

August 20, 2024
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 Mike Clery; Kutztown Rotary Club representatives Bob and Florita Hobaugh and Marie DeFilipps; Kutztown Optimist Club representative John Schmoyer; resident Eric Boyer; and Meyner Center representative Nicole Beckett were also present.

Mr. Kusterer opened the meeting with a prayer.

Marie DeFilipps and Bob and Florita Hobaugh presented a \$7,090.00 check to Council for pickleball court materials. They said that they wanted to give the check to the Borough because of all the help the Borough provides for the Taste of Kutztown event.

Cheri Freeh from the auditing firm Hutchinson, Gillahan & Freeh, PC, presented Council with the 2023 Audit Report, and she remarked that the Borough was given an unmodified (or clean) opinion and that “all is in good shape.” She highlighted that the Borough planned for a about \$40,000.00 deficit, but it only had a \$2,000.00 deficit. She noted that any deficiencies are the same as last year and are very common, like needing more assistance with segregation of duties.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To accept the 2023 Borough Audit Report. 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:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy Three Alternate Vacancies
Environmental Advisory Commission:	Two Member Vacancies

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

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

- Review and accept the Minutes of the July 16, 2024, Borough Council meeting.
- Review and accept the minutes of the July 23, 2024, Council Workshop.
- Review and accept the Borough Community Development Report for July 2024.
- 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 13, 2024, through August 16, 2024.

General Fund	\$296,333.76
Refuse and Recycling Fund	\$66,470.20
Water Fund	\$831,836.35
Electric Fund	\$387,104.98
Sewer Fund	\$698,749.14
Telecommunications Fund	\$62,983.21

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

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Under Community Development and Public Safety Committee, the Monthly Police Report for July 2024 was submitted.

The following fines were collected:

District Justice Greth	June 2024	\$1,337.27
	July 2024	\$1,383.73
Clerk of Common Pleas	July 2024	\$303.27
Secretary's Office	July 2024	\$200.00

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To execute the agreement for the Northeastern Berks Joint Comprehensive Plan.

Regarding the Joint Comprehensive Plan, the following concerns were raised:

Ms. Ladd-Kidder said that regarding section 3B, she did not think the Borough would be obliged to draft a Resolution or Ordinance.

Mr. Mooney responded that the Borough might have to agree to participation, which could result in a Resolution or Ordinance.

Regarding section 7, Ms. Ladd-Kidder asked if other municipalities' decisions could impact the Borough.

Mr. Mooney replied that just because something goes in the Plan, does not mean it will happen. Things like zoning and SALDO would have to be changed to make significant changes to the Plan. Further, if the Borough disagrees with something, an Ordinance to effectuate it does not need to be enacted by the Borough.

Regarding Section 4D, Mr. Engelhardt questioned the calculation.

Mr. Mooney responded that the calculation will change depending on who participates, so if a municipality pulls out of the Plan, the County will have to re-evaluate the calculation.

Mr. Engelhardt asked if that would be done under another agreement.

Mr. Mooney stated that it would likely be an amendment or a chart.

Mr. Mooney said that although there is no way to get the Plan 100% right, without all municipalities voting at the same time, he does not have concerns about the agreement.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To approve the request for Escrow Release #2, relating to Hilltop Estates Subdivision, Phase 3, contingent upon confirmation from HRG. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment Application No. 1 to LB Construction Enterprises, Inc., in the amount of \$160,209.90, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Optimist Club to host Main Street Trick-or- Treat Night on Wednesday, October 23, 2024, from 6:00 p.m. until 8:00 p.m. (rain date – October 30); and to waive all associated fees. Passed by unanimous vote.

John Schmoyer asked for permission to add porta-potties for the event at the Optimist Club's cost.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve adding porta-potties for the event at the Optimist Club's cost. Passed by unanimous vote.

President Snyder asked if the merchants will be notified about the event, and Mr. Schmoyer said that they would be notified.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Environmental Advisory Commission's Sacony Trail plans, and to ratify approval of signs purchased to hopefully be installed before the start of the school year. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the use of grey frames for the Peach Street Bridge historic markers. Passed by unanimous vote.

Mr. Kusterer asked when the project would be finished, and Mr. Seyler said that it is on target for November.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Legion Baseball Association to have a Borough employee use a backhoe, after regular hours, to help with renovations to the Legion Field bullpen. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Legion Baseball Association to approve reimbursing the cost of replacing the Legion Field dugout roofs in an amount up to \$3,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize the Allentown & Auburn Railroad to install a semaphore signal, conduit and walking path, provided they coordinate with Steve Diehl and Brian Bailey. Passed by unanimous vote.

Under Personnel Committee, President Snyder called for an Executive Session to discuss personnel and legal matters at 8:14 p.m.

The Executive Session ended, and the meeting reconvened at 9:04 p.m.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To enter into a labor agreement with AFSCME per the terms negotiated for the years 2025-2027. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To appoint Ron Stoudt and Brian Bilger as Community Service Officers for the purpose of assisting in parking enforcement. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the Right-of-Way agreement for 152 Portia Boulevard. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the Right-of-Way agreement for 162 Portia Boulevard. Passed by unanimous vote.

Mr. Mace noted that this is part of Stage Three of the Seem Drive development.

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 Mr. Mace, Resolved, To approve Final Change Order No. 1, to Allgyer Enterprises, LLC, for the Wentz Street Water Main Looping Project, in the amount of \$1,692.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment Application No. 2, to Allgyer Enterprises, LLC, for the Wentz Street Water Main Looping Project, in the amount of \$46,957.75. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To enter into an agreement with SSM and to approve their proposal for the Re-evaluation of the Sacony Creek Watershed, for a cost estimate of \$9,700.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize HRG to pursue the LSA Statewide Grant, on Kutztown's behalf, to complete a water main replacement project on Willow Street, for a cost of \$4,500.00. Passed by unanimous vote.

Mr. Khalife noted that there will be a Resolution for this next month.

Under Miscellaneous, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:13 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 July 13, 2024, through August 16, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand