

November 20, 2018  
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, Mr. Richard Diehm, Mr. Scott Piscitelli, Ms. Arabel Elliott, 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; Mr. Brian Bailey, Public Works Superintendent; Planning Commission representative Lisa Ladd-Kidder; Environmental Advisory Commission representative Jeri Sievert; KCP representatives Sandy Green and Joel Seidel; American Lung Association representative Kevin Stewart; Allentown & Auburn Railroad representative Mike Bast; residents Phila and Allan Back, Deborah Clauss and Kevin McCloskey were also present.

It was the consensus of Council to accept the resignation of Tax Collector Brenda Bailey, effective December 31, 2018.

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

## RESOLUTION NO. 15-2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING BRENDA BAILEY, FOR HER CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN, AS THE BOROUGH'S TAX COLLECTOR FOR THE PAST 24 YEARS.

WHEREAS Brenda Bailey faithfully served as the Borough of Kutztown's Tax Collector for 24 years, performing all duties ably and effectively; and

WHEREAS Brenda Bailey plans to retire effective December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Brenda Bailey for her dedicated service to the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 20<sup>th</sup> day of November, 2018, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Brian Bailey accepted the Resolution, in honor of his mom, and said how much she enjoyed serving the community and how much she will miss it. He thanked Council for the honor on her behalf.

Kevin Stewart, Director of Environmental Health Advocacy and Public Policy for The American Lung Association, gave a presentation regarding diesel exhaust and health as related to locomotives in town. He reviewed the phases of exhaust composition, substances found in diesel exhaust, populations at risk, health consequences and proximity effects. He asked Council to “think creatively but practically about what could be done to reduce idling time” from the Allentown & Auburn Railroad.

Mike Bast, from the Allentown & Auburn Railroad, addressed Council about the concerns expressed by Mr. Stewart, and previously by Phila Back. He stated that the locomotives are regulated, held to the standards of the federal government, and compliant with all regulations. He also said that the railroad is subject to surprise inspections.

Regarding a complaint about the herbicide used for weeds along the railroad, Mr. Bast noted that while the herbicide itself was provided by the Department of Agriculture,

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there was a drift due to the herbicide not being applied correctly. Moving forward, the railroad will use a licensed applicator to apply the spray. He also noted that the Borough's Water Plant Manager, Troy Smith, approves of the herbicide.

Environmental Advisory Commission (EAC) representative, Jeri Sievert, read aloud a letter outlining some recommendations for the Allentown & Auburn Railroad:

- ) Pesticide application should be done by someone with a pesticide applicator's license.
- ) Chemical use should be limited to only products approved for use in wetland/drinking water supply areas.
- ) The railroad should provide EAC with a plan for chemical use which documents that they have consulted with outside agencies prior to any large scale application.
- ) Consult with Dr. Julie Palkendo, an environmental chemist at Kutztown University, who has expertise in air pollution. She has offered to sample the air quality on Pine Street, while the train is idling, for free.

Mr. Piscitelli stated that he would like the railroad to pursue air quality testing and to work closely with the EAC.

Resident Deborah Clauss spoke in favor of the railroad and asked that controls are placed around town when the air is tested.

Resident Kevin McCloskey spoke in favor of the railroad as well, but he noted that it is a health concern for him, and that maybe they can get a "technology fix" or "cleaner diesel."

Resident Allan Back said that he is not looking for the railroad to cease operations, but to make a “good faith attempt” at making the air cleaner because the diesel exhaust bothers him. He handed Council a petition containing a few signatures from residents who are bothered by or concerned about the exhaust.

Business owner Joel Seidel spoke in favor of the railroad and said that he hopes nothing jeopardizes the its success because it brings a lot of business to Kutztown.

Lisa Ladd-Kidder commented that there is no question about a health concern, but she feels that the railroad is being well run and within regulations. She is in favor of having the air tested and said that the same could be done for Bieber and the race track, which she believes are more harmful than the railroad.

President Snyder asked Mr. Bast if he was willing to accommodate some of the concerns and suggestions. He replied yes, and that they are already doing so with the herbicide spraying. He also stated that he does not have a problem with having the air quality tested.

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

- ) Review and accept the Minutes of the October 16, 2018 Public Hearing.
- ) Review and accept the Minutes of the October 16, 2018 Borough Council meeting.
- ) Review and accept the Borough Community Development Report for October, 2018.

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) 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 13, 2018, through November 16, 2018, as summarized below.

General Fund	\$359,421.38
Refuse and Recycling Fund	\$50,791.98
Water Fund	\$89,339.29
Electric Fund	\$431,478.08
Sewer Fund	\$81,028.39
Telecommunications Fund	\$231,422.54

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Elliott, seconded by Mr. Piscitelli, Resolved, To approve the new Internet packages and rates that will take effect upon final testing of the Internet upgrade by CenturyLink. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint John Fry as a member of the Housing License Appeals Board, whose term shall expire on December 1, 2019. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint John Fry as a member of the Code Appeals Board, whose term shall expire on May 1, 2021. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint David Johnson as a member of the Zoning Hearing Board, whose term shall expire December 1, 2021. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Tim Seyler as a member of the Kutztown Transportation Authority, whose term shall expire December 1, 2023. All in favor, except for Mr. Seyler, who abstained because Tim Seyler is his brother.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To approve the 3% 2019 salary increase for Janet Yost and Taylor Kutz, as approved by the Kutztown Community Library Board. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To approve the proposed 2019 wage increases for management and confidential employees. Passed by unanimous vote.

President Snyder called for an Executive Session at 8:37 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:16 p.m. No action was taken and Ms. Elliott left the meeting at 9:16 p.m.

Under Community Development and Public Safety Committee, the Monthly Police Report for October, 2018 was submitted.

The following fines were collected:

District Justice Greth	September, 2018	\$5,975.58
Clerk of Common Pleas	September, 2018	\$191.34
Secretary's Office	October, 2018	\$7,225.00

A motion was made by Mr. Piscitelli, seconded by Mr. Mace, Resolved, To approve the changes made to the Patrol and Emergency Response SOP. Passed by unanimous vote.

Mr. Piscitelli noted that he would like to discuss the Animal Rescue League

donation next month.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To introduce and authorize advertisement of the proposed Resolution amending refuse rates. Passed by unanimous vote.

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

## RESOLUTION NO. 16-2018

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF A 1997 JEEP CHEROKEE, A 2004 FORD EXPLORER AND A 2005 FORD EXPLORER.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Council of the Borough of Kutztown shall authorize Gabriel Khalife, Borough Manager, and Brian Bailey, Public Works Superintendent, to sell a 1997 Jeep Cherokee, a 2004 Ford Explorer and a 2005 Ford Explorer.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 20<sup>th</sup> day of November, 2018.

Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the 2019 Allentown and Auburn Railroad train ride schedule and to authorize Brian Bailey to approve any additional dates, throughout the year, based on availability of the Train Station. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the Skate Park rules as written. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the Kutztown Community Partnership's parade permit application for the Christmas in Kutztown event, to be held on December 1, 2018. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve Payment #2 to Landis C. Deck & Sons, in the amount of \$181,319.46, contingent upon the Borough receiving a draft of the bill. Passed by unanimous vote.

Mr. Khalife advised checking on the amount which he thought had changed. The correct payment amount is \$181,169.87.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve Change Order #1 for the 2018 Paving Project. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve selling salt, to the Kutztown Area School District, at the Borough's cost plus labor. Passed by unanimous vote.

Under Finance and Electric Committee, Mr. Khalife introduced and reviewed the proposed budget for 2019.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize advertisement that the proposed budget for 2019 is available for public inspection. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Piscitelli, Resolved, To approve the purchase of 3,000 feet of Okonite #2 15KV underground primary cable. Passed by unanimous vote.



A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter in to an agreement with Hutchinson, Gillahan & Freeh to perform the 2018 audit. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Piscitelli, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2019 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Fire Company to release \$30,000.00, from the Borough's fire tax fund, to replace funds that were spent on repairs and upgrades to fire trucks over the last few months. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, 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. Piscitelli, Resolved, To introduce and authorize advertisement of the proposed Resolution amending sewer rates. Passed by unanimous vote.

Mr. Seyler noted that the PA Department of Environmental Protection will be instituting new regulations and record keeping requirements, as well as increasing permit fees, starting in 2019.

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

## RESOLUTION NO. 17-2018

### A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO ADOPT THE HAZARD VULNERABILITY ASSESSMENT AND MITIGATION PLAN UPDATE FOR THE BOROUGH OF KUTZTOWN.

WHEREAS, the County Commissioners of Berks County authorized the preparation of a Hazard Vulnerability Assessment and Mitigation Plan Update (“Hazard Plan Update”) on behalf of the County’s municipalities; and

WHEREAS, Skelly and Loy, Inc., was selected as the consultant to assist the County in the preparation of the Hazard Plan Update; and

WHEREAS, a Steering Committee held public meetings to consider the draft Hazard Plan Update on; May 8, 2017, June 5, 2017, July 10, 2017, August 28, 2017 September 25, 2017 and October 23, 2017.

WHEREAS, the Steering Committee and the Berks County Department of Emergency Services recommended that the County Commissioners and each municipality in Berks County adopt the Hazard Plan Update; and

WHEREAS, the Borough Council of the Borough of Kutztown recognizes that the Hazard Plan Update is a non-binding, policy-oriented guidance document for the management of natural hazards in the municipality and therefore desires to adopt the Hazard Plan Update prepared by Berks County as their municipal Hazard Plan Update.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, as follows:

Section 1: The Governing Body adopts the Hazard Plan Update entitled “Berks County Hazard Vulnerability Assessment and Mitigation Plan Update” hereinafter referred to as the “Hazard Plan Update”, together with its appendices, prepared by Skelly and Loy, Inc., in the form and content presented at a duly advertised public meeting, as the municipal Hazard Plan Update for the Borough of Kutztown.

Section 2: The Hazard Plan Update as adopted by the Governing Body shall include the following chapters and all charts, tables, diagrams, appendices, figures and textual matter contained therein:

1. Introduction
2. Community Profile
3. Planning Process

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4. Risk Assessment
5. Capability Assessment
6. Mitigation
7. Plan Maintenance Procedures
8. Plan Adoption

Section 3: The Hazard Plan Update shall include the maps entitled:

1. Location Map
2. Flooding Hazards
3. Flooding Hazards Comparison
4. Geologic Hazards
5. Wildfire Hazards
6. Hopewell Wildfire Location Map
7. Density of Repetitive Loss Properties by Municipality
8. Regional Growth Areas Impacted by 100-year Floodplains

Section 4: This Resolution shall become effective and be in force immediately.

DULY ADOPTED this 20<sup>th</sup> day of November, 2018, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

President Snyder noted the following vacancies:

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

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:36 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 October 13, 2018, through November 16, 2018, 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