

August 15, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 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; Police Chief Mike Clery; Planning Commission representative Joel Seidel; Topton Ambulance representative Amy Evans; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Environmental Advisory Committee representatives Todd Underwood, Constantine Penzone and Randy Wert; residents Warren Shaub, Denise Bosler and Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Todd Underwood presented Karen Feridun with the Environmental Advisory Commission's Environmental Stewardship Award and stated that Ms. Feridun is a dedicated environmental advocate. Ms. Feridun thanked the EAC for the award.

Sherry Gillahan from the auditing firm Hutchinson, Gillahan & Freeh, PC, presented Council with the 2022 Audit Report, and she commented that management is doing a very good job at keeping records. President Snyder thanked Ms. Gillahan for their work.

President Snyder noted the following vacancies:

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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.

Denise Bosler stated her objections to the meeting minutes from the Noise Ordinance Workshop on June 15, 2023. She said that the minutes are inaccurate and do not reflect correct attendees. She asked Council members to read those meeting minutes prior to approving them, but Mr. Mooney said that they were approved at the last Council meeting.

Mr. Khalife stated that Ms. Bosler can send in comments regarding the minutes.

Ms. Bosler reiterated to Council members to read minutes prior to approving them.

Warren Shaub also stated his opinion that Council members are not reading meeting minutes and approving inaccurate minutes.

Regarding Ms. Bosler's comment about the minutes, Ms. Rahn explained that the Committee members not listed as attending the meeting did not sign in on the sheet provided.

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

- Review and accept the Minutes of the July 18, 2023, Borough Council meeting.

- Review and accept the Minutes of the August 8, 2023, Special Borough Council meeting.

- Review and accept the Borough Community Development Report for July 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 July 15, 2023, through August 11, 2023.

Passed by unanimous vote.

Under Borough Planning Commission, Ms. Bosler noted that the Planning Commission members reviewed a template for the proposed Noise Ordinance and their only concern is regarding enforcement.

Under Environmental Advisory Commission, Mr. Underwood read the following statement in memory of Keith Leinbach:

It is with shock and sadness that the Environmental Advisory Commission acknowledges the passing of one of its members, Keith Leinbach. Keith was a valued friend, a talented colleague, and an avid environmentalist. We ask that the Borough Council make an entry into its minutes to acknowledge the loss of Keith Leinbach, a respected member of our community, and to show its appreciation for Keith's many contributors toward protecting the health and safety of our community.

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

The following fines were collected:

District Justice Greth	July 2023	\$1,480.50
Clerk of Common Pleas	July 2023	\$2.94
Secretary's Office	July 2023	\$375.00

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

ORDINANCE NO. 4- 2023

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN, BY AMENDING SECTION: 212-71, ENTITLED "PARKING PROHIBITED AT ALL TIMES" TO INCLUDE ADDITIONAL AREAS OF PROHIBITED PARKING WITHIN THE BOROUGH OF KUTZTOWN AND REPEALING INCONSISTENT PROVISIONS.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To execute a one-year lease agreement for the Community Development Office located at 324 W. Main Street. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 9-2023

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE SIGNING OF THE EMERGENCY SERVICES (AMBULANCE AND FIRE) RUN CARD CHANGE AUTHORIZATION FORMS.

BE IT RESOLVED, by authority of the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby resolved by authority of same, that the Borough Manager of said Borough of Kutztown, be authorized and directed to sign Emergency Services (Ambulance and Fire) Run Card Change Authorization Forms.

THIS RESOLUTION DULY ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 15th day of August, 2023.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To adopt the following Resolution:

RESOLUTION NO. 10-2023

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ASSIGNING AUTHORIZATION TO MANAGE FIRE ASSIGNMENT CARDS AND EMERGENCY SERVICES ASSIGNMENT CARDS (AMBULANCE AND FIRE RUN CARDS).

WHEREAS, the Borough of Kutztown Borough Council has the authority to assign the authorization to manage fire assignment cards and EMS (Ambulance) assignment cards, also known as "Run Cards", to certain persons; and

WHEREAS, the Borough Council, on February 17, 2015, had previously assigned authorization to the Kutztown Area Transport Service, Inc., to manage Run Cards for the Borough of Kutztown; and

WHEREAS, the Borough Council of the Borough of Kutztown desire to update the authorization to manage the Run Cards to the Emergency Management Coordinator for the Borough of Kutztown.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania and it is hereby adopted by the authority of the same, as follows:

1. The final authorization of appropriate fire service responses and EMS Services (ambulance) to emergencies within the Borough of Kutztown, Berks County, shall reside with the Borough Council of the Borough of Kutztown in collaboration with the designated fire service for the Borough.
2. Effective on the date of this Resolution, the Borough of Kutztown Emergency Management Coordinator shall have the authorization to manage the fire assignment cards and EMS assignment cards (Run Cards) for the entire Borough and make the appropriate changes to the primary or mutual aid responses based on situations that may pose a life safety threat to the Borough. If any changes are to be made, the Emergency Management Coordinator must contact the Borough Council President, the Borough Manager and the affected agencies within 24 hours by telephone, text or email. The changes shall be ratified at the next scheduled Borough Council meeting.
3. Th Borough Council President for the Borough of Kutztown or his designee, shall notify the Berks County Department of Emergency Services of this Resolution by mail.
4. Future Resolutions amending the assignment of the authorization to manage fire assignment cards and EMS assignment cards shall be transmitted to the Berks County Department of Emergency Services as soon as possible.

FURTHER RESOLVED, that any and all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded and this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Board of Supervisors of the Township of Bern.

THIS RESOLUTION DULY ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 15th day of August, 2023.

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Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved,
To adopt the following Resolution:

RESOLUTION NO. 11-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF A SURPLUS SCRAP AB EXERCISE MACHINE, TO OFFICER MATTHEW YERGER, FOR \$25.00.

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 a surplus scrap ab exercise machine, having a total estimated sale value of Twenty-Five Dollars (\$25.00), to Officer Matthew Yerger.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 15th day of August, 2023.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No. 1, in the amount of \$69,771.47, to Schlouch, Inc., and to hold \$7,752.39 in retainage. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the quote from Folk Paving, in the amount of \$2,025.00, for the Commons Road reconstruction project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Traffic Signal Service and Maintenance Inter-governmental agreement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the PA Parole Board to use the Brick Pavilion, on August 25, 2023, for their annual picnic in support of PA Probation and Parole Week, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve allowing the Berks History Center to have access to the Train Station on October 21, 2023, during their Road Ramble event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify the request by and related invoice for the Fairgrounds, for the Borough to perform street sweeping in advance of the Kutztown Fair, and to require advanced approval for future requests. Passed by unanimous vote.

Mr. Shaub stated his concern that this was an unauthorized use of public equipment with no prior approval from Council, and he asked who would be responsible for any problems or accidents.

Mr. Mooney clarified that the Borough Manager authorizes the use of Borough equipment and resources, and he noted that this is a ratification for approval. He also explained that the Borough has insurance to cover any events using Borough equipment.

Mr. Shaub commented that the only reason this was brought up is because he saw it and reported it.

Mr. Engelhardt thanked Mr. Shaub for bringing it to their attention.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Kutztown Cub Pack 101 to use the Scooter Building on September 16, 2023, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize Walt Skavinsky to add a VHF antenna to the Train Station to improve communications for the Allentown & Auburn Railroad. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Kutztown Police Department's use of the mechanic's bay in the Public Works building, to host a child seat safety check once per month, contingent upon coordinating with the mechanic. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify the request from the Kutztown Day Committee, for the Borough to provide eight port-a-potties (four regular and four ADA) for Kutztown Day, on August 6, 2023. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Constatine Penzone, as a member of the Environmental Advisory Commission, whose term shall expire on September 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Acting Police Chief Mike Clery to Chief of Police, and to approve the related benefits and salary of \$115,000. Passed by unanimous vote. Chief Clery thanked Council members for the opportunity to serve as Police Chief, stating he is appreciative of the last

21 years serving the citizens of the Borough and is excited about moving forward with his team.

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

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Ordinance repealing and reenacting Chapter A231, §A231-1.5. D, of the Code of the Borough of Kutztown, entitled “Guaranty of Payment”, by increasing the deposits associated with the provision of electrical service in the Borough of Kutztown. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To adopt the following Resolution:

RESOLUTION NO. 12-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF FOUR SURPLUS SCRAP CHAIRS, TO ED SEYLER, FOR \$5.00 EACH.

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 four surplus scrap chairs, having a total estimated sale value of Twenty Dollars or \$5.00 each, to Ed Seyler.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 15th day of August, 2023.

All those in favor, except for Mr. Seyler, who abstained from the vote.

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Mr. Mace noted that these items were not placed on Municibid due to their low cost.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into an Interconnection Agreement, with 465 Highland Avenue, for the installation of solar panels. 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.

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 8:28 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 July 15, 2023, through August 11, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn