

November 16, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 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, and the Mayor, Mr. James Schlegel. Councilwoman Arabel Elliott was absent. 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; Allentown & Auburn Railroad representative Frank Lorah; Kutztown Rotary representatives Jim Springer and Kurt Rohrbach; Borough Planning Commission representative Fred Engelhardt; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; Berks Surveying representative Robert Hain; Kutztown Area Transport Services representative Rodney Freeman; guest David Palmer; and resident Lindsay Bernhard were also present.

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. There were no public comments.

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

- Review and accept the Minutes of the October 21, 2021, Borough Council meeting.
- Review and accept the Borough Community Development Report for October 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 October 16, 2021, through November 12, 2021, as summarized below:

General Fund	\$139,415.16
Refuse and Recycling Fund	\$19,636.15
Water Fund	\$24,756.34
Electric Fund	\$368,900.65
Sewer Fund	\$111,127.81
Telecommunications Fund	\$18,149.14

Passed by unanimous vote.

Under Borough Planning Commission, regarding the A.D. Moyer Proposed Store Building Plan, Mr. Mooney took exception to the fact that he did not receive the waiver requests and recommendation letter prior to the Council meeting for review.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To table taking action on the recommendation regarding the A.D. Moyer Proposed Store Building Plan pending the solicitor's review. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for October 2021 was submitted.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	September 2021	\$5,954.26
Clerk of Common Pleas	September 2021	\$16.01

Secretary's Office	October 2021	\$4,855.00
Parking Kiosk	October 2021	\$395.83

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 4-2021

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, 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.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To ratify advertisement of, and to enact and ordain the following Ordinance:

ORDINANCE NO. 5-2021

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 168 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "PUBLIC HEALTH; NUISANCES" BY AMENDING §168-3 DEFINITIONS; WORD USAGE; §168-13 NOTICE OF VIOLATIONS AND ENFORCEMENT; §168-14 VIOLATIONS AND PENALTIES; RECOVERY OF COSTS; CIVIL ACTIONS; APPEALS; AMENDING CHAPTER 192 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "STREETS AND SIDEWALKS" BY AMENDING §192-1 REMOVAL REQUIRED; §192-3 VIOLATIONS AND PENALTIES; AND AMENDING CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "FEES" BY CREATING §A231-1.12.1 CH. 168, PUBLIC HEALTH; NUISANCES.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To authorize advertisement of the proposed Ordinance for the prevention and control of air pollution: defining certain terms used herein; providing for regulations, abatement, exceptions, enforcement orders, responsibility of owners and operators, penalties,

unlawful conduct, public nuisances.

When President Snyder called for the question, Mr. Mooney noted that changes were made to the Ordinance that should not necessarily have been made, and the above motion died for lack of a vote.

Ms. Ladd-Kidder suggested tabling the motion.

Mr. Khalife said that Council could still authorize advertisement, but they must agree to the changes prior to the advertisement being placed.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To authorize advertisement of the proposed Ordinance for the prevention and control of air pollution: defining certain terms used herein; providing for regulations, abatement, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlawful conduct, public nuisances; and to remove Section 168-21 (A), and to re-letter Section 168-21, before having the advertisement published.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the 2022 refuse and recycling schedule; to continue with whole town recycling every week in 2022; to have Kutztown University perform an optimization study on our recycling collection; and to send out a recycling education letter with the 2022 refuse and recycling schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the Rotary Club to use the Park, on June 11, 2022, for the Taste of Kutztown event. Passed by unanimous vote.

Council members noted that glass, particularly in the sandbox area, has been a

problem. Rotary members acknowledged that they are aware of it and will try to come up with a solution for next year's event.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve a new entrance sign for the Park welcoming people to Veterans Way, contingent upon Council seeing a drawing first. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To enter into an agreement with the Delaware County Solid Waste Authority for refuse disposal. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the parade permit application for Christmas in Kutztown. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To refund \$22.50, for one dumpster tipping, at 41 Normal Avenue. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enter into a Master Service Agreement with Flagger Force Traffic Control Services. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To ratify the hiring of Paul Dalickas, as a Public Works Laborer I (without CDL), effective October 28, 2021. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To reappoint the following individuals as members of the Police Pension Advisory Committee, whose terms shall expire on December 1, 2023: P. Michael Clery, Jeffrey

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DeTurk and Gabriel Khalife. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To reappoint Donald Sechler, as a member of the Kutztown Municipal Authority, whose term shall expire on December 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To reappoint Enos Bleiler, as a member of the Kutztown Transportation Authority, whose term shall expire on December 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To reappoint John Fry, as a member of the Housing License Appeals Board, whose term shall expire on December 1, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To appoint Randy Marsteller, as a member of the Borough Planning Commission, whose term shall expire on December 1, 2025. Passed by unanimous vote.

An Executive Session to discuss the matter of Duke Realty litigation and non-uniform union negotiations was deferred until the end of the meeting.

Under Finance and Electric Committee, Mr. Khalife introduced and reviewed the proposed budget for 2022.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize advertisement that the proposed budget for 2022 is available for public inspection. 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 2022 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To accept the AMP/NextEra Capacity Plan and to enter into an agreement with AMP/NextEra. 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. Kusterer, Resolved, To introduce and authorize advertisement of the proposed Resolution amending sewer rates. Passed by unanimous vote.

Mr. Seyler noted that the increases are due to regulations, fees and unfunded mandates.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve payment application #4 from DESCCO, in the amount of \$31,565.48, for work completed on the Briar Cliff and College Garden Drive pump station projects. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session at 8:15 p.m. to discuss the matter of Duke Realty litigation and non-uniform union negotiations. The Executive Session ended, and the meeting reconvened at 8:35 p.m.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the terms of agreement with the labor union. Passed by unanimous vote.

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

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adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:36 p.m.

Prepared by:

Gina M. Wiand
Borough Secretary

Prepared and attested by:

Andrea Rahn
Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from October 16, 2021, through November 12, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn