

September 17, 2019
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:37 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, Mr. Richard Diehm, Mr. Scott Piscitelli, Ms. Arabel Elliott, 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. Craig Summers, Police Chief; Mr. Troy Smith, Borough Water Plant Manager; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown Community Partnership representative Allison Fuller; Kutztown Community Partnership and Planning Commission representative Joel Seidel; Kutztown Community Library representatives Cathy Ruhf, Barb Coffin, Jocelyn Englehart, Joanne Englehart, Reverend Dr. Harry Heffelfinger, Martin Smith and Janet Yost; Maxatawny Township representative Steve Wilson; Allentown and Auburn Railroad representative Mike Bast; Kutztown Fire Company Chief, Eric Diehl; Kutztown University newspaper editor Kaylee Lindenmuth; Kutztown business owners Justin Shenk and Stephanie Wolfe; and residents Clarissa Freeze, Warren Shaub, Alex Gross, Colleen Eugster, Archie Follweiler, Jodi Follweiler, Patti Picone, Derek Picone, John Fry and Andy Arnold were also present.

President Snyder noted that Council met in Executive Session, prior to the start of this meeting, as well as on September 2, 2019, regarding personnel matters.

Mayor Schlegel read aloud the proposed Resolutions awarding the Life Saving Award to Kutztown Borough Police Department Patrol Officers Charles J. Lawson and

Robert C. Hriczko, Jr.

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

RESOLUTION NO. 6-2019

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 LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER CHARLES J. LAWSON.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 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 Kutztown Borough Police Department Patrol Officer Charles J. Lawson be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert actions, resulting in the saving of a life during a cardiac arrest event on June 26, 2019 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Charles J. Lawson.

This Resolution shall become effective on September 17, 2019.

DULY ADOPTED AS A RESOLUTION this 17th day of September, 2019 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled; and

RESOLUTION NO. 7-2019

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 LIFE SAVING AWARD TO KUTZTOWN BOROUGH

12040

POLICE DEPARTMENT PATROL OFFICER ROBERT C. HRICZKO, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 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 Kutztown Borough Police Department Patrol Officer Robert C. Hriczko, Jr. be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert actions, resulting in the saving of a life during a cardiac arrest event on June 26, 2019 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Robert C. Hriczko, Jr.

This Resolution shall become effective on September 17, 2019.

DULY ADOPTED AS A RESOLUTION this 17th day of September, 2019, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Cathy Ruhf presented the annual report for the Kutztown Community Library. She showed a video of library highlights and reported on the library's programs and accomplishments over the last year. She also announced the library's 70th anniversary open house celebration on November 12, 2019.

In closing, Ms. Ruhf asked Council to consider giving a total per capita donation of \$5,012.00, to the library, which will be matched by the County.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To increase the donation to \$1.06 per capita. Passed by unanimous vote.

President Snyder thanked them and said how much the community appreciates the library.

Brian Preski, President of Pennsylvania Water Specialties Company, gave a presentation on backflow prevention and he provided the following breakdown of the company's services: no cost to the Borough or the Kutztown Municipal Authority, for the service, and they will never be charged; they provide a survey and compliance check for the Borough; they provide administrative assistance and send a series of three letters to people who need testing; they host a kickoff meeting and will give training to Borough employees prior to starting the program.

Mr. Mace asked if this is information that customers can see online, and Mr. Preski said that it is not.

Mr. Mooney asked if Council would need to pass a Resolution or Ordinance regarding the fee from plumbers to Pennsylvania Water Specialties Company, and Mr. Preski responded that it is not a legal requirement, although he can provide a draft Resolution if desired. Mr. Mooney asked for the Resolution and informed Mr. Preski that he is making a small change to the contract providing for an out clause.

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

Clarissa Freeze read a prepared statement about her confusion regarding spikes in her water bill. She named other customers who have claimed (to her) to also have spikes in their bills, and she said they want to know why. She questioned if a water main break was the cause.

Mr. Seyler explained how everyone's water is metered, at their home, and that a water main break is not metered and cannot be distributed to residents. He stated that he finds it peculiar that multiple places had a spike on the same day and time, and he asked for their address information to be provided so it could be examined.

The Borough's Water Plant Manager, Troy Smith, explained how meters work and how the smallest leaks can cause big problems. He invited her to the Water and Waste Water Committee meeting on October 9, at 7:30pm, in Borough Hall.

Archie Follweiler noted that he had the same issue on a vacant property, but then it went back to normal.

Warren Shaub questioned a \$2,500.00 expense for concrete bench pads and a bike rack to be mounted in the Pocket Park.

President Snyder asked Mr. Shaub if he was against the project, and Mr. Shaub asked for the definition of the project.

Mr. Seyler questioned the plans for the Pocket Park; Ms. Elliott asked if it is a revised plan from what was approved in December; and Mr. Piscitelli said that it is a change order for the Streets Improvements Project that was previously approved.

Mr. Shaub and Mr. Piscitelli had a heated exchange over whether or not the Pocket Park is a value added service to the Borough.

Ms. Green explained the history behind the Pocket Park, and how she approached the Public Works and Community Development and Public Safety Committees about it first. She stated that Sposto Interactive created a free rendering that she showed to the Committees, and that she met with all of the appropriate people, and that the direct neighbors agreed that the alley could be used. In addition, she mentioned that the

Kutztown Community Partnership received a grant for benches and that they are paying for lights and the bike rack. She noted that the plan is to close the alley from the Block Party, in late April or early May, until Christmas in Kutztown, in early December. The alley will remain open the rest of the year.

Mr. Mace asked if the benches will be on a slope, and Ms. Green answered that they will not.

Mr. Seyler asked how the electric will be done, and Mr. Khalife said it would be done in-house. Mr. Seyler also inquired if the poles come out, and Mr. Khalife said they do not and they will not interfere with the cartway. He further noted that the concrete will be flush to the sidewalk and the alley will continue to be plowed and maintained.

Andy Arnold noted that Pocket Parks came up years ago because we wanted to make town more friendly and get people off of Main Street. He offered that it is a “slightly bold and worthwhile experiment.”

Patti Picone asked if the Public Works Crew will maintain the Pocket Park because she feels they already have too much to do.

President Snyder replied that it will be the Public Works Crew’s job to maintain the Pocket Park, and he acknowledged that there is a lot of work for them to do in and around town.

Ms. Picone also asked about road problems on Koffee Lane. Mr. Khalife noted that there is a list of roads that need work; however, the roads that currently top the list cost approximately \$250,000.00 to \$300,000.00 each, so only one or two can be done each year.

Ms. Picone also pointed to disrepair in the park, and President Snyder noted that it is a beautiful and large space to maintain.

Ms. Elliott said that while she appreciates Ms. Picone's points, we cannot let maintenance hold us back from continuing to do new projects in the Borough.

John Newton, from the KYAA, told Council that they need dirt for the fields and that the bleachers need maintenance.

President Snyder asked him to come to the next Public Works Committee meeting to talk with John Schmoyer and Brian Bailey.

Mr. Seyler said that he will talk to Mr. Bailey tomorrow about the infield dirt mix.

Mr. Khalife said that he has already talked Mr. Bailey about the bleachers, and Mr. Newton said they are no longer structurally sound.

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

- Review and accept the Minutes of the August 20, 2019 Borough Council meeting.
- Review and accept the Borough Community Development Report for August, 2019.
- Take action on the request, from the Kutztown Optimist Club, to use the Borough's banner poles to display a banner advertising the need for a kidney donation.
- 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 17, through September 13, 2019, as summarized below:

General Fund	\$83,365.98
Refuse and Recycling Fund	\$30,228.13
Water Fund	\$49,563.43
Electric Fund	\$283,567.56
Sewer Fund	\$27,306.10
Telecommunications Fund	\$14,021.21

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, 2019 was submitted.

The following fines were collected:

District Justice Greth	July, 2019	\$2,267.96
Clerk of Common Pleas	July, 2019	\$53.69
Secretary's Office	August, 2019	\$1,675.00

Consideration was given to sending the Borough Solicitor, on behalf of the Borough, to Zoning Hearing Z-19-01 regarding 361-363 East Main Street, on October 15, 2019. No action was taken.

A motion was made by Mr. Piscitelli, seconded by Mr. Mace, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 2-2019

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 212 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "VEHICLES AND TRAFFIC" BY AMENDING §212-1 DEFINITIONS AND INTERPRETATIONS §212-26 (RESERVED), §212-71 SCHEDULE XIV, §212-73 SCHEDULE XVI, §212-74 SCHEDULE XVII, §A231-1.17 FEES, AND BY ADDING §212-77A SCHEDULE XXI.

Passed by unanimous vote.

Mr. Piscitelli noted that there are no plans to put parking meters on Main Street, at this time, without further discussion.

12046

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request, from the Kutztown Rotary Club, to hold the Taste of Kutztown event in the park on June 13, 2020, from 1:00 p.m. until 5:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To approve the cost change, for the work on Strausser Alley, if the contractor confirms that the cost will be \$2,500.00 or less. All those in favor, except for Mr. Seyler, who voted Nay. There being a majority in favor, the motion passed.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To appoint Judith Danko, as the Community Development Director, contingent upon passing all required clearances, physicals and screenings. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Piscitelli, Resolved, To accept, with regret, the resignation of Tyler Diehl effective September 6, 2019. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To reappoint Erma Bond, as a member of the Housing License Appeals Board, whose term shall end on October 1, 2020. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To reappoint David Bullock, as a member of the Telecommunications Advisory Commission, whose term shall end on October 1, 2021. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Patricia McCloskey, as a member of the Telecommunications Advisory Commission, whose term shall end on October 1, 2021. Passed by unanimous vote.

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

RESOLUTION NO. 8-2019

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 2020.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 17, 2019, of the 2020 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2020 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 2020.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2020, 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 2020, 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 17th day of September, 2019.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Diehm, seconded by Mr. Piscitelli, Resolved, To accept terms of the police contract for 2020, 2021, and 2022 as negotiated. Passed by unanimous vote.

Off of the agenda, Mr. Khalife gave a presentation of the 2019 year-to-date budget and the 2020 budget, which included information regarding the following topics: Service/Utility Performance; General Fund, 2019 Projects; 2020 Budget and General Fund Breakdown; Real Estate Tax Comparisons; and Projects Looking Forward.

Mr. Mace asked if any capital expenses were coming up for Telecom, and Mr. Khalife replied that there are not. He noted that the Borough saved at least a million dollars by moving television service to yondoo. He said that Telecom debt is “gone and paid off.”

An Executive Session requested to discuss personnel and legal matters was deferred until the end of the meeting.

Ms. Elliott asked about promoting the Safe, Clean and Green Sunday Cleanups, and Ms. Wiand offered to help with that.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Piscitelli, Resolved, To adopt the following Resolution:

RESOLUTION NO. 9-2019

RESOLUTION AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE 2018-2022 NON-POOL ENERGY PURCHASE SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”)

WHEREAS, the Borough of Kutztown, Pennsylvania (the “Municipality”) is a political subdivision organized and existing pursuant to the laws of the State of Pennsylvania, which owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers;

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased energy arranged by AMP;

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers;

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, Municipality entered into a 2018-2022 Non-Pool Power Sales Schedule with American Municipal Power Inc. ("AMP") (AMP Contract No. 2015-001781-SCHED) in order to purchase energy from AMP ("2018-2022 Non-Pool Power Sales Schedule");

WHEREAS, Municipality entered into a First Amendment to the 2018-2022 Non-Pool Power Sales Schedule with AMP (AMP Contract No. 2023-004102-AMD) in order to extend the 2018-2022 Non-Pool Power Sales Schedule Term through December 31, 2027 and purchase additional remaining requirements energy supply through December 31, 2027;

WHEREAS, the Parties desire to execute a second amendment to the 2018-2022 Non-Pool Power Sales Schedule for AMP to sell and Municipality to purchase additional energy under terms and conditions similar to those in the 2018-2022 Non-Pool Power Sales Schedule and the First Amendment thereto for an extended term with delivery beginning in 2028 and ending no later than December 31, 2032;

WHEREAS, the Parties desire also to lower the price of the current remaining requirements arrangements;

WHEREAS, AMP has provided appropriate personnel and information regarding the Second Amendment of the 2018-2022 Non-Pool Power Sales Schedule to enable Municipality to evaluate the benefits and risks of the additional power purchases authorized by the Second Amendment to the 2018-2022 Non-Pool Power Sales Schedule and to determine the same are in the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, PENNSYLVANIA.

SECTION 1. That the form of the Second Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

12050

SECTION 2. That the Borough Council President or his or her designee is hereby authorized to execute the Second Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule and to acquire the Municipality's energy from Long Term Energy Purchase(s), with a term beginning on January 1, 2028 and ending no later than December 31, 2032, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$57.00 per MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein, as set forth in the Second Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. Pursuant to 53 P.S. § 47402-A and 53. P.S. § 47505-A, competitive bidding is not required on the Municipality's purchase of power and energy, through the Schedule.

SECTION 6. That this resolution shall take effect at the earliest date allowed by law.

DULY ADOPTED AS A RESOLUTION this 17th day of September, 2019 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mr. Khalife noted that this contract is locked in until 2023, and Mr. Seyler stated that knowing what the costs will be will help with planning.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To

enter into easement agreement, regarding underground electric, at 148 Alex Court, and to authorize the Borough solicitor to handle the associated realty transfer statements and to record the easement agreement. Passed by unanimous vote.

Mr. Mace noted that the 2020 Non-Uniform Minimum Municipal Obligation (MMO) is calculated to be \$378,554, and the Uniform 2020 MMO is calculated to be \$158,687.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, there was nothing to report.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To reimburse Tiffany Denzel \$4,140.63 to recover the cost of installation and removal of her fence due to erroneous approval by the Borough. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

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

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To advertise a special meeting to be held on Tuesday, September 24, 2018, at 7:30 p.m. in the Municipal Building multipurpose room. Passed by unanimous vote.

President Snyder called for an Executive Session at 9:36 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:56 p.m.

A motion was made by Mr. Mace, seconded by Mr. Diehm, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:58 p.m.

Prepared and Attested by: Gina M. Wiand
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 August 17, through September 13, 2019, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand