

March 21, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:35 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. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Sergeant Mike Clery; Planning Commission representative Bob Weller; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; and Maxatawny Township representative Mike Berger were also present.

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	Three 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. There were no public comments.

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

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- Review and accept the Minutes of the February 21, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for February 2023.
- Take action to donate two family pool passes for the 2023 Friend, Inc., Community Services Benefit Auction.
- Take action on the request, from the Relay for Life Committee to hang signs around town, from May 12, 2023, through June 12, 2023.
- Take action on the request from the American Legion Post No. 480 to hold its annual Memorial Day Parade on May 29, 2023, and to waive any associated fees.
- Take action on the request from the Cub Scouts to hold their Cub Mobile Races on April 22, 2023, between 10:00 a.m. and 1:00 p.m. (rain date is April 23, between 1:00 p.m. and 4:00 p.m.); to supply barricades and signs; and to waive any associated fees.
- 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 18, 2023, through March 17, 2023, as summarized below:

General Fund	\$440,030.35
Refuse and Recycling Fund	\$68,509.83
Water Fund	\$100,476.16
Electric Fund	\$314,746.99
Sewer Fund	\$64,783.68
Telecommunications Fund	\$53,783.39

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller reported that they have drafted a letter about the proposed solar farm, and that he and Pat Snyder had a discussion with Michael Siegel about the warehouse development.

Under Environmental Advisory Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 1-2023

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING, CHAPTER 15, SECTION 3(a) OF THE CODE OF THE BOROUGH OF KUTZTOWN, BY AMENDING THE COMPOSITION OF THE ENVIRONMENTAL ADVISORY COMMISSION TO PERMIT MORE FLEXIBILITY IN THE COMMISSION'S MEMBERSHIP.

Passed by unanimous vote.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for February 2023.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	February 2023	\$1,527.02
Clerk of Common Pleas	February 2023	\$363.03
Secretary's Office	February 2023	\$2,125.00

Off of the agenda, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To add an item to the agenda to authorize sending Keith Mooney to the Zoning Hearing to oppose the variance request of 426 W. Main Street. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To authorize sending Keith Mooney to the Zoning Hearing to oppose the variance request of 426 W. Main Street. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Allentown and Auburn Railroad to use the Train Station for their schedule of 2023 train rides. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve a payment to Acrow, in the amount of \$337,200.00, for the North Park Bridge structure. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No.4, in the amount of \$148,193.01, to Descoco for the North Park Bridge Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve payment No.1, to CMS, in the amount of \$28,750.00, for the hydrant replacement and water leak on West Main Street. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Park Tennis Program Agreement with Katie Miller. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Kutztown Cub Pack 101 to rent the Band Shell on May 20, 2023, and to waive the rental fee (even if the rental date changes). Note: The date has changed to May 21. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Shena Hesselbein to rent the Scooter Building on August 13, 2023, for a Cub Scout potluck, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Grace Church to rent the Brick Pavilion on April 9, 2023, for a Sunrise Easter Service, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Kathleen Walck to rent the Scooter Building on May 20, 2023, for a makers fair. Passed by unanimous vote.

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

approve the request from Jolly Journeys Childcare Center to rent the Band Shell on June 4, 2023, for their preschool graduation, and to charge them the out-of-town rental rate.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Legion Baseball Association to reserve the Brick Pavilion on June 16, 2023, for a fundraiser, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To provide free 2023 season pool passes to 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; 5 family passes for the Dolphin Swim Team Coaches 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 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. NOTE: This rate is for Shaynah Kinner and St. John's day cares. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize a Borough employee to use Borough equipment to help with Park ballfield repairs, on March 18 and 25, 2023, weather depending, and to waive the Scooter Building rental fees on those or any rescheduled work dates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve a \$10.00 trash credit for the property at 69 Noble Street. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To extend the probation period for Lisa Dietrich, Borough Hall Office Clerk, for a six-month period. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To extend the probation period for Jeri Sievert, Community Development Office Administrative Assistant, for a three-month period. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Randall Wert, as a member of the Environmental Advisory Commission, whose term shall expire on April 1, 2026. 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, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Solar Interconnection Agreement with the owner of 363 N. Kemp Street.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Solar Interconnection Agreement with the owner of 120 Carriage Court. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve two employees to attend the Eaton AMI Conference in Pittsburgh, May 9 through 11,

2023. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To adopt the following Resolution:

ORDINANCE NO. 2-2023

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING, CHAPTER 110, ARTICLE II, SECTION 37 A. OF THE CODE OF THE BOROUGH OF KUTZTOWN, BY AMENDING THE COMPOSITION OF THE TELECOMMUNICATIONS ADVISORY COMMISSION TO PERMIT MORE FLEXIBILITY IN THE COMMISSION'S MEMBERSHIP.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To extend the sludge hauling contract with Millers Sanitary Service, with a unit price per gallon increase to \$.082, effective March 21, 2023, and expiring on March 20, 2024. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To enter into an agreement with Berks Nature, for 2023 Watershed Water Quality Initiatives, and to pay them \$10,000.00 upon completion of the plans and projects. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session, to discuss personnel and legal matters, at 8:00 p.m. The Executive Session ended, and the meeting reconvened at 8:19 p.m.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To authorize the Borough Manager to request that Kutztown Area Transportation Service (KATS) notify the Borough of any period of time during which there is no coverage for

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primary service by an ambulance, and that the following persons are to receive all such notifications: Borough Manager (Gabriel Khalife), Mayor (Jim Schlegel), Community Development and Public Safety Committee Chair (George Kusterer), Kutztown Fire Chief (Todd Evans), and Kutztown Police Chief (Craig Summers). Passed by unanimous vote.

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

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 18, 2023, through March 17, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand