

March 15, 2022
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Train Station, by the Vice President, Mr. Derek Mace, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, and the Mayor, Mr. James Schlegel. President Kevin Snyder was absent. Mr. Timothy Dietrich, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Police Chief Craig Summers; Mr. John Schmoyer, Seasonal Recreation Director; Kutztown Community Partnership representative Allison Fuller; Borough Planning Commission representatives Fred Engelhardt, Bob Weller, Jeff Dietrich and Steve Fenstermacher; Berks Surveying representative Robert Hain; KYAA representatives Matt Sakowski and Darcy Calkins; and Kutztown Municipal Authority representative Walter Hess were also present.

Chief Summers and Mayor Schlegel presented Patrol Officer Karl Schemberg, Jr., with a Life Saving Award.

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

RESOLUTION NO. 4-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER KARL J. SCHEMBERG, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Officer Karl J. Schemberg, Jr. be awarded the LIFE SAVING AWARD for performing an act in the line of duty. On February 20, 2022, at 5 AM, through prompt and alert actions, in which Officer Schemberg observed a suspicious vehicle and upon further investigation discovered an unconscious person in the driver's seat. Officer Schemberg quickly determined it was an overdose and administered Naloxone, thereby saving the life of this individual.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Karl J. Schemberg, Jr.

This Resolution shall become effective on March 15, 2022.

DULY ADOPTED AS A RESOLUTION this 15th day of March, 2022, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote

Vice President Mace noted the following vacancies:

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

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

Allison Fuller announced that the high school graduation is scheduled for May 26, with a rain date of May 27, and graduates and their families will again be invited to participate in a procession down Main Street.

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

- Review and accept the Minutes of the February 15, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for February 2022.
- Take action to approve the request from the Kutztown Community Choir to use the Band Shell on June 14, 2022 (not June 4), at 7:30 p.m., for their Flag Day Concert, and to waive the rental fee and insurance requirements.
- Take action to approve the 2022 summer playground program contract with the Tri-Valley YMCA.
- 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 February 12, 2022, through March 11, 2022, as summarized below:

General Fund	\$159,207.25
Refuse and Recycling Fund	\$29,871.42
Water Fund	\$65,592.99
Electric Fund	\$366,781.50
Sewer Fund	\$95,494.73
Telecommunications Fund	\$21,195.60

Passed by unanimous vote.

Under Borough Planning Commission, Fred Englehart reviewed the Planning Commission's recommendation to grant preliminary approval, as per HRG's compliance letter for the Apartments on Elm Subdivision and Land Development Preliminary Plan, and he stated that the applicant is agreeable to the recommendations for the plan.

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

approve the Planning Commission's recommendations for the Apartments on Elm Subdivision and Land Development Preliminary Plan subject to HRG's compliance letter. Passed by unanimous vote.

Mr. Englehart asked Council for guidance concerning an update of the Borough's 2012 Comprehensive Plan, which requires a review and/or update every ten years. He inquired if Council is interested in a joint Comprehensive Plan with another municipality or municipalities. Vice President Mace asked if other municipalities have joint Comprehensive Plans, and Mr. Englehart stated that most municipalities do. After a lengthy discussion, Mr. Seyler stated that if the Planning Commission is leaning toward a joint Comprehensive Plan, he thinks the Borough should try it. Mr. Dietrich explained that the Planning Commission can explore interest with other municipalities and report back to Council, but he advised staying within the school district to avoid school tax issues. It was the consensus of Council to have the Planning Commission reach out to other municipalities regarding interest in a joint Comprehensive Plan.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for February 2022 was submitted.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	January 2022	\$3,034.73
Clerk of Common Pleas	January 2022	\$510.00
Secretary's Office	February 2022	\$2,625.00

Vice President Mace asked Chief Summers about police preparations for the upcoming St. Patrick's Day event in town. Chief Summers stated that the Liquor Control Board, Sheriff's Department and other outside resources have been contacted.

Mayor Schlegel noted that there will be no Disruptive Conduct Reports issued if property owners report parties by their tenants.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve a “day care” pass rate of \$70.00, for Borough residents, and \$115.00 for non-Borough residents; and that each day care should provide a list of names and payment for the people wanting passes. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To approve the request from Hannah Hotalen to use the Scooter Building, on May 7, 2022, for a memorial service. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Area School District, to use the Park ball fields for their 2022 spring season, and to place portable toilets in the Park from March 1 through April 29, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from the Kutztown Community Library, to install a Story Walk in the Park, and to have the Borough help with installation of the display boards. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from the Kutztown Community Library, to use the Band Shell on July 21, 2022, for their reptile show, and to have the rental fee waived. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request, from Nate Herrlin, to use the Band Shell on September 11, 2022, for

12390

a concert and worship night. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown American Legion Baseball Association to use the Pomone and Brick Pavilions and the Legion Field, for a tournament, from July 22 through July 25, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the recommendation from John Schmoyer to allow Topton residents to purchase 2022 Kutztown season pool passes at the 2021 Topton season pool pass rate. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the recommendation from John Schmoyer to approve donating \$3,000.00 to the Dolphin Swim Team to cover the cost for coaches for the 2022 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from Megan LaFrance to use the Band Shell on April 30, 2022, for a Delta Zeta Founders Day Celebration, contingent upon consideration from Public Works Superintendent Brian Bailey. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Seyler, Resolved, To appoint Kyle Hess as a Public Works Laborer II, with CDL. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To accept the resignation of Steven Fritz, from the Telecommunications Advisory Commission, effective February 21, 2022. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve reimbursement for shed damage, in the amount of \$63.58, for 732 Highland Avenue. Passed by unanimous vote.

Mr. Kusterer thanked the electric crew for fixing lights in front of the fire company.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To execute the lease agreement, with Windstream, to use space in the NOC. Passed by unanimous vote.

Under Water and Wastewater Committee, Council discussed approving 8 EDUs of water to be given to KMA and assigned to the medical facility project on Kutztown Road.

Vice President Mace expressed his concerns about other businesses, that could possibly compete with businesses in town, taking advantage of the water offered to this location.

Ms. Ladd-Kidder explained that she is in favor of this because it is a medical facility.

Mr. Seyler noted that the fire hydrant would not belong to the Borough or be the Borough's responsibility.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve 8 EDUs of water to be given to KMA and assigned to the medical facility project located on Lot 1 (potentially 15025 or 15065 Kutztown Road). All those in favor, except for Vice President Mace, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enter into an agreement, with Berks Nature, for 2022 Watershed Water Quality Initiatives, and to pay them \$10,000.00 upon completion of the plans and projects. Passed by unanimous vote.

Under Miscellaneous, referring to the item on the Consent Agenda, Mr. Schmoyer noted that the Borough is “upping the level” of the Borough’s agreement with the YMCA.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To raise the YMCA payment to \$7,500.00, from \$6,500.00. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:21 p.m.

Prepared by:

Gina M. Wiand
Borough Secretary

Prepared and attested by:

Andrea Rahn
Assistant Borough Secretary

Derek Mace and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from February 12, 2022, through March 11, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Derek Mace

Andrea Rahn