

September 18, 2018
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 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. Matt Hafer, Community Development Director/Zoning Officer; Planning Commission representative Lisa Ladd-Kidder; Maxatawny Township representative Steve Wilson; TommyBoys Pizza and Café owner Thomas Mathias; Taste of Kutztown representative Beverly Coe; Kutztown Community Partnership representative Allison Fuller; Kutztown Area Transport Services representative Rodney Freeman; Memorial Sky Lantern event representatives Michele O'Donnell and Laura Miller; Allentown and Auburn Railroad representative Mike Bast; and resident Lisa Bailey were also present.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request, from Michele O'Donnell, to hold a Memorial Sky Lantern event in the Kutztown Park, on Sunday October 28, 2018, contingent upon providing proper insurance to the Borough. Passed by unanimous vote.

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

Beverly Coe asked to reserve June 8, 2019, for the Taste of Kutztown and Wine

Run events in the park. Mr. Seyler referred her to the Public Works Committee.

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 August 21, 2018 Borough Council meeting.
-) Review and accept the Borough Community Development Report for August, 2018.
-) 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 August 18, 2018, through September 14, 2018, as summarized below.

General Fund	\$133,442.42
Refuse and Recycling Fund	\$38,669.75
Fire Protection Tax Fund	\$93.67
Recreation Tax Fund	\$149.64
Road Tax Fund	\$374.75
Water Fund	\$67,329.75
Electric Fund	\$313,332.90
Sewer Fund	\$62,736.02
Telecommunications Fund	\$71,541.81

Passed by unanimous vote.

Under Borough Planning Commission, Lisa Ladd-Kidder read aloud the Planning Commission's recommendation that Council approve the requested variance, from Section 225-29A(1)(a)(6), with regard to the parking requirements for zoning application Z-18-01.

Thomas Mathias, owner of TommyBoys Pizza and Café, addressed Council about his need for a larger restaurant. A lengthy conversation ensued regarding possible conditions to be brought up at the Zoning Hearing Board regarding the proposed new location.

Mr. Hafer noted that the proposed new location would not be allowed a BYOB

11933

license because of the way it is zoned, and Mr. Mathias indicated that he was okay with that.

Chief Summers stated that in his conversations with Mr. Mathias, he seemed very receptive to the Borough's ideas for public safety.

A motion was made by Mr. Mace, seconded by Mr. Diehm, Resolved, To refer the variance request, for zoning application Z-18-01, back to the Community Development and Public Safety Committee to compose a list of reasonable conditions, and to send Mr. Mooney to the Zoning Hearing to represent the Borough's interests. All in favor, except Mr. Piscitelli, who voted nay. There being a majority in favor, the motion passed.

Mr. Hafer noted that the zoning variance request for Wells Fargo Bank would be presented to the Zoning Hearing Board as well, and that there were no changes since their last discussion with Council.

Under Environmental Advisory Commission, there was nothing to report.

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

The following fines were collected:

District Justice Greth	July, 2018	\$3,385.67
Clerk of Common Pleas	July, 2018	\$50.00
Secretary's Office	August, 2018	\$1,650.00

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the proposed Skate Park design contingent upon incorporation of the new picnic area and rule sign design. Passed by unanimous vote.

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

approve the request, from the Kutztown Optimist Club, to hold Merchant Trick-or-Treat Night on October 24, 2018, with a rain date of October 30, 2018. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the Borough's paving contractor to perform a scratch coat repair, on Nicole Delong's driveway, without a guarantee of how long the repair will last due to preexisting structural issues with the driveway. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request, from Sandy Green, to rent the Scooter Building for a birthday party on September 23, 2018. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the 2019 refuse and recycling schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the 2018 leaf collection schedule. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the purchase of Ice B' Gone Magic, from Western Lehigh Snow Management & Supply, in the amount of \$6,176.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request, from the Legion Baseball Association, to add a shed near the third base side dugout with a wooden floor. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the purchase of three large fans, for the Band Shell, in the amount of \$14,280.00 plus shipping and scissor lift rental. Passed by unanimous vote.

Mr. Piscitelli noted that he would like to see donations toward the fans.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve a car show in the park, on October 27, 2018, under the Kutztown Community Skate Park Association's nonprofit status, and to ensure the proposed pin-up display is PG rated.

Mr. Seyler stated that the following items need to be confirmed for the event:

1. The Skate Park Association is supporting the event.
2. There is ample liability insurance.
3. All profits will go toward the Skate Park Association.
4. And per President Snyder, fees will not be waived.

Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the recommendation, from John Schmoyer, to waive the security deposit for the Football Club snack stand lease agreement. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the Traffic Signal Maintenance Contract with Signal Service, Inc. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To adopt the following Resolution:

RESOLUTION NO. 13-2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, DECLARING THAT FIVE PERCENT CONTRIBUTION IS REQUIRED BY EACH FULL-TIME POLICE OFFICER OF THE BOROUGH OF KUTZTOWN, NOW OR HEREAFTER ELIGIBLE FOR PARTICIPATION IN THE POLICE PENSION PLAN, INTO THE POLICE PENSION FUND FOR THE CALENDAR YEAR 2019.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 18, 2018, of the 2019 Minimum

Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2019 Minimum Municipal Obligation for the Borough of Kutztown Police Pension Plan requires that each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan, contribute into the Police Pension Fund during the calendar year of 2019.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2019, by each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan for the calendar year of 2019, as provided for in §33-8, of the Code of the Borough of Kutztown, Berks County, Pennsylvania.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 18th day of September, 2018.

Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To accept the resignation of Joseph Sebzda, from the Environmental Advisory Commission, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Seyler, Resolved, To reappoint Erma Bond as a member of the Housing License Appeals Board, whose term shall expire October 1, 2019. Passed by unanimous vote.

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

Under Finance and Electric Committee, Mr. Mace noted that the 2019 Minimum Municipal Obligation (MMO) for the Police Pension Plan will be \$139,393.00, and for the non-uniform pension plan, \$373,686.00.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Elliott, seconded by Mr. Diehm, Resolved, To ratify the agreement, with CenturyLink, to upgrade Home Net Internet service. Passed by unanimous vote.

Mr. Piscitelli noted that Internet speed will increase from 1G to 5G.

11937

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Docket Renewal Application late fee, in the amount of \$2,000.00, to the Delaware River Basin Commission, for the renewal of Wastewater Treatment plant discharge docket. Passed by unanimous vote.

Mr. Seyler explained that the Borough could not prove that a bill was not received, and the Delaware River Basin Commission would not waive the fee.

Under Miscellaneous, Ms. Elliott asked if Council would allow her Kutztown Community Partnership intern to be the Kutztown University Student Ambassador to Council, since the University cut the Student Ambassador program. It was the consensus of Council for Ms. Elliott to pursue using the Kutztown Community Partnership intern to be the Kutztown University Student Ambassador to Council.

Mr. Mace mentioned that there have been several fender benders at Trexler Avenue and Noble Street. Chief Summers said he is pursuing a four-way stop there, and Mr. Mace asked the Borough Manager to draft a letter to PennDOT about it.

Mr. Mace regretfully announced the passing of Dick Wagner.

A motion was made by Mr. Mace, seconded by Mr. Piscitelli, Resolved, To extend condolences to Mr. Wagner's family. Passed by unanimous vote.

President Snyder noted the following vacancies:

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

Ms. Wiand announced that the Borough will be featured on PCN's "Exploring PA Boroughs" on October 4, at 7:30 p.m.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:42 p.m.

Prepared and Attested by: Gina M. Wiand
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 August 18, 2018, through September 14, 2018, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand