

October 15, 2019
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Mr. Richard Diehm, Mr. Scott Piscitelli, Ms. Arabel Elliott, and the Mayor, Mr. James Schlegel. Mr. Derek Mace was absent. Mr. Keith Mooney, Borough Solicitor; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Craig Summers, Police Chief; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown Community Partnership and Planning Commission representative Joel Seidel; Kutztown Patriot representative Kaylee Lindenmuth; Kutztown Fire Company representatives Eric Diehl and Donald Batista; Allentown and Auburn Railroad representatives David Hoffman and Mike Bast; Maxatawny Township representative Steve Wilson; Kutztown Community Partnership representatives Jerry Schearer and Allison Fuller; Kutztown Future Farmers of America representative Thea LaMastra; Kutztown Fair Board representative Chris Manwiller; Kutztown Area Transport Service representative Rodney Freeman; Kutztown business owners Elaine Kilgannon, Joe Dietrich, Anna Kunkleman, Robert Carr and Justin Shenk; and residents George Kusterer, Nancy Koller, Nancy Hildenbrand, Matthew Hilbert, Jeff Dietrich, Eric Boyer, Warren Shaub, Stuart Spohn, John Fry and Colleen Eugster, were also present.

President Snyder noted that Council met in Executive Session, on October 8, 2019, regarding personnel matters.

President Snyder noted the following vacancies:

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

Kutztown Community Partnership (KCP) President, Jerry Schearer, presented the KCP annual report to Council. He highlighted adjustments that had to be made for certain events; Christmas in Kutztown; partnerships with KCP; Block Party; Dinner on Main; the pool snack stand; the Ten Thousand Flowers Project; Safe, Clean & Green; working with businesses and landlords; the Mobile App; and continuing development of community and economic vitality. He thanked Council for their continued support.

President Snyder noted that Main Street Merchants Trick-or-Treat Night is scheduled for Wednesday, October 23, from 5:30 p.m. to 8:30 p.m., with a rain date of Wednesday, October 30, and Borough Trick-or-Treat Night is scheduled for Thursday, October 24, from 6:00 p.m. to 9:00 p.m.

President Snyder also noted that there are no current plans to put parking kiosks on Main Street, and that it is not included in the budget.

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

Warren Shaub asked if Schlouch Incorporated donated to the Pocket Park project, and Mr. Piscitelli responded that they did not.

Mr. Shaub also asked why the parking kiosks are not working, and Chief Summers responded that there is a connectivity problem with the credit card vendor, so it will not work until that gets fixed.

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Mr. Shaub explained that he does not know how his appointment to the Code Appeals Board works, because he received a letter of appointment, but he was not provided with any other information. He told Council that they need to be more transparent with information.

Joey Dietrich asked Council what the motivation was for putting paid parking in the parking lot behind the Tavern, and Chief Summers responded that it benefits the businesses by allowing people to park as long as they want to.

Mr. Dietrich stated that there has been backlash from people in the community about it, and he said that while it is cheap, it is an inconvenience.

Mr. Piscitelli and President Snyder reiterated that there are no plans for additional parking kiosks in town or on Main Street at this time.

Mr. Dietrich told Council that he appreciates what they do.

John Fry announced that he thinks the Kutztown Community Partnership is doing a great job and that use of the Mobile App has helped his business.

Chris Holt expressed that he thinks there is a feeling of negativity regarding the parking kiosks that is keeping people from coming to Kutztown. He said that the metered lot is always empty. Mr. Piscitelli responded that parking problems are from 6:00 p.m. and later, and that the metered lot mirrors parking on Main Street.

Mr. Seyler opined that he thinks the meters are usable, for most people, whether they are tech savvy or not.

Mr. Holt asked if the kiosk will stay indefinitely or if it will be assessed at some point, and President Snyder responded that it is a test. He also noted that parking is a problem in every community. Chief Summers reported that the Police Department issues

approximately 2,500 parking tickets per year and that the lines were painted to create a more orderly parking area.

Justin Shenk asked Council to listen to concerns and “not make smug faces or laugh” at people. He suggested that Council should come to the businesses with ideas before taking action, and President Snyder asked how they would do that.

Mr. Shenk said they should “send someone out to talk to us.”

President Snyder asked if anyone knew how many businesses answered the community survey, and Mr. Piscitelli noted that it was about 200.

Mr. Shenk complained about business owners parking on Main Street and asked if parking is allowed in the Verizon lot for more than four hours. Chief Summers responded that while it is not a 24-hour lot, it is not enforced for four hours. He told Mr. Shenk to let other business owners know they can park there.

Chief Summers noted that the Police Department is only giving out warnings right now, in the metered lot, and there will also be an appeals process.

Thea LaMastra, from Future Farmers of America (FFA), asked if they could get a sign posted on the “Welcome to Kutztown” sign. FFA would provide the sign.

Ms. Wiand took her information so that she or the mayor could pass it on to the appropriate contact.

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 September 17, 2019 Borough Council meeting.
- Review and accept the Minutes of the September 24, 2019 special Borough Council meeting.

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- Review and accept the Borough Community Development Report for September, 2019.
- 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 September 14, 2019, through October 11, 2019, as summarized below:

General Fund	\$307,628.11
Refuse and Recycling Fund	\$96,202.24
Water Fund	\$166,856.33
Electric Fund	\$500,280.68
Sewer Fund	\$122,590.02
Telecommunications Fund	\$86,040.62

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 September, 2019 was submitted.

The following fines were collected:

District Justice Greth	August, 2019	\$1,796.29
Clerk of Common Pleas	August, 2019	\$1,199.47
Secretary's Office	September, 2019	\$4,875.00

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the proposed Overtime and Leave Time Submission and Completion Standard Operating Procedure. Passed by unanimous vote.

Judith Danko introduced herself as the Borough's new Community Development Director, and she gave background information pertaining to Zoning Hearing Z-19-02, regarding 26 S. Whiteoak Street. It was the consensus of Council to not send the solicitor to the Zoning Hearing on October 29.

Fair Board representative Chris Manwiller asked Council if the proposed Action

Track USA and Monster Truck Association event, for Labor Day weekend 2020, would be held against the 12 permitted racing events, at the Fairgrounds, or if it could be considered an entertainment event.

Andy Arnold expressed concern about adding a race type of event to the schedule because they are loud events that stir up a lot of dirt. He asked to consider holding it against the 12 permitted racing events.

Justin Shenk noted that he is a marketing partner for Action Track, and he stated that the event will generate a lot of revenue.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To allow the proposed Action Track USA and Monster Truck Association event, for Labor Day weekend 2020, to be considered an entertainment event. All those in favor, except for Ms. Elliott, who voted Nay. There being a majority in favor, the motion passed.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To ratify approval of the request, from Rachel Lambdin, to use the Scooter Building on October 6, 2019. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve a request, from the Boy Scouts, to use the entire park on April 4, 2020, from 7:00 a.m. until approximately 3:00 p.m., for a “first aid meet,” and to waive the associated rental fees. President Snyder noted that the park will still be open to the public. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request and parade permit application, from the Kutztown Community Partnership, to hold Christmas in Kutztown on December 7, 2019, from 12 noon until

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4:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve Payment No. 1, to Schlouch Incorporated, for the 2019 Street and Storm Sewer Improvements Project, in the amount of \$121,893.52. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve Change Order No. 1, to Schlouch Incorporated, for the 2019 Street and Storm Sewer Improvements Project, in the amount of 2,215.04. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request, from Peggy Peters, to add pickle ball court lines to the tennis court closest to the farm field, making that court a dual-use court, and to get a price for better lighting at the existing pickle ball court. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To accept the resignation of Kutztown University Student Representative member of the Environmental Advisory Commission, Ben Carter, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Patrick Boos, as a Kutztown University Student Representative member of the Environmental Advisory Commission, whose term shall expire on January 1, 2021. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Keith Leinbach, as a member of the Environmental Advisory Commission, whose term shall expire on January 1, 2020. Passed by unanimous vote.

An Executive Session requested 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. Seyler, seconded by Mr. Diehm, Resolved, To enter in to an agreement with Hutchinson, Gillahan & Freeh to perform the 2019 audit. Passed by unanimous vote.

Kutztown Fire Chief Eric Diehl addressed Council about the Fire Company's request for an increase in the Fire Tax Rate due to rising costs and equipment needs. He reported that in addition to the annual contracted amount of \$75,000.00 received from Kutztown University, they also requested an increase from Greenwhich Township and they will request an increase from Maxatawny Township.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To authorize the Borough Manager to increase the Fire Tax Rate to .65 mil, which is an increase of .25 mil. Passed by unanimous vote.

Mr. Seyler noted that none of the Fire Tax ever goes to the Fire Company social quarters.

Mr. Seyler also noted that the Borough's Electric Department recently received the AMP Safety Award again.

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. Piscitelli, Resolved, To approve the annual donation to Berks Nature, in the amount of \$15,000.00, for their wellhead protection work. Passed by unanimous vote.

Off of the agenda, Mr. Seyler noted that the complaint from last month's meeting, regarding a water meter, was rectified. The landlord, who is also a plumber, found and

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fixed the leak, and put \$200.00 toward the bill.

Under Miscellaneous, President Snyder called for an Executive Session at 8:51 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:03 p.m.

A motion was made by Ms. Elliott, seconded by Mr. Piscitelli, Resolved, To deny the training pay grievance. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:04 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 September 14, 2019, through October 11, 2019, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand