

April 18, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 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; Planning Commission representatives Bob Weller, Joel Seidel and Pat Snyder; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; Kutztown Area Transport Services representative Rodney Freeman; Action Track USA representative Doug Rose; Stackhouse Bensinger representative Jeff Nagorny; Kutztown Fair representatives Earl Leiby, Dale Kramer, Rick Munson, Ginger Schappell, Stacey Mertz, Chris Manwiller and Loretta Sterner; Kutztown Folk Festival representative Heather Zimmerman; Emergency Management and Kutztown Fire representative Todd Evans; residents Eric Boyer, Martha Kuhns, Leigh Kane, Jeff Dietrich, Warren Shaub, Randy Kunkle, Jarid Kunkle and Sabrina Green were also present.

Rodney Freeman, from Kutztown Area Transport Service (KATS), addressed Council regarding the state of KATS. He said they have served the community for 39 years, but they no longer have enough employees to operate because they cannot pay enough (\$16.50 per hour, compared to \$22.00 per hour elsewhere).

12500

Mr. Freeman noted that KATS dropped off requested financial information, on January 18, but never received a response. He said that if we do not come up with an agreement, the service will have to stop.

As an example of funding, Mr. Freeman stated that Maxatawny Township is considering implementing a tax next year and giving them \$200,000.00. He also noted that Kutztown University is trying to organize an adult EMT class.

Mr. Seyler asked where other municipalities get their fees, and Mr. Freeman said that he thinks it's through taxes.

President Snyder suggested planning a workshop before the next Council meeting and that someone from the Borough would be in touch about it.

Mr. Freeman noted that if the meeting doesn't happen within 30 days, the service will stop.

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. There were no public comments.

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

- Review and accept the Minutes of the March 21, 2023, Borough Council meeting.

- Review and accept the Borough Community Development Report for March 2023.
- Take action on the request from Kutztown Cub Pack 101 to have their annual Flag Retirement Ceremony on June 13, 2023, in the Ceres Pavilion from 4:00 p.m. until 9:00 p.m., and to waive the rental fee.
- 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 March 18, 2023, through April 14, 2023, as summarized below:

General Fund	\$602,133.56
Refuse and Recycling Fund	\$23,736.1
*Water Fund	\$0.00
Electric Fund	\$237,638.64
Sewer Fund	\$53,595.64
Telecommunications Fund	\$14,594.80

* Water Fund was missed in last month's report. A separate report for the Water Fund, for March 18 through April 14, 2023, was run this month.

Passed by unanimous vote.

Under Borough Planning Commission, Pat Snyder addressed Council regarding the proposed Joint Comprehensive Plan. She stated that the cost would be \$54,000.00, with half to be paid by a DCED grant and the rest split between the participating municipalities. She noted that Lyons will not participate. She also said that this Plan will not include joint zoning because you must have a Comprehensive Plan before you can have joint zoning.

Ms. Ladd-Kidder expressed concerns over when the Borough would be obligated to the plan and said she would like to see how it affects the Borough first.

Mr. Mooney replied by saying that once the agreement is signed, the Borough is obligated.

12502

Ms. Snyder reminded everyone that a Comprehensive Plan needs to be done every ten years, and that we are overdue.

Mr. Engelhardt suggested that a good benefit of a Joint Comprehensive Plan would be talking with our neighbors and having a more cost-effective Plan.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To notify the County of the Borough's intent to participate in the Northeastern Berks Joint Comprehensive Plan. All those in favor, except Ms. Ladd-Kidder, 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 reaffirm the approval of the revision to the plan of record for Hilltop Subdivision II – Section II Phase III. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	March 2023	Not Reported
Clerk of Common Pleas	March 2023	\$91.33
Secretary's Office	March 2023	\$2,925.00

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To authorize sending Keith Mooney to the Zoning Hearing for 233 Pennsylvania Avenue. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To table authorizing advertisement of the proposed Ordinance amending Chapter 225 entitled "Zoning" of the Code of the Borough of Kutztown establishing Noise Regulations in the

C-C Business Commercial Central Zoning District, C-1 Business Commercial Zoning District, C-2 Commercial/Residential Zoning District, And C-3 Highway Commercial Zoning District., and to send it to the Berks County and Borough Planning Commissions for review. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment No.5, in the amount of \$17,269.26, to Descoco to release the retainage for the North Park Bridge Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To move the 2023 Paving and Storm Sewer Improvement Project Alternate Bid Item 2 to the Base Bid List. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Schedule Option 1 for the proposed 2023 Paving and Storm Sewer Improvement Project schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To delay signing off on the Historic District signage for the Peach Street Bridge until the Historical Society approves it. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve adding two porta-potties, in the park, from November through March (one by the playground and one by the tennis courts). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request, from Jackie Bridges, to rent the Train Station for an Operation Iraqi Freedom Veteran Reunion, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To

12504

approve the request from St. John's Lutheran Church to rent the Band Shell on Sundays in July. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve waiting for a potential grant award for storm work before starting the project. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To enter into a Memorandum of Understanding, with Paul Dalickas, regarding employee healthcare reimbursement. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept the resignation of Dick Diehm, with regret, from the Zoning Hearing Board. Passed by unanimous vote.

An Executive Session to discuss personnel and legal matters was not needed.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into an Interconnection Agreement with 406 Luella Drive. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve selling Borough wood to Solt's Sawmill for a price of \$550.00. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To ratify authorization to give the Kutztown School District access to WiFi in the park, for 2023, and to waive the fee of \$47.50 per month. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the “Will Serve” letter regarding 15295 Kutztown Road for water and wastewater service, at the request of KMA and MTMA, for the Sparkle Dental office (EDUs to be determined). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To give Kutztown University the Low Temp Incubator unit, that is no longer used by the Wastewater Department, at no cost. Passed by unanimous vote.

Mr. Seyler noted that as a result of the Water Department’s leak detection efforts and related corrections to the system’s leaks identified, the 46% water loss rate from January 2023 has been reduced to 19%, or a 60% improvement to the Borough’s water loss rate avoidance.

Under Miscellaneous, President Snyder noted that the Borough Code is in the process of being updated, with Supplement No. 27, and the cost range is between \$4,140.00 and \$4,980.00.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:32 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 March 18, 2023, through April 14, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand