

April 16, 2024
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 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, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Ms. Beth Kohl, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Police Chief Mike Clery; Mr. Brian Bailey, Superintendent of Public Works; Planning Commission representative Bob Weller; Ms. Barbara Vogelgesang, Kutztown Community Partnership Outreach & Theater Director; Allentown & Auburn Railroad representative Frank Lorah; and resident/Borough employee Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

President Snyder announced that Ms. Beth Kohl was filling in for Keith Mooney at tonight's meeting.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	Recording Secretary Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission:	Two Member Vacancies
Telecommunications Advisory Commission:	Four Member Vacancies

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

- Review and accept the Minutes of the March 19, 2024, Borough Council meeting.
- Review and accept the Borough Community Development Report for March 2024.
- 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 March 16, 2024, through April 12, 2024.

General Fund	\$320,700.56
Refuse and Recycling Fund	\$67,108.09
Water Fund	\$92,527.02
Electric Fund	\$332,519.67
Sewer Fund	\$117,509.23
Telecommunications Fund	\$73,942.50

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To approve the recommendation from the Borough Planning Commission to deny the variance to the appellant who wishes to open a tobacco retail store at 45 Constitution Boulevard, Suite 2, due to the location being within a C-3 Zoning District, and to send the Borough Solicitor to the hearing. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To approve the recommendation from the Borough Planning Commission to deny the variances requested for the property located at 213 W. Main Street, due to lack of details, and to send the Borough Solicitor to the hearing. Passed by unanimous vote.

A motion to grant conditional approval of the SALDO Plan for 601 E. Main Street, pending the conditions noted on the HRG Review Letter #1, dated March 22,

2024, are met, was tabled.

Ms. Kohl recommended Council giving conditional approval at this time may be premature due to some items related to the plan requiring zoning relief.

A motion was made by Mr. Mace, seconded by Mr. Engelhardt, Resolved, To send the Borough Solicitor to the next Planning Commission meeting that the attorneys for McDonald's plan to attend. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for March 2024 was submitted.

The following fines were collected:

District Justice Greth	March 2024	\$2,053.86
Clerk of Common Pleas	March 2024	\$150.00
Secretary's Office	March 2024	\$1,750.00

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the request from Kutztown Fire & Rescue to release funds from the fire tax account, in the amount of \$65,220.00, to assist with meeting their first half of 2024 budget and to offset the cost of supplies and gear and any other permissible cost as set forth in Section 1302 (a) (6) of the Borough Code. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the parade permit application, for Kutztown Fire & Rescue, to hold a parade on May 4, 2024. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the Police Standard Operating Procedure for Training and Career Development. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the Police Standard Operating Procedure for the Departmental Recognition/Awards Program. Passed by unanimous vote.

Mr. Mace thanked Chief Clery for his efforts to improve the morale and community within the Police Department.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize Great Valley Consultants to prepare the 2024 paving bid based on the results from Pipe Data's televising of the Elm Street storm system. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve allocating \$3,000.00 for the Kutztown Dolphins Swim Team coaches for the 2024 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Berks County Solid Waste Authority to approve donating \$500.00 in support of the County Recycling Center. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace , Resolved, To approve the request from the Kutztown Community Partnership to hold Dinner on Main, on Friday August 2, 2024, to shut down the 200 block of W. Main Street for the event, to waive associated fees; and to have a rain date of August 3, 2024. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Allison Crouse to have one refuse bill for 152 E. Main Street, apartments 1 and 2, contingent upon Ms. Crouse being the only occupant. Passed by

12642

unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the 2024 Concert Series in the Park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from St. Paul's UCC to host a concert by the Grace Notes, in the Band Shell, on June 20, 2024, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Denise Keim to post Relay for Life signs around town starting the week of May 6, 2024, and ending by May 31, 2024. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Alicia Lukacsina to use the Scooter Building on June 22, 2024, for a birthday party, provided they are done by 4:00 p.m. due to a scheduled concert that night. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve roofing quotes A and B, from Wolfe Roofing, for an approximate cost of \$134,000.00.

Mr. Seyler asked Mr. Bailey to review the repairs that are needed and to discuss the roofing quotes. Mr. Bailey explained the condition of the buildings and his recommendations.

Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Emily Rodriguez as a Front Office Clerk. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Kathleen Kelly, as a member of the Environmental Advisory Commission, whose term shall expire on May 1, 2027. 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. Mace noted that for a fifth consecutive year, the American Public Power Association has presented the Borough of Kutztown with a Certificate of Excellence in Reliability.

Mr. Mace also noted that it has been 13 years since the Borough raised electric rates.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To adopt the following Resolution:

RESOLUTION NO. 3-2024

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF AN OLD, MALFUNCTIONING PRINTER, TO HEIDI HERMANY, FOR \$1.00.

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 an old malfunctioning printer, having a total estimated sale value of one dollar (\$1.00), to Heidi Hermany.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 16th day of April, 2024.

Passed by unanimous vote.

Ms. Ladd-Kidder noted Mr. Horvath, IT Director, initiated a backup for the Internet phone system.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapter 217 of the Code of the Borough of Kutztown, entitled “Water,” by amending Section 217-2 by providing definitions for the terms “Meter Pit” and “Meter Vault,” and Section 217-5 to provide that all new water service connections made after June 1, 2024, shall require the installation of a Meter Pit or a Meter Vault. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To direct the Borough Manager to inquire if SSM can do a Water Shed Evaluation, and if so, to get a cost. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To send a comment letter to DEP regarding their public notice of proposed Consent Order & Agreements (COAs) on three portions of the Topton Hazardous Site in Topton, contingent upon agreed edits and adding all of Council and the Mayor’s names to the letter. Passed by unanimous vote.

Mr. Seyler noted that for a 12th consecutive year, the Borough’s Water Department has been selected to receive an Area-Wide Optimization Program award for their excellence in the performance of the Borough’s Water Filtration Plant.

Under Miscellaneous, Mr. Mace noted that the Borough Code is in the process of being updated, with Supplement No. 28, and the cost range is between \$735.00 and

\$895.00

President Snyder called for an Executive Session to discuss personnel and legal matters at 8:14 p.m.

The Executive Session ended, and the meeting reconvened at 8:54 p.m. No action was taken.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:54 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Attested by: Andrea Rahn
Assistant Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from March 16, 2024, through April 12, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn