

July 20, 2021  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Mr. Derek Mace, Ms. Arabel Elliott and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Tompkins Insurance representative Sam Harter; Planning Commission representative Fred Englehardt; residents Keith Leinbach, Shirley Leinbach, Margaret Jenckes, Jeff Kurelia, Jeff Dietrich and Warren Shaub were also present.

Sam Harter, from Tompkins Insurance, presented Council with a proposal of insurance policy renewals.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancies
	Three Alternate Vacancies
Environmental Advisory Commission:	Two Member Vacancy
Telecommunications Advisory Commission:	One Member Vacancy

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda.

Warren Shaub addressed Council regarding his concerns with the racetrack. He indicated that a dust ordinance is needed for mitigation and compliance that any for profit business is required to abide by. After a lengthy conversation, Council members stated that they will work with the residences to try and create a solution.

A motion was made by Mr. Mace, seconded by Ms. Elliott, Resolved, To direct the Borough Solicitor to review the model dust ordinance. Passed by unanimous vote.

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

- Review and accept the Minutes of the June 15, 2021 Borough Council meeting.
- Review and accept the Borough Community Development Report for June, 2021.
- 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 12, 2021, through July 16, 2021, as summarized below.

General Fund	\$125,273.18
Refuse and Recycling Fund	\$48,452.68
Water Fund	\$67,049.35
Electric Fund	\$265,658.17
Sewer Fund	\$125,871.71
Telecommunications Fund	\$23,445.94

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the revision of the final plan condition in compliance with the final plan review letter from HRG and SSM and the conditions imposed at the July 12, 2021 Borough Planning Commission meeting for Hilltop Subdivision and Land Development, Section 2, Phase III. Passed by unanimous vote.

Mr. Englehardt read into record the Planning Commission recommendation letter dated July 15, 2021, regarding the Hilltop Subdivision and Land Development, Section 2, Phase III.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for June, 2021 was submitted.

Mr. Mace noted that the following fines were collected:

District Justice Greth	May, 2021	\$2,907.00
Clerk of Common Pleas	May, 2021	\$533.10
Secretary's Office	June, 2021	\$2,425.00
Parking Kiosk	June, 2021	\$287.50

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

#### ORDINANCE NO. 3-2021

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 206 OF THE CODE OF THE BOROUGH OF KUTZTOWN BY REPEALING AND REENACTING SECTION 206 (1) (C) TO ADD ADDITIONAL REQUIREMENTS TO THE APPLICATION SUBMISSION FOR A TRANSIENT RETAIL LICENSE AND BY AMENDING SECTION 206-3 TO PROVIDE THAT THE PERMIT FEE FOR TRANSIENT RETAIL BUSINESS MAY BE AMENDED BY RESOLUTION OF BOROUGH COUNCIL AND SHALL BE KEPT ON FILE IN THE OFFICE OF THE BOROUGH SECRETARY AND AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE BOROUGH SECRETARY DURING THE BOROUGH'S NORMAL HOURS OF OPERATION.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Elliott, Resolved, To approve the revised Kutztown Borough Police Department's Time and Attendance Standard Operating Procedure. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Elliott, Resolved, To approve a Parade Permit for St. Paul's UCC, and to close Lambert Alley between Midway and Sander Alleys, from August 2 through August 6, 2021, between 5:30 p.m. and 8:30 p.m., for Vacation Bible School. Passed by unanimous vote.

Mayor Schlegel reviewed wording from other municipalities regarding sign

# 12290

regulations for obscene language. It was suggested to send this item back to Committee for definition/review.

A motion was made by Mr. Mace, seconded by Ms. Elliott, Resolved, To authorize sending the Borough Solicitor to the Zoning Hearing on July 28, 2021, regarding 322 West Main Street. All those in favor, except for President Snyder who voted nay. There being a majority in favor, the motion passed.

Off of the agenda, a motion was made by Mr. Mace, To authorize sending the Borough Solicitor to the Zoning Hearing on August 18, 2021, regarding 318 West Main Street. The motion died for lack of second.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To send a letter of support with the Code Enforcement Officer, regarding the extra parking spaces being requested. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To invite AT&T to make a presentation at the August 17, 2021 Public hearing at 7:00 p.m. Passed by unanimous vote.

Note: Mr. Mooney noted on the amendments made to the Sunshine Act, that require agencies to post, on their web site, all agenda items that will be voted on at least 24 hours before the meeting.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from St. John's Church to use the bandshell on August 1 and August 5, 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Samantha Mourar to use the Scooter Building on September 18,

2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Friend, Inc. to use the Scooter Building on July 22, 2021, from 5:00 p.m. to 7:00 p.m. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To accept Zebulon Hull's resignation, from Borough Council, effective June 30, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To approve a temporary \$3.00 per hour rate increase, for Andrea Rahn, effective July 6, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To expand the services of Barry Isett to include Planning and Zoning service as outlined in their proposal, with the start date of July 12, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To accept Judith Danko's resignation, as the Community Development Director, effective July 30, 2021. Passed by unanimous vote.

Ms. Elliott noted that effective July 19, 2021, Jared Babel's job classification changed from Public Works Laborer I to Public Works Laborer II.

An Executive Session to discuss personnel and legal matters was deferred to the end of the meeting.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the policy renewals provided by Thompkins Insurance. Passed by unanimous vote.

# 12292

Mr. Khalife gave a recap of last year, and the Covid19 effects, plus a year to date budget status.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Elliott, seconded by Mr. Seyler, Resolved, To approve the request of David Horvath to attend an Information Security Conference in Lake Buena Vista, Florida, from October 25 through October 27, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Seyler, Resolved, To approve advertising the sale of the 2003 Chevy Astro Telecom Van on Municibid. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve payment #2 to DESCCO Design & Construction, Inc., for the Briar Cliff/College Garden Drive Pump Station project, in the amount of \$102,987.01. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit request, for 109 N. Kemp Road, in the amount of \$74.38. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the DESCCO Design & Construction, Inc. proposal/quote, for installation of the tank parts for the Primary Settling Tanks, in the amount of \$19,389.40. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Water Service Professionals Quote, for the DEP required quarterly filter inspections, in the amount of \$8,800.00. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the sale of a surplus, used, Dell 2 in 1 laptop to David Horvath in the amount of \$390.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To terminate the Borough of Kutztown Disaster Emergency Declaration. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To have a Special Council meeting on Tuesday, July 27, 2021, at 7:30 p.m. to interview Ward 2 Council applicants. Deadline for applications is July 26 at 2:00 p.m. Passed by unanimous vote.

Mayor Schlegel noted that the Boy Scouts sent a letter of appreciation for allowing them to have their first aid meet in the Kutztown Park this past spring.

President Snyder called for an Executive Session at 9:45 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:59 p.m. No action was taken.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 10:00 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 12, 2021, through July 16, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Andrea Rahn