

September 20, 2022
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 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; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Kutztown Fire Company representative Todd Evans; Maxatawny Township representatives Mike Berger, Steve Wilson and David Sobatka; Kutztown Area Transport Service and Kutztown Community Partnership representative Allison Fuller; Kutztown Area Transport Service representative Rodney Freeman; and aspiring business owner/Kutztown University student Leule Abiy were also present.

President Snyder noted that Borough Trick-or-Treat night is scheduled for Thursday, October 27, from 6:00 p.m. until 9:00 p.m.

Mr. Engelhardt expressed his desire to move trick-or-treating to October 31, and it was agreed to be a conversation for next year.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	One Member Vacancy
	Recording Secretary Vacancy
Zoning Hearing Board:	One Member Vacancy
	Two Alternate Vacancies
Civil Service Commission:	One Vacancy
Housing License Appeals Board:	One Member Vacancy

Environmental Advisory Commission
Telecommunications Advisory Commission

Three Alternate Vacancies
Three Member Vacancies
Four Member Vacancies

Keith Mooney explained that the Code Appeals Board does not have enough members, and without enough members, the Borough will need to turn the Board over to the County.

Mr. Khalife noted that the Borough already paid the fee to the County, so if we do receive an appeal, it will go to the County.

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

Leule Abiy said that he wants to start a “study hookah lounge” that will be open until 11:00 p.m. at the latest, and there will be no alcohol served or allowed. Council advised him to go through the Community Development Office to get information and obtain permits.

Rodney Freeman, from Kutztown Area Transport Services (KATS), explained that they are having recruitment issues, and he asked if they could put employment signs on Main Street in front of the park.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To allow Kutztown Area Transport Services to put employment signs on Main Street, in front of the park, for approximately 30 days. Passed by unanimous vote.

Mr. Freeman also noted that KATS entered into a business agreement with Maxatawny Township.

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

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- Review and accept the Minutes of the August 16, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for August 2022.
- Ratify approval for Kutztown Cub Scout Pack 101 to use the Band Shell on September 17, 2022, from 3:00 p.m. until 5:00 p.m., for their fall kickoff, and to waive the rental fee.
- 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 13, 2022, through September 16, 2022, as summarized below:

General Fund	\$112,763.80
Refuse and Recycling Fund	\$31,807.72
Water Fund	\$112,610.21
Electric Fund	\$306,258.73
Sewer Fund	\$104,642.33
Telecommunications Fund	\$17,565.77

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, Mr. Kusterer submitted the Monthly Police Report for August 2022.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	July 2022	\$0.00
Clerk of Common Pleas	July 2022	\$176.00
Secretary's Office	August 2022	\$1,125.00

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved,
To approve the request from the Kutztown Fire Company, to release \$65,000.00 from the Fire Tax Fund, for E-One apparatus. Passed by unanimous vote.

Ms. Ladd-Kidder asked for clarification on the Fire Chief, and Mr. Kusterer said

that it is Todd Evans.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending the Code of the Borough of Kutztown by amending schedule I of Section 212-58, entitled "Speed Limits," so as to add additional roadways to the schedule I list. Passed by unanimous vote.

Mr. Mace stated that while he agrees with the plan, he would like to see some of the roads narrowed. Mr. Englehardt agreed and said that bike lanes would accomplish that.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To Ratify authorization to send legal representation, to the Zoning Hearing Board meeting on September 19, 2022, regarding 233 Noble Street. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Kutztown Borough CFA Multimodal Transportation Fund (MTF) Grant Reimbursement Request 1, in the amount of \$67,484.00, which is 10% of the \$674,844.00 of the total grant amount and is the grant usage limitation allowable for Engineering. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve construction of a 100-foot bridge, under the new estimate from Acrow, in the amount of \$362,200.00, contingent upon Maxatawny Township's agreement for the revised bridge specs and to pay 50% of the cost of the project. Passed by unanimous vote.

President Snyder asked if there were any comments from Maxatawny Township, and they responded that they are in agreement.

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A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Descoco to remove the old North Park Bridge, at a cost of \$141,610.40, contingent upon Maxatawny Township's agreement to pay 50% of the cost of the project. Passed by unanimous vote.

President Snyder asked if there were any comments from Maxatawny Township, and they responded that they are in agreement.

A Maxatawny representative asked about the status of the agreement, and Mr. Mooney responded that he made changes and sent it to their attorney for review.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment No. 1, to Schlouch Incorporated, for the 2022 Street and Storm Sewer Improvements Project, in the amount of \$59, 224.59. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the request from Grace Church to reimburse the \$25.00 rental fee for the Flora Pavilion on August 7, 2022, due to vandalism issues. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Maria Kemp to use the Scooter Building on October 1, 2022, for a birthday party. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the 2022 leaf collection schedule, the 2023 electronics recycling dates, and the 2023 refuse and recycling schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the 2022-2023 salt sales agreement with the Kutztown Area School District. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the Signal Service Traffic Signal Maintenance contract. Passed by unanimous vote.

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

RESOLUTION NO. 9-2022

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING GIVING A VALUELESS SURPLUS FUEL TANK TO EVAN MULLER.

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 give a surplus fuel tank, having zero value, to Evan Muller.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 20th day of September, 2022.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the request from Grace Church, to host a movie night in the Park and to use the Brick Pavilion on October 7, 2022, with a rain date of October 8, 2022. Passed by unanimous vote.

President Snyder noted that the Kutztown Community Partnership gave the Public Works Committee notice that they will not operate the pool snack stand in 2023.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Erma Bond, as a member of the Housing License Appeals Board, whose term shall expire on October 1, 2023. Passed by unanimous vote.

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

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

RESOLUTION NO. 10-2022

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 2023.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 20, 2022, of the 2023 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2023 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 2023.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2023, 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 2023, 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 20th day of September 2022.

Passed by unanimous vote.

Mr. Mace noted that the Minimum Municipal Obligation (MMO), for 2023, for the Uniform Pension Plan is \$ 69,581.00, and for the Non-Uniform is \$428,637.00.

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

RESOLUTION NO. 11-2022

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, CASTING ITS VOTE FOR THE INDIVIDUALS WHO WILL SERVE ON THE TCC EXECUTIVE COMMITTEE AS THE PRIMARY AND ALTERNATE DELEGATES FOR ALL MUNICIPALITIES THAT LIE WITHIN THE SAME SCHOOL DISTRICT AS THE BOROUGH OF KUTZTOWN.

Background. Per Article III, Section 2, of the Bylaws of the Berks County Tax Collection Committee (the “TCC”), all municipalities located within the boundaries of a single school district will collectively vote on the appointment of, and per the results of that vote will appoint, one primary delegate and one alternative delegate to represent those municipalities on the TCC Executive Committee. Accordingly, there are an equal number of school district and municipal delegates on the TCC Executive Committee.

Under 53 P.S. § 6924.505(b), municipalities must appoint a delegate to the TCC Executive Committee. Per Article III, Section 2(b)(i)(2) of the TCC Bylaws:

The individual designated as the primary voting delegate by the highest number of municipalities that participated in the voting process within a given school district shall serve as the primary voting delegate for all municipalities within the school district. The individual designated as the alternate voting delegate by the highest number of municipalities that participated in the voting process within a given school district shall serve as the alternate voting delegate for all municipalities within the school district. If there is a tie vote for either the primary voting delegate or alternate voting delegate position, the appointment will be decided by weighting the vote of each participating municipality by using the weighted votes assigned to each such municipality under these Bylaws.

The purpose of this Resolution is for the Borough of Kutztown to cast its vote for the individuals who will serve on the TCC Executive Committee as the primary and alternate delegates for all municipalities that lie within the same school district as the Borough of Kutztown.

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RESOLVED, that the Borough of Kutztown votes in favor of having the following individuals appointed to represent all municipalities that lie in the same school district as the Borough of Kutztown on the TCC Executive Committee:

1. Primary delegate Name: Elizabeth Ann Siteman
Email: esiteman@kasd.org
2. Alternate delegate Name: Eric Johnson
Email: ejohnson@kasd.org

ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 20th day of September 2022.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into an agreement with Hutchinson, Gillahan & Freeh, PC, to perform the Borough's 2022 audit. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve an electric credit, for 139 Normal Avenue (E-4), in the amount of \$511.62. Passed by unanimous vote.

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 Ms. Ladd-Kidder, Resolved, To approve Payment No. 1, to I.K. Stoltzfus, for the Sludge Storage Tank Rehabilitation Project, in the amount of \$127,912.50. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session, to

discuss personnel and legal matters, at 8:15 p.m. The Executive Session ended, and the meeting reconvened at 8:39 p.m. No action was taken.

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 8:39 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 August 13, 2022, through September 16, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand