

May 16, 2018  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:34 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, Mr. Richard Diehm, and the Mayor, Mr. James Schlegel. Council members Mr. Scott Piscitelli and Ms. Arabel Elliott were 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; Mr. Matt Hafer, Acting Community Development Director; Planning Commission representative Lisa Ladd-Kidder; Maxatawny Township representative Steve Wilson; Kutztown Community Partnership Community Liaison Sandy Green; Kutztown Community Partnership representative Allison Fuller; Northeastern Berks Emergency Medical Services representative Todd Evans; and Mr. Valdis Lacis, reporter for the Reading Eagle, were also present.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 6-2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER ARTHUR T. HIRSCH, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Officer Arthur T. Hirsch, Jr. be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert actions, resulting in the saving of a life during an overdose incident on April 22, 2018 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Arthur T. Hirsch, Jr.

This Resolution shall become effective on May 16, 2018.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of May, 2018, 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 Mr. Mace, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 7-2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER MATTHEW J. YERGER.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Officer Matthew J. Yerger be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert

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actions, resulting in the saving of a life during an overdose incident on April 30, 2017 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Matthew J. Yerger.

This Resolution shall become effective on May 16, 2018.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of May, 2018, 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 Mr. Mace, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 8-2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL CORPORAL WALTER J. SKAVINSKY.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Corporal Walter J. Skavinsky be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert actions, resulting in the saving of a life during an overdose incident on April 30, 2017 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Corporal Walter J. Skavinsky.

This Resolution shall become effective on May 16, 2018.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of May, 2018, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Schlegel presented Arthur Hirsh and Matthew Yerger with their Life Saving Award certificates. Walter Skavinsky was unable to attend.

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:

- ) Review and accept the Minutes of the April 17, 2018 Public Hearing.
- ) Review and accept the Minutes of the April 17, 2018 Borough Council meeting.
- ) Review and accept the Borough Community Development Report for April, 2018.
- ) Authorize the appropriate Borough officials to execute the contract for the Allentown Band, Inc., to perform three concerts on Kutztown Day, Sunday, August 5, 2018, for a fee of \$2,650.00, which includes a \$350.00 meal allowance.
- ) 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 April 14, 2018, through May 11, 2018, as summarized below:

General Fund	\$198,912.69
Refuse and Recycling Fund	\$46,615.66
Fire Protection Tax Fund	\$44.79
Recreation Tax Fund	\$71.57
Road Tax Fund	\$179.18
Water Fund	\$59,158.45
Electric Fund	\$372,935.79
Sewer Fund	\$62,105.13
Telecommunications Fund	\$88,734.09

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

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Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for April, 2018 was submitted.

The following fines were collected:

District Justice Greth	March, 2018	\$6,709.24
Clerk of Common Pleas	March, 2018	\$374.82
Secretary's Office	April, 2018	\$7,600.00

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough Manager to compose and send a Letter of Agreement, for an Extension of Premise for K'town Pub Taphouse & BBQ, to the PLCB on behalf of Borough Council. Mr. Hafer noted that the PLCB is okay with this, but they need Council to approve it. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Diehm, Resolved, To authorize revising the Ordinance amending Chapter 212 (Vehicles and Traffic), of the Kutztown Code, to include a handicapped parking space following the no parking spaces on East Main Street at North Maple 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 Deborah Clauss, to use the Band Shell on August 25, 2018, for a skate park fundraising concert and basket raffle, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the request from Kutztown Strong to use the Brick Pavilion for their meetings on June 21, July 19 and August 16, 2018, for their meetings and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the request, from the Kutztown Daisy Troop, to use the Flora Pavilion on Monday, May 7; Sunday, May 20; and Monday, June 4; and to waive associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the request, from Karen Harris, to use the Scooter Building on June 10, 2018, from 2:00 p.m. until 6:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To award the 2018 Street Improvements Project to H&K Group, for base bid items A through I, and alternate bid items J and K, in the total amount of \$359,508.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the parade permit application, for the Run for the Wine – 5k, sponsored by Tommy Boy’s Pizza Kutztown, on June 9, 2018, in the Kutztown Park, contingent upon review by Chief Summers and the Public Works Committee. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To accord full employment, to Officer Matthew Yerger, whose probation period ended on May 11, 2018. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To promote Lacie Henninger, to Library Clerk Level 2, effective April 23, 2018. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To hire Kyle Acker, in the Public Works Department, for seasonal summer help. Passed by

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unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To hire Sean Ward as an intern for the Environmental Advisory Commission. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To appoint the following Dolphins swim team coaches for the 2018 season: Head Coach Steven Fowler, \$ 1,500.00; Assistant Coach Gwen Dietrich, \$1,000.00; and Assistant Coach James Goodreau, \$500.00. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To approve the Contract for Professional Services, with Sheila Sacks, for graphic design services. Passed by unanimous vote.

Ms. Wiand noted that Ms. Sacks continues to be a valuable asset to the Borough, and she thanked Council for continuing her contract.

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 execute the letter, from Eckert Seamans, regarding the transfer of the Borough's bond counsel and records. Passed by unanimous vote.

Off of the agenda, Mr. Mace noted that the Borough lost power, for about two hours the previous Saturday, and the loop that was installed approximately 10 years ago saved the Borough much time and money.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the purchase of 1,500 feet of Okonite 500 mcm 15 KV underground electric cable, from

Rumsey Electric, for \$11,139.63 per PA Costars Contract #008-476. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the purchase of a Hubbell Power Systems 15 KV 600 amp pad mounted switch, from Wesco Distribution, for \$12,090.00 per PA Costars Contract # 008-029. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To enact and ordain the following Ordinance:

## ORDINANCE NO. 4-2018

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 177 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "SEWER", BY AMENDING SECTION 177-6 BY PROVIDING FOR THE REGULATION OF SURFACE WATER, STORMWATER AND GROUND WATER DISCHARGES.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To appoint Jim Schlegel as the Borough's Voting Delegate for the PSAB Annual Conference. Passed by unanimous vote.

President Snyder also noted the following vacancies:

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



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A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 7:53 p.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 April 14, 2018, through May 11, 2018, 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