

October 15, 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 Planning Commission representative Bob Weller; and Environmental Advisory Commission member Lisa Foreback were also present.

Mr. Kusterer opened the meeting with a prayer.

President Snyder announced that Borough trick-or-treat night will be Thursday, October 31, 2024, from 6:00 p.m. until 8:00 p.m.

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:	Two Member Vacancies Three Alternate Vacancies
Environmental Advisory Commission:	One Member Vacancy

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were none.

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

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- Review and accept the Minutes of the September 17, 2024, Borough Council meeting.
- Review and accept the Borough Community Development Report for September 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 September 14, 2024, through October 11, 2024.

General Fund	\$628,395.36
Refuse and Recycling Fund	\$156,654.19
Water Fund	\$274,906.17
Electric Fund	\$450,437.68
Sewer Fund	\$199,540.02
Telecommunications Fund	\$139,907.49

Passed by unanimous vote.

Under Borough Planning Commission (PC), Bob Weller asked Council what the PC's part in the process is, regarding the McDonald's plans, because they are bypassing them for the Zoning Hearing Board.

Mr. Mooney explained that McDonald's can go to the PC, but they do not have to; however, the PC can still review their updated plans and provide a recommendation.

Mr. Mace asked how much relief they are requesting, and Mr. Weller listed the following:

1. Section 225-20(g)(3) - the proposed impervious coverage is 71.9%, when 45% is the maximum.
2. Section 225-29A(1)(a)[6] - 55 parking spaces are proposed, 39 are in Kutztown - 74 parking spaces are required.
3. Section 225-28H.(1)(c) - three signs on a non-street fronting facade are proposed - north façade.
4. Interpretation of Section 225-28C.(3) - regarding whether menu boards, pre-sell signs and an electronic message board sign are considered "flashing signs", and,

in the alternative, to the extent required, a variance to permit flashing signs where prohibited.

Mr. Weller also recommended that the Zoning Hearing Board meeting on November 26 be held in the Train Station, instead of the Multi-Purpose Room in Borough Hall, due to the amount of people at the last meeting.

Ms. Wiand said that she would contact the appropriate staff to have the change made in time for advertisement.

Under Environmental Advisory Commission (EAC), Ms. Ladd-Kidder welcomed Lisa Foreback as a member of the EAC.

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

The following fines were collected:

District Justice Greth	September 2024	\$3,371.63
Clerk of Common Pleas	September 2024	\$142.91
Secretary's Office	September 2024	\$450.00

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve a \$500.00 donation to Crime Alert Berks County. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To donate 19 bicycles to Kutztown Boy Scout Troop 101. Passed by unanimous vote.

A motion was made by Mr. Kusterer, Resolved, To send the solicitor to the Zoning Hearing, requested by McDonald's, to either oppose the requested zoning relief or take no action regarding the requested zoning relief. The motion died for lack of a second.

A motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To table the item to send the solicitor to the Zoning Hearing, requested by McDonald's, to

either oppose the requested zoning relief or take no action regarding the requested zoning relief. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment Application No. 3 to LB Construction Enterprises, Inc., in the amount of \$132,118.13, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the reimbursement for Application No. 4 to LB Construction Enterprises, Inc., in the amount of \$132,118.00, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve adding a paving patch to H&K's work list, for Lambert Alley at Normal Avenue, in the amount of \$24,959.36. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Mainline Commercial Pools to close the Borough pools for \$4,125.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve Mainline Commercial Pools to replace pool chemical controllers and tanks for \$16,405.09. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the lifeguard certification reimbursement, for Tom Crouse, in the amount of \$200.00. Passed by unanimous vote.

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

approve the following tree removal quotes from Faust Property Services: to remove a tree in the Park by the Band Shell for \$4,000.00; to remove a tree by the playground for \$4,000.00; and to remove the trees in phase one at North Park for \$10,000.00, for a grand total of \$18,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the placement of two port-o-potties, for the Main Street Park from November through April, in the amount of \$249.52 per month for the two toilets. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Jill Remick, as an Assistant Borough Secretary, to attend Council meetings as needed.

President Snyder asked if Ms. Remick would replace Ms. Rahn. Ms. Wiand clarified that Ms. Remick will be a second backup as needed. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept the resignation of Police Officer Derek Vanderslice, effective October 19, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To ratify approval to supply safety glasses to our union employees prior to the terms provided by our new contract. NOTE: If the Borough provides these glasses and any other safety equipment early, the union agrees that doing so sets no precedent for any future such action. Passed by unanimous vote.

Mr. Engelhardt deferred the item on the Personnel Committee's recommendation

regarding the police officer appeal of Record of Counseling until after the Executive Session.

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 enter into an engagement letter with Hutchinson, Gillahan and Freeh to perform the 2024 Audit. Passed by unanimous vote.

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

RESOLUTION NO. 10-2024

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE EXONERATION OF PER CAPITA TAX BILLS, DUE AND OWING FOR THE CALENDAR YEAR 2025, EFFECTIVE JANUARY 1, 2025.

WHEREAS, the Kutztown Area School District has maintained the Per Capita Tax Bill database and distributed the bills for many years; and

WHEREAS, the Kutztown Area School District has decided to no longer maintain the Per Capita Tax Bill database or distribute the bills; and

WHEREAS, the Borough of Kutztown has declined to maintain the Per Capita Tax Bill database or distribute the bills; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Kutztown hereby resolves as follows:

That the Council of the Borough of Kutztown does hereby authorize the exoneration of all Per Capita Tax Bills, due and owing for the calendar year 2025, effective January 1, 2025.

DULY ADOPTED AS A RESOLUTION this 15th day of October, 2024, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the purchase of 4,516 feet of 500 MCM underground cable, from Costars, for a price of \$33,102.28 plus the cost of freight. Passed by unanimous vote.

Mr. Mace asked what will happen to mounds of debris from the Peach Street Bridge on the Sewer Plant property. The general assumption was that it will be removed over time.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To introduce and authorize for advertisement the proposed Resolution amending and restating the fees associated with the Borough's provision of video, television, Internet and telephone services as provided for in chapter 110 of the Code of the Borough of Kutztown.

Mayor Schlegel asked why television is still listed when Home Net no longer offers it. Ms. Wiand explained that it was never removed from the Resolution, so it will remain in the header as well.

Ms. Ladd-Kidder noted that the Internet upgrade is significant.
Passed by unanimous vote.

Ms. Ladd-Kidder also noted that the Committee is working on the following items:

1. Migrate Virtual Machines from host VMServer 4 to new ESXI host.
2. Work on Internet plan changes and designing sign-up forms for Internet customers.
3. Continue upgrading existing workstations to Windows 11 and servers to Windows Server 2022.
4. Move the Storage Area Network (SAN) and VM Host to NOC, get cabling in place and upgrade all hosts to latest version of ESXI.
5. Upgrade Avigilon Cloud to Avigilon Unity – this is for the security cameras in town and at the Borough offices.
6. Upgrade Council laptops to Windows 11 Pro.

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7. Work on replacing and configuring new gateway routers for public Internet connection.
8. Work on getting prices for equipment rental for Telecom multi-dwelling unit properties.
9. Install Extreme Site Engine and Link to Extreme IQ Cloud – this allows the IT Department to manage all network switches in the Borough offices, including troubleshooting, upgrading firmware and managing configurations.
10. Create SSID for Wi-Fi at the park and pool. Inform appropriate employees of change.

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

Under Miscellaneous, President Snyder called for an Executive Session to discuss personnel and legal matters at 7:54 p.m.

The Executive Session ended, and the meeting reconvened at 8:04 p.m.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To deny Officer Schemberg's appeal of his record of counseling. 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 8:05 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 September 14, 2024, through October 11, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand