

March 19, 2024
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 President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Ms. Beth Kohl, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Mike Clery; Mr. Brian Bailey, Superintendent of Public Works; Mr. John Schmoyer, Seasonal Recreation Director; Planning Commission representatives Bob Weller and Joel Seidel; Kutztown Fire & Rescue representative Todd Evans; and residents Allison Fuller and Derek Hartenstine were also present.

Mr. Kusterer opened the meeting with a prayer.

President Snyder announced that Ms. Beth Kohl was filling in for Keith Mooney at tonight's meeting.

President Snyder noted the following vacancies:

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

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

12630

Joel Seidel announced that the Kutztown Fair Board is planting arborvitae along the back fence of the Fairgrounds.

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

- Review and accept the Minutes of the February 20, 2024, Borough Council meeting.
- Review and accept the Borough Community Development Report for February 2024.
- Take action on the request from Cub Scout Pack 101 to hold their Cub Mobile Races on April 13, 2024, between 9:00 a.m. and 11:00 a.m. (rain date is April 14, between 1:00 p.m. and 4:00 p.m.); to supply barricades and signs; and to waive any associated fees.
- Take action on the request from Cub Scout Pack 101 to hold a graduation ceremony on June 2, 2024, in the Band Shell, from 1:00 p.m. until 4:00 p.m.
- Take action on the request from Kutztown Boy Scout Troop 101 to have their annual Flag Retirement Ceremony on June 11, 2024, in the Ceres Pavilion from 4:00 p.m. until 9:00 p.m., and to waive the rental fee.
- Take action on the request from Cub Scout Pack 101 to use the Scooter Building on August 18, 2024, from 1:00 p.m. until 4:00 p.m., for a picnic and games.
- 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 17, 2024, through March 15, 2024.

General Fund	\$179,627.88
Refuse and Recycling Fund	\$45,571.35
Water Fund	\$108,996.13
Electric Fund	\$320,926.98
Sewer Fund	\$71,930.62
Telecommunications Fund	\$49,329.22

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller reported that a letter was

submitted to Council in favor of the variances requested for 154 W. Walnut Street.

Ms. Ladd-Kidder asked for the reasons to support the variance requests, and Mr. Weller replied that the owners did the same work to other properties, and they were good improvements.

Mr. Weller also reported that representatives from McDonald’s plan to attend the April Planning Commission meeting.

Mr. Kusterer asked if anyone from Kutztown Fire & Rescue has seen the McDonald’s plans yet, and Joel Seidel replied that they have.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for February 2024 was submitted.

The following fines were collected:

District Justice Greth	February 2024	\$2,216.46
Clerk of Common Pleas	February 2024	\$0.00
Secretary’s Office	February 2024	\$1,175.00

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the request from Kutztown Fire & Rescue to pay \$8,000.00 toward their \$24,000.00 Strategic Plan Study.

Mr. Seyler asked if this would come out of the tax fund, and Mr. Khalife replied that the request was not for it to come out of the tax fund.

Ms. Ladd-Kidder asked who else would be contributing, and Mr. Kusterer replied that the Fire Department and Maxatawny Township will also contribute.

Mr. Mace noted that a request was made to Kutztown University as well.

Passed by unanimous vote.

12632

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To award the bid and all alternates to LB/DB Construction for the Multimodal Grant Project, in the amount of \$728,964.50, contingent upon references, and to discuss the midblock crosswalk with Council.

Mr. Seyler noted that the midblock crosswalk would eliminate six parking spaces.

Mr. Engelhardt asked how many properties would be impacted, and Brian Bailey replied that he believes three properties on the north side of Main Street would be impacted.

Bob Weller asked who would be responsible for snow removal, and Mr. Seyler responded that snow removal would be the Borough's responsibility.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute the agreement with HRG, for Construction Phase Services Management, for the Multimodal Grant Project.

Ms. Ladd-Kidder asked how much it would cost, and Mr. Khalife replied that it would cost \$44,900.00 plus reimbursements.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Historical Society to have Borough crews help install the Keith Haring historic marker on their property. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Allentown and Auburn Railroad to use the Train Station on various dates in 2024. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To renew the Polling Place Renewal Agreement for 2024; to forgo the payment; and to donate use of the Train Station to the Berks County Board of Elections. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from St. John's Church to use the Band Shell on July 7, 21, and 28, 2024, for church service. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To table the motion regarding the roofing quotes, from Wolfe Roofing, and to send it back to the Public Works Committee for further discussion and review. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To table the additional quotes provided by Wolfe Roofing to seal walls and capstones on the old Public Works building. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve purchasing the 2024 pool chemicals from Buckman's, Inc., at a rate of \$3.62 per gallon. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Transportation Authority to have the Borough crews and trucks help with transporting spoils from Hope Cemetery to the railroad maintenance building property.

Ms. Ladd-Kidder asked what "spoils" are, and Mr. Bailey replied that "spoils" are dug up organic material.

Passed by unanimous vote.

12634

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from KYAA to have a Borough employee operate a front-end loader, with its forks, to help with their work on a date to be determined. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To advertise for seasonal Public Works employees for 2024 if needed. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To authorize Natural Lawn to do weed spraying for 2024, in the amount of \$5,746.00, which is the same amount as last year. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To ratify the advertisement for lifeguards and pool office clerks for the 2024 pool season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the use of the Kutztown Park facilities, all pavilions, the Band Shell, and the Scooter Building, as needed, for Kutztown Day on August 4, 2024, from 7:00 a.m. until 11:00 p.m., and to waive the rental and permit fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve providing free 2024 season pool passes, for the following people/organizations: family passes for all full-time and part-time Borough employees; 15 family pass vouchers to the Kutztown Fire Company for the Chief to distribute to active members at his discretion; five family passes for the Dolphins Swim Team Coaches; two family pool passes for the 2024 Friend, Inc., Community Services Benefit Auction; and adult passes

to the St. John's and Shaynah Kinner Daycare employees, which are only to be used when the employees are working. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve keeping the pool and park rental rates the same for the 2024 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Elementary School to use the Ceres Pavilion, on May 3, 2024, with a rain date of May 6, 2024, for a school event, and to have the rental fee waived. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To set the Seasonal Recreation Director's salary at \$10,000.00, effective January 1, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the pool manager's salary to be \$16,500.00 for 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To offer an Early Retirement Incentive program and the program's window and terms to commit. 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.

12636

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To provide an additional 5.17 EDUs for water (\$5,909.31) and an additional 4.5 EDUs for sewer (\$16,410.71) to serve the proposed McDonald's Restaurant at 601 E. Main Street, for the estimated 1,000 gpd. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve 118 EDUs of water be allocated to KMA to serve The Villas of Maxatawny, with the conditions that the EDUs of water can only be used to serve The Villas of Maxatawny, and the 118 EDUs will expire 18 months from the date of assignment, March 19, 2025, unless reserved with full payment of \$294,056.00

Ms. Cole questioned the date on the agenda, which should be March 19, 2024, and the expiration date was determined to be September 20, 2025.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To amend the motion still on the floor to approve 118 EDUs of water be allocated to KMA to serve The Villas of Maxatawny, with the conditions that the EDUs of water can only be used to serve The Villas of Maxatawny, and the 118 EDUs will expire 18 months from the date of assignment, March 19, 2024, unless reserved with full payment of \$294,056.00. The expiration date will be September 20, 2025. Passed by unanimous vote.

President Snyder called for an Executive Session to discuss personnel and legal matters at 8:08 p.m.

The Executive Session ended, and the meeting reconvened at 8:38 p.m. No action was taken.

Mr. Mace wished Mayor Schlegel a happy birthday!

Under Miscellaneous, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:39 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from February 17, 2024, through March 15, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand