

January 19, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m., via Zoom, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, Mr. Zebulon Hull, and the Mayor, Mr. James Schlegel. Mr. Timothy Dietrich, Borough Solicitor, left shortly after the meeting started due to a family emergency; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Craig Summers; Ms. Judith Danko, Community Development Director; Mr. Brian Bailey, Public Works Superintendent; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Planning Commission representatives Lisa Ladd-Kidder, Joel Seidel and Fred Englehardt; Environmental Advisory Commission representative Warren Shaub; Allentown & Auburn Railroad representative Mike Bast; Kutztown Area Transport Service (KATS) representative Rodney Freeman; Phila Back, Tim Seyler, Denise Bosler, Alex Elliker and Lisa Mitchell were also present.

President Snyder announced that Council met in Executive Session, at 6:30 p.m., to discuss a legal matter.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Civil Service Commission:	One Member Vacancy
Kutztown Municipal Authority:	One Member Vacancy
Housing License Appeals Board:	Three Alternate Vacancies
Environmental Advisory Commission	Three Member Vacancies
Telecommunications Advisory Commission:	One Member Vacancy

12220

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

Lisa Ladd-Kidder spoke about urging Kutztown University (KU) to hold their spring semester remotely due to COVID-19 risks.

Warren Shaub said that he would have liked KU's reopening plan to be discussed by the Community Development and Public Safety Committee.

Ms. Raudenbush said she hadn't planned to bring it up because the Borough has no say in their plan.

Mr. Shaub argued that the topic calls for mass communication so residents know what's happening

Additionally, Mr. Shaub voiced his concerns regarding the lack of Borough Committee meetings and the lack of elected officials' attendance at meetings that are held. He stated that he would like a commitment from Council to have meetings that are scheduled and to show up.

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

- Review and accept the Minutes of the December 15, 2020 Borough Council meeting.
- Review and accept the Borough Community Development Report for December, 2020.
- 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 12, 2020, through January 15, 2021, as summarized below:

General Fund	\$93,155.46
Refuse and Recycling Fund	\$52,465.72
Water Fund	\$54,323.34

Electric Fund	\$259,674.98
Sewer Fund	\$67,059.04
Telecommunications Fund	\$27,226.81

Passed by unanimous vote.

Under Borough Planning Commission, their 2020 Annual Report was submitted to Council. President Snyder expressed his appreciation for the members of the Planning Commission.

Under Environmental Advisory Commission, their 2020 Annual Report was submitted to Council. President Snyder expressed his appreciation for the members of the Environmental Advisory Commission.

Mr. Mace asked about the recycling t-shirts that were designed, and Mr. Shaub responded that there are three different shirts that will be distributed to the recycling crew, staff, Committee members and volunteers. He noted that the shirts are meant for promotion, and they will be selectively distributed otherwise.

Mayor Schlegel said that he likes the new recycling program. Council members thanked Mr. Shaub and Brian Bailey for their ideas and work.

Under Community Development and Public Safety Committee, the Monthly Police Report for December, 2020 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	November, 2020	\$2,607.97
Clerk of Common Pleas	November, 2020	\$55.13
Secretary's Office	December, 2020	\$1,250.00
Parking Kiosk	December, 2020	\$14.00

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the proposed Use of Force Standard Operating Procedure. Passed by unanimous vote.

12222

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the proposed Reporting Use of Force Standard Operating Procedure. Passed by unanimous vote.

Mr. Shaub asked if this falls under the Right to Know Law, and Mr. Khalife responded that while some of it might, the Chief or Solicitor might need to make specific determinations.

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the proposed Equipment Issue, Usage and Control Standard Operating Procedure. Passed by unanimous vote.

Off of the agenda, Mr. Seyler stated that he is bothered by the fact that on-campus KU students must quarantine and get tested, for COVID-19, but in-town students do not have to do the same.

Sandy Green noted that all students are given the same opportunity, but if they are not on-campus, it cannot be made mandatory, unless they are athletes.

Mr. Mace asked that KU's reopening plan be linked to the Borough's Web site as a banner, and Ms. Wiand said that she would facilitate that.

Mr. Shaub asked if the Borough could put a mailing together, utilizing a landlord list, offering information about KU's free testing and stating that Council recommends that their tenants take advantage of it.

Judith Danko stated that she has an issue with that plan because it's not something the Community Development Office oversees. She suggested possibly offering the addresses to KU, although she would be concerned about giving out their addresses unless they gave permission.

Mr. Khalife stated that he feels the onus is on KU, and that the Borough is not involved with the school district and how they handle their plans either.

Tim Seyler asked who the COVID-19 contact person is at KU, and Ms. Green responded that it is their Emergency Management Team. She also noted that their plan and testing schedule has been on KU's Web site and in the newspaper.

Tim Seyler then asked if KU is working with anyone from the Borough, and Mr. Khalife responded that they have not called him.

Ms. Ladd-Kidder stated that she dislikes the idea that the Borough is "helpless" in this situation.

President Snyder opined that there should be a level of parental responsibility as well.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the proposed scope of work, for the 2021 Paving and Storm Sewer Improvement Project, and to start the bidding process for the Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve Change Order No. 1, from B&F Petroleum Installations, Inc., for the Fuel Tank Replacement Project, in the amount of, \$7,665.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment No. 1, to B&F Petroleum Installations, Inc., for the Fuel Tank Replacement Project, in the amount of, \$105,240.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To approve the Train Station Property Parking Lease Agreement. Passed by unanimous vote.

12224

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the Allentown & Auburn Railroad's list of dates, for use of the Train Station, in 2021. Passed by unanimous vote.

Phila Back read aloud her letter of grievances against the Allentown & Auburn Railroad.

Mr. Mace asked if there are enforcement policies in place if the Borough thinks the trains are idling too much.

President Snyder stated that he would like to see Mayor Schlegel and Mike Bast work together toward a solution regarding idling.

Mr. Bast reminded everyone that the federal agencies have found all of the complaints against the Railroad to be unfounded. He noted that the idling time is negligible compared to a full running railroad, and that the only negative comments he receives are from Ms. Back.

The mayor stated that the Railroad has paid their bills and they will pay the Borough their passenger fees, which go toward upkeep of the Train Station.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the quote for tree trimming and removal at North Park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve closing N. Baldy Street between Main Street and Sacony Alley, from 3:30 p.m. until 5:30 p.m., on January 30, for Trinity Lutheran Church's candlelight service. Note: The rain date is January 31. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve the request from the Kutztown Optimist Club to hold the Fools'

Run, on March 27, 2021, from 8:30 a.m. to 12 noon. President Snyder noted that they are unsure yet if it will be a virtual event. All those in favor, except for Mr. Mace, who voted Nay. There being a majority in favor, the motion passed.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush to appoint Timothy Vanek, as a member of the Kutztown Municipal Authority, whose term shall expire on January 1, 2026. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To appoint Mindy Wagaman, as a member of the Kutztown Community Library Board of Directors, whose term shall expire on January 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To appoint Barbara Smith to the Vacancy Board for 2021. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Resolution amending labor and equipment rates. Passed by unanimous vote.

Mr. Mace reported that there were a total of nine electric outages in 2020: one was due to a tropical storm; five were due to squirrels; and three were due to equipment failures. He noted that average time of the outages was 61 minutes. Mr. Mace commended Steve Diehl and the electric crew for their work.

Mr. Mace also announced that the crew installed an electric vehicle charging station in the municipal parking lot.

Under Telecommunications and Information Technologies Committee, off of the agenda, it was noted that the Kutztown Municipal Authority, Kutztown Transportation Authority, Telecommunications Advisory Commission and the Environmental Advisory

12226

Commission would all like Borough-issued E-mail addresses. Mr. Hull tabled that topic for the next Committee meeting.

Ms. Raudenbush announced that the new Cogent circuits were installed, and that customers can be switched over once the servers are installed.

Mr. Shaub asked when the Telecommunications and Information Technologies Committee meetings will be held, and President Snyder responded that they are scheduled. Ms. Raudenbush added that the Committees meet if they have business to vote on, and if not, they do not need to meet.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit, for 331 E. Walnut Street, in the amount of \$569.68 (because it did not go through the sewer system). Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve supplying water and sewer service to the Kutztown Self Storage facility, in Maxatawny Township, located at Kohler Road and S. Laurel Street. Passed by unanimous vote.

Mr. Mace complimented Jarrad Burkert for his work with I&I at the Wastewater Treatment Plant.

Under Miscellaneous, a motion was made by Mr. Hull, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:08 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 12, 2020, through January 15, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand