

October 20, 2020
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:48 p.m., via Zoom, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, Mr. Zebulon Hull, 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; Ms. Judith Danko, Community Development Director; Planning Commission representative Lisa Ladd-Kidder; Allentown & Auburn Railroad representatives Mike and Lindsay Bast; Kutztown Area Transport Service (KATS) representative Rodney Freeman; Brendan Strasser, Deborah Clauss, Denise Shade, Janet Chladni, Jasperdean Kobes, Kelly Nansteel, Kym Kleinsmith, Lisa Mitchell, Matthew Schlegel, Meredith Goldey, Nathan Lewis, Phila Back, Susan Schuler, Traci Webb, Vanessa Moore, Virginia Grim, Warren Shaub, Steve Wilson, Cathy Ruhf, Allison Fuller, Kristin Neary, Nancy Esterly, Carrie Wesner and Vanessa Moore were also present.

President Snyder noted that Council met in Executive Session, prior to the start of this meeting, regarding a police disciplinary matter.

President Snyder announced that due to COVID-19, the Borough will not designate Trick-or-Treat dates and times this year.

Kutztown Community Library Board member Cathy Ruhf thanked Council for their continued support and played a video reviewing the library's year. She requested

the library's annual donation from Council.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To approve the annual \$5,000.00 contribution to the Kutztown Community Library. Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Civil Service Commission:	One Member Vacancy
Housing License Appeals Board:	Three Alternate Vacancies
Environmental Advisory Commission	Three Member Vacancies
Telecommunications Advisory Commission:	Two Member Vacancies

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

Warren Shaub proposed that Council members should be given E-mail addresses that are accessible to the public. Mr. Mooney said that while Council cannot be forced to have public E-mail addresses, he advises against them using their personal E-mail addresses for Council and other Borough business.

A motion was made by Mr. Hull, seconded by Ms. Raudenbush, Resolved, To create public E-mail addresses for Council members. The motion and seconding of the motion died on the floor.

Mr. Khalife said that he would check with the Borough's IT Department regarding creating the E-mail addresses for Council.

Deborah Clauss asked why Council is not designating a Trick-or-Treat night in the Borough this year, and said that she thinks they should do so.

President Snyder stated that Council is not preventing people from Trick-or-

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Treating; they are just not designating a date or time.

Ms. Elliott referenced the long list of CDC restrictions regarding Trick-or-Treating.

Mr. Mace noted that traditional Trick-or-Treating as well as Trunk-or-Treating have been classified as high risk activities during the pandemic.

Mr. Seyler confirmed that people Trick-or-Treating, at their own risk, will not be arrested for doing so.

Matthew Schlegel, Carrie Wesner and Janet Chladni supported Ms. Clauss in asking for a Trick-or-Treat night designation.

Mr. Hull suggested discussing a Trick-or-Treat date with Chief Summers. The chief said that the police typically drive around patrolling on Trick-or-Treat nights, and since it was not scheduled for this year, any extra hours would be considered overtime. He also reiterated that no citations will be given for gatherings or for Trick-or-Treating.

Lisa Ladd-Kidder suggested that the conversation was taking too much time and she asked to move on from it.

A motion was made by Mr. Hull, To designate Saturday, October 31, 2020, as Borough Trick-or-Treat night, and to post the Web site, including safety guidelines and that there will be no fines given to Trick-or-Treaters. The following vote was cast: President Snyder, Nay; Mr. Mace, Nay; Mr. Seyler, Yea; Ms. Elliott, Nay; Ms. Raudenbush, Yea; and Mr. Hull, Yea. There being a tie vote, Mayor Schlegel cast the following vote to break the tie: Yea. There being a majority in favor, the motion passed.

KATS representative Rodney Freeman notified Council that KATS is currently searching and applying for grants to keep up with the increased demand for supplies and

to update current equipment during the pandemic.

A motion was made by Ms. Raudenbush, seconded by Mr. Ms. Elliott, Resolved,

To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the September 2, 2020 Special Borough Council meeting.
- Review and accept the Minutes of the September 11, 2020 Special Borough Council meeting.
- Review and accept the Minutes of the September 15, 2020 Borough Council meeting.
- Review and accept the Borough Community Development Report for August, 2020.
- 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 12, 2020, through October 16, 2020, as summarized below:

General Fund	\$343,985.78
Refuse and Recycling Fund	\$101,461.91
Water Fund	\$151,886.74
Electric Fund	\$371,532.79
Sewer Fund	\$137,165.09
Telecommunications Fund	\$79,659.12

Passed by unanimous vote.

Under Borough Planning Commission, it was noted that the Planning Commission and the Environmental Advisory Commission provided Council with letters of opposition to the Kutztown Quarry Permit Renewal.

A motion was made by Mr. Hull, seconded by Ms. Raudenbush, Resolved, To submit the letters of opposition provided by the Planning Commission and the Environmental Advisory Commission. Passed by unanimous vote.

Under Environmental Advisory Commission, Warren Shaub announced that 115

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trees were planted at the Sacony Creek Trail and 21 trees were planted at North Park.

Under Community Development and Public Safety Committee, the Monthly Police Report for September, 2020 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	August, 2020	\$1,932.21
Clerk of Common Pleas	August, 2020	\$57.32
Secretary's Office	September, 2020	\$6,000.00
Parking Kiosk	September, 2020	\$269.75

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the proposed Time and Attendance Standard Operating Procedure.

Passed by unanimous vote.

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

RESOLUTION NO. 14-2020

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE DEPARTMENT COMMENDATION AWARD TO THE KUTZTOWN BOROUGH POLICE DEPARTMENT.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-04 requires that the Council of the Borough of Kutztown affirm by Resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that members of the Kutztown Borough Police Department be awarded the DISTINGUISHED UNIT CITATION for an outstanding police accomplishment whereby the results are due to teamwork. For services rendered to the community in a clearly exceptional manner in which members of the Department prepared for and were involved with a Black Lives

Matter Protest in Kutztown which was successful and peaceful. Such unparalleled dedication and professionalism displayed by members of the Department has brought honor to the Kutztown Borough Police Department and the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the DISTINGUISHED UNIT CITATION AWARD to Kutztown Borough Police Department.

This Resolution shall become effective on October 20, 2020.

DULY ADOPTED AS A RESOLUTION this 20th day of October, 2020, 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 Ms. Raudenbush, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 15-2020

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE CIVILIAN SERVICE AWARD TO LINDA SCHWARTZ.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Civilians who aid the police or render aid to another person who is in danger; and

WHEREAS, the recognition of Civilians is done by awards; and

WHEREAS, Standard Operating Procedure 2011-04 requires that the Council of the Borough of Kutztown affirm by Resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that civilian Linda Schwartz be awarded the CIVILIAN SERVICE AWARD for reporting a suspicious male attempting to break into a building. Linda Schwartz exhibited commendable and outstanding actions in observing a male attempting to break into a building. On September 21, 2020, Linda Schwartz called police and gave an accurate location and description of the actor which was instrumental in the apprehension and arrest of a known felon.

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NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the CIVILIAN SERVICE AWARD to Linda Schwartz.

This Resolution shall become effective on October 20, 2020.

DULY ADOPTED AS A RESOLUTION this 20th day of October, 2020, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Chief Summers noted that the Community Development and Public Safety Committee is also the Awards Review Board.

Regarding the Zoning Hearing Board decision, for 351 Normal Avenue, Ms. Danko explained that she does not believe that the Board met the four mandatory criteria in making their decision.

Mr. Seyler said that he sees this as a property improvement, and that time and money might be better spent on educating the Board. Ms. Raudenbush disagreed, saying it could be a “slippery slope” that sets a precedent.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To instruct the solicitor to begin the appeals process regarding the Zoning Hearing Board decision, for 351 Normal Avenue. All those in favor, except for Mr. Seyler, who voted Nay. There being a majority in favor, the motion passed.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the revised recycling method, for a one-year test period, in 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the 2021 Refuse and Recycling Schedule. Passed by unanimous vote.

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

the request, from Trinity Lutheran Church, to use the Park on Sunday December 20, 2020, with a snow date of Sunday December 27, 2020, for a group of local churches to host a Christmas in the park service contingent upon following all PA Department of Health and CDC guidelines, as well as the Governor's orders, during that time. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To authorize Seasonal Recreation Director John Schmoyer to begin booking concerts for the 2021 Concert Series. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To sell a 1992 Chevy Cheyenne 2500, with Fisher 8ft. plow, to Tony Musso, for a winning bid amount of \$2,800.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To sell a 2003 Ford Crown Victoria, to John Lawrence, for a winning bid amount of \$1,600.00. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To accept, with regret, the resignation of Environmental Advisory Commission student member Patrick Boos, effective immediately. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To appoint Andrew Bosche, as a student member of the Environmental Advisory Commission, whose term shall expire on January 1, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To accept, with sadness, the resignation of Library employee Megan Waidelich, whose last

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day of work was March 14, 2020. Passed by unanimous vote.

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

Under Finance and Electric Committee, Mr. Mace noted that the Mayor, Council and Finance and Electric Committee thank Sue Johnston for her six years of dedicated service to the Borough of Kutztown, and they wish her well on her retirement.

Mr. Mace also noted that the budget was distributed to Council.

Under Telecommunications and Information Technologies Committee, a motion was made by Mr. Hull, seconded by Ms. Raudenbush, Resolved, To approve the purchase of a new telecommunications van, in the amount of \$33,000.00, which falls under the COSTARS contract. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To draft a letter to DEP in support of the comment letters submitted by the Planning Commission and the Environmental Advisory Commission, opposing the renewal of the New Enterprise Stone and Lime (NESL) NPDES Permit #0224499. Passed by unanimous vote.

A motion was made by Mr. Seyler, To table the request, from the Kutztown Municipal Authority, to supply 84,000gpd for the proposed Duke Realty project. The motion died for lack of a second.

Lisa Ladd-Kidder, Phila Back, Warren Shaub and Nathan Lewis all spoke in favor of the Borough denying the request.

President Snyder momentarily relinquished his position to Vice President Mace, so he could participate in the voting process.

Mr. Khalife asked Mr. Mooney if “automatic approval” is given if Council does

not vote to deny the request, and Mr. Mooney responded, “no.”

A motion was made by Mr. Hull, seconded by Mr. Snyder, Resolved, To deny the request, from the Kutztown Municipal Authority, to supply 84,000gpd for the proposed Duke Realty project. All those in favor, except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

President Snyder reclaimed his position from Vice President Mace.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 10:06 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from September 12, 2020, through October 16, 2020, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand