

November 15, 2022
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:37 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; Police Corporal Mike Clery; Borough Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Planning Commission representatives Bob Weller and Pat Snyder; Maxatawny Township representatives David Sobotka and Steve Wilson; Emergency Management and Kutztown Fire representative Todd Evans; and resident Michael Shaw were also present.

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 Three Alternate Vacancies
Environmental Advisory Commission	Three Member Vacancies
Telecommunications Advisory Commission	Four Member Vacancies

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

12436

- 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 October 18, 2022, Borough Council meeting.
 - Review and accept the Borough Community Development Report for October 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 October 15, 2022, through November 11, 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, Bob Weller and Pat Snyder provided an update on the potential Joint Comprehensive Plan. They explained that all six municipalities and the school district have been contacted, and that the Berks County Planning Commission will hold a meeting on February 22, 2023. Additionally, they noted that Kutztown Superintendent Christian Temchatin expressed his desire to be on the planning team. They also distributed two cost estimates, for the drafting of the plan, and stated that a grant would be available in the spring.

Mr. Mooney said that the biggest advantage to the joint plan is that it becomes a “gateway to joint zoning across the board.”

Ms. Ladd-Kidder and Mr. Kusterer disagreed, saying they do not see it as an advantage to the Borough.

Mr. Khalife explained that the advantages would be the potential to control traffic, emergency protection and “being involved in the bigger landscape.”

Mr. Mace asked if it would also be a “gateway for joint police and fire services,” and Mr. Mooney responded that it could be, but it does not have to be.

Mr. Englehardt said that he is “fully supportive” of the plan.

Under Environmental Advisory Commission, Ms. Ladd-Kidder thanked the EAC for their cleanup efforts and planting along the Sacony.

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

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	October 2022	\$3,498.74
Clerk of Common Pleas	October 2022	\$54.49
Secretary’s Office	October 2022	\$2,700.00

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved,
To enact and ordain the following Ordinance:

ORDINANCE NO. 8-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING SCHEDULE I OF SECTION 212-58, ENTITLED "SPEED LIMITS," SO AS TO ADD ADDITIONAL ROADWAYS TO THE SCHEDULE I LIST.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved,
To approve a \$1,000.00 donation to Zoe’s House, Inc., a no-kill animal shelter in Sinking Spring, PA, and to approve paying the shelter \$250.00, per dog, if they rescue more than four dogs within a year. Passed by unanimous vote.

12438

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the Police Standard Operating Procedure for Domestic Abuse Incidents and Protection Orders. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the parade permit application, from the Kutztown Optimist Club, to hold the Fools Run on April 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To authorize Keith Mooney to represent the Borough, as an intervening party, if the owners of Golden Donut Properties file an appeal regarding the Zoning Hearing Board's decision on 408 W. Main Street to increase the number of student housing units. Passed by unanimous vote.

The agenda item to consider ratifying the contract terms with the Kutztown Police Association was deferred.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No. 1, to HRG, for the Multimodal Grant Project, in the amount of \$20,475.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Kutztown Strong to hold the Kutztown Kruizz on Saturday, July 29, 2023. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To send a letter of opposition, regarding the proposed trucking hub/warehouse development project, to the Maxatawny Township Planning Commission. Passed by unanimous vote.

Steve Wilson commented that he fully supports the action and that there was a lot

of opposition at the last Maxatawny Township Planning Commission meeting.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve payment of the North Park Bridge demolition bill, in the amount of \$50,000.00, to Descoco. Passed by unanimous vote.

David Sobotka commented that the bridge should go up sometime in December, and he thanked Council for coming to an agreement.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the bid sale of a 2012 Ford Expedition, in the amount of \$15,600.00, to Monica Flower of Tilden Township. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To appoint Gary Aulenbach to the position of Wastewater Department Crew Leader, effective November 16, 2022. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint John Fry, as a member of the Housing License Appeals Board, whose term shall end on December 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To reappoint Brian Hilliard, as a member of the Kutztown Municipal Authority, whose term shall end on December 1, 2027. Passed by unanimous vote.

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 refund half of the Borough taxes paid for 3 Peach Street and 230 S. Baldy Street due to reductions in assessed value by the

County. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2023 real estate tax rates. Passed by unanimous vote.

Mr. Khalife introduced and reviewed the proposed budget for 2023.

A motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To authorize advertisement that the proposed budget for 2023 is available for public inspection. 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 introduce and authorize advertisement of the proposed Resolution amending water rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To Introduce and authorize advertisement of the proposed Resolution amending sewer rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapter 177, entitled "Sewers," of the Kutztown Borough Code. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Change Order No. 1, in the amount of \$36,245.00, for the Sludge Storage Rehabilitation Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment No. 3 (final payment), to I.K. Stoltzfus Service Corporation, for the Sludge Storage Tank Rehabilitation Project, in the amount of \$229,780.00. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session, to discuss personnel and legal matters, at 8:19 p.m. The Executive Session ended, and the meeting reconvened at 8:52 p.m. No action was taken.

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 8:52 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 October 15, 2022, through November 11, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand