

October 18, 2022  
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, 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 Craig Summers; Borough Parks and Recreation Director, John Schmoyer; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; HRG representatives Ryan Hostetter and Chris Hartz; Kutztown Day Committee representative Andrew Schlegel; Planning Commission representatives Bob Weller and Joel Seidel; Maxatawny Township representatives Mike Berger and Steve Wilson; Vietnam Veterans Breakfast Club representative Eddie Gehringer; Kutztown Area Transport Service representative Rodney Freeman; and residents Eric Boyer and Michael Shaw 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.

Ryan Hostetter and Chris Hartz, from HRG, gave a presentation regarding the Multimodal Project.

The project, which HRG is looking to bid for construction in the summer of 2023, will include but is not limited to the following pedestrian safety additions: removable bollards, new sidewalks, ADA upgrades, piano key style crosswalks, line striping,

milling, overlaying and repaving; crossing signals and actuators. The upgrades are slated to improve Normal Avenue, Main Street, Whiteoak Street, Constitution Boulevard, Sander Alley, Willow Street and Maple Street.

Mr. Mace reminded Council about the prior approval of adding hex signs to the crosswalks. Mr. Engelhardt agreed that the crosswalks should be more decorative; however, Mr. Khalife noted that cost and long-term maintenance are issues to consider. Mr. Engelhardt suggested that select crosswalks be used, while Mr. Hostetter opined that a hex sign in the center of an intersection might be a better option than in a crosswalk.

Mr. Mace asked about an “apron” at a personal property, and Mr. Hostetter said it could be removed from the plan if the Borough does not want it there. He also noted that the movable bollard system is not decorative, just functional.

Resident Mike Shaw asked about the potential of shared use signs on Sander Alley and said he would like to see more bike signs.

Rodney Freeman, from KATS, expressed concern about EMS vehicles getting through on East Main near the park.

Eddie Gehringer, from the Vietnam Veterans Breakfast Club, presented Council with a thank you letter and a photo of the memorial in the park. Mr. Kusterer thanked Mr. Gehringer for his contributions to the project as well.

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

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

- Review and accept the Minutes of the September 20, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for September 2022.
- 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 17, 2022, through October 14, 2022, as summarized below:

General Fund	\$377,912.87
Refuse and Recycling Fund	\$46,215.71
Water Fund	\$51,974.18
Electric Fund	\$403,263.07
Sewer Fund	\$178,763.72
Telecommunications Fund	\$27,505.53

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of an Ordinance amending Chapter 225 entitled “Zoning” of the Code of the Borough of Kutztown defining tobacco/e-cigarette retailers and categorizing tobacco/e-cigarette retailers as permitted uses in the Industrial Zone. Passed by unanimous vote.

Keith Mooney explained that this will need to go to the County Planning Commission, for review, so it will not go before Council again until December.

President Snyder noted that the Planning Commission recommends denying approval of the zoning permit application, for 408 W. Main Street, based on Section 225-17D(3)f) and Section 225-17E(8) of the Kutztown Code.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for September 2022.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	August 2022	\$2,403.39
	September 2022	\$2,310.46
Clerk of Common Pleas	September 2022	\$111.83
Secretary's Office	September 2022	\$2,500.00

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To support the denial of the zoning permit request for 408 W. Main Street, and to consider sending the Solicitor to the Zoning Hearing Board Appeal Hearing. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the 2023 Municipal Action Plan Update. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment No. 2, to Schlouch Incorporated, for the 2022 Street and Storm Sewer Improvements Project, in the amount of \$288,598.97. Passed by unanimous vote.

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

#### RESOLUTION NO. 12-2022

# 12430

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE MANAGER OF THE BOROUGH OF KUTZTOWN TO SUBMIT THE TRAFFIC SIGNAL MAINTENANCE AGREEMENT, TO SUBMIT FUTURE MODIFICATIONS TO THE TRAFFIC SIGNAL MAINTENANCE AGREEMENT, AND TO SUBMIT FUTURE APPLICATIONS FOR TRAFFIC SIGNAL APPROVAL.

BE IT RESOLVED, by authority of the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby resolved by authority of the same, that the Borough Manager of the Borough of Kutztown be authorized and directed to submit the attached Traffic Signal Maintenance Agreement, to submit future modifications to the attached Traffic Signal Maintenance Agreement, and to submit future Applications for Traffic Signal Approval either in writing or via electronic signature, to the Department of Transportation and to sign this Agreement on behalf of the Kutztown Borough Council.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 18<sup>th</sup> day of October 2022.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the revised Park Rental Agreement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To ratify approval of the request from Rachel Lambdin to use the Scooter Building on October 9, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Grace Church to host a Christmas Eve service, next to the Train Station, on December 24, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the 2023 Waste Disposal Agreement with the Delaware County Solid Waste Authority. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Engelhardt, Resolved, To approve the request from the Kutztown Community Partnership to hold their Christmas in

Kutztown event on December 3, 2022, from 11:00 a.m. until 5:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To authorize the agreement letter between the Boroughs of Kutztown and Topton regarding surplus pool equipment. Passed by unanimous vote.

Mr. Mace asked how things went with Topton residents using the pool this year. Mr. Khalife said that subscription and use increased significantly, and Mr. Schmoyer said that it went well despite staffing troubles.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To the approve the request from the Kutztown Day Committee to sponsor the 2023 Kutztown Day fireworks, at a cost of \$5,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To pay a \$25,000.00 deposit for the North Park Bridge. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To appoint Michael Miller to the position of Wastewater Treatment Plant Manager, effective October 17, 2022. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Denise Bosler, as a member of the Planning Commission, whose term shall expire on January 1, 2025. Passed by unanimous vote.

Mr. Engelhardt tabled approval of the Employee Agreement for Borough Issued Computer Equipment. Mr. Mooney stated that the Union needs to review it.

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. 13- 2022

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA IMPLEMENTING ACT 57 OF 2022 WHICH REQUIRES ALL MUNICIPALITIES IN THE COMMONWEALTH OF PENNSYLVANIA TO ADOPT A RESOLUTION WAIVING ADDITIONAL CHARGES FOR REAL ESTATE TAXES IN CERTAIN INSTANCES.

WHEREAS, Act 57 of 2022, amending the Local Tax Collection Law, was signed by Governor Wolf on July 11, 2022, and takes effect on October 10, 2022; and

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance within 90 days of the effective date of the act, or not later than January 9, 2023, directing the tax collector to waive additional charges for real estate taxes in certain situations; and

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector of the Borough of Kutztown comply with the provisions of Act 57 and this resolution for tax years beginning on or after January 1, 2023.

### DEFINITIONS

The following words and phrases shall have the meanings given to them within this resolution unless the context clearly indicates otherwise:

**Additional charge:** Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

### Qualifying event:

1. For the purposes of real property, the date of transfer of ownership.
2. For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

**Tax Collector:** The elected tax collector for the Borough of Kutztown, County of Berks, any authorized or designated delinquent tax collector, the Berks County Tax Claim Bureau, or any alternative collector of taxes as provided for in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity

against the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

## **WAIVER**

The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:

- A. Provides a waiver request of additional charges, on a form provided by the state Department of Community and Economic Development, to the Tax Collector in possession of the claim within twelve (12) months of a qualifying event;
- B. Attests that a tax notice was not received; and
- C. Provides the Tax Collector in possession of the claim with one of the following:
  - 1. A copy of the deed showing the date of real property transfer; or
  - 2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
- D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.

DULY ADOPTED AS A RESOLUTION this 18<sup>th</sup> day of October, 2022, by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Mayor Schlegel asked what the circumstances would be, and Mr. Mooney responded that it is mainly for bills that do not get sent to the correct property owner.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To deny the request for relief of the penalty, on the tax bill, for 25 South Laurel Street. Passed by unanimous vote.

Mr. Mace noted that this is an issue between the post office and the resident.

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 Mr. Mace, Resolved, To approve the Berks Conservation District's Memorandum of Understanding with the Borough. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No. 2, to I.K. Stoltzfus, for the Sludge Storage Tank Rehabilitation Project, in the amount of \$101,452.50. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session, to discuss personnel and legal matters, at 8:43 p.m. The Executive Session ended, and the meeting reconvened at 9:30 p.m. No action was taken, but Mr. Mace announced that a developer wants to put homes behind the new St. Luke's property.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:31 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 17, 2022, through October 14, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand