

January 15, 2019
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. Edwin Seyler, Mr. Richard Diehm, Mr. Scott Piscitelli, Ms. Arabel Elliott, and the Mayor, Mr. James Schlegel. Mr. Derek Mace was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Craig Summers; Mr. David Horvath, Director of Information Technology; Mr. Steve Diehl, Electric Superintendent; Greenwich Township Tax Collector, Kay Brendlinger; Kutztown Community Partnership representatives Sandy Green and Allison Fuller; Borough Deputy Tax Collector, Jerilyn Wehr; CROWW representative Warren Shaub; Kutztown Area Transport Services representative Rodney Freeman; and Steve DeLucas, reporter for the Reading Eagle, were also present.

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

RESOLUTION NO. 1-2019

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ENTERING INTO AN AGREEMENT FOR JOINT TAX COLLECTION WITH THE TOWNSHIP OF MAXATAWNY FOR COLLECTION OF TAXES IN THE BOROUGH OF KUTZTOWN AND MAXATAWNY TOWNSHIP BY THE ELECTED TAX COLLECTOR OF MAXATAWNY TOWNSHIP COMMENCING JANUARY 15, 2019; THERE BEING A VACANCY IN THE OFFICE OF TAX COLLECTOR FOR THE BOROUGH OF KUTZTOWN SAID RESOLUTION SETTING FORTH THE CONDITIONS, DURATION, PURPOSE, AND OBJECTIVES OF THE AGREEMENT AS REQUIRED BY THE LOCAL TAX

COLLECTION LAW; PROVIDING A SAVINGS CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the elected tax collector of the Borough of Kutztown, tendered her resignation, effective December 31, 2018, for reasons beyond her control; and

WHEREAS, commencing January 1, 2019 there will be a vacancy in the office of Tax Collector for the Borough of Kutztown; and

WHEREAS, the Borough of Kutztown has requested Maxatawny Township and Jerilyn Wehr, the elected Tax Collector for Maxatawny Township to agree to have the Tax Collector for Maxatawny Township collect the taxes in the Borough of Kutztown as part of a Joint Tax Collection District pursuant to Section 5511.4b of the Local Tax Collection Law; and

WHEREAS, the elected Tax Collector for the Township of Maxatawny has agreed to collect taxes for the Borough of Kutztown; and

WHEREAS, the Borough of Kutztown and the Township of Maxatawny have agreed to enter into this Joint Tax Collection District, subject to the terms set forth herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, as follows:

Section 1. JOINT TAX COLLECTION DISTRICT

The Borough of Kutztown and the Township of Maxatawny shall enter into an agreement for joint collection of taxes by the Maxatawny Township Tax Collector, subject to the terms and conditions set forth in Section 2.

Section 2. TERMS AND CONDITIONS OF AGREEMENT

- A. The purpose and objective of this Agreement is for the creation of a joint tax collection district for the Borough of Kutztown and Maxatawny Township.
- B. During the term of this Agreement, the elected Tax Collector of Maxatawny Township shall assume the duties and responsibilities of Tax Collector for the Borough of Kutztown.
- C. The elected Tax Collector of Maxatawny Township shall have all powers and authority established under the Local Tax Collection Law, 72 P.S. § 5511.1, *et seq.* and the Borough Code, 8 Pa.C.S. §101, *et seq.* for the elected Tax Collector of the Borough of Kutztown during the duration of this agreement.
- D. This Agreement shall remain effective unless and until: (1) a tax collector is elected for the office of Tax Collector in the Borough of Kutztown; (2) the office

of Tax Collector for Maxatawny Township is vacated; or (3) a party withdraws from this Agreement pursuant to Section 2.E of this Resolution.

- E. Any party to this Agreement may withdraw from the joint tax collection district by providing notice of its intention to withdraw to the other parties to the Agreement and to the County Board of Elections. To be effective, such notice must be received before the end of the calendar year preceding the next election for tax collector in the joint tax collection district.
- F. Upon the expiration of the term of office of the newly elected Tax Collector of Maxatawny Township who has agreed to collect taxes within the Borough of Kutztown, a person shall be elected as tax collector for the joint tax collection district by the electors of the joint tax collection district. Jerilyn Wehr's term as tax collector for Maxatawny Township expires on December 31, 2020.
- G. Jerilyn Wehr, the joint tax collector, shall be compensated by the Borough of Kutztown for her services as tax collector as follows: \$2.50 per regular bill, and \$.70 for each per capita bill and \$25 for tax certifications and duplicates.

Section 3. NOTICE TO COUNTY BOARD OF ELECTIONS

A copy of this Resolution shall be provided to the Board of Elections of Berks County upon adoption.

Section 4. SAVINGS CLAUSE

If any portion, part or provision of this Resolution should be declared by a court of competent jurisdiction to be invalid, unconstitutional, illegal or unenforceable, the Borough Council of the Borough of Kutztown hereby declares its intent that this Resolution shall have been adopted without regard to such unconstitutional, illegal, invalid or unenforceable portion thereof.

Section 5. EFFECTIVE DATE

This Resolution shall become effective upon its adoption.

SO RESOLVED, this 15th day of January, 2019, at a regular meeting of the Borough Council of the Borough of Kutztown, at which a quorum was present and voting throughout.

Passed by unanimous vote.

Mayor Schlegel swore in Jerilyn Wehr as the Borough's Tax Collector.

A motion was made by Mr. Piscitelli, seconded by Ms. Elliott, Resolved, To adopt the following Resolution:

RESOLUTION NO. 2-2019

A RESOLUTION OF THE BOROUGH COUNCIL OF
THE BOROUGH OF KUTZTOWN, COUNTY OF
BERKS, COMMONWEALTH OF PENNSYLVANIA,
APPOINTING KAY BRENDLINGER AS DEPUTY TAX
COLLECTOR FOR THE BOROUGH OF KUTZTOWN.

WHEREAS, the Borough Council of the Borough of Kutztown (hereinafter the “Borough”) has received a request from the Borough’s Tax Collector to approve Kay Brendlinger as a Deputy Tax Collector; and

WHEREAS, the Borough Council of the Borough of Kutztown desires to appoint Kay Brendlinger as a deputy tax collector for the Borough of Kutztown.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Kutztown as follows:

1. Kay Brendlinger is hereby appointed as Deputy Tax Collector.
2. As Deputy Tax Collector, Kay Brendlinger is hereby authorized to take all appropriate action to serve as the Borough’s Deputy Tax Collector, including but not limited to signing new signature cards as the Borough Deputy Tax Collector.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 15th day of January, 2019.

Passed by unanimous vote.

Mayor Schlegel swore in Kay Brendlinger as the Borough’s Deputy Tax Collector.

Dan Scrima, from Eaton, gave a presentation regarding a new AMI meter

reading system. He noted that the project cost would be approximately 1.1 million dollars.

Mr. Diehl noted that the Borough is looking for a new system because the current system's technology has not evolved. In addition, he said that the software will become obsolete, by the end of the year, and it would be a \$40,000 investment just to keep it running.

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda.

Warren Shaub expressed his concerns regarding litter on Main Street and he said that he thinks more public trash receptacles are needed. Ms. Elliott offered to have the Kutztown Community Partnership intern research the cost and feasibility of additional receptacles, and Council agreed.

Additionally, Mr. Shaub spoke against the Pocket Park proposal by the Kutztown Community Partnership.

Andy Arnold told Council that he likes the idea of adding trash receptacles to Main Street and that he supports the idea of Pocket Parks.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

-) Review and accept the Minutes of the December 18, 2018 Borough Council meeting.
-) Review and accept the Borough Community Development Report for December, 2018.
-) 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 December 15, 2018, through January 11, 2019, as summarized below:

General Fund	\$254,098.30
Refuse and Recycling Fund	\$47,545.06
Fire Protection Tax Fund	\$9.50
Recreation Tax Fund	\$38.00
Road Tax Fund	\$38.00
Water Fund	\$ 80,757.20
Electric Fund	\$ 316,063.21
Sewer Fund	\$ 60,154.20
Telecommunications Fund	\$ 36,546.48

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 December, 2018 was submitted.

The following fines were collected:

District Justice Greth	November, 2018	\$6,971.20
Clerk of Common Pleas	November, 2018	\$362.50
Secretary's Office	December, 2018	\$4,375.00

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To approve the proposed Threat Assessment SOP. Passed by unanimous vote.

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

RESOLUTION NO. 3-2019

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING § A231-1.3 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "ENUMERATION OF FEES", SO AS TO AMEND THE FEE FOR SEIZURE AND DETENTION OF DOGS AS PROVIDED FOR IN § 66-2 ENTITLED "SEIZURE; NOTICE; REDEMPTION" OF CHAPTER 66, ENTITLED "ANIMALS", OF THE CODE OF THE BOROUGH OF KUTZTOWN.

WHEREAS, § 66-2 of the Code of the Borough of Kutztown provides for the establishing of fees for the detention, seizure and return of dogs from time to time by Resolution of Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania. and it is hereby adopted by the authority of same, that § A231-1.3 of Chapter A231, entitled “Fees” of the Code of the Borough of Kutztown be, and it is hereby, amended as follows:

SECTION 1 – § A231-1.3 of Chapter A231 of the Code of the Borough of Kutztown is hereby amended as follows:

Chapter 66 - Animals

A. § 66-2 seizure and detention. The charges for the seizure and detention of dogs shall be as follows:

- (1) The charge for seizure and delivery to the owner or the Borough holding pens is (in accordance with Pennsylvania Statutes Title 3 P.S. Agriculture § 459-302 § 459-302. Seizure and detention of dogs; costs; destruction of dogs): \$50.
- (2) The charge for detention in the Borough holding pens, not to exceed five days, per day, including the day of seizure and the day of discharge: \$5.

SECTION 2 - If any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Kutztown that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

SECTION 3 - All Resolutions or parts of Resolutions, as from time to time amended, inconsistent with the provisions of this Resolution are hereby superseded and repealed.

SECTION 4 - Except to the extent of the specific fees which are set forth hereinabove, the provisions of § A231-1 of Chapter A231 of the Code of the Borough of Kutztown, as previously amended, shall remain in full force and effect.

SECTION 5 - The above listed fees shall become effective upon the adoption and approval of this Resolution. All such fees shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

11986

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 15th day of January, 2019.

Passed by unanimous vote.

Mr. Seyler mentioned that he thinks a microchip reader would be beneficial for the Police Department, and Chief Summers said that they are getting one.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To execute the 2018-2019 Winter Season Rock Salt Sales Agreement with the Kutztown Area School District. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Community Skate Park Association to use the Band Shell, on May 18, 2019, for a grand opening event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve payment #4, to Landis C. Deck & Sons, in the amount of \$34,414.73. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To award the bid for the 1997 Jeep Cherokee, to Robert Ellis, in the amount of \$2,150.00. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To award the bid for the 2004 and 2005 Ford Explorers, to Derek Smith, in the amount of \$2,800.00. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To accept the resignation of Community Service Officer II Herbert Moyer effective January 4, 2019. 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, there was nothing to report.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To extend the sludge hauling contract with Millers Sanitary Service, dba Potty Pumpers, with a unit price per gallon increase to \$.074, effective March 21, 2019, and expiring on March 20, 2020. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To authorize HRG to complete the 2018 Chapter 94 Report. Passed by unanimous vote.

Mr. Seyler noted that the chlorine room heater failed at the Water Treatment plan. The cost to replace it is \$1,880.00, and the Electric Department will complete the installation.

Under Miscellaneous, President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:10 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:24 p.m. No action was taken.

11988

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:24 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 December 15, 2018, through January 11, 2019, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand