

October 16, 2018
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, 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 representatives Lisa Ladd-Kidder and Michael Blicher, Jr.; Kutztown Community Partnership Community Liaison Sandy Green; Kutztown Community Library representatives Cathy Ruhf, Martin Smith and Joanne Yoder; Allentown & Auburn Railroad representative Mike Bast; Kutztown University students Ayela McDonald, Shelby Gallagher and Katelyn Quinn; and residents John Fry, Phila Back, Andy Wagaman, Warren Shaub and Eric Boyer, were also present.

Phila Back gave a presentation regarding her concerns about the Allentown & Auburn Railroad, which include exhaust emissions, health effects and herbicides used along the railroad tracks. Her proposed solutions are for the trains to idle in front of the Foundry and to pursue DEP grants for making the trains more environmentally friendly.

Ms. Back asked when Council would respond to her proposed solutions, and Mr. Piscitelli stated that they would give the Allentown & Auburn Railroad a chance to respond before making any decisions.

Joanne Yoder, Martin Smith and Cathy Ruhf presented the annual report for the

Kutztown Community Library. They showed a short video of library highlights, mentioned numerous awards won in 2018, and recognized their staff.

In closing, Mr. Smith asked Council to consider giving ten cents per capita, to the library, which will be matched by the County.

President Snyder thanked them and said how much the community appreciates the library.

At 8:01 p.m., Council held a public hearing to consider amending the Code of the Borough of Kutztown by amending the Borough of Kutztown Zoning Ordinance, Chapter 225, to provide for the establishment and regulation of Medical Marijuana Facilities and repealing all Ordinances inconsistent herewith.

Council voted to enact the Ordinance, and President Snyder closed the public hearing at 8:05 p.m.

President Snyder noted that Main Street Merchants Trick-or-Treat Night is scheduled for Wednesday, October 24, from 6:00 p.m. to 8:00 p.m., with a rain date of Tuesday, October 30, and Borough Trick-or-Treat Night is scheduled for Thursday, October 25, from 6:00 p.m. to 9:00 p.m.

Off of the agenda, a motion was made by Ms. Elliott, seconded by Mr. Diehm, Resolved, To appoint Ayela McDonald as the Kutztown University Ambassador to Council. Passed by unanimous vote.

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

John Fry expressed concern about the possible location change for TommyBoy's, and said that he would like to see a traffic study done.

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President Snyder told Mr. Fry about the Zoning Hearing Board meeting, to be held the following night, and encouraged him to attend.

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 18, 2018 Borough Council meeting.
-) Review and accept the Borough Community Development Report for September, 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 September 15, 2018, through October 12, 2018, as summarized below.

General Fund	\$385,568.10
Refuse and Recycling Fund	\$77,439.65
Fire Protection Tax Fund	\$3.40
Recreation Tax Fund	\$5.42
Road Tax Fund	\$13.58
Water Fund	\$165,696.35
Electric Fund	\$371,708.13
Sewer Fund	\$107,524.32
Telecommunications Fund	\$83,076.06

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To recommend approval of the requested zoning variances from Sections 225-17.F, 225-22.B(5), 225-22.I(3), and 225-22.K, of the Kutztown Code, for Zoning Appeal No. Z-18-02, 301 W. Main Street (Wells Fargo Bank). Passed by unanimous vote.

President Snyder noted that the Zoning Hearing will be held the following night.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly

Police Report for September, 2018 was submitted.

The following fines were collected:

District Justice Greth	August, 2018	\$2,551.81
Clerk of Common Pleas	August, 2018	\$425.79
Secretary's Office	September, 2018	\$4,825.00

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To recommend approval of the requested zoning variance from Section 225-29 of the Kutztown Code, for Zoning Appeal No. Z-18-01, 26 S. Whiteoak Street (TommyBoy's Pizza and Café). All in favor, except Mr. Mace, who voted nay (after initially wanting to abstain from the vote which was overruled by Mr. Mooney). There being a majority in favor, the motion passed.

Mr. Piscitelli noted that possible conditions, regarding TommyBoy's, were addressed at the Committee level, and it was decided to make Borough-wide conditions for late night establishments.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To approve the request for an escrow fund release for Hilltop Estates Subdivision, Phases I and II, in the amounts of \$20,771.06 and \$22,957.50, respectively. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the proposed Dumpster Rental Agreement. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Area School District to use the Ceres Pavilion on October 25, 2018, for the kindergarten class, and to waive the rental fee. Passed by

unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from Scout Troop 101 to have a flag retirement ceremony in conjunction with the Flag Day concert. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the request from the Kutztown Rotary Club to hold their annual Taste of Kutztown event, in the Kutztown Park, on June 8, 2019. Passed by unanimous vote.

President Snyder noted that while this vote reserves the date, the event has not been approved yet.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve Payment #1 to Landis C. Deck & Sons, in the amount of \$106,736.77, contingent upon the Borough receiving a draft of the bill. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from Landis C. Deck & Sons to extend the 2018 paving contract to October 31, 2018, and to allow them to work until 8:00 p.m. or 9:00 p.m., contingent upon requesting and receiving Borough permission for each late day shift. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve ordering the John Deere Gator and Wide Area Mower before the COSTARS price increase takes effect. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Joel Seidel as a member of the Planning Commission, whose term shall expire September 1, 2020. Passed by unanimous vote.

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 adopt the following Resolution:

RESOLUTION NO. 14 -2018

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE PROPOSED BYLAW AMENDMENTS, STRATEGIC PLAN AND DUES STRUCTURE OF THE PENNSYLVANIA MUNICIPAL ELECTRIC ASSOCIATION, AND APPOINTING THE VOTING DELEGATE REPRESENTATIVE.

WHEREAS, the Borough of Kutztown ("Borough") owns and operates an electric distribution system, providing electric service to residents and businesses of the Borough; and

WHEREAS, the Borough is/has been a participating regular member of the Pennsylvania Municipal Electric Association ("PMEA"), the nonprofit corporation trade association which provides certain services to the 35 member Pennsylvania boroughs of PMEA, each of which own and operate electric distribution systems, providing electric service to their respective residents and businesses; and

WHEREAS, at the PMEA Annual Meeting of September 14, 2018, the members of PMEA considered a certain proposed Strategic Plan ("PMEA Strategic Plan") presented by its Strategic Planning Committee, including certain recommendations to amend and restate the PMEA Bylaws and to revise the PMEA dues structure, and by unanimous consent of the PMEA members present it was determined to recommend the adoption and approval of the PMEA Strategic Plan, and the proposed amended and restated PMEA Bylaws, by each of the borough councils of the PMEA member boroughs; and

WHEREAS, the Borough Council has reviewed the proposed restated and amended PMEA Bylaws, and the proposed PMEA Strategic Plan, including the proposed change in the PMEA dues structure to a rate of five dollars (\$5.00) per electric meter per year; and

WHEREAS, the Borough Council finds that the recommendations set forth in the proposed PMEA Strategic Plan, and the proposed restated and amended PMEA Bylaws, are in the best interests of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council as follows:

RESOLVED, that the Borough Council hereby approves the proposed restated and amended PMEA Bylaws; and be it further

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RESOLVED, that the Borough Council hereby accepts and approves the proposed PMEA Strategic Plan, including the proposed change in the PMEA dues structure to a rate of five dollars (\$5.00) per electric meter per year, which may be adjusted from time-to-time by majority vote of all PMEA members; and be it further

RESOLVED, that the Borough Council hereby appoints the following person authorized to act as the PMEA voting delegate representative of the Borough:

Gabriel Khalife, Borough Manager

and that the Borough Council hereby appoints the following person to act as the PMEA alternate voting delegate representative, authorized to serve in the absence of the PMEA voting delegate representative named above:

Steve Diehl, Electric Superintendent

AND BE IT FURTHER RESOLVED, that as set forth in the PMEA Strategic Plan, the Borough supports action by the PMEA Board of Directors to engage a full-time Executive Director to accomplish the goals of the PMEA Strategic Plan; and be it further

RESOLVED, that the Borough hereby pledges its support of the goals and expanded scope of services as set forth the PMEA Strategic Plan; and be it further

RESOLVED, that a copy of this Resolution shall be transmitted to the Secretary of PMEA, and shall be deemed for all purposes as may be required under the currently effective PMEA Bylaws to constitute a bona-fide referendum ballot, authorized by the Borough; and be it further

RESOLVED, that the officers are hereby authorized to do or take any other actions as may be necessary, convenient, appropriate or desirable to effectuate or implement the aforesaid Resolutions of the Borough Council.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown,
Berks County, Pennsylvania, in a lawful session duly assembled this 16th day of October,
2018.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter in to an agreement with Accela/Springbrook for new financial accounting software. 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, 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:	Two Member Vacancies Three Alternate Vacancies
Environmental Advisory Commission:	Two Member Vacancy

President Snyder called for an Executive Session at 8:25 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:09 p.m.

Mr. Seyler advised Mike Bast, from the Allentown & Auburn Railroad, to attend the November Public Works Committee meeting regarding his response to Ms. Back's complaints.

A motion was made by Mr. Piscitelli, seconded by Ms. Elliott, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:11 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 15, 2018, through October 12, 2018, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand