

July 19, 2022  
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; Borough Planning Commission representative Joel Seidel; Kutztown Area Transport Service and Kutztown Community Partnership representative Allison Fuller; Kutztown Area Transport Service representative Rodney Freeman; Maxatawny Township representative Steve Wilson; Maxatawny Township Municipal Authority representative David S. Sobotka; and Kutztown Fire and Rescue representative Don Battista; visitors Shiann Cutlip and Naomi Reimert; and residents Warren Shaub and Irene Boyer were also present.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To ratify approval of the Proclamation issued by Mayor Schelgel, on July 8, 2022, regarding the visit to the Kutztown Folk Festival, from Wolfram von Heynitz, Deputy Consul General from the German Consulate General in New York. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Proclamation Mayor Schelgel will issue, on July 22, 2022, regarding the visit from Torbin Kaith, from Altrip, Germany. 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:	One Member Vacancy
	Two Alternate Vacancies
Civil Service Commission:	One Member Vacancy
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission	Three 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.

Warren Shaub asked what was being done on Vine Alley, because he heard that Schlouch was “breaking ground on Monday,” but no notice was given to residents.

President Snyder confirmed that although they are contracted to do work in that area, the schedule is subject to their availability.

Mr. Khalife thanked Mr. Shaub for bringing it to Council’s attention, and he apologized that notice was not given yet. He said that he would check with Brian Bailey since it is something that is typically done in advance.

Mr. Kusterer introduced Don Battista as the new Kutztown Fire Chief.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved,  
To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the June 21, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for June 2022.
- 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 18, 2022, through July 15, 2022, as summarized below:

# 12410

General Fund	\$94,105.50
Refuse and Recycling Fund	\$16,184.28
Water Fund	\$50,744.51
Electric Fund	\$241,108.87
Sewer Fund	\$51,287.29
Telecommunications Fund	\$22,761.78

Passed by unanimous vote.

Under Borough Planning Commission, Joel Seidel announced that they will vote on a new chairperson and a new member at their next meeting.

Mr. Mooney suggested considering an alternate member since there are two applicants.

Under Environmental Advisory Commission, Ms. Ladd-Kidder noted that Council received a letter from the DEP District Mining Manager, and she read it aloud:

“We received your letter regarding the increase in PCE levels at the NESL Kutztown Quarry. In response to the increasing levels of PCE, the department is requiring the permittee to increase the sampling frequency in monitoring wells MW-6a and MW-10 from quarterly to monthly. The increase in sampling frequency will allow us to better characterize any migration of the Tipton PCE Plume toward the quarry.”

Ms. Ladd-Kidder then made the following statement to Council:

“I want to thank the Council members and the EAC members for bringing this important issue to the attention of the DEP District Mining Manager. I think that DEP's requirement for the Kutztown Quarry to increase its sampling frequency of the monitoring wells for PCE levels is an important first step.”

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for June 2022.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	May, 2022	\$3,590.05
Clerk of Common Pleas	May, 2022	\$347.10
Secretary's Office	June, 2022	\$850.00

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved,  
To approve the revised Code of Discipline Standard Operating Procedure. Passed by  
unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved,  
To enact and ordain the following Ordinance:

ORDINANCE NO. 5-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN,  
BERKS COUNTY, PENNSYLVANIA AMENDING THE  
CODE OF THE BOROUGH OF KUTZTOWN TO INCLUDE  
THEREIN A NEW CHAPTER 120, ENTITLED  
“FIREWORKS”, TO PROVIDE FOR THE ADMINISTRATION  
AND REGULATION OF THE MANUFACTURE, SALE, USE,  
AND PUBLIC DISPLAY OF FIREWORKS WITHIN THE  
BOROUGH OF KUTZTOWN, AND TO PROVIDE A  
PENALTY FOR THE VIOLATION THEREOF.

Passed by unanimous vote.

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

ORDINANCE NO. 6-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE  
BOROUGH OF KUTZTOWN BY AMENDING SCHEDULE 1 OF SECTION 212-58,  
ENTITLED "SPEED LIMITS," SO AS TO REDUCE THE SPEED ON COLLEGE  
BOULEVARD FROM 35 MILES PER HOUR TO 25 MILES PER HOUR.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler,  
seconded by Ms. Ladd-Kidder, Resolved, To authorize Great Valley  
Consultants to begin the abutment design process, for the North Park Bridge,  
to provide a better idea of what the bridge will cost. Passed by unanimous

vote.

David Sobotka, from the Maxatawny Township Municipal Authority, informed Council of a meeting that the Township will have on July 28, for which they would like to meet with Borough representatives beforehand. Mr. Khalife said that someone would be there, and he asked for a Township representative to be there as well.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the request from the Kutztown Pipe Band, to use the Band Shell on August 17, 2022, to host a free concert; and to charge them the Civic Rental Rate. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Pastor Kim Adamson to use the Park on December 11, 2022, at 3:00 p.m., for a drive-through Christmas in the Park event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the PA State Parole Board to use the Brick Pavilion on July 22, 2022, for a Probation and Parole Week event; and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the request from Shiann Cutlip to use the Scooter Building on September 25, 2022, for a baby shower. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute the Peach Street Bridge Agreement with the County. Passed by unanimous vote.

Referring to the earlier question from Warren Shaub, Mr. Khalife announced that

Mr. Bailey contacted him to say that Schlouch will distribute notices regarding the work on Vine Alley.

Under Personnel Committee, President Snyder called for an Executive Session, at 7:59 p.m. to discuss personnel matters.

The Executive Session ended, and the meeting reconvened at 8:27 p.m. No action was taken.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To accept the resignation of Fred Engelhardt, from the Borough Planning Commission, effective July 12, 2022. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept the resignation of Emergency Management Coordinator Mike Russo. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Joshua Young as the new Emergency Management Coordinator, contingent upon passing all required clearances. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Janet Weaver at an hourly rate of \$14.85, as a Community Service Officer II, contingent upon completion of all required background clearances. Passed by unanimous vote.

President Snyder appointed Derek Mace to the Police Pension Advisory Committee.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To renew the Borough's insurance policies with

Tompkins Insurance. Passed by unanimous vote.

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

## ORDINANCE NO. 7-2022

AN ORDINANCE AMENDING CHAPTER 107 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "ELECTRICAL STANDARDS," BY REPEALING AND REENACTING ARTICLE III AT SECTIONS 107-55 THROUGH 107-66, TO BE ENTITLED "CUSTOMER GENERATION," WHICH SETS FORTH RULES AND REGULATIONS FOR INTERCONNECTION OF CUSTOMER OWNED ELECTRICAL FACILITIES TO THE BOROUGH OF KUTZTOWN'S ELECTRICAL FACILITIES AND FOR CREDITS TO BE RECEIVED BY CUSTOMERS WHO CHOOSE TO INTERCONNECT TO THE BOROUGH'S ELECTRICAL FACILITIES.

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 Ms. Ladd-Kidder, Resolved, To enter into an agreement with I.K. Stoltzfus Service Corp., in regard to the Sludge Storage Tank Project and CFA grant money, contingent upon review by the Borough Solicitor. Passed by unanimous vote.

Under Miscellaneous, Rodney Freeman announced that KATS is hosting an open house tomorrow at 10:00 a.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 8:33 p.m.

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 June 18, 2022, through July 15, 2022, 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