

July 21, 2020  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m., via Zoom, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, and the Mayor, Mr. James Schlegel. Councilman Zebulon Hull was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Brian Bailey, Public Works Superintendent; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown Community Partnership representative Allison Fuller; Planning Commission representative Lisa Ladd-Kidder; Kutztown Area Transport Service representative Rodney Freeman; Allentown and Auburn Railroad representative Mike Bast; and Jules Fama, Kat, Andria and Bonnie (Fegely family), Nathan Lewis, Phila Back, Warren Shaub, Marilyn Fox and Julie Stark, were also present.

President Snyder noted the following vacancies:

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

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

Ali Perzel-Peters asked if the bathrooms would be open for her event in the Park Band Shell and Mr. Khalife said that they would not be open. Ms. Perzel-Peters then asked if she could provide a portable bathroom for the event.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To allow Ali Perzel-Peters to supply a portable bathroom for her event in the Park Band Shell, and that she must be responsible for sanitization and having the placement determined by Public Works Superintendent Brian Bailey. Passed by unanimous vote.

Jules Fama, from the American Cancer Society, requested to have a Relay for Life drive through event in the Park, with luminary bags, on September 19, 2020. She estimated between five and 30 participants.

A motion was made by Mr. Mace, seconded by Ms. Raudenbush, Resolved, To approve the request from Jules Fama to have a Relay for Life drive through event in the Park, with luminary bags, on September 19, 2020, at the direction of Public Works Superintendent Brian Bailey. Passed by unanimous vote.

Brian Bailey reported that Marilyn's Dance Studio had inquired about the Park bathrooms as well. He asked if they would also be allowed to provide a portable bathroom, if they are responsible for sanitization.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To allow Marilyn's Dance Studio to supply a portable bathroom for their event in the Park Band Shell, and that they must be responsible for sanitization and having the placement determined by Public Works Superintendent Brian Bailey. All in favor, except Ms. Raudenbush who voted Nay. There being a majority in favor, the motion passed.

Council discussed their concerns regarding allowing these events in the Park and

Lisa Ladd-Kidder read a statement relaying the idea that Council did a good job of protecting Kutztown, during the shutdown, but we are still in the midst of a pandemic and all Pennsylvanians are not following the rules, allowing COVID-19 cases to rise. She asked Council to consider not allowing these types of events in the Park.

Mr. Mace suggested that the Borough have an “acknowledgement” for people renting Park facilities, and Ms. Wiand proposed adding COVID-19 warning wording to the Park Rental Agreement. As a result, Ms. Wiand and Mr. Bailey were asked to add language to the Borough’s Park Rental Agreement regarding CDC guidelines, the PA Department of Health guidelines and the Governor’s orders regarding COVID-19.

Rodney Freeman, from KATS, reported that they are working on their grant for a second LUCAS device and that it requires municipal assistance. Because it was unclear what assistance would be needed, President Snyder asked Mr. Freeman to send additional information to Mr. Khalife.

Marilyn Fox complained about a neighbor that she believes is violating many codes.

Judith Danko said that she received and responded to an E-mail regarding that complaint and that she took pictures as well.

Mr. Khalife explained that the Borough does not monitor Section 8 Housing, and he suggested that she might want to contact the County.

Julie Stark stated that she called the police about this property several times and was told that “nothing wrong is being done.” She stated that when she calls the police, she would like to know that things will be “taken care of.”

Warren Shaub said that he asked for Section 158-1, paragraph K (Peace and Good

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Order), of the Kutztown Code, to be enforced two years ago, “but it never was.”

Ms. Danko reiterated that the Community Development Office is dealing with several issues related to that property; however, some issues should be referred to the Police Department.

President Snyder said that he has been in touch with the police and “it will not go unattended again.” He asked that he get a call, too, if the police get a call about it again.

Warren Shaub said he received a letter when he was appointed to the boards he serves/served. He questioned having to fill out the Statement of Financial Interest. Mr. Mooney said that he needs to do it and Mr. Shaub disagreed.

Mr. Shaub asked to have his name added to the Council meeting agenda under Environmental Advisory Commission. Ms. Wiand apologized for the oversight and said that she would add it.

Regarding Section 168-8, letter C, of the Kutztown Code (Littering), Mr. Shaub said that the race track has a duty to mitigate the dust, but they do not do it, and they should be held accountable. Mr. Mooney said that the Borough could try, but it is an allowable event per Judge Stallone.

Mr. Seyler asked if dirt could be considered litter, and Mr. Mooney said he thinks it would be tough.

Mr. Khalife noted that is was the same way with the Foundry.

Ms. Danko reported that she has contacted Mr. Rose regarding the complaints about the race track and that he said he would do his best to mitigate the dust, and that he does already try, but wind is a factor. Ms. Danko said that she would like to meet with

the District Justice to get her take on it, but she does not think that dust as litter “will stick as an offense.”

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

- Review and accept the Minutes of the June 16, 2020 Borough Council meeting.
- Review and accept the Borough Community Development Report for June, 2020.
- 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 13, 2020, through July 17, 2020, as summarized below:

General Fund	\$129,381.97
Refuse and Recycling Fund	\$34,991.77
Water Fund	\$79,969.26
Electric Fund	\$186,722.58
Sewer Fund	\$38,951.10
Telecommunications Fund	\$31,718.20

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Lisa Ladd-Kidder asked for clarification on an agenda item regarding discussion of land acquisition. Mr. Khalife responded that it is Council’s responsibility to discuss the matter, in Executive Session, and that it has no bearing on the Planning Commission at this time.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for May, 2020 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	May, 2020	\$1,306.2
Clerk of Common Pleas	May, 2020	\$1,629.15

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Secretary's Office	June, 2020	\$100.00
Parking Kiosk	June, 2020	\$0.00

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To authorize HRG to submit a quote to undertake the Multimodal Transportation Grant and to work with KCP on the details of the proposed project. Passed by unanimous vote.

President Snyder noted that there is the potential for \$3 million in funding with no match required. Mr. Khalife added that the Borough's projects and costs are still to be determined.

Warren Shaub asked what the scope for the sidewalk portion of the grant would be and Sandy Green responded that it would entail crosswalks and sidewalk connectivity.

Ms. Elliott noted that Ms. Green has initiated a small working group to discuss plans about placing signage and consistent messaging, regarding current CDC guidelines, for incoming Kutztown University students.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the request from the Fegely family to plant a memorial garden on the Peach Street side of the Kutztown Train Station. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the request from John Schmoyer to not rent the Pomone Pavilion August 7 – 10, 2020, during the American Legion baseball playoffs. Passed by unanimous vote.

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

## RESOLUTION NO. 8-2020

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF NINE SURPLUS CORRUGATED METAL STORM PIPES AND SIX SURPLUS CONCRETE STORM PIPES, TO AMMON ZIMMERMAN, FOR \$200.00.

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 sell nine surplus corrugated metal storm pipes and six surplus concrete storm pipes surplus storm pipe, having a total estimated sale value of Two Hundred Dollars (\$200.00), to Ammon Zimmerman.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 21<sup>st</sup> day of July, 2020.

Ms. Raudenbush asked if this went out for bid, and Mr. Seyler responded that it did not since it was only \$200.00.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request, from St. John’s Lutheran Church, to change their August 16, 2020 Park reservation from the Brick Pavilion to the Band Shell, and to approve their use of the Band Shell every Sunday, from August 16, 2020, through September 27, 2020. All in favor, except Ms. Raudenbush who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, To approve the request from the Kutztown Dolphins Swim Team to use the Brick Pavilion, on a date to be determined in August, for

an ice cream social, and to waive any associated fees, with the ability for the Borough to rescind the approval. The motion died for lack of a second.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Dolphins Swim Team to place a sign on the pool house. Passed by unanimous vote.

The agenda item to consider the request from Kutztown Thriving to host a movie night in the Park, to reserve the Brick Pavilion, to waive the rental fee, and to turn off the lights along the road, on a date to be determined in August was tabled at the request of Ms. Green since the request had not yet been addressed by KCP of which Kutztown Thriving is an extension.

The agenda item to consider the request from the Kutztown Brandywine Cougar Youth Football and Cheering Association to use the Park Multipurpose Field for their 2020 season, starting in late July and running through November 30, 2020, provided they follow all current health standards throughout the season and the Borough is provided with a current certificate of insurance died for lack of a motion.

A motion was made by Mr. Mace, seconded by Ms. Raudenbush, Resolved, To keep the Park bathrooms closed through the next Council meeting, in an ongoing fashion, and to be able to revoke the decision in the future. Passed by unanimous vote.

Under Personnel Committee, an Executive Session to discuss land acquisition, personnel and legal matters was deferred until the end of the meeting.

Under Finance and Electric Committee, off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize Electric Superintendent Steve Diehl to sell scrap metal for meters, for ten cents per pound, to Paul Burkholder. Passed



by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To renew the Borough's insurance, as written per the Tompkins Insurance representative's recommendations. 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.

Mr. Mooney inquired about Duke Realty's request, and Mr. Khalife said that it needs to go through the Water/Wastewater Committee first.

Under Miscellaneous, President Snyder called for an Executive Session at 9:22 p.m. to discuss land acquisition, personnel and legal matters. The Executive Session ended and the meeting reconvened at 10:19 p.m.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To authorize Borough Manager Gabriel Khalife to negotiate the purchase of the Moyer Plumbing building on E. Main Street. Passed by unanimous vote.

Warren Shaub asked if the liens against the building have been researched. Mr. Seyler responded that they have not because the process is just beginning.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 10:20 p.m.

Prepared and Attested by: Gina M. Wiand  
Borough Secretary

# 12156

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from June 13, 2020, through July 17, 2020, 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