

June 16, 2020  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 p.m., via Zoom, by the Vice President, Mr. Derek Mace, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, Mr. Zebulon Hull, and the Mayor, Mr. James Schlegel. President Kevin Snyder joined the meeting a few minutes late. Mr. Keith Mooney, Borough Solicitor; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Raymond Schell, Police Sergeant; Mr. Brian Bailey, Public Works Superintendent; Mr. David Horvath, Director of Information Technology; Ms. Judith Danko, Community Development Director; Mr. John Schmoyer, Seasonal Recreation Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown Community Partnership representative Allison Fuller; Kutztown Community Partnership and Planning Commission representative Joel Seidel; Planning Commission representative Lisa Ladd-Kidder; Kutztown Area Transport Service representative Rodney Freeman; and Melissa Blatt, Andrew Wagaman, Devin Peterson, Doug Grym, Kim Davis, Nathan Lewis, Phila Back, Warren Shaub, Luke Hubler, and Rebecca Ziegler, were also present.

Vice President Mace noted the following vacancies:

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

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

Kutztown Area School District teachers Melissa Blatt and Rebecca Ziegler requested use of the Sacony Creek to hold a duck regatta, for their United Way campaign, on a date to be determined.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To approve the request from Melissa Blatt and Rebecca Ziegler to use the Sacony Creek to hold a duck regatta for their United Way campaign, on a date to be determined. Passed by unanimous vote.

Phila Back asked Council what safety measures are being taken on Borough property. Council explained that masks are required in all Borough buildings, social distance markers have been placed to keep people six feet apart, and that cleaning protocols have been established.

Ms. Back then asked how the Borough will ensure that the Allentown & Auburn Railroad will keep the Train Station safe.

Mayor Schlegel stated that while he is sure they will follow all guidelines, she should speak to Mike Bast about that.

Ms. Raudenbush noted that they will have to follow the same protocols as all other Borough buildings.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the May 19, 2020 Borough Council meeting.
- Review and accept the Borough Community Development Report for May, 2020.

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- Take action to approve the Friend, Inc. Brake the Cycle for Poverty bike ride through the Borough of Kutztown.
- 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 April 16, 2020, through June 12, 2020, as summarized below:

General Fund	\$ 716,267.62
Refuse and Recycling Fund	\$ 138,738.65
Water Fund	\$ 269,035.86
Electric Fund	\$ 749,702.20
Sewer Fund	\$ 255,003.50
Telecommunications Fund	\$ 132,529.91

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for May, 2020 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	April, 2020	\$1,407.03
Clerk of Common Pleas	April, 2020	\$480.18
Secretary's Office	May, 2020	\$50.00
Parking Kiosk	April, 2020	\$0.00
Parking Kiosk	May, 200	\$0.00

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To approve the implementation of the proposed Kutztown Community Partnership Re-Opening Plan with the suggested best practices in place. Passed by unanimous vote.

A motion was made by Ms. Raudenbush, seconded by Mr. Hull, Resolved, To close the 200 block of W. Main Street, from Friday evenings through Sunday evenings, beginning on Friday, June 19, 2020, for a trial period through July 1, 2020, with the option of extending the approved weekend closings through the month of July pending

review by the Police Chief, Borough Manager, Public Works Superintendent and the Chair of the Community Development and Public Safety Committee, and that businesses are required to adhere to all directives from the Commonwealth relating to the COVID-19 guidelines set forth by the CDC. All in favor, except for Mr. Seyler, who voted Nay.

During a lengthy discussion regarding the road closure of the 200 block of W. Main Street, to allow for outside dining and shopping, Mayor Schlegel stated that the Borough should require certificates of insurance from participating businesses.

Luke Hubler, from Mark's Sandwich Shop, stated that the model would not work for his restaurant.

Warren Shaub stated that the plan excludes a lot of restaurants in town. He also asked what the budget is and who plans to pay for it. It was made clear that any work on the Borough's part would be done during regular business hours.

Mr. Seyler asked if Pennsylvania's "yellow phase" allows for this, and Ms. Raudenbush responded that outside dining is allowed with distanced tables, mask wearing and proper sanitizing.

Mr. Mooney noted that all restaurants must follow all CDC and Department of Health guidelines for social distancing.

Sandy Green clarified that this is not an event and that the idea is to help Kutztown's small businesses during the pandemic. She stated that she talked to many business owners and they have options on how to participate.

Ms. Elliott asked Ms. Green if she talked to businesses before this subject came up at the Community Development and Public Safety Committee meeting and Ms. Green

said that she did.

Ms. Elliott then asked if those businesses showed interest in doing this and Ms. Green said that they did.

Ms. Green noted that she did not contact restaurants that already utilize outside dining spaces and that she was unable to contact some others, like Mark's Sandwich Shop.

Nathan Lewis said that while he likes the idea, he thinks someone should reach out to the restaurants that were not initially reached. Ms. Green stated that another E-mail would be sent to all business owners.

Mr. Seyler asked if there would be general (not belonging to a particular restaurant) tables, and Ms. Green responded that there would only be general tables if there are volunteers to sanitize them after every meal.

Ms. Elliott and Ms. Green both stated that any business is welcome to participate as long as they have the tables and staff to sanitize them.

A motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To authorize Hailstone Economic to work on Borough Ordinance updates. Passed by unanimous vote.

Lisa Ladd-Kidder noted that she would like the Planning Commission to be in the loop regarding the Ordinance updates, and Ms. Raudenbush acknowledged that they are a key part of it and will therefore be involved.

Mr. Mace stated that Chief Summers reviewed the eight proposals for reducing harm in communities and keeping police officers safe. He wants Council to be aware of the "8 Can't Wait" initiative.

Ms. Ladd-Kidder noted that this is of concern to her and she would like to see “8 Can’t Wait” on record in the Borough.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve Payment No. 4, to Schlouch, Inc., in the amount of \$55,180.49, while keeping \$13,999.00 in retainage for Payment Application No. 4. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the the 2020 Paving and Storm Sewer Improvements Project to Schlouch, Inc., for the base bid and alternate items H and I, in the amount of \$273,029.49. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To award the Fuel Tank Replacement Project to B&F Petroleum Installations, in the amount of \$113,890.00, for the base bid. Passed by unanimous vote.

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To ratify approval of the Peaceful Protest March, on June 7, 2020, as requested by Joni Klopp. Passed by unanimous vote.

The costs associated with the Peaceful Protest March were noted as follows:

Police:	\$4,907.78
Public Works:	\$2,849.65

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request, from Ali Perzel-Peters, to have a dance recital in the Band Shell on July 26, 2020, as long as they follow safety and distancing guidelines at the time. Passed by unanimous vote.

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

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authorize Public Works Superintendent Brian Bailey to develop signage and other necessary materials needed to begin the process of opening the parks, including the pocket park, with an official opening date to be determined by Borough Council. Passed by unanimous vote.

It was noted that the parks will be posted “closed” through June 26.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve the request, from Kathleen Rohrbach, to place a memorial picnic table in the park and to coordinate the project with Public Works Superintendent Brian Bailey. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Hull, Resolved, To approve the Legion Baseball Association to use the park fields in July as long as they follow safety and distancing guidelines at the time. Passed by unanimous vote.

Brian Bailey asked Council if the Concert Series in the Park would go on when the Park opens to the public. Mr. Hull asked what the Borough stands to lose if the concerts are cancelled, to which Mr. Schmoyer responded, “nothing.”

A motion was made by Mr. Hull, seconded by Ms. Raudenbush, Resolved, To cancel the Concerts Series in the Park for 2020. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To reappoint Andrew Arnold, as a member of the Housing License Appeals Board, whose term shall end on July 1, 2021. Passed by unanimous vote with Ms. Elliott abstaining from the vote because Mr. Arnold is her husband.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Craig Koller, as a member of the Housing License Appeals Board, whose term shall end on July 1, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Patricia Snyder, as a member of the Borough Planning Commission, whose term shall end on July 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reappoint Joel Seidel, as a member of the Borough Planning Commission, whose term shall end on July 1, 2024. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To waive late fees and penalties, assessed to Warren Shaub, for past due Per Capita bills for 2010 through 2019, as a result of being billed at an incorrect addresses for those years (in conjunction with the Kutztown Area School District). Passed by unanimous vote.

Mr. Shaub told Council that he only lived in the Borough for five years of the 2010 through 2019 time period, and he asked how that could be “straightened out.”

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To amend the previous motion to waive late fees and penalties, assessed to Warren Shaub, for past due Per Capita bills for 2010 through 2019, as a result of being billed at an incorrect addresses for those years (in conjunction with the Kutztown Area School District), to



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waiving late fees and penalties for only five years of the 2010 through 2019 time period.

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 approve a water credit, in the amount of \$120.80, and a sewer credit, in the amount of \$143.44, for 131 Noble Street. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a water credit, in the amount of \$197.99, and a sewer credit, in the amount of \$297.47, for 425 Krumsville Road. Passed by unanimous vote.

Mr. Seyler noted that the Borough's contractor installed the above-mentioned meters backwards.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:35 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 April 16, 2020, through June 12, 2020, 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