

March 16, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:36 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, and the Mayor, Mr. James Schlegel. Councilman Zebulon Hull 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; Ms. Judith Danko, Community Development Director; Mr. John Schmoyer, Seasonal Recreation Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Planning Commission representatives Fred Englehardt and Joel Seidel; Kutztown Municipal Authority representatives Lee Erb, Don Sechler, Sheila Fulton and Walter Hess; Amanda Garcia, Tim Seyler, Marah Schembri, Tyler Shnell, Marci Wozniak, Laura Faust, Michelle Yearick, Patrick Erb, Luke Hubler, Michelle Fegly and Lisa Mitchell were also present.

A motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To accept the resignation of Lee Erb, from the Kutztown Municipal Authority, effective immediately. Passed by unanimous vote.

Mr. Mace expressed what an asset Mr. Erb has been to the community, and Mr. Erb thanked everyone and said that he enjoyed his time working with the KMA.

Mayor Schlegel read aloud the proposed Resolution recognizing and commending Lee Erb for his volunteerism and contributions to the Kutztown Municipal Authority for

19 years.

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

RESOLUTION NO. 3-2021

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING LEE ERB FOR HIS VOLUNTEERISM AND CONTRIBUTIONS TO THE KUTZTOWN MUNICIPAL AUTHORITY FOR 19 YEARS.

WHEREAS Lee Erb faithfully served as a volunteer on the Kutztown Municipal Authority from December, 2002, through February, 2021; and

WHEREAS Lee Erb was the Secretary for the Kutztown Municipal Authority for many years during his tenure; and

WHEREAS Lee Erb proudly and effectively served the Borough of Kutztown and surrounding areas through his willingness to volunteer for 19 years.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Lee Erb for his dedicated volunteer service to the Kutztown Municipal Authority.

DULY ADOPTED AS A RESOLUTION this 16th day of March, 2021, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

President Snyder noted that an Executive Session took place, prior to the Council meeting, to address a personnel 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

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

Ali Perzel-Peters requested permission to use the Band Shell, on June 4 or 5, for a dance recital. Mr. Seyler referred her to the April Public Works Committee meeting.

Laura Faust expressed her disappointment in the Community Development Office regarding the fence permitting process and costs, which she said exceed \$700.00.

Mr. Khalife noted that because the property is in a floodplain, the fees are more expensive.

Ms. Danko explained to Council that she received a call from Ms. Faust's neighbor that a fence was put up, so Ms. Danko called the Fausts and said they needed to apply for permits and contact an engineer regarding floodplain issues. Ms. Danko said that she put the Fausts in touch with Matt Walter, from Barry Isett & Associates, and he helped the Fausts for months without payment. She stated that if the permit fees are not paid, the fence will need to come down.

Mr. Mace asked if engineering help was needed because of floodplain, and Ms. Danko said that was correct.

Ms. Faust claimed that she was under the impression that Mr. Walter was working on behalf of the Borough, and that she did not know there were separate fees involved. Ms. Danko said that the Fausts were notified by Mr. Walter, via letter, that there were fees due from Barry Isett & Associates.

Ms. Raudenbush asked Ms. Danko to provide proof to Mr. Khalife that the Fausts were made aware of all of the fees regarding the fence.

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

- Review and accept the Minutes of the February 16, 2021 Borough Council meeting.
- Review and accept the Borough Community Development Report for February, 2021.
- 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 13, 2021, through March 12, 2021, as summarized below:

General Fund	\$221,301.46
Refuse and Recycling Fund	\$50,800.30
Water Fund	\$82,737.94
Electric Fund	\$324,910.71
Sewer Fund	\$240,646.48
Telecommunications Fund	\$31,107.47

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, Mayor Schlegel commended the EAC for a successful community cleanup, over the weekend, and he thanked Warren Shaub for leading it.

Under Community Development and Public Safety Committee, the Monthly Police Report for February, 2021 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	January, 2021	\$1,371.07
Clerk of Common Pleas	January, 2021	\$27.67
Secretary's Office	February, 2021	\$2,200.00
Parking Kiosk	February, 2021	\$169.75

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Community Partnership to hold a Kutztown

University Senior Send-Off, on May 1, 2021, from 1:00 p.m. until 10:00 p.m. Passed by unanimous vote.

Mr. Seyler noted that the event would need a parade permit, insurance and to abide by all current COVID-19 regulations.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To approve the mural art, for 218 W. Main Street, contingent upon completion of the application for Sign Permit – Public Art – Mural, and to waive any associated fees. Passed by unanimous vote.

Ms. Raudenbush noted that Gina Wiand will be working with CGI to update the Borough's Web site videos.

Judith Danko announced that a Housing License Appeals Board meeting will take place on March 17, and Mr. Khalife noted that while it is available on Zoom, the official meeting will be held in the Train Station.

Off of the agenda, President Snyder mentioned that Councilman Zebulon Hull was absent again. Mr. Mace added that Mr. Hull has also not been attending Committee meetings. Mr. Snyder asked if Council could ask him to resign, and Mr. Mooney responded that while Council can ask Mr. Hull to resign, he does not have to comply.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To contact Councilman Zebulon Hull to ask him if he is interested in starting to attend meetings or if he would resign. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To award the 2021 Paving and Storm Sewer Improvements

Project to Construction Master Services, LLC, for the base bid (items A through D) and alternate bid (item F), for a total amount of \$318,776.50. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the request, from St. John's Church, to use the Band Shell on Sundays in May, contingent upon following all current COVID-19 regulations. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Kutztown University's Actors Creating Theater group to use the Band Shell, on multiple dates, from April 6 through April 17, 2021, contingent upon following all current COVID-19 regulations. Passed by unanimous vote.

Student representatives for the Actors Creating Theater group explained that they would rescind their reservation if they are afforded spaces on campus to perform.

Ms. Elliott asked if the performance will be live-streamed, and it will not due to copyright issues.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To donate \$500.00, to the Berks County Solid Waste Authority, for help funding the Berks County recycling program. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To authorize Brian Bailey to begin the process of hiring seasonal employees for 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve starting the hiring process for swimming pool employees and to contact the Kutztown Community Partnership about running the concession stand, with the intention of having a normal start date of Memorial Day weekend, if the pool can be opened safely, and

contingent on COVID-19 safety plans for how the pool would function for patrons and staff. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush to appoint Brian Stunkard, as a member of the Civil Service Commission, whose term shall expire on March 1, 2027. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To approve Heidi Hermany's request for time off without pay, for March 25-31, 2021, and to extend her probation period by five days. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To release \$85,000.00, from the Borough's fire tax fund, to be used toward the purchase of a rescue/pumper and a pumper/tanker. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To make a contribution, for the swim club coach salaries, in lieu of paying them through the Borough's payroll system. Passed by unanimous vote.

Mr. Mace noted that the Borough has two 50-year old transformers that need to be replaced for at least \$2 million dollars. Mr. Khalife and Superintendent Steve Diehl are looking in to it.

Off of the agenda, Michelle Fegly asked if the pool opening is on hold until there is a COVID plan put in place, and Ms. Raudenbush responded that Council wants to open the pool on time, but a plan does need to be put in place first. Mr. Khalife added that the pool needs to be inspected so we know what repairs need to be done.

Ms. Fegly asked if season passes will be offered. Mr. Schmoyer said that he

recommends offering season passes.

Mr. Seyler asked what would happen if the pool needs to close, and Mr. Schmoyer explained that there will be a COVID disclaimer on the application this year.

Ms. Fegly noted that she will need to know if the swim team can have meets and invitationals, and Ms. Elliott told her that Council cannot make any guarantees about that because of COVID.

Additionally, Ms. Fegly asked why the payment process for coaches is being changed. Mr. Khalife explained that because they are not Borough employees, but the Borough holds all of the liability, it is best to not have them on the Borough's payroll. Mr. Schmoyer said that he would call Ms. Fegly to go through everything related to the pool with her.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To adopt the following Resolution:

RESOLUTION NO. 4-2021

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF TWO 4410MD AND TWO D9859 SATELLITE RECEIVERS, TO YONDOO, FOR \$1,800.00.

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 two 4410MD and two D9859 satellite receivers, having a total estimated sale value of One Thousand Eight Hundred Dollars (\$1,800.00), to yondoo.

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 March, 2021.

Passed by unanimous vote.

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To approve the estimate, from HRG, to work with the Borough's Utilities and Public Works departments to assist in further development of the Borough's GIS.

Passed by unanimous vote.

President Snyder noted that the Borough Code is in the process of being updated, with Supplement No. 25, and the cost range is between \$1,415.00 and \$1,785.00.

Mr. Mace noted that Kutztown University plans to fully re-open in the fall.

Mayor Schlegel announced that Bells Across Pennsylvania Day will be on May 2 this year.

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:51p.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 February 13, 2021, through March 12, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand