

August 17, 2021  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 8:06 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Lisa Ladd-Kidder, Mr. George Kusterer and the Mayor, Mr. James Schlegel. Mr. Derek Mace was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Mr. Craig Summers, Police Chief; Barry Isett representative Michele Lopez; Kutztown Community Partnership representative Sandy Green; Planning Commission representative Fred Englehardt; Environmental Advisory Commission representative Keith Leinbach and resident Warren Shaub were also present.

Mr. Schlegel presented Warren Shaub with a Civilian Service Award.

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

## RESOLUTION NO. 13-2021

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE CIVILIAN SERVICE AWARD TO WARREN E. SHAUB.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Civilians who aid the police or render aid to another person who is in danger; and

WHEREAS, the recognition of Civilians is done by awards; and

WHEREAS, Standard Operating Procedure 2011-04 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that civilian Warren E. Shaub be awarded the CIVILIAN SERVICE AWARD for reporting a suspicious person. The tip provided by Warren E. Shaub was instrumental in the apprehension and arrest of a known felon.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the CIVILIAN SERVICE AWARD to Warren E. Shaub.

This Resolution shall become effective on August 17, 2021.

DULY ADOPTED AS A RESOLUTION this 17<sup>th</sup> day of August 2021 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission	One Member Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	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 mask policies. After a lengthy conversation, Ms. Ladd-Kidder asked Mr. Shaub if he would be willing to write a statement and present it to Council for consideration.

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

- Review and accept the Minutes of the July 20, 2021 Borough Council meeting.
- Review and accept the Minutes of the July 27, 2021 Special Borough Council meeting.

# 12300

- Review and accept the Borough Community Development Report for July, 2021.
- Approve the 2021 Leaf Collection schedule.
- Approve the 2022 Electronic Recycling dates.
- Approve the 2022 Snow Program.
- 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 17, 2021, through August 13, 2021, as summarized below.

General Fund	\$249,568.82
Refuse and Recycling Fund	\$25,635.82
Water Fund	\$594,740.16
Electric Fund	\$350,167.46
Sewer Fund	\$656,685.90
Telecommunications Fund	\$37,325.09

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To direct the Borough Solicitor to revise the Parking Ordinance and send it to the Berks County Planning Commission. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	June, 2021	\$2,533.92
Clerk of Common Pleas	June, 2021	\$443.69
Secretary's Office	July, 2021	\$2,775.00
Parking Kiosk	July, 2021	\$348.07

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To approve the parade permit applications from Kutztown Folk Festival and Kutztown Community Partnership for Friday, October 15, 2021 and Saturday, October 16, 2021.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To send a letter to the Berks County Planning Commission and Maxatawny Township Planning Committee officially opposing the proposed Estes Express Lines development at 15110 Kutztown Road, which is being considered by Maxatawny Township Planning Committee at their meeting on August 19, 2021. Passes by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To have the Borough Solicitor attend the Zoning Hearing on August 18, 2021, regarding the Elm Street Apartments. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve the changes from Bensinger & Stackhouse Engineers for the Hill Top Phase III development. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To approve the County-Provided Consolidated Dispatch Services Agreement and to adopt the following Resolution.

## RESOLUTION NO. 12-2021

A RESOLUTION AUTHORIZING THE KUTZTOWN BOROUGH OF THE COUNTY OF BERKS TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS TO PROVIDE CONSOLIDATED DISPATCHING SERVICES WITH THE COUNTY OF BERKS.

## BACKGROUND

# 12302

A. Pursuant to an agreement or agreements, the County of Berks (the “County”) has been providing consolidated dispatching services to municipalities located in the County as well as to Port Clinton Borough in Schuylkill County (“Local Units”).

B. Such services have been provided by the County to the Local Units in consideration of fees paid to the County, which are subject to an annual increase at the sole discretion of the County.

C. Local Units have requested the County continue to provide dispatch services which may include Police, Fire, and Emergency Medical Services (“EMS”).

D. In consideration of the County fixing its annual fee for such services at the rate for fiscal year 2021 with only inflation index increases thereafter, the County is willing to make available the dispatch services subject to the execution of an agreement by the Local Unit on or before December 31, 2021.

E. Under the Pennsylvania Intergovernmental Cooperation Act, 53 Pa. C.S. §2301, et seq. (“the “Act”), a municipality may enter into an intergovernmental cooperation agreement upon the passage of a resolution as deemed appropriate by its governing body in the exercise or performance of its governmental functions, powers or responsibilities.

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Kutztown Borough Council, of the County of Berks, Pennsylvania, hereby adopt the following resolutions:

Section 1. The Title and Background of this Resolution set forth above are incorporated herein by reference.

Section 2. The Kutztown Borough Council (“Council”) hereby approve entering into the Agreement, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Resolution was adopted), with the intent and effect that the Borough of Kutztown shall be bound by the Agreement.

Section 3. The Council hereby authorize and direct the Borough Manager on behalf of the Council: (i) to execute and deliver the Agreement to the County of Berks; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement to carry out the purposes of this Resolution and of the Agreement.

ADOPTED THIS 17<sup>th</sup> day of August, 2021.

Passed by unanimous vote.

Mr. Kusterer noted that the Chapter 168 Ordinance is pending review from the

Borough Solicitor. Mr. Mooney updated Council that he is in the process of adding Community Service Officers for some code enforcement issues.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the time extension for CMS for the 2021 Paving and Storm Sewer Improvement Project to September 24, 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the CMS application for payment No. 1 and payment No. 2 for the 2021 Paving and Storm Sewer Improvement Project, for a total of \$46,886.22, with 10% (which equals \$5,209.58) being withheld per the contract. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve to have a food donation truck at the Train Station on September 10, 2021 from 10 a.m. to 1:00 p.m., for a food drive that is part of a 9/11 memorial food drive. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve hiring a contractor to add play mulch to the playground at a cost of \$4,620.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve hiring a contractor to take down some trees along the Sacony Trail at a cost of \$3,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To approve hiring a contractor to redo the stone trough in the Carriage Point Detention Pond at a cost of \$4,200.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve hiring a contractor to have the town swept at a cost of \$7,000.00. Passed by

unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the donation of \$1,000.00 and a few loads of stone to help the Kutztown Legion Baseball Organizations to do the upgrades to the Timothy M. Breidegam Field. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Healthy Kids Running to use the park starting September 26, 2021, through October. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve St. Paul's Church request to have Christmas in the park on December 12, 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Alexandra Milspaw to rent the bandshell on Saturday, September 18, 2021. Passed by unanimous vote.

Mr. Seyler commented that park renters must abide by current Covid restrictions.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Keanna Beltran to rent the bandshell on Saturday, September 25, 2021. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the American Legion to use the Train Station beginning in October on the first Monday of every month. Passed by unanimous vote.

Mr. Mooney commented that off agenda items will not be allowed starting in

September 2021, due to amendments made to the Sunshine Act.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Ladd-Kidder, Resolved, To approve hiring Lisa Dietrich as an Administrative Assistant for the Community Development Office. Passed by unanimous vote.

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. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the purchase of two 72.5 KV circuit breakers for the electric substation, at a cost of \$99,975.00, from COSTARS. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve a technology maintenance upgrade to install SCADA (Supervisory Control and Data Acquisition) in the electric substation, at a cost of \$56,500.00, with the option to purchase new tap changer controls with a purchase price of \$14,700.00. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To approve the sale of the 2003 Chevy Astro Van (Telecom truck), to Arnold Roaker, in the amount of \$3,500.00. Passed by unanimous vote.

Under Water and Wastewater Committee, Mr. Seyler noted that the Water Plant will be receiving the AWOP Award. This is the 11<sup>th</sup> year the Water Plant has received the prestigious Area Wide Optimization Program Award. AWOP is a national filter plant optimization effort among numerous states, the EPA, and the Association of State

Drinking Water Administrators. The award recognized the outstanding efforts made towards optimizing filter plant turbidity performance. The Borough will be sending a representative to the conference to receive the award.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To waive the permit fees for the work relating to the Wastewater project, but still require DESCCO to take out the permits and have inspections performed. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize Mr. Khalife to sign the PEMA grant agreement and to adopt the following Resolution:

## RESOLUTION NO. 14-2021

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SIGN THE PEMA GRANT AGREEMENT.

### BACKGROUND

A. Pursuant to an agreement or agreements, the Kutztown Borough Councils hereby authorizes the Borough Manager to sign the said agreement(s) with the Commonwealth of Pennsylvania Emergency Management Agency.

B. The Council hereby authorize and direct the Borough Manager on behalf of the Council: (i) to execute and deliver the Agreement to required government agency. and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement to carry out the purposes of this Resolution and of the Agreement.

ADOPTED THIS 17<sup>th</sup> day of August, 2021.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To advertise the 2008 Crown Victoria (Code Office vehicle) on Municibid.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To ratify the Proclamation by Mayor Schlegel proclaiming the month of August 2021 to be Kutztown Fair Association Month, in celebration of their 150<sup>th</sup> anniversary. Mr. Schlegel read the Proclamation. Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Lisa-Kidder, seconded by Mr. Seyler, Resolved, To refer the Dust Ordinance to EAC for review. Passed by unanimous vote.

President Snyder called for an Executive Session at 9:08 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:30 p.m.

A motion was made by Ms. Elliott, seconded by Mr. Seyler, Resolved, To authorize a title search on a property being placed on the Berks County Tax Sale. Passed by unanimous vote.

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 9:32 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 17, 2021, through August 13, 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