

May 17, 2023
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. 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 Chief Craig Summers; Police Corporal Mike Clery; Police Secretary Carolann Bartik; Borough Parks and Recreation Director John Schmoyer; Planning Commission representatives Bob Weller and Joel Seidel; 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; Kutztown Fair representatives Earl Leiby, Stacey Mertz, Chris Manwiller and Richard Munson; residents Tim Seyler, Michael Shaw, Eric Boyer, Mindy Wagaman, Jeff Dietrich, Christiane Sheetz, Joanna Gregous, Liz Van Verth, and Marilyn Fox were also present.

President Snyder noted the following vacancies:

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| 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 | 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 April 18, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for April 2023.
- 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 (Water Fund only); and April 15, 2023, through May 12, 2023, as summarized below:

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| General Fund | \$217,012.90 |
| Refuse and Recycling Fund | \$52,394.52 |
| Water Fund | \$135,852.61 |
| Water Fund | \$73,737.53 |
| Electric Fund | \$337,728.70 |
| Sewer Fund | \$90,721.17 |
| Telecommunications Fund | \$21,871.34 |

Under Borough Planning Commission, Bob Weller and Joel Seidel addressed Council with the Planning Commission's concerns regarding the proposed Noise Ordinance Amendment.

Mr. Weller stated that he thinks it tarnishes the Joint Comprehensive Plan and that there are too many grey areas.

Mr. Seidel explained how they researched the 60-decibel level, which he noted is a "normal speaking voice." He said he believes it will adversely affect the commercial district by causing violations during fairs, festivals, parades, etc.

They stated that they are both concerned about potential lawsuits against the Borough if this is passed.

Mr. Seidel said that the Planning Commission “did a lot of homework for this, and we don’t agree with it.” He also noted concerns about the challenges of appropriately enforcing the Ordinance and having some events exempt. He asked how that would happen and noted that we don’t want to discourage people from coming to town.

Several people in the audience challenged what Mr. Weller and Mr. Seidel were saying, but none of them addressed Council or stated their name for the record.

Mr. Kusterer mentioned that he feels this situation has evolved because of the racetrack and those problems that have not been addressed.

Mr. Mooney commented that the Planning Commission did what they were supposed to do, and these are their recommendations.

Mr. Engelhardt stated that he has a great deal of respect for the Planning Commission, and while he is not opposed to the Ordinance, the decibel levels should be reviewed again.

Ms. Ladd-Kidder said that it needs to be balanced and asked about the Borough’s options.

Mr. Mace agreed with the thought of finding something equitable that is an extension of what we already have in place.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

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| District Justice Greth | March 2023 | \$3,616.49 |
| | April 2023 | \$3,250.92 |
| Clerk of Common Pleas | April 2023 | \$57.18 |
| Secretary’s Office | April 2023 | \$2,925.00 |

Off of the agenda, a motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To dedicate the meeting to the Police. Passed by unanimous vote.

Regarding the agenda item to take action on the request from the Kutztown Community Partnership to hold Dinner on Main on August 4, 2023, Mr. Kusterer noted that this item was approved at the February Council meeting and that we have now received their parade permit application.

A motion was made by Mr. Kusterer, Resolved, To introduce and authorize 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. The motion died for lack of a second.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To table the item to introduce and authorize 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. Passed by unanimous vote.

Mr. Mace expressed that this is the “most consistently unaddressed issue in the Borough, and we can’t let it die.”

Mr. Engelhardt suggested sending it back to the Planning Commission, and Mr. Mace said it should also go back to the Community Development and Public Safety Committee.

Mayor Schlegel suggested that the Community Development and Public Safety Committee should have a workshop to discuss this in conjunction with their meeting on June 15.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To hold a workshop to discuss the proposed Noise Ordinance Amendment, on June 15, 2023, at 7:00 p.m. Passed by unanimous vote.

Regarding the request from KATS for funding and ambulance services for the residents of Kutztown, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To hold a workshop with other ambulance services to find out what they can provide in comparison to KATS.

After some discussion on requesting letters of intent from other providers, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To amend the motion still on the floor to include requesting letters of intent from other providers before the workshop. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To approve the retirement of Police Chief Craig Summers and to adopt the following Resolution:

RESOLUTION NO. 6-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING POLICE CHIEF CRAIG SUMMERS FOR HIS DEDICATION AND CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN POLICE DEPARTMENT FOR 14 YEARS.

WHEREAS Craig Summers joined the Borough of Kutztown Police Department, on March 16, 2009, as Chief of Police, after retiring as the rank of Lieutenant from the Pennsylvania State Police following 25 years of service; and

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WHEREAS under Chief Summers, the Kutztown Borough Police Department adopted the use of body worn squad car and video surveillance cameras, as well as License Plate Readers, to enhance public trust, collect evidence, and identify training needs; and

WHEREAS with Chief Summers' leadership, the Kutztown Borough Police Department took significant steps in hiring and training to provide officers with skills to handle all situations appropriately and treat everyone with respect and dignity.

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 Police Chief Craig Summers for his dedication and contributions to the Borough of Kutztown Police Department.

DULY ADOPTED AS A RESOLUTION this 17th day of May, 2023, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Schlegel presented Chief Summers with the Resolution, and Chief Summers thanked everyone and said he enjoyed his time working for the Borough.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Sergeant Mike Clery as Acting Chief of Police, at an hourly rate of \$52.00, effective May 21, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To promote Criminal Investigator Charles Lawson to the rank of Corporal Criminal Investigator, effective May 21, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To promote Patrol Officer Arthur Hirsch to the rank of Corporal Patrol Officer, effective May 21, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Jarad Luckenbill as a Refuse Laborer I, without CDL, contingent upon meeting all pre-employment requirements. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint David Johnson, as a member of the Zoning Hearing Board, whose term shall end on January 1, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To renew the professional service agreement with Sheila Sacks. Passed by unanimous vote.

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

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the 2023 Paving and Storm Sewer Improvement Project bid from Schlouch, Inc., in the amount of \$365,097.80 for the base bid items A through E and alternate items F and G. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Kutztown Strong to hold the Kutztown Kruizz on July 29, 2023, and to waive associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Kutztown Cub Pack 101 to have the Tiger Cubs' bird houses used in the Main Street Park, and to have them coordinate with Todd Underwood on the placement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize the Environmental Advisory Commission to hire a part-time summer intern. Passed by unanimous vote.

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A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve selling 2023 pool passes to Kutztown University's Providing Resources and Opportunities for Future Standouts program at \$90.00 for students and \$110.00 for staff members. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve purchasing the 2023 pool chemicals from Buckman's, Inc., at a rate of \$3.20 per gallon. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the 2023 Concert Series. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To conditionally hire the following 2023 seasonal pool employees, contingent upon meeting all pre-employment requirements: Molly Brown, head lifeguard, \$16.00 per hour; McKaylah Booth, assistant head lifeguard, \$15.00 per hour; Gabriel Clauss, assistant head lifeguard, \$15.00 per hour; Alexander Clauss, lifeguard, \$12.00 per hour; Thomas Crouse, lifeguard, \$12.50 per hour; Haven Fegely, lifeguard, \$12.00 per hour; Alyse Gammons, lifeguard, \$12.50 per hour; June Grim, lifeguard, \$12.00 per hour; Victoria Grim, lifeguard, \$12.00 per hour; Mackenzie Stoudt, lifeguard, \$12.50 per hour; Nathaniel Wolfe, lifeguard, \$12.00 per hour; Paige Geist, office clerk supervisor, \$11.50 per hour; Rhian Conibeer, office clerk, \$10.50 per hour; Abigail Felker, office clerk, \$10.50 per hour; and Rachel Hofman, office clerk, \$10.50 per hour. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown American Legion Baseball Association and the

Kutztown Area High School to rope off the legion field area, to host district baseball games for Kutztown High School and the PIAA, starting Monday May 22, 2023, and to charge the required PIAA entrance fee associated with these district and regional baseball games. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify hiring A+ Lehigh Valley Fire Protection to replace the fire suppression systems at the park and pool food stands, as soon as possible, at a cost of \$7,496.00. Passed by unanimous vote.

Mr. Mace noted that he would like to know how much the Borough has spent to repair the snack stands.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the quote, from J.P. Mascaro & Sons, to recycle glass for the Borough for the next two years (\$230 per month). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve advertising the Conquer Your Court tennis program in the newspaper and in the Borough's newsletter. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve waiving the fireworks permit fee for the 2023 Kutztown Day celebration. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Football Club to rent the Band Shell, on June 28, 2023, and to waive the rental fee. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace,

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seconded by Mr. Seyler, Resolved, To enter into an Interconnection Agreement with 514 Luella Drive. Passed by unanimous vote.

Mr. Mace noted that for a fourth consecutive year, the American Public Power Association has presented the Borough of Kutztown with a Certificate of Excellence in Reliability.

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

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, a motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:39 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 (Water Fund only); and April 15, 2023, through May 12, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand