

January 21, 2020
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 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. Arabel Elliott, Ms. Amanda Raudenbush, Mr. Zebulon Hull, and the Mayor, Mr. James Schlegel. 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, Police Chief; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership and Planning Commission representative Joel Seidel; Kutztown Community Partnership representative Allison Fuller; Maxatawny Township representative Steve Wilson; and residents Jeff Dietrich, Dave Firestone, Irene Boyer, Eric Boyer and Warren Shaub, were also present.

After reminding Council members to speak clearly in to their microphones, 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:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission	Two Member Vacancies

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

Warren Shaub proposed moving comments to the end of the meeting. He requested discussion and for Council to consider a vote. President Syder called for a motion and no one made one, therefore, the topic died for lack of a motion.

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

- Review and accept the Minutes of the December 17, 2019 Borough Council meeting.
- Review and accept the Minutes of the January 6, 2020 Borough Council Reorganization meeting.
- Review and accept the Borough Community Development Report for December, 2019.
- 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 14, 2019, through January 17, 2020, as summarized below:

General Fund	\$184,644.69
Refuse and Recycling Fund	\$28,022.09
Water Fund	\$79,496.53
Electric Fund	\$420,548.42
Sewer Fund	\$80,581.24
Telecommunications Fund	\$25,685.75

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, 2019 was submitted.

The following fines were collected:

District Justice Greth	November, 2019	\$4,374.74
Clerk of Common Pleas	November, 2019	\$44.05
Secretary's Office	December, 2019	\$4,125.00

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To execute a Department of Environmental Protection Grant Agreement for a Municipal Recycling Program Grant. Mr. Khalife noted that it is a

\$40,000.00 grant for yard waste dumpsters and a fork lift. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve M&A Excavating to redo the sump pump at the pool snack stand, for a quoted price of \$4,985.00. Mr. Seyler noted that the sump pump wore out and we need to put a pipe underground and have it run to the creek. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve Payment No. 2, to Schlouch Incorporated, for the 2019 Street and Storm Sewer Improvements Project, in the amount of \$40,243.60; and to withhold \$18,015.24, for retainage, per the contract specifications. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the 2020 Summer Concert Series, to execute the contracts, and to allocate \$4,100.00 to the Concert Series; of which any unused portion will be donated to the Kutztown Day Committee for fireworks in 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the allocation of \$3,500.00, to the Kutztown Day Committee, as a sponsorship toward the 2020 fireworks. Passed by unanimous vote.

A motion was made by Ms. Raudenbush, seconded by Mr. Hull, Resolved, To authorize advertising for the 2020 pool staff and to send out pool employee packets. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Community Library to use the Band Shell on July 23, 2020 and August 13, 2020, and to waive the rental fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms.

12110

Raudenbush, Resolved, To accept the resignation of Jeri Sievert, with regret, from the Environmental Advisory Commission, effective January 7, 2020. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To accept the resignation of Community Service Officer II, Calvin Fetherolf, with regret, effective January 14, 2020. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Randy Jay Haydt, as a member of the Telecommunications Advisory Commission, whose term shall expire on February 1, 2022. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint David Slabonik, as a member of the Telecommunications Advisory Commission, whose term shall expire on February 1, 2022. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To accept the resignation of Rebeka Birch, with regret, from the Kutztown Community Library Board, effective immediately. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To appoint Judy Koller, as a member of the Kutztown Community Library Board, whose term shall expire on December 31, 2022. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 1-2020

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 107 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "ELECTRICAL STANDARDS", BY AMENDING ARTICLE I AT SECTION 107-10.A., "FACILITIES SUPPLIED BY THE BOROUGH", BY PROVIDING FOR THE INSTALLATION OF AUTOMATED READ ELECTRICAL METERS AND FOR A WAIVER OF INSTALLATION OF AN AUTOMATED READ ELECTRICAL METER BY CUSTOMERS WITH ASSOCIATED FEES.

Passed by unanimous vote.

Resident Dave Firestone asked what the need was for this upgrade, and Mr. Mace responded that it is not an upgrade, but rather an option for customers who fear radio frequency. Mr. Mooney noted that these customers will be able to request a manual-read meter, but they will pay more for it.

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

RESOLUTION NO. 2-2020

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING § A231-1.5 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "ENUMERATION OF FEES", SO AS TO ESTABLISH A ONE-TIME MANUAL METER SETUP FEE AND A RECURRING MONTHLY MANUAL METER FEE.

WHEREAS, Chapter 107, Electrical Standards, of the Code of The Borough of Kutztown at §107-10.A. establishes a one- time Manual Meter Setup Fee and a recurring Monthly Manual Meter Reading Fee, such fees to be established from time to time by resolution of the Borough Council of the Borough of Kutztown; and

WHEREAS, Borough Council has reviewed estimated costs for setting up and manually reading electric meters; and

WHEREAS, Borough Council has determined that it is proper to establish a one-time Manual Meter Setup Fee and a recurring Monthly Manual Meter Reading Fee

12112

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 § A231-1.5 of Chapter A231, entitled “Fees” of the Code of the Borough of Kutztown be, and it is hereby, amended by creating subsection M as follows:

SECTION 1 – § A231-1.5 of Chapter A231 of the Code of the Borough of Kutztown is hereby amended as follows:

M. Section 107-10A, provisions pertaining to manual meter reads.

1. The one-time Manual Meter Setup Fee is established as \$100.00
2. The recurring Monthly Manual Meter Reading Fee for manual readings performed by the Water and Electric Division, based on current labor and equipment rates as established by Borough Resolutions, shall equal the sum total of the following:
 - (a) Utilities Division labor: one-half hour rate fee of \$23.00, or as established by the Borough of Kutztown by Resolution by §A231-2, and amended from time to time by Resolution.
 - (b) Truck time (using pickup truck): one-half hour equipment rate fee of \$12.50, or as established by the Borough of Kutztown by Resolution by §A231-2, and amended from time to time by Resolution.

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.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 21st day of January, 2020.

Passed by unanimous vote.

Ms. Raudenbush asked if manual-read meters can be replaced with automatic meters, and Mr. Khalife responded that they can because they are customer specific, not house specific.

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.

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 adopt the following Resolution:

RESOLUTION NO. 3-2020

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF OLD WATER METERS, TO UNITED METER BUYERS, AT A SCRAP VALUE COST OF \$2.00 PER METER.

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 old water meters, having a scrap value cost of Two Dollars (\$2.00) per meter, to United Meter Buyers.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 21st day of January,

12114

2020.

Passed by unanimous vote.

Under Miscellaneous, President Snyder read aloud the list of Committee members to clear up any confusion over who serves on which Committee:

Community Development and Public Safety Committee:

Chairperson: Amanda Raudenbush

Members: Derek Mace and Arabel Elliott

Finance and Electric Committee:

Chairperson: Derek Mace

Members: Kevin Snyder and Ed Seyler

Personnel Committee:

Chairperson: Arabel Elliott

Members: Kevin Snyder and Amanda Raudenbush

Public Works Committee:

Chairperson: Kevin Snyder

Members: Ed Seyler and Zebulon Hull

Telecommunications and Information Technologies Committee:

Chairperson: Zebulon Hull

Members: Arabel Elliott and Amanda Raudenbush

Water and Wastewater Committee:

Chairperson: Ed Seyler

Members: Derek Mace and Zebulon Hull

President Snyder called for an Executive Session at 7:57 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:04 p.m.

Off of the agenda, President Snyder appointed Arabel Elliott and Zebulon Hull to the Police Pension Advisory Commission.

A motion was made by Mr. Mace, seconded by Ms. Raudenbush, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:05 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 14, 2019, through January 17, 2020, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand