electronics recycling event

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dates. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the request from Kutztown Strong to use the Brick Pavilion on September 23 and October 17 or 24 (to be determined), 2015, and to waive rental fees. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To approve the request from Pam Kelchner to use the Scooter Building and the Band Shell for the Taste of Kutztown event to be held on June 11, 2016, and to waive rental fees. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve the request from the Allentown & Auburn Railroad to shut down Peach Street at the railroad tracks the first weekend of October, for train rides, and to waive associated fees. Passed by unanimous vote.

A motion was made by Ms. Martin, seconded by Mr. Seyler, Resolved, To ratify approval of the lease agreement allowing the Football Booster Club to run the Babe Ruth Field snack bar. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To adopt the following Resolution:

RESOLUTION NO. 14-2015

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, DECLARING THAT FIVE PERCENT CONTRIBUTION IS REQUIRED BY EACH FULL-TIME POLICE OFFICER OF THE BOROUGH OF KUTZTOWN, NOW OR HEREAFTER ELIGIBLE FOR PARTICIPATION IN THE POLICE PENSION PLAN, INTO THE POLICE PENSION FUND FOR THE CALENDAR YEAR 2016.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 15, 2015 of the 2016 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2016 Minimum Municipal Obligation for the Borough of Kutztown Police Pension Plan requires that each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan, contribute into the Police Pension Fund during the calendar year of 2016.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2016, by each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan for the calendar year of 2016, as provided for in §33-8, of the Code of the Borough of Kutztown, Berks County, Pennsylvania.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 15th day of September, 2015.

Passed by unanimous vote.

Mr. Seyler noted that the 2016 Minimum Municipal Obligation (MMO) for Non-uniformed and Uniformed employee pension plans has been distributed to Council.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve the revised position descriptions for Borough Secretary, Public Relations/Marketing Director and Administrative Assistant to the Borough Manager.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To accept the resignation of part-time Youth Librarian Joy Newswanger. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To reappoint Erma Bond as a member of the Housing License Appeals Board, whose term shall expire October 1, 2016. Passed by unanimous vote.

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A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint David Bullock as a member of the Telecommunications Advisory Commission, whose term shall expire October 1, 2017. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To reappoint Patricia McCloskey as a member of the Telecommunications Advisory Commission, whose term shall expire October 1, 2017. Passed by unanimous vote.

An Executive Session to discuss personnel and legal matters was deferred until the end of the meeting.

Under Finance and Electric Committee, off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Letter of Engagement with Long Barrell to perform the 2015 audit. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Martin, seconded by Mr. Schlegel, Resolved, To introduce and authorize the proposed Resolution amending the fees associated with the Borough's provision of video, television, Internet and telephone services as provided for in Chapter 110 of the Kutztown Code. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To enter into an agreement with the Delaware River Basin Commission. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To ratify the Transmittal Letter for Sewage Facilities Planning Module. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION 15-2015

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ADOPTING AND SUBMITTING TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR ITS APPROVAL AS A REVISION TO THE “OFFICIAL SEWAGE FACILITIES PLAN” OF THE BOROUGH OF KUTZTOWN’S SEWAGE FACILITIES PLANNING MODULE.

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the “Pennsylvania Sewage Facilities Act”, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, BET Investments has proposed the development of a parcel of land identified as The Edge at Kutztown, Phase II, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision be served by sewer tap-ins, sewer extension and the Wastewater Pump Station, and

WHEREAS, the Borough of Kutztown finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal Ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NO, THEREFORE BE IT RESOLVED that the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Sewage Facilities Plan” of the Borough of Kutztown’s Sewage Facilities Planning Module which is attached hereto.

DULY ADOPTED AS A RESOLUTION this 15th day of September, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve a sewer credit, for 165 Koffee Lane, in the amount of \$44.16. Passed by

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unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

Code Appeals Board:	One Member Vacancy One Alternate Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy Three Alternate Vacancies
Telecommunications Advisory Commission:	Two Member Vacancies

President Snyder called for an Executive Session at 8:11 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:50 p.m. No action was taken.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:50 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from August 14, 2015 through September 10, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand