

June 18, 2024  
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. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Mr. Derek Mace was 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 Mike Clery; Public Works Superintendent Brian Bailey; Planning Commission representative Bob Weller; Kutztown Day representative Andrew Schlegel; and resident/Borough employee Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

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 May 21, 2024, Borough Council meeting.

# 12654

- Review and accept the Borough Community Development Report for May 2024.
- 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 May 18, 2024, through June 14, 2024.

General Fund	\$127,149.48
Refuse and Recycling Fund	\$31,661.50
Water Fund	\$45,324.10
Electric Fund	\$240,816.43
Sewer Fund	\$51,327.02
Telecommunications Fund	\$19,841.79

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted that they are working on a short-term rental Ordinance with help from Josh Young, and they are also looking for volunteers to help with the Joint Comprehensive Plan. Councilman Fred Engelhardt has volunteered to help.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for May 2024 was submitted.

The following fines were collected:

District Justice Greth	May 2024	\$3,082.49
Clerk of Common Pleas	May 2024	\$99.13
Secretary's Office	May 2024	\$2,175.00

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify approval of a change order for Telco to add backplates to the traffic lights, as part of the Green Light-Go Grant Project, in the amount of \$3,050.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve awarding the 2024 Street and Storm Sewer Improvements Project bid to H&K

Group, Inc., in the amount of \$180,268.50. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Community Choir to waive the rental for their picnic on a date to be determined and approved by Brian Bailey and John Schmoyer. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To ratify approval and support for the Environmental Advisory Commission's application for a Berks County Greenway Grant. Passed by unanimous vote.

Ms. Ladd-Kidder encouraged everyone to read the grant that was written by Todd Underwood.

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

## RESOLUTION NO. 5-2024

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE DONATION OF A SURPLUS TRUCK BUMPER TO THE KUTZTOWN AREA SCHOOL DISTRICT.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter "the Borough"), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall donate a surplus truck bumper to the Kutztown Area School District.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 18<sup>th</sup> day of June, 2024.

# 12656

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To ratify approval of the request from John Schmoyer to use the Timothy Breidegam Field in the Kutztown Park for PIAA State Baseball playoff games on June 6 and 7, 2024; to approve field use July 13 through 16, 2024, for Legion League playoff games and the Jr. Legion All-Star Game; and July 19 through 21, 2024, for the Sr. Legion Tournament; to reserve the Pomone Pavilion for those dates; and to waive the rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Day Committee to use a hold harmless agreement for a petting zoo if the vendor cannot obtain the required insurance before Kutztown Day.

Mr. Mooney gave his opinion that if there would be an accident or incident, and the vendor does not have any money, the Borough will still have to pay; therefore, if the vendor cannot afford insurance, they will not be able to pay for any claims. He suggested the Borough find out if its insurance covers this or to potentially get the cost to add a rider for one day.

Mr. Khalife said he would call the Borough's insurance company.

Mr. Seyler stated that the Kutztown Day Committee should investigate it with their insurance company, too.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To table the motion on the request from the Kutztown Day Committee to use a hold harmless agreement for a petting zoo if the vendor cannot obtain the required insurance before Kutztown Day. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the annual \$5,000.00 contribution to Kutztown Day. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Tim Mertz to donate 15 gallons of gas, per month, during the spring and summer for him to mow and service the Timothy Breidegam Field in the Kutztown Park for ball games. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Police Department to use the Scooter Building and the Band Shell for their 100<sup>th</sup> anniversary, on July 28, 2024, after the scheduled church service, and to waive the rental fees. Passed by unanimous vote.

Council discussed options for the Public Works buildings and asked Brian Bailey to speak about the options.

Mr. Bailey asked Council where and how the Borough would begin the project, and said that he thinks the Shoe Building and storage needs should be addressed first.

Mayor Schlegel suggested scheduling a Council workshop meeting to discuss this.

Mr. Engelhardt noted that a hearing for the next-door Moyer property will be held in July, so that might be a consideration as well.

President Snyder stated that Council needs to narrow their focus and prioritize what Mr. Bailey said about the Shoe Building and storage.

Ms. Ladd-Kidder suggested putting an ad hoc committee together to organize for a Council workshop meeting.

Mr. Khalife declined that idea and stated that Council needs to decide what they

want to do. He mentioned that the Borough has paid for past studies that did not get used. He advised deciding what Council is willing to give up and what needs to be logistically located, because patching holes is not going to solve the problems. He also noted that he can bring the engineer in for costs.

President Snyder asked what we have pricing for, and Mr. Bailey replied that we only have roofing prices.

President Snyder asked Mr. Khalife if there is a budget for this, to which Mr. Khalife replied that there is not.

Mr. Kusterer asked if the Shoe Building is in a floodplain, and Mr. Khalife responded that it is.

Mr. Khalife said that he will schedule a Workshop meeting.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept, with regret, the retirement of Mark Arnold, Telecommunications Superintendent, effective July 11, 2024. Passed by unanimous vote.

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

## RESOLUTION NO. 6-2024

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING MARK ARNOLD FOR HIS DEDICATION AND CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN FOR 19 YEARS.

WHEREAS Mark Arnold joined the Borough of Kutztown staff, on March 28, 2005, as a Telecommunications Technician I; and

WHEREAS Mark Arnold became the Telecommunications Crew Leader on May 15, 2006; and

WHEREAS Mark Arnold became the Telecommunication Director on August 20,

2013; and

WHEREAS Mark Arnold skillfully served the Borough of Kutztown for 19 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 Mark Arnold for his dedication and contributions to the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 18<sup>th</sup> day of June, 2024, 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. Engelhardt, seconded by Mr. Kusterer, Resolved, To regretfully ratify acceptance of the resignation of Thomas Murray, CSO II, effective June 4, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Andrew Arnold, as a member of the Housing License Appeals Board, whose term shall expire on July 1, 2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Patricia Snyder, as a member of the Borough Planning Commission, whose term shall expire on July 1, 2028. 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. Seyler, seconded by Mr. Kusterer, Resolved, To enter into an Agency Agreement creating and forming the Pennsylvania Municipal Power Agency.

Mr. Khalife explained that nothing is being newly formed, but rather a dormant group is being revived. He also stated that there is a \$900.00 annual fee.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To amend the motion still on the floor regarding the Agency Agreement, to enter into an Agency Agreement reaffirming the Borough's commitment to the Pennsylvania Municipal Power Agency. Passed by unanimous vote.

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

## RESOLUTION NO. 7-2024

### A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPOINTING A BOROUGH REPRESENTATIVE AND A DIRECTOR TO THE PENNSYLVANIA MUNICIPAL POWER AGENCY.

WHEREAS, the Pennsylvania Municipal Power Agency ("PMPA") is a municipal power agency organized and existing under the laws of the Commonwealth of Pennsylvania, pursuant to Chapter 24A of the Borough Code, 8 Pa. C.S. § 24A01, *et seq.*; and

WHEREAS, the Borough of Kutztown (the "Borough") entered into an Agency Agreement dated August 1, 2008 (the "Agency Agreement") with other Pennsylvania boroughs to establish PMPA in accordance with 8 Pa. C.S. § 24A04; and

WHEREAS, the Borough is a member of PMPA and is authorized to appoint a Borough representative to PMPA in accordance with Article 4 of the Agency Agreement; and

WHEREAS, the Borough is authorized to appoint a Director to PMPA in accordance with Article 6 of the Agency Agreement and Article IV of the Bylaws of PMPA.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania, as follows:

1. Recitals. The introductory recitals above are incorporated herein by reference.
2. Appointment. The Borough hereby appoints the following individual(s) as Borough representative and as director of PMPA: Mr. Gabriel Khalife



- A. Mr. Gabriel Khalife: is hereby appointed as Borough representative to PMPA to serve in accordance with the Agency Agreement and the bylaws of PMPA.

Director: Mr. Gabriel Khalife is hereby appointed as a member of the Board of Directors of PMPA to serve in accordance with the Agency Agreement and the bylaws of PMPA.

- B. Alternate Director: Ms. Sharon Dalickas is hereby appointed as an alternate member of the Board of Directors of PMPA to perform the duties of the Director in the absence of the Director.

3. Effective Date. This resolution shall become effective immediately.
4. Severability. If any sentence, clause, section, or part of this resolution is for any reason found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof.
5. Repealer. All other resolutions or parts of resolutions inconsistent herewith are hereby repealed.

DULY ADOPTED, pursuant to the authority granted to the Borough Council of the Borough of Kutztown in lawful session duly assembled this 18<sup>th</sup> day of June 2024.

Passed by unanimous vote.

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

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

Under Miscellaneous, President Snyder called for an Executive Session to discuss personnel and legal matters at 8:15 p.m.

The Executive Session ended, and the meeting reconvened at 9:09 p.m. No action was taken.

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 9:09 p.m.

# 12662

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 May 18, 2024, through June 14, 2024, 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