

July 18, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 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. Gabriel Khalife, Borough Manager/Treasurer; Mr. Keith Mooney, Borough Solicitor; Ms. Andrea Rahn, Assistant Borough Secretary; Acting Police Chief Mike Clery; Planning Commission representatives Bob Weller and Joel Seidel; Kutztown Area Transport Services representatives Rodney Freeman and Allison Fuller; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Tompkins Insurance representative Sam Harter; Motus representative John Tallman; Kutztown Rotary representative Kurt Rohrbach; Maxatawny Community Coalition representative Anne Franke and resident Amy Evans were also present.

Mayor Schlegel swore in Officer Derek Vanderslice.

Sam Harter, from Tompkins Insurance presented and reviewed with Council members the Borough's 2023-2024 insurance policy renewals and stated there are no changes to carriers or to coverages.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve and enter into the proposal from Tompkins Insurance for Property, Liability, Casualty, Officers' and Employees' Workers Compensation and any other similar insurance coverages. Passed by unanimous vote.

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.

Mr. Seidel informed Council members that the Fair Board voted at their last meeting to eliminate the 410 cc cars from racing starting next year. He stated that they received heavy push back from some board members, but the majority did rule in favor of the change. Mr. Seidel noted the 410 cc cars draw the highest number of attendance, which in turn, generates more profit. With this change, the Fair Board is looking at Borough Council to stop further discussion regarding the proposed Noise Ordinance.

President Snyder thanked the Fair Board for implementing the change. Mr. Seidel stated they are trying to be good neighbors, but they do not want the racing to go away. Mr. Kusterer suggested sending this consideration to the Community Development and Public Safety Committee meeting for review.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To have the Community Development and Public Safety Committee consider the proposal made by the Fairgrounds to eliminate 410 cc racing and above from their schedule for the proposed changes to the Noise Ordinance to be stopped. Passed by unanimous vote.

Ms. Ladd-Kidder commented that having a Noise Ordinance addresses a variety of topics, not just racing.

Mr. Mace commented that he does not want to aggravate the rights for citizens to complain and ask for help from Council.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the June 15, 2023, Borough Council workshop.
- Review and accept the Minutes of the June 20, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for June 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 June 17, 2023, through July 14, 2023.

General Fund	\$127,095.67
Refuse and Recycling Fund	\$37,228.97
Water Fund	\$60,221.71
Electric Fund	\$172,173.91
Sewer Fund	\$45,730.52
Telecommunications Fund	\$18,278.05

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 7-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA MUNICIPAL ASSISTANCE PROGRAM.

WHEREAS, the Borough of Kutztown will be undertaking a project to participate in a Joint Comprehensive Plan); and

WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Municipal Assistance Program;

NOW THEREFORE BE IT RESOLVED that the Kutztown Borough Council of the Borough of Kutztown hereby authorizes submission of an application to the Municipal Assistance Program;

BE IT FURTHER RESOLVED that the Kutztown Borough Council of the Borough of Kutztown hereby commits municipal resources in the amount of not to exceed \$8,500.00 as match for said project.

DULY ADOPTED AS A RESOLUTION this 18th day of July, 2023. by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Environmental Advisory Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To authorize sending a response letter, with comments on the East Penn permit, to the DEP. Passed by unanimous vote.

Under Community Development and Public Safety Committee, the Monthly Police Report for June 2023 was submitted.

The following fines were collected:

District Justice Greth	June 2023	\$1,780.47
Clerk of Common Pleas	June 2023	\$250.00
Secretary's Office	June 2023	\$900.00

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

ORDINANCE NO. 3-2023

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, 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.

12356

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To authorize sending the Borough Solicitor to the Zoning Hearing for 330 W. Walnut Street (date TBA). Passed by unanimous vote.

Mr. Kusterer noted that a representative from the Foundry passed along verbal praise expressing their gratitude for the quick response by fire personnel, along with other Borough employees that responded to the fire at their facility. Their quick response prevented a major fire.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Glory to God Church, to rent the Ceres Pavilion on August 13, 2023, contingent upon submission of the required insurance and safe serve documents. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Shaynah Kinner to rent the Band Shell on May 31 and June 1, 2024, for their graduation event, provided they coordinate with John Schmoyer regarding the summer concert series. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, To approve the following options to assist the Maxatawny Community Coalition (MCC) in providing information and in raising funds to support sound development in the surrounding Township of Maxatawny:

1. Utility bills insert mailer.
2. Information on the Borough's Web site.
3. Posts/shares on the Home Net Facebook page.
4. Information in the newsletter (spring/summer 2024) if needed.
5. Allow the MCC to attend community events, with permission from the event organizers, to disseminate information and ask for donations.

6. Allow supportive businesses to have information tables in front of their businesses on Main Street (table size requirements, so as not impede the sidewalk, must be followed).

After much discussion regarding the options, it was agreed that all content will be provided by the MCC and must be approved by the Borough before it can be distributed.

Mr. Seyler seconded the motion by Ms. Ladd-Kidder that was still on the table.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Rotary Club to use the park on June 8, 2024, for the Taste of Kutztown event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To award the bid of a 2007 Chevy Impala, in the amount of \$2,200.00, to Dean Eckelkamp. Passed by unanimous vote.

Under Personnel Committee, 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. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough Solicitor to draft an amendment to Chapter A231-1.5 Ch. 107, Electrical Standards, Section 107-8, guaranty of payment, of the Kutztown Borough Code. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into an Interconnection Agreement, with 129 W. Walnut Street, for the installation of solar panels. Passed by unanimous vote.

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

12358

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and authorize the proposed Ordinance amending Chapter 177 of the Code of the Borough of Kutztown, entitled “Sewer”, by deleting erroneous citations and references set forth in Sections 177-9.H., 177-9.J. and 177-9.L. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session, to discuss personnel and legal matters, at 8:35 p.m. The Executive Session ended, and the meeting reconvened at 8:57 p.m.

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 8:58 p.m.

Prepared and Attested by: Andrea Rahn
 Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from June 17, 2023, through July 14, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn