

November 21, 2017  
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. Derek Mace, Mr. Edwin Seyler, Mr. Richard Diehm, and the Mayor, Ms. Sandra Green. Ms. Peggy Devlin and Mr. Scott Piscitelli were absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Craig Summers, Kutztown Borough Police Chief; Kutztown University Student Ambassador to Council, Cole Mitchell; Kutztown Community Partnership representatives Janet Yost, Jerry Schearer and Arabel Elliott; Kutztown Area Transport Services representative Rodney Freeman; Berks Nature representative Larry Lloyd; residents Jim Schlegel and Allison Fuller; and Maxatawny Township representative Steve Wilson, were also present.

Kutztown Community Partnership (KCP) president Jerry Schearer presented the organization's annual report to Council. He spoke about the four main events that KCP holds each year: Block Party, Kruizz, Dinner on Main and Christmas in Kutztown; and also how KCP partners with the Chamber of Commerce, local businesses, the school district, Kutztown University (KU) and Kutztown Strong. Mr. Schearer noted two of the newer KCP initiatives, Kutztown Thriving and Peace.Love.Kutztown, and how they fit under the KCP umbrella. He also mentioned how KCP is advocating for the new Community Liaison position, which would be a partnership between the Borough and KU. He thanked Borough Council for their support and asked for continued support.

# 11831

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. Mace, seconded by Mr. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

- ) Review and accept the Minutes of the October 17, 2017 Borough Council meeting.
- ) Review and accept the Borough Community Development Report for October, 2017.
- ) Ratify the execution of the one year lease agreement option for the Community Development Office located at 324 West Main Street.
- ) 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 October 14, 2017, through November 17, 2017, as summarized below:

General Fund	\$196,280.04
Refuse and Recycling Fund	\$63,925.22
Water Fund	\$71,575.48
Electric Fund	\$483,435.43
Sewer Fund	\$67,876.75
Telecommunications Fund	\$244,366.45

Passed by unanimous vote.

Larry Lloyd, from Berks Nature, gave a presentation regarding the Borough Farm.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute the Borough Farm Lease Agreement. Passed by unanimous vote.

Mr. Lloyd noted how the partnership, between the Borough and Berks Nature, is a model for many communities throughout the state.

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 October, 2017 was submitted.

The following fines were collected:

District Justice Greth	September, 2017	\$6,301.05
Clerk of Common Pleas	September, 2017	\$1,347.48
Secretary's Office	October, 2017	\$3,875.00

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough solicitor to draft an Ordinance creating a three-way stop, stopping in all directions, at the intersection of North Elm Street and Seem Drive. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Diehm, Resolved, To authorize the Planning Commission to explore the possibility of amending the Borough's zoning map by changing a portion of the C-1-Business Commercial Zoning District to R-3 Medium Density Residential. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough solicitor to draft a Resolution prohibiting the siting of a Category 4 Casino within the Borough of Kutztown. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough Manager to send a letter in support of Radius's pursuit to have their property, located at 40 Willow Street, designated as a historical property or a property available for inclusion in the National Historic Register; and furthermore, the Borough Manager and Borough staff shall be authorized to provide support and assistance, to this endeavor, if requested by Radius or their designated agents. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by

# 11833

Mr. Mace, Resolved, To reject all bids received for 2018 yard waste and dumpster service and to advertise for a re-bid. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To award the bids received for 2018-2020 janitorial services to Jan-Pro Cleaning Systems, in the amount of \$30,600.00, for three years. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the quote received, from Paul Burkholder, to demolish the building at 15 Railroad Street, at a cost of \$18,750.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the Kutztown Community Partnership's parade permit application for the Christmas in Kutztown event, to be held on December 2, 2017. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Keith Wuchter to rent the Scooter Building on August 4, 2018. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve Payment No. 1, to Schlouch Incorporated, in the amount of \$214,103.25, and to withhold 10% of the gross amount, for retainage, in the amount of \$23,789.28 per contract specifications. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve continued use of the winter salt additive, at a cost of \$30.00 per ton, to be applied by Western Lehigh Landscape. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To

purchase a Ventrac 4500Y Diesel Tractor, in the amount of \$19,380.00, and a Ventrac HM722 72" Mower, in the amount of \$3,009.00. Note: Both items are being purchased from Koch's Lawn & Garden, Inc., through the state contract. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To ratify joining the National Joint Powers Alliance. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To authorize John Schmoyer to begin the process of hiring pool staff for 2018. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To authorize John Schmoyer to advertise for park and pool concession stand vendors. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To waive the outstanding \$15.00 owed to the Borough by Michelle Graham. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To accept, with regret, Dan Eslinger's retirement letter. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To extend Officer Matthew Yerger's probation and to enter in to a Letter of Agreement. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Derek, Resolved, To execute the Memorandum of Agreement, by and between the Borough of Kutztown and the

# 11835

Kutztown Police Association, to renew the Physical Fitness Incentive Program. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To enter into a Side Letter of Agreement, with AFSCME, to remove the CSO I position from the bargaining unit. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To accept the resignation of Nathan Lewis, from the Environmental Advisory Commission, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To reappoint the following individuals as members of the Police Pension Advisory Committee, whose terms shall expire on December 1, 2019: Richard Diehm, P. Michael Clery, Jeffrey DeTurk and Gabriel Khalife. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To reappoint Lee Erb as a member of the Kutztown Municipal Authority, whose term shall expire December 1, 2022. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To hire Lacie Henninger, as a part-time Library Clerk, contingent upon passing all required clearances. 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, Mr. Khalife introduced and reviewed the proposed budget for 2018.

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

authorize advertisement that the proposed budget for 2018 is available for public inspection. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2018 real estate tax rates. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 19-2017

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF TWO IOGEAR PRINT SERVERS, TO BOB MILLER, FOR \$3.00.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall sell two IOGEAR print servers, having a total estimated sale value of Three Dollars (\$3.00), to Bob Miller.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 21<sup>st</sup> day of November, 2017.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize HRG to prepare and submit the 2017 Chapter 94 Report. Passed by unanimous vote.

# 11837

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To introduce and authorize advertisement of the proposed Resolution amending water rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To Introduce and authorize advertisement of the proposed Resolution amending sewer rates. Passed by unanimous vote.

Mr. Seyler noted that the water and sewer increases are 4% each, and the funds go toward the \$11 million in upgrades, for both plants, that have already taken place.

Mr. Seyler noted that Jim Blaukovitch was promoted to a Water Certified Operator and is working toward his Filtration Plant Certification.

Under Miscellaneous, President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:34 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:54 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To authorize the Borough Manager to execute a settlement agreement, as negotiated by its insurance counsel and insurance company, to bring finality to the Advantage Point federal lawsuit. Passed by unanimous vote.

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



adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:55 p.m.

Prepared and Attested 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 October 14, 2017, through November 17, 2017, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand