

September 21, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 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, and the Mayor, Mr. James Schlegel. Councilwoman Arabel Elliott was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Police Chief Craig Summers; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Maxatawny Township representative Steve Wilson; Kutztown Community Partnership representative Allison Fuller; Kutztown Area Transport Services representative Rodney Freeman; Cleftstone representative Peter Galgano; and resident Irene Boyer were also present.

Cheri Freeh, from Hutchinson, Gillahan & Freeh, P.C., provided Council with an audit presentation. Upon review with Council, Ms. Freeh commented that Mr. Khalife and Borough Finance Director, Sharon Dalickas, have done a good job with managing the Borough's finances.

President Snyder noted that Borough trick-or-treat night is scheduled for Thursday, October 28, from 6:00 p.m. to 9:00 p.m.

President Snyder noted the following vacancies:

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

Environmental Advisory Commission

Telecommunications Advisory Commission:

Three Alternate Vacancies
Two Member Vacancies
One Student Member Vacancy
One Member Vacancy

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

Peter Galgano addressed Council regarding the rate increases Windstream has implemented to their customers who have their phone service and live in the Borough. After a brief discussion, Mr. Khalife stated that he would check with the Borough's Director of Telecommunications, Mark Arnold, to see if he has any information regarding this matter.

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

- Review and accept the Minutes of the August 17, 2021, Regular Borough Council meeting.
- Review and accept the Minutes of the August 17, 2021, Borough Council Public Hearing.
- Review and accept the Minutes of the September 1, 2021, Special Borough Council Meeting.
- Review and accept the Borough Community Development Report for August 2021.
- 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 14, 2021, through September 17, 2021, as summarized below:

| | |
|---------------------------|--------------|
| General Fund | \$442,580.46 |
| Refuse and Recycling Fund | \$47,299.89 |
| Water Fund | \$61,799.77 |
| Electric Fund | \$300,915.76 |
| Sewer Fund | \$147,421.09 |
| Telecommunications Fund | \$34,321.28 |

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Passed by unanimous vote.

Under Borough Planning Commission, President Snyder noted that Joel Seidel was elected Vice Chairperson, of the Borough Planning Commission, for the remainder of 2021, and that Pat Snyder was elected Secretary, of the Borough Planning Commission, for the remainder of 2021.

Under Environmental Advisory Commission, there was nothing to report.

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

Mr. Kusterer noted that the following fines were collected:

| | | |
|------------------------|-------------|------------|
| District Justice Greth | July 2021 | \$2,806.35 |
| Clerk of Common Pleas | July 2021 | \$120.33 |
| Secretary's Office | August 2021 | \$3,875.00 |
| Parking Kiosk | August 2021 | \$610.00 |

Council discussed the AT&T Small Cell Agreement. Ms. Ladd-Kidder read a statement regarding her concerns about wave lengths and distances from homes, and she said that she would prefer to forward the agreement to the Borough engineer for review and recommendations.

Mr. Mooney stated that although he recognizes her concerns, the federal and state government have taken their stance and the Borough does not have the ability to question it because it is not the licensing authority – the federal and state government is.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To execute the AT&T Small Cell Agreement. All those in favor, except for Ms. Ladd-Kidder, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To sell a 2009 Crown Victoria, to Oakdale Borough, for the price of \$5,000.00. Passed by

unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Payment No.3, to CMS for the 2021 Paving and Storm Sewer Improvements Project, in the amount of \$212,007.83. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve CMS to mill full width and re-profile Sander Alley from the grassed area to 30 feet beyond CB 3 and install 1-1/2" depth of 9.5mm wearing course at no additional cost to the Borough. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve renaming Park Drive to Veterans Way. Passed by unanimous vote.

Mr. Mooney noted that the Borough should contact the County and EMS services about the change.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Sheriff's office to use the Train Station as a license to carry firearms satellite center. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify approval for Jordan Loeb to use the Scooter Building on September 4, 2021, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Kaleigh Hire to use the Band Shell on October 23, 2021, and to waive the rental fee. Passed by unanimous vote.

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

the bid sale of a 2008 Crown Victoria, to David Sensenig, in the amount of \$4,000.

Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To afford full time employment, to Heidi Hermany, who successfully completed her probation period on August 30, 2021. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To ratify accepting the resignation of Lacie Henninger, from the Library, effective September 13, 2021. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To ratify accepting the resignation of Nykolai Blichar, from the Borough Planning Commission, effective August 9, 2021. Passed by unanimous vote.

A motion was made by Mr. Kusterer, 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, 2022. Passed by unanimous vote.

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

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

RESOLUTION NO. 15-2021

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 2022.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 21, 2021, of the 2022 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2022 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 2022.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2022, 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 2022, 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 21st day of September 2021.

Passed by unanimous vote.

Mr. Mace note that the Minimum Municipal Obligation (MMO) for 2022 for the Uniform Pension Plan is \$59,599.00 and for the Non-Uniform is \$404,228.00.

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

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

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the revised, scaled down Multimodal Transportation Project per the Borough's recent grant award. Passed by unanimous vote.

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 8:33 p.m.

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Prepared by: Gina M. Wiand
Borough Secretary

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 August 14, 2021, through September 17, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn