

November 21, 2023
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 Vice President, Mr. Derek Mace, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. President Kevin Snyder and Mr. Gabriel Khalife, Borough Manager/Treasurer were both absent. Mr. Keith Mooney, Borough Solicitor; Ms. Andrea Rahn, Assistant Borough Secretary; Police Chief Mike Clery; Seasonal Recreation Director, John Schmoyer; Planning Commission representative Bob Weller and resident Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Vice President Mace noted the following vacancies:

Code Appeals Board:	Four Member Vacancies One Alternate Vacancy
Planning Commission:	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
Telecommunications Advisory Commission:	Four Member Vacancies

Vice President Mace 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. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the October 17, 2023, Borough Council meeting.

- Review and accept the Borough Community Development Report for October 2023.

- 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 14, 2023, through November 17, 2023.

Passed by unanimous vote.

Under Borough Planning Commission, Mr. Kusterer noted that they received two applications for the Planning Commission.

He also noted that Code Inspector Josh Young would like to participate in Planning Commission meetings, due to his involvement with Committee items, and to give them his guidance and expertise as a non-voting participant.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for October 2023 was submitted.

The following fines were collected:

District Justice Greth	October 2023	\$2,401.21
Clerk of Common Pleas	October 2023	\$550.00
Secretary's Office	October 2023	\$1,800.00

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To adopt the Hazard Vulnerability Assessment and Mitigation Plan Update for the Borough of Kutztown. Passed by unanimous vote.

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

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Payment No. 3, in the amount of \$43,898.08, to Schlouch, Inc., for the 2023 Paving and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve and Payment No. 4, in the amount of \$30,384.71, to Schlouch, Inc., for the 2023 Paving and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify authorization for the Borough Manager to sign the PennDOT Signal Permit Plans. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To adopt the following Resolution:

RESOLUTION NO. 19-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A STATEWIDE LOCAL SHARE ASSESSMENT GRANT, OF ONE MILLION DOLLARS (\$1,000,000.00), TO ASSIST IN FUNDING A ONE MILLION-FOUR-HUNDRED TWENTY-FIVE THOUSAND, ONE-HUNDRED AND FIVE DOLLARS (\$1,425,105.00) PROJECT FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR THE COSTS ASSOCIATED WITH DESIGN AND CONSTRUCTION OF SANITARY SEWER LINING, WATER MAIN REPLACEMENT, INCLUDING WATER SERVICES, AND FULL PAVEMENT DEPTH RECONSTRUCTION OF HIGHLAND AVENUE FROM PINE STREET TO NORTH CEDAR STREET.

Be it RESOLVED, that the Borough of Kutztown, Berks County, Pennsylvania, hereby requests a Statewide Local Share Assessment grant of one million dollars (\$1,000,000.00), to assist in funding a one million-four-hundred twenty-five thousand, one-hundred and five Dollars (\$1,425,105.00) project from the Commonwealth Financing Authority to be used for the costs associated with design and construction of sanitary sewer lining, water main replacement, including water services, and full pavement depth reconstruction of Highland Avenue from Pine Street to North Cedar Street.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Kevin J. Snyder, Council President and Gabriel Khalife, Borough Manager/Treasurer as the official(s) to execute all documents and agreements between the Borough of Kutztown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

DULY ADOPTED AS A RESOLUTION this 21st day of November, 2023, 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 Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To reject the janitorial services bid from M&M Odds & Ends, LLC, and to approve rebidding the contract. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify approval for the Kutztown Soccer Club to use the Park ball fields and lights for practice since it is getting dark earlier. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve replacing the Park concession stand and pool concession stand freezers before the 2024 season. Vice President Mace asked about the cost of replacing these items, and John Schmoyer stated that it would be approximately \$3,000.00 to \$4,000.00 per unit.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To amend the motion still on the floor, to include the total cost of approximately \$6,000.00 to \$8,000.00 to replace the Park concession stand and pool concession stand freezers before the 2024 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve deducting \$1,264.76 from the amount the pool concession stand owes the

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Borough, on its lease agreement, due to the food lost because of the freezer malfunctioning. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the Short-Term Training Program Agreement, between the Borough and AFSCME, for CDL training and licensing. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To enter into a Temporary Easement Agreement with Kutztown University as part of the Multimodal Grant project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To ratify approval to have a Borough employee operate the Borough's backhoe on November 11, 2023, from approximately 8:00 a.m. until 12 noon, to help the KYAA move and spread infield mix. Passed by unanimous vote.

Mr. Seyler noted that John Schmoyer provided Council with a 2023 Summer Concert Series review. Ms. Ladd-Kidder expressed her appreciation for all his hard work and Mayor Schlegel gave him the "Mayor's pat on the back."

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To advertise for a patrol officer and to conduct testing. 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, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Ronald Angstadt, as a member of the Kutztown Transportation Authority, whose term shall expire on December 1, 2028. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2024 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and review the proposed budget for 2024. Ms. Ladd-Kidder asked for clarification of the assets and liabilities listed on the graph/chart on page three, and Mr. Engelhardt agreed that the shading on the chart is not clear. Mr. Mooney stated that they will only be voting to advertise the budget and not on the budget itself. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To authorize advertisement that the proposed budget for 2024 is available for public inspection. Passed by unanimous vote.

Mr. Weller asked where the budget is advertised. Mr. Mooney stated that it's advertised in the newspaper, Borough's website and for inspection at the Borough office.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To introduce and authorize advertisement of the proposed Resolution to adopt the 2024 refuse rates. Passed by unanimous vote.

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

RESOLUTION NO. 20-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE THE EPPG POWER POOL PARTICIPANT SCHEDULE WITH AMP.

WHEREAS, the Borough of Kutztown, Pennsylvania (the “Municipality”), owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for coordination of the purchase or other provision of electric power and energy (power supply) and for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality; and

WHEREAS, Municipality desires to contract with AMP, along with other AMP member municipalities to pool, arrange and share power supply and transmission operations; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, PENNSYLVANIA.

SECTION 1. That the form of EPPG Power Pool Participant Schedule attached hereto as Exhibit 1, including Appendices thereto between this Municipality and AMP, be, and the same hereby is, approved substantially in the form attached hereto, subject to and with any and all changes provided herein and therein.

SECTION 2. That the Borough Council President is hereby authorized and directed to execute and deliver on behalf of this Municipality the EPPG Power Pool Participant Schedule, substantially in the form attached hereto together with such changes or modifications of the same that are not adverse to this Municipality’s interest as determined by the Borough representative and/or Borough Solicitor.

SECTION 3. That it is found and determined that, to the extent required by law, all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction

to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

ADOPTED by the Council of the Borough of Kutztown, Berks County,
Pennsylvania, in lawful session duly assembled this 21st day of November, 2023.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To take action to enter into a Master Services Agreement with American Municipal Power, Inc.

Passed by unanimous vote.

Mr. Kusterer expressed his appreciation to the Electric Department for the Christmas decorations on Main Street. Vice President Mace also thanked the Electric Department and Ms. Sandy Green.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To renew the contract with Cogent for Internet Services. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the annual donation to Berks Nature, in the amount of \$10,000.00, for their wellhead protection work. Passed by unanimous vote.

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 8:00 p.m.

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Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary

Derek Mace and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from October 14, 2023, through November 17, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Derek Mace

Andrea Rahn