

December 19, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:32 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; Planning Commission representative Bob Weller; HRG representatives Ryan Hostetter and Chris Hartz; Kutztown Fire and Rescue representative Todd Evans; Kutztown Area School District representative Benjamin Hoffman; PA State Representative Jamie Barton; and resident Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Pennsylvania State Representative Jamie Barton introduced himself and explained that he just finished his first year as a State Representative and that he is here to serve and wants to help the Borough in any way he can.

Mr. Mace asked him if his first year was what he expected, and he replied that while he believes he is where he should be, he is still trying to figure out Harrisburg.

Mr. Mace noted that Borough Council would like to keep Kutztown independent and keep the Strand Theater project moving forward.

Mr. Kusterer added that help with Fire Company membership would be appreciated. Additionally, he mentioned that the Police Department is also struggling to fill vacancies.

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Mr. Barton told Council members to provide him with specific requests, so he work on them.

HRG representatives Chris Hartz and Ryan Hostetter provided an update on the Multimodal Plan. They gave a brief overview of the project before fielding several questions from Ms. Ladd-Kidder:

- Regarding Main and Whiteoak Streets, Ms. Ladd-Kidder said she thought that milling did not need to be done there. Mr. Hartz replied that while scoping the work, it was determined that the pavement was in bad condition throughout the entire intersection, making the work necessary.
- Regarding Normal Avenue, Ms. Ladd-Kidder asked why the curb cutouts need to be redone. Mr. Hartz replied that ADA adjustments are made as necessary, so if existing ones are not ADA compliant or in bad condition, they need to be replaced.
- Regarding the cost estimate for decorative inlay crosswalks, Ms. Ladd-Kidder explained that she cannot support “fancy” crosswalks due to cost and the current budget overage on the project. Mr. Engelhardt asked if the cost of \$125,000.00 is the total for three intersections, and Mr. Hartz replied that it is. Mr. Engelhardt asked about the piano key crossing cost, and he was told it is much less expensive than the decorative inlay (approximately \$5,000.00 - 6,000.00). He also asked how long the decorative inlay would last, and Mr. Hostetter replied that it is subjective to traffic, but approximately 10-15 years. Mr. Engelhardt also asked about thermoplastic paint, and Mr. Hostetter said

that it can cause delays with PennDOT, and the cost is somewhere between the decorative inlay and the piano key crossing.

- Regarding the sidewalk connection between Normal Avenue and Siegfried Alley, Ms. Ladd-Kidder noted that she is not in favor due to a lack of school crossing guards. Mr. Mace disagreed and said that crossing guards are in the School District's purview and that more sidewalks are better than less, especially since that area becomes a funnel. Mr. Seyler agreed with Ms. Ladd-Kidder, but Mr. Mace argued that it is a safety improvement. Chief Clery explained that we share the cost of crossing guards with the School District, and that he agrees with adding the sidewalk to that area. Mr. Kusterer added that residents of Constitution Boulevard need to walk in the street due to a lack of sidewalk.
- Regarding an area of sidewalk that is in the Borough, but would most benefit Kutztown University, Ms. Ladd-Kidder said she disagrees with the Borough paying for that. Mr. Mace reminded her that it is in the Borough. Chief Clery spoke in favor of the addition.
- Regarding the markings for a bike path on Sander Alley, Ms. Ladd-Kidder said that she feels it is not worth the money. Mr. Engelhardt and Mr. Mace agreed that it is not worth it since it does not span a larger area.

President Snyder asked about having a crosswalk at Main Street and Badly Road, and Mr. Hartz said it is not included in the plan, and that it was never brought up to be included. Mr. Hostetter said they could look at it, but it would take time. Mr. Mace said he is not interested in delaying the bid for this addition.

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Mr. Hartz provided the current cost estimate breakdown as follows:

Entire Project Work Area:	\$139,000.00
Normal Avenue:	\$351,000.00
Willow Street:	\$64,000.00
Main Street/Constitution Blvd.:	\$27,000.00
Main Street/Whiteoak Street (with milling and overlay):	\$35,000.00
Main Street/Maple Street (piano key crosswalk)	\$7,000.00
Main Street/Midblock Crossing:	\$62,000.00

Mr. Hartz noted that the project is currently over the grant amount by approximately \$77,000.00.

Mr. Khalife clarified that all engineering costs are on top of this amount, as the grant covers infrastructure only.

Mr. Seyler expressed concern about the Main Street/midblock crossing because there are no ADA accommodations on the Park side of the street.

Mr. Mace expressed that it is a safety improvement as it will slow down traffic as well as help people to cross.

Mr. Mooney explained how the grant is not designed to address existing problems, so as long as nothing exacerbates an existing problem, there is no issue.

Mr. Hostetter reiterated that it is a midblock crossing that is ADA compliant and a safety improvement.

Ms. Ladd-Kidder suggested discussing it with the Public Works Committee for future consideration.

Mr. Hartz explained the proposed bid plan to advertise in January, open bids in February, contractor to get materials in March, and start construction June-August.

Mr. Engelhardt mentioned contacting affected residents about the project.

Ms. Ladd-Kidder asked if the current cost estimate would be reduced by about \$3,000.00 because of eliminating the bike path, and Mr. Hartz replied that it would.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To approve the Multimodal Project, going out for bid, minus the bike path markings. Passed by unanimous vote.

President Snyder 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

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

Kutztown High School art teacher, Ben Hoffman, thanked Council for hosting the K-12 artwork in the Train Station.

He announced that Kutztown was named “Outstanding Visual Arts Community” for a fifth year in a row, and the school will be recognized at the 75th anniversary conference in Hershey in the fall.

Mr. Mace asked about the ornaments at the White House, and Mr. Hoffman explained that Kutztown High School students’ ornaments were selected, and they have 17 ornaments on a tree on the White House lawn. Further, the ornaments are now owned by the National Park Service and can be used for future displays.

Additionally, Mr. Hoffman was one of 12 finalists for PA Teacher of the Year, and although he wasn’t selected, he was happy “to celebrate Kutztown and put the arts on

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the map.”

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 November 22, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for November 2023.
- Take action to approve the Flag Day Concert on June 11, 2024, at 7:30 p.m., in the Kutztown Park.
- 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 November 18, 2023, through December 15, 2023.

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller asked Council if they had any questions about the Planning Commission’s 2023 Annual Report. There were no questions. Mr. Engelhardt thanked them for doing an excellent job, and Mr. Weller thanked Council for their support.

Under Environmental Advisory Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To send a follow up of EAC’s comment letter regarding the East Penn permit renewal application that was sent to DEP over the summer.

Ms. Ladd-Kidder explained that the letter is needed because they have not responded, and they are required to respond.

Passed by unanimous vote.

Under Community Development and Public Safety Committee, the Monthly

Police Report for November 2023 was submitted.

The following fines were collected:

District Justice Greth	November 2023	\$ 2,454.81
Clerk of Common Pleas	November 2023	Not Reported
Secretary's Office	November 2023	\$ 1,075.00

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To award the janitorial services contract to Jan-Pro, in the amount of \$43,200.00, for three years. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To ratify the estimated proposal with CMS, in the amount of \$138,215.00, for the Main Street Revised Storm Paving Plan. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To the approve the request from the Kutztown Optimist Club to hold the Fools Run, on April 6, 2024, from 8:30 a.m. to 12 noon. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Taste of Kutztown, to approve a two-year request to hold their event on the second Saturday in June. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Area Legion Baseball Association's second request to extend the terms of their lease agreement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Optimist Club to use the Park for the Easter Egg Hunt on March 30, 2024. Passed by unanimous vote.

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

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approve the request from the Kutztown Community Library to use the Band Shell on July 18, 2024, for the Forgotten Friends Reptile Show, and on August 8, 2024, for the Eddy Ray Magic Show.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To amend the motion still on the floor, to include waiving the fees for the Forgotten Friends Reptile Show, and on August 8, 2024, for the Eddy Ray Magic Show. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the bid sale of a 2006 Chevy Plow Truck with Utility Body, in the amount of \$7,900.00, to Noah Peters. Passed by unanimous vote.

Note: The original bid winner, John Gera, had to back out of buying the truck for personal reasons, and the second high bidder was no longer interested.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Kutztown Strong to hold the Kutztown Kruizz on July 27, 2024.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To amend the motion still on the floor, to include waiving the fees for the Kutztown Kruizz on July 27, 2024. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept the resignation of Laurel Ziegler, with regret, from the Borough Planning Commission, effective November 28, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the retirement resignation of Library employee Joanne Englehart. Passed by

unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the retirement resignation of Library employee Charlotte Hoare. Passed by unanimous vote.

Ms. Ladd-Kidder suggested sending thank you letters to Ms. Englehart and Ms. Hoare, but Mr. Khalife said that letters should come from the Library Board.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Amy Hubler, as a member of the Borough Planning Commission, whose term shall expire on January 1, 2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint David Johnson, as a member of the Zoning Hearing Board, whose term shall expire on January 1, 2027. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Robert Weller, as a member of the Borough Planning Commission, whose term shall expire on January 1, 2028. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the final day of employment for Lisa Dietrich, to be January 16, 2024, and to pay out her remaining unused vacation and personal time.

Mayor Schlegel asked if Ms. Dietrich agreed to the terms, and Mr. Khalife replied that it would be discussed in Executive Session.

Ms. Ladd-Kidder said that she cannot vote without details.

Mr. Mooney reminded everyone that Personnel item specifics cannot be discussed in public.

All those in favor, except for Ms. Ladd-Kidder, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the request from Jeri Sievert to take off February 12 through 16, 2024, without pay. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To afford regular fulltime employment, to Jarad Luckenbill, who successfully completed his probationary period on December 6, 2023. Passed by unanimous vote.

The item to approve the 2024 pay rate increases for Administrative and Confidential employees was deferred to the Executive Session.

Mr. Engelhardt noted that Ezra Border passed the State Board Certification of Wastewater Operators exam.

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 enact and ordain the following Ordinance:

ORDINANCE NO. 7-2023

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2024.

Passed by unanimous vote.

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

RESOLUTION NO. 21-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO AMEND SOLID WASTE DISPOSAL FEES.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts Resolutions establishing the rates to be charged regarding solid waste disposal service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania; and

WHEREAS, Section 185-7 of Chapter 185 of the Code of the Borough of Kutztown sets forth that the fees for the availability and use of the Borough's collection and disposal service for refuse shall be provided for from time to time by Resolution of Council; and

WHEREAS, Section A231-1.13 of Chapter A231 of the Code of the Borough of Kutztown sets forth the solid waste collection and disposal fees; and

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said solid waste collection and disposal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Section 231-1.13 of Chapter A231 of the Code of the Borough of Kutztown be, and it is hereby, amended in its entirety so as to read:

A. Effective January 2024 (payment due and payable on and after February 25, 2024), the fees and charges for the collection and disposal of refuse or large items shall be as follows:

- (1) Except as hereinafter provided, per month per dwelling unit: \$40.04.
- (2) Notwithstanding the provisions above, if any dwelling unit is occupied by any person or his or her partner (if a member of the household) shall be 62 years of age or older, per month per such dwelling unit: \$21.84.
- (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: \$2.60
- (4) Additional charge for collection of refuse, large items or dumpsters not accessible during a scheduled collection where a return to the premises is required for the purpose of collecting same, per collection: as established in § A231-2 of Chapter A231.
- (5) Dumpsters.
 - (a) From dumpsters rented from the Borough of Kutztown having a capacity of:
 - [1] One-and-one-half cubic yards, per month: \$208.00.
 - [2] Two cubic yards, per month: \$248.50.
 - [3] Four cubic yards, per month: \$373.40.

[4] Six cubic yards, per month: \$536.65

- (b) To purchase a dumpster from the Borough of Kutztown: Borough cost plus \$60.00.
- (c)

From dumpsters not owned by the Borough of Kutztown or for pick-up in excess of the standard collection for dumpsters owned by the Borough Kutztown, per cubic yard per collection, based upon the entire capacity of the dumpster: \$20.00.

Additional charge for the collection and disposal of large items, as follows:

- (1) Large stuffed chair or recliner, sofa or loveseat and/or large table: \$30.00.

NOTE: Sectional sofas will be charged per piece.

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- (2) Large appliances such as refrigerator [with door off and chlorofluorocarbons (CFC's) removed by a person certified to do work], air conditioner (CFC's removed by a person certified to do work), stove, washer/dryer and/or electronic equipment, (excluding televisions): \$35.00.

- (3) Televisions: \$50.00.

- (4) Mattress, box spring, small table, kitchen chair (small): \$8.00.

- (5) Rugs, any size (except 9x12 and larger): \$3.50.

- (6) Rugs, 9x12 and larger: \$7.00.

- (7) Christmas trees: \$10.00.

- (8) Any other large items not specified above, excluding tires: cost to be determined by the Borough

C. All fees charged shall be paid monthly.

D. Any item used herein that has been defined in Chapter 185 shall have the meaning applicable to such term in Chapter 185.

BE IT FURTHER RESOLVED, that any and all Resolutions and parts of Resolutions inconsistent with this Resolution are hereby retroactively superseded and that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 19th day of December 2023, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the proposed budget for 2024. Passed by unanimous vote.

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

approve the request from Kutztown Fire and Rescue for a release of funds, in the amount of \$30,218.00, for a Megaflo Breather Hose. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, a motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To accept and authorize advertisement of the proposed meeting schedule for 2024. Passed by unanimous vote.

President Snyder called for an Executive Session to discuss personnel and legal matters at 8:47 p.m.

The Executive Session ended and the meeting reconvened at 9:09 p.m.

Vice President Mace took over in President Snyder's absence.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To increase the Administrative staff 2024 pay by 3.0% (except for the Chief of Police, who was just appointed to his current position, and the Borough Manager); the Public Works Superintendent, Water Plant Manager, Wastewater Plant Manager, and the Finance Director to receive an additional \$1,000.00 each; the Electric Department Superintendent to receive \$10,000.00; and the Confidential Employees' pay increase to be 4.0%. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:11 p.m.

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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 November 18, 2023, through December 15, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand