

September 15, 2020
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:36 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, Mr. Zebulon Hull, 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; Mr. Brian Bailey, Public Works Superintendent; Ms. Judith Danko, Community Development Director Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Hutchinson, Gillahan & Freeh, PC representative Cheri Freeh; Planning Commission representatives Lisa Ladd-Kidder and Joel Seidel; Allentown & Auburn Railroad representative Lindsay Bast; Kutztown Area Transport Service representative Rodney Freeman; Greg Kaufinger, Phila Back, Warren Shaub, Ann Dietrich and Denise Bosler were also present.

Auditor Cheri Freeh reported that she audited the Borough, the Kutztown Municipal Authority (KMA) and the Kutztown Transpiration Authority (KTA) for 2019. She had no comments on the KMA or KTA audits, but regarding the Borough, she commented that staff needs more time to complete reconciliations.

President Snyder noted the following vacancies:

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

Warren Shaub asked Council to take care of the broken windows and glass debris on Peach Street.

He also criticized the Borough for cancelling several Telecommunications and Information Technologies Committee meetings.

Regarding the recent announcement, from the state, regarding enforcement issues dealing with COVID-19 mitigation efforts, Mr. Shaub asked how Council intends to enforce the recently passed Ordinance.

Noting that there will be an appeal, from the governor's office, Mr. Mooney advised delaying enforcement of the Borough Ordinance's gathering provision, but not to repeal it at this time. He also noted that a decision was not made on restaurants and bars or masking provisions.

Mr. Shaub argued that the Borough should be addressing occupancy standards.

Mr. Mooney suggested that Mr. Khalife issue an order to the Police Department and the Code Enforcement Office to delay the enforcement of the Borough Ordinance's gathering provision.

A motion was made by Mr. Mace, seconded by Ms. Elliott, Resolved, To delay enforcement of Section 4 of Ordinance 2-2020. Passed by unanimous vote.

Mr. Hull stated that Council should "just strike it," and Mr. Mooney responded that Council would have to draft another Ordinance to repeal it.

Greg Kaufinger stated that he appreciated what Council did, and he asked if it

would be communicated to the residents. Ms. Raudenbush said that it would.

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

- Review and accept the Minutes of the August 18, 2020 Borough Council meeting.
- Review and accept the Borough Community Development Report for August, 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 August 15, 2020, through September 11, 2020, as summarized below:

General Fund	\$311,110.51
Refuse and Recycling Fund	\$61,223.82
Water Fund	\$108,121.56
Electric Fund	\$426,637.12
Sewer Fund	\$124,422.27
Telecommunications Fund	\$69,096.72

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

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

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	July, 2020	\$1,391.47
Clerk of Common Pleas	July, 2020	\$257.32
Secretary's Office	August, 2020	\$2,325.00
Parking Kiosk	August, 2020	\$128.78

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To authorize Borough legal representation at the Zoning Hearing regarding 351 Normal Avenue, on September 16, 2020. Passed by unanimous vote.

A motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To approve the proposed and revised Arrest, Detention and Search of Prisoners Standard Operating Procedure with the following changes: page 1, section B, remove the word “female;” page 10, #10, correct the spelling of the word “assess;” and page 16, correct the spelling of the word “courtesy.” Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To adopt the following Resolution:

RESOLUTION NO. 11- 2020

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A MULTIMODAL TRANSPORTATION FUND GRANT OF \$2,029,938.98 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR INFRASTRUCTURE IMPROVEMENTS, PARK AND WALK.

BE IT RESOLVED, that the Borough of Kutztown, Berks County, Pennsylvania, hereby requests a Multimodal Transportation Fund grant of \$2,029,938.98 from the Commonwealth Financing Authority to be used for Infrastructure Improvements, Park and Walk.

BE IT FURTHER RESOLVED, that the Applicant does hereby designate Kevin J. Snyder, Council President, and Gabriel Khalife, Borough Manager, as the officials to execute all documents and agreements between the Borough of Kutztown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

BE IT FURTHER RESOLVED, that this Resolution shall become effective on September 15, 2020.

DULY ADOPTED AS A RESOLUTION this 15th day of September, 2020, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from St. John’s Lutheran Church to use the Park Band Shell on Sundays, during the month of October, from approximately 10:00

a.m. until noon. All those in favor, except Ms. Raudenbush who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the 2020 leaf collection schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve May 1 and August 14, 2021, for electronics recycling events. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the Environmental Advisory Commission's (EAC) proposed recycling reform plan for a one-year test period starting January 1, 2021.

Mr. Hull questioned making this change given the "pushback" Council has received from staff.

Ms. Elliott added that department heads have said they do not have enough staff to do this.

Brian Bailey told Council that the crew would likely have 10 hour Wednesdays with no other work being done on those days. He also asked if recycling would be cancelled in the case of snow.

Mr. Khalife acknowledged that he thought Mr. Bailey brought up "a lot of good points," and he suggested that EAC members do a ride-along to get a feel for how the recycling is collected.

Mr. Hull asked if there is money in the budget for additional labor help, and Mr. Khalife responded that there are no funds specifically for a refuse and recycling employee.

Mr. Hull said that he thinks Mr. Bailey should be given another employee if the

Borough makes this change.

Due to the discussion on this matter, Mr. Seyler and Ms. Raudenbush withdrew their original motions.

A motion was made by Mr. Hull, seconded by Ms. Raudenbush, Resolved, To table the Environmental Advisory Commission's proposed recycling reform plan so they can get a detailed plan from Mr. Bailey on how to proceed. Passed by unanimous vote.

Mr. Shaub asked where the discussion will take place about this, and Council responded that the department heads would discuss it internally.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve the request from the Living Sport Foundation to rent the Pamone Pavilion, for fundraisers, on September 9 and 20, 2020. All those in favor, except Ms. Raudenbush who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve hiring Saylor's Lawn and Landscaping to clear an area around the fence at the head end and reservoir in the amount of \$4,720.00. Passed by unanimous vote.

Lindsay Bast addressed Council about the Allentown & Auburn Railroad re-opening, and she said that if they do not begin operating in the fourth quarter of this year, they might not have a first quarter of next year.

Council made it clear that if the Allentown & Auburn Railroad re-opens, they would need to comply with all current COVID-19 protocols, and Ms. Bast said that they would.

Phila Back urged Council to deny the request and she asked what would happen during the disinfection time for the Train Station due to the November 3 election.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Allentown & Auburn Railroad to resume operations and begin using the Train Station in October with the following stipulations: The Allentown & Auburn Railroad will not function between October 31 and November 3 due to disinfection of the Train Station for the November 3 election. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve adding pickle ball court lines, on the tennis courts, to make them dual use courts. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To advertise for janitorial services bids. Passed by unanimous vote.

Mr. Mace noted that the Borough would like to recognize Luke Geist for his Eagle Scout service project work at the Kutztown Swimming Pool, and Mason Stillo for his Eagle Scout service project work on Kutztown Park buddy benches.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To adopt the following Resolution:

RESOLUTION NO. 12-2020

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, DECLARING THAT FIVE PERCENT CONTRIBUTION IS REQUIRED BY EACH FULL-TIME POLICE OFFICER OF THE BOROUGH OF KUTZTOWN, NOW OR HEREAFTER ELIGIBLE FOR PARTICIPATION IN THE POLICE PENSION PLAN, INTO THE POLICE PENSION FUND FOR THE CALENDAR YEAR 2021.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 15, 2020, of the 2021 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2021 Minimum Municipal Obligation for the Borough of Kutztown Police Pension Plan requires that each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan, contribute into the Police Pension Fund during the calendar year of 2021.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2021, by each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan for the calendar year of 2021, as provided for in §33-8, of the Code of the Borough of Kutztown, Berks County, Pennsylvania.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 18th day of September 15, 2020.

Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To ratify the reclassification of Mackenzie Keller, as Assistant to the Library Director, which became effective on August 27, 2020. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To ratify the reclassification of Joanne Englehart, as a Library Clerk Level 2, which became effective on August 28, 2020. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To ratify the reclassification of Elizabeth McKenna, as a non-union Community Service Officer II, which became effective on September 1, 2020. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Erma Bond, as a member of the Housing License Appeals Board, whose term shall end on October 1, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To appoint Melissa Englehardt, as an alternate member of the Zoning Hearing Board, whose term shall end on October 1, 2023. Passed by unanimous vote.

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Ms. Danko asked if Ms. Englehardt could participate in tomorrow night's hearing, and Mr. Mooney said that she cannot, because her term on the Environmental Advisory Commission does not end until October 1, and she cannot be on the Board and the Commission simultaneously.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Lisa Ladd-Kidder, as a member of the Borough Planning Commission, whose term shall end on October 1, 2024. Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To accept the resignation of Sue Johnston, with regret, and to thank her for her years of service to the Borough. Passed by unanimous vote.

Mr. Khalife noted that Ms. Johnston did a wonderful job for six years.

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

Under Finance and Electric Committee, Mr. Khalife gave a presentation of the 2020 year-to-date budget and the 2021 budget, which included information regarding the following topics: Service/Utility Performance; General Fund, 2020 Projects; 2021 Budget and General Fund Breakdown; Real Estate Tax Comparisons; and Projects Looking Forward.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To donate a six-year old Lenovo laptop, valued at \$48.00, and an eight-year old HP desktop computer, valued at \$50.00, to Civil Air Patrol (CAP) unit for Cyber Security training of Scout Squadron 904. Passed by unanimous vote.

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

RESOLUTION NO. 13-2020

AN RESOLUTION OF KUTZTOWN BOROUGH, BERKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES. IT IS HEREBY RESOLVED BY KUTZTOWN BOROUGH, BERKS COUNTY, AS FOLLOWS:

SECTION I. Kutztown Borough (the Borough), having established a non uniform pension plan administered by the Pennsylvania Municipal Retirement System (the System), hereby elects to amend its Non-Uniform Pension Plan administered by the System in accordance with Article IV of the Pennsylvania Municipal Retirement Law, 53 P.S. §881.101 et seq. (Retirement Law), and does hereby agree to be bound by all the requirements and provisions of the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. §895.101 et seq., and to assume all obligations, financial and otherwise, placed upon member municipalities.

SECTION II. As part of this Resolution the Borough agrees that the System shall administer and provide the benefits set forth in the amended Non-Uniform Pension Plan Document entered into between the Pennsylvania Municipal Retirement Board and the Borough effective as of the date specified in the adoption agreement (the Contract).

SECTION III. The Borough acknowledges that by passage and adoption of this Resolution, the Borough officially accepts the Contract and the financial obligations resulting from the administration of the Contract.

SECTION IV. Payment for any obligation established by the adoption of this Resolution and the Contract shall be made by the Borough in accordance with the Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act. The Borough hereby assumes all liability for any unfundedness created due to the benefit structure set forth in the Contract.

SECTION V. The Borough intends this Resolution to be the complete authorization of the Contract, as amended and it shall become effective as of the date specified in the adoption agreement, which is the effective date of the Contract, as amended.

SECTION VI. A duly certified copy of this Resolution and an executed Contract shall be filed with the System.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 15th day of September, 2020.

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Passed by unanimous vote.

Mr. Mace noted that the Minimum Municipal Obligation (MMO) for 2021 for the Uniform Pension Plan is \$209,603 and for the Non-Uniform is \$403,082.

Under Telecommunications and Information Technologies Committee, Mr. Hull noted that the Borough is switching Internet Service Providers.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit, for 7 Peach Street, in the amount of \$57.02. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To authorize HRG to complete the DEP permit process regarding Hach Turbidimeters, with a permit fee cost of \$1,000.00. Passed by unanimous vote.

Mr. Seyler noted that the Borough of Kutztown was recently awarded a \$100,000.00 grant by the Commonwealth Financing Authority for the installation of a Dewatering Press at the Wastewater Treatment Plant. The cost of the total project is \$379,660.00. Application for the grant was very competitive and many projects were denied. Once the project is completed, the Borough will see a large cost savings, regarding sludge hauling, of about \$80,000 per year.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:50 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from August 15, 2020, through September 11, 2020, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand