

October 19, 2021  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:34 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. Arabel Elliott, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, and the Mayor, Mr. James Schlegel. 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; Kutztown Municipal Authority customer Steve Wilson; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; Kutztown Area Transport Services representative Rodney Freeman; Kutztown Community Library representatives Robert Shade, Janet Yost and Josh Sprinkle; Kutztown University representatives Maya Evens, Lydia Mascia and Christine Price; Allentown & Auburn Railroad representative Frank Lorah; Kutztown High School representative Larry Chester; Kutztown Emergency Management Coordinator Mike Russo; visitor Mercedes Martine; and residents Michael Kusznir, Irene Boyer and Warren Shaub were also present.

Amanda Garcia, from the Kutztown Community Partnership, presented Council with details regarding Christmas in Kutztown for this year. Ms. Garcia indicated that she submitted a permit application for the event, but after speaking with a representative from the Allentown & Auburn Railroad, the permit will need to be resubmitted to close Pine Street only for the event. Ms. Garcia also mentioned that she will work with the Railroad

# 12318

so that the event will not hinder the train rides scheduled for that day. Ms. Ladd-Kidder stated to Ms. Garcia to make sure all participating food trucks receive their transient retail license and all residences located on Pine Street are notified of the event. Ms. Garcia indicated that she would coordinate with the Borough to make sure these items are completed.

Representatives from the Kutztown Community Library presented a slide show, along with their annual report to Council, and thanked the Borough for their support. Due to the pandemic and restrictions in traveling, they reported a reduction in income from passports and a lack of fundraisers. Ms. Ladd-Kidder thanked them for the slideshow and for their presentation.

Kutztown University Social Work Intern, Maya Evans, gave a presentation regarding the Kutztown All-Inclusive Establishment Campaign, which is to create stickers for local businesses to display as a way to identify safe areas for the LGBTQ+ community. President Snyder asked about the size of the stickers, and Ms. Evans said they would be three inches by three inches. Mr. Mace commented that it sounds like it would be a good thing for the community. Ms. Elliott asked if there is a component that will educate people about what the stickers mean if they see them on a business. Ms. Evans responded that there will be advertising as to the meaning of the stickers and that there would be no cost to the Borough for the stickers.

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., and that Merchant Night was cancelled.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	Two Member Vacancies
	Recording Secretary Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission	Two Member Vacancies
	One Student Member Vacancy
Telecommunications Advisory Commission:	Three Member Vacancies

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

Ms. Ladd-Kidder asked to speak for someone that was unable to attend the Council meeting and on behalf of her constituents that live on the 300 block of South Baldy Street. She noted that the fireworks display, at Kutztown University, scattered debris “everywhere” and that windows were broken at some residents’ properties.

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 21, 2021, Borough Council meeting.
- Review and accept the Borough Community Development Report for September 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 September 18, 2021, through October 15, 2021, as summarized below:

General Fund	\$401,026.44
Refuse and Recycling Fund	\$109,834.84
Water Fund	\$179,853.53
Electric Fund	\$396,051.06
Sewer Fund	\$159,902.92
Telecommunications Fund	\$74,462.44

Passed by unanimous vote.

# 12320

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 September 2021 was submitted.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	August 2021	\$2,553.02
Clerk of Common Pleas	August 2021	\$154.01
Secretary's Office	September 2021	\$5,675.00
Parking Kiosk	September 2021	\$458.57

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To enter into the Pennsylvania Crash Information Tool Legal Agreement with PennDOT. Passed by unanimous vote.

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

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve a permit for artwork that is being done on the Young Ones building. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To introduce and authorize the proposed Ordinance providing for the naming of a street known as "Veterans Way" in the Borough of Kutztown; providing for placement of street signs; providing for amendment of the official Borough Street map and the Borough zoning map; providing for severability and an effective date. Passed by unanimous vote.

Mr. Mooney noted that he will remove the apostrophe from Veteran's Way, making it Veterans Way.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by

Ms. Ladd-Kidder, Resolved, To approve Payment No. 4, to CMS for the 2021 Paving and Storm Sewer Improvements Project, in the amount of \$28,152.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No. 5, to CMS for the 2021 Paving and Storm Sewer Improvements Project, in the amount of \$31,894.01. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the annual \$500.00 sponsorship of the Berks County Solid Waste Authority. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Ellen Overcast to place a memorial bench in the Kutztown Park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Vietnam Veterans Breakfast Club and the Kutztown Community Partnership to close Veterans Way, on November 11, 2021, from 2:30 p.m. through 4:00 p.m. for a dedication ceremony. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To allocate, annually, a \$4,100.00 sponsorship to the Kutztown Day Committee to first be used toward Kutztown Day concert costs, and any remaining sponsorship funds to be used toward Kutztown Day fireworks costs. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To add the role of Assistant Treasurer to Finance Director Sharon Dalickas's job title. Passed by unanimous vote.

# 12322

A motion was made by Ms. Elliott, seconded by Ms. Ladd-Kidder, Resolved, To accept the resignation of First Class Lineman, Kerry Eckert, effective October 29, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To ratify accepting the resignation of Warren Shaub, from the Environmental Advisory Commission, effective October 14, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To accept the resignation of Tim Haring, from the Borough Planning commission, effective November 9, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To increase the staffing of the Public Works Department by hiring an additional Public Works Laborer I (without CDL). Passed by unanimous vote.

An Executive Session to discuss the matter of Duke Realty litigation was deferred until the end of the meeting.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To accept the auditor's report for 2020. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Letter of Engagement with Hutchinson, Gillahan & Freeh, P.C., to perform the 2021 audit. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To approve a utility bill credit, for 337 W. Main Street (2<sup>nd</sup> floor), in the amount of \$20.14. 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 Mr. Mace, Resolved, To approve payment application #3 from DESCCO, in the amount of \$87,473.54, for work completed on the Briar Cliff and College Garden Drive pump station projects. Passed by unanimous vote.

Under Miscellaneous, Mr. Mooney stated that a discussion and a possible motion to purchase a property will also be discussed in Executive Session.

President Snyder called for an Executive Session at 8:12 p.m. to discuss the matter of Duke Realty litigation. The Executive Session ended, and the meeting reconvened at 8:46 p.m.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To approve the reallocation of the \$3,000.00 to be used for legal costs relating to the Duke Realty appeal. All those in favor, except Mr. Seyler and Mr. Kusterer, who voted Nay. There being a majority in favor, the motion passed.

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 8:48 p.m.

Prepared by: Gina M. Wiand  
Borough Secretary

Attested by: Andrea Rahn  
Assistant Borough Secretary

# 12324

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from September 18, 2021, through October 15, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

---

Kevin J. Snyder

---

Andrea Rahn