

June 20, 2023  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:39 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 attended via telephone. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Acting Police Chief Mike Clery; 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; and Maxatawny Community Coalition representative Anne Franke were also present.

President Snyder announced that Council met in Executive Session, prior to the meeting, and no action was taken.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	Recording Secretary Vacancy
Zoning Hearing Board:	Two 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. Kusterer, seconded by Mr. Mace, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the May 11, 2023, Borough Council Workshop.
- Review and accept the Minutes of the May 17, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for May 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 May 13, 2023, through June 16, 2023, as summarized below:

General Fund	\$137,686.77
Refuse and Recycling Fund	\$18,837.83
Water Fund	\$55,812.98
Electric Fund	\$211,014.01
Sewer Fund	\$53,089.40
Telecommunications Fund	\$32,572.23

Under Borough Planning Commission, Bob Weller reported that they are working on the Noise Ordinance, but there are no current updates.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	May 2023	\$3,107.94
Clerk of Common Pleas	May 2023	\$52.38
Secretary's Office	May 2023	\$2,500.00

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To the Fireworks Display Permit Application. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To

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introduce and authorize advertisement of the proposed Ordinance amending Chapter 136 entitled, “Property Maintenance,” of the Code of the Borough of Kutztown, by amending and restating such chapter in full to adopt the 2021 version of the International Property Maintenance Code, and to enact certain amendments to such standardized code. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To reaffirm the approval of the Apartments on Elm Land Development Plan. Passed by unanimous vote.

Referring to the previous agenda item regarding the Fireworks Display Permit Application, Mr. Seyler asked for clarification about the bond requirement on the application. Mr. Mooney provided revised wording and suggested that Council revise the Fireworks Display Permit Application.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To waive the bond requirement for Kutztown Day because they have applicable coverage under the new terms. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To revise the Fireworks Display Permit Application to include the proper wording for bond or insurance coverage. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To award the line painting contract to Berks Traffic, and to approve items 1,2, 4, 6, 10 and 24, from their quote, for a total of \$9,044.14. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To

approve the recommendation from John Schmoyer to approve donating \$3,000.00 to the Dolphin Swim Team to cover the cost for coaches for the 2023 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To hire Susanna Brown, as a pool office clerk, at a rate of \$10.50 per hour; and to hire Archer Scaffidi, as a lifeguard, at a rate of \$12.00 per hour. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify approval to waive the Band Shell rental fee, for the Grace Notes, on June 15, 2023. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To reappoint Andrew Arnold, to the Housing License Appeals Board, whose term shall expire on July 1, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Police Officer Derek Vanderslice contingent upon passing all required clearances and tests. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To temporarily appoint Corporal Walter Skavinsky to Acting Sergeant, at the current Sergeant rate, effective June 19, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To advertise the hiring of a Patrol Officer, and in addition to the probationary salary, to approve a \$5,000.00 hiring bonus and a \$5,000.00 retention bonus, after the second year. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To hire

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Davis Stoudt as a seasonal laborer, contingent upon passing all required clearances.

Passed by unanimous vote.

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

Under Finance and Electric Committee, there was nothing to report.

Off of the agenda, President Snyder stated that he would like the Borough to make a donation to fight the warehouse development in Maxatawny Township.

A lengthy discussion ensued regarding this matter, and Mr. Seyler and Mr. Kusterer made it clear that they would not support that idea. Ms. Ladd-Kidder made it clear that she would support that idea, but she would want to see it discussed further at a committee meeting.

Anne Franke, from the Maxatawny Community Coalition (MCC), explained to Council what the MCC does, and she offered to share as much information with Council as they would like.

Mr. Seyler asked Mr. Mooney if the Borough would be allowed to donate to a “loose knit group of residents.” Mr. Mooney declared that the Borough has “no corporate power to donate,” and that last time the Borough got involved, they did it by joining the litigation and paying attorney’s fees.

Mr. Mace asked how much the Borough spent on the previous litigation, and Mr. Khalife said it was \$3,000.00.

Mr. Mooney reiterated that the Borough could join their litigation, but “there is no authorization to give money to a loose association.”

Mr. Mace suggested a billing insert to Borough residents, with content from the MCC, advertising the purpose of the MCC. There was mixed reaction to this idea.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To refer joining the legal defense against Maxatawny warehouse development to the Borough's Finance and Electric Committee. Passed by unanimous vote.

Ms. Franke noted that she would be willing to work on any advertising ideas with the Borough.

Mr. Kusterer asked if the MCC has solicited funds from Kutztown residents, and Ms. Franke stated that they raised approximately \$55,000.00 through social channels.

President Snyder asked Ms. Franke to have the MCC contact the Borough with advertising ideas.

Mr. Seyler suggested that Ms. Franke coordinate with Ms. Wiand.

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. Seyler, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:36 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 May 13, 2023, through June 16, 2023, 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