

April 19, 2022  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:32 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. Arabel Elliott, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, 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; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Kutztown Community Partnership representative Allison Fuller; Borough Planning Commission representative Fred Engelhardt; Kutztown Area Transport Service representative Rodney Freeman; and visitor Rachel Bachman 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:	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	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 15, 2022, Borough Council meeting.

- Review and accept the Borough Community Development Report for March 2022.
- Take action to donate two family pool passes for the 2022 Friend, Inc., Community Services Benefit Auction.
- Ratify approval of the request from the Cub Scouts to hold their Cub Mobile Races on April 9, 2022, between 10:00 a.m. and 1:00 p.m. (rain date is April 10, 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 March 12, 2022, through April 14, 2022, as summarized below:

General Fund	\$183,044.44
Refuse and Recycling Fund	\$17,706.43
Water Fund	\$46,459.75
Electric Fund	\$333,627.08
Sewer Fund	\$75,463.30
Telecommunications Fund	\$45,155.81

Passed by unanimous vote.

Under Borough Planning Commission, Mr. Mooney opened a public hearing regarding the proposed Outdoor Dining Facility Ordinance. He summarized the Ordinance and noted that it was advertised on March 23 and 30, 2022, and it was sent to the Berks County Planning Commission on March 14, 2022. He further noted that it was not sent to the Kutztown Planning Commission because it originated from them. He explained that no substantial changes were made, only some typos were corrected.

Mr. Mooney asked for questions from Council and the public.

Mr. Mace asked if there is a definition for “outdoor entertainment,” and Mr. Mooney said that there is not.

Mr. Khalife noted that the Borough's Noise Ordinance would cover loud, outdoor nuisances.

President Snyder stated that he is "not interested in micromanaging this Ordinance."

Ms. Elliott asked what the options would be for amending it in the future, and Mr. Mooney explained that Council can amend it any time they want to, although it will take two months to do.

Mr. Mace clarified that he has concerns about entertainment and the width of the sidewalk. He wants Council to be able to adjust those things if necessary.

Fred Englehardt, from the Planning Commission, stated that they debated between three feet and five feet sidewalk clearances, and they went with three feet since it is the ADA requirement.

There being no further questions, President Snyder closed the public hearing.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved,  
To enact and ordain the following Ordinance:

## ORDINANCE NO. 4-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING ARTICLE V OF CHAPTER 225 OF THE KUTZTOWN CODE BY CREATING AND ENACTING §225-33.5 ENTITLED "OUTDOOR DINING FACILITY." SAID ORDINANCE WILL PROVIDE RULES AND REGULATIONS FOR THE OPERATION OF OUTDOOR DINING.

Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

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District Justice Greth	February 2022	\$3,031.86
Clerk of Common Pleas	February 2022	\$47.98
Secretary's Office	March 2022	\$6,025.00

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the proposed Patrol Policy, Procedures and Station Work Standard Operating Procedure. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve the two-year pool concession stand lease agreement with the Kutztown Community Partnership. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve the recommendation, from Great Valley Consultants, on the 2022 Street and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from Michelle Yearick, to use the Scooter Building on April 30, 2022, for KYAA picture day. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from Alison Patchcoski, to use the Scooter Building on May 1, 2022, for a birthday party. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request, from Rachel Bachman to use the Scooter Building on May 28, 2022, for a birthday party. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from Lauren Styer to use the Scooter Building on June 4, 2022, for a preschool graduation ceremony. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from St. John's Lutheran Church, to use the Band Shell on Sundays in July. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from the Kutztown Brandywine Football and Cheer Club to use the Park multipurpose field for their 2022 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from the Relay for Life Committee to hang signs around town, from May 22, 2022, through June 12, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from Kutztown Boy Scout Troop 101 to have a Flag Retirement Ceremony in conjunction with the Flag Day concert on June 14, 2022, in the Brick Pavilion. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To accept Debra Loy's resignation due to retirement, with regret, effective July 22, 2022, and to adopt the following Resolution commending her for her dedication and contributions to the Borough of Kutztown for over 37 years:

#### RESOLUTION NO. 5-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING DEBRA LOY FOR HER DEDICATION AND CONTRIBUTIONS TO THE BOROUGH OF KUTZOWN FOR OVER 37 YEARS.

WHEREAS Debra Loy joined the Borough of Kutztown staff, in early 1985, as a part-time clerical helper in the Code Office and a data entry clerk; and

WHEREAS Debra Loy became a full-time Borough employee on October 1, 1985, continuing her position in the Code Office; and

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WHEREAS Debra Loy transferred from her position in the Code Office to become a Borough Hall Office Clerk, with a primary focus on utility billing, in 1992, and has loyally filled that role ever since; and

WHEREAS Debra Loy skillfully served the Borough of Kutztown for over 37 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 Debra Loy for her dedication and contributions to the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 19<sup>th</sup> day of April, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To ratify the hiring of Lori Balthaser, as a Library Clerk II, effective April 13, 2022. Passed by unanimous vote.

An Executive Session to discuss a personnel matter 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 Interconnection Agreements with the owners of the following properties installing solar panels: 70 S. Baldy Street, 724 Highland Avenue, 466 Luella Drive and 223 S. Whiteoak Street. Passed by unanimous vote.

Mr. Mace noted that for a third consecutive year, the Borough of Kutztown has received national recognition for achieving exceptional electric reliability in 2021. The recognition comes from the American Public Power Association, a trade group that represents more than 2,000 not-for-profit, community-owned electric utilities.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To extend the agreement with Zito Media for an additional 60 months. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve a total of 1,800 gpd of water to be given to KMA, to serve two projects, one planned for the east corner, and one planned for the west corner, of Ivy League Drive and Kutztown Road, with 900 gpd being assigned to each project.

Ms. Elliott expressed concern over the types of businesses that this would support (Starbucks and Chipotle) and the impact it could have on businesses in the Borough.

Mr. Seyler stated that the Committee considered everything about this before coming to this recommendation.

Mr. Mace relayed his concerns about extra traffic and there being no sidewalk.

Sandy Green noted that Kutztown University plans to write letters recommending a right-hand turn and sidewalks at the location. Mr. Khalife asked that the letters be copied to the Berks County Planning Commission.

After discussion, President Snyder called for the question To approve a total of 1,800 gpd of water to be given to KMA, to serve two projects, one planned for the east corner, and one planned for the west corner, of Ivy League Drive and Kutztown Road, with 900 gpd being assigned to each project. All in favor, except for Mr. Mace and Ms. Elliott, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve an increase of the water meter reading fee, from \$100.00 per month to \$150.00 per

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month, invoiced to MTMA, for the calculation of their 65 respective sewer charges.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To proceed with “Alternative 1 – SST Rehabilitation” as listed in the HRG Engineer’s Report. Passed by unanimous vote.

Mr. Seyler noted that there are other unknown fees for this project, and Mr. Mace explained that an inspection will occur to make sure this option is viable.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve HRG to submit a request to redirect the CFA Grant funds of \$100,000.00 from the Sludge Press Project to the Sludge Storage Tank Project. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted that the Borough Code is in the process of being updated, with Supplement No. 26, and the cost range is between \$1,930.00 and \$2,480.00.

President Snyder called for an Executive Session, to discuss a personnel matter, at 8:23 p.m. The Executive Session ended, and the meeting reconvened at 8:42 p.m.

A motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To authorize Sandy Green, Kutztown University Community Liaison and Government Relations Assistant, to advocate on behalf of the Borough of Kutztown regarding safe intermodal facilities between the Borough and Maxatawny Township. 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 8:45 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 March 12, 2022, through April 14, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand