

April 17, 2007
Kutztown, PA

The regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Municipal Building by President Malcolm A. Eidle, with other members present: Mr. Edwin Seyler, Mr. Brendan Strasser, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, and Student Ambassadors Carmen Bloom and Steven Kenney. Mayor Sandra Green was absent. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Jaymes A. Vettraino, Borough Manager/Treasurer; Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Ms. Rachael Birckbichler, Community Development Director; Mr. Russell Samilo, Director of Finance; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Resources Director; Mr. Robert Watrous, Director of Judicial Affairs at Kutztown University; Milton Kern, Borough Planning Commission member; Charles Haws of Barley Snyder; Ted Stevenson of Spotts Stevens & McCoy, Inc.; Borough residents Musab and Yasaa Siddiqi, Robert and Rose Stroker, Jay Druckenmiller, Marge and Roger Hassler; Dave Remaley and Michael Barron of the Kutztown Zoning Hearing Board; Jim Springer of the Kutztown Rotary; Bill and Billy Donner, Aaron Messersmith, C. J. and Curtis Brinkman, and Nick and Sal Graziano from Bowers Church Boy Scout Troup 132; David A. Kostival, reporter for the Reading Eagle; and Tony Kozuch, reporter for The Kutztown Area PATRIOT, were also present.

President Eidle welcomed Boy Scout Troop 132 from Bowers, Pennsylvania. The Troop was working on a citizenship badge.

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President Eidle asked if there was anyone who wished to address Council before proceeding with the agenda, and there was no response.

President Eidle noted that Student Government Day is scheduled next month on May 22, 2007.

President Eidle paused for a moment of silence for the Virginia Tech victims. Mr. Watrous made a few comments about how the Virginia Tech incident has impacted the University. He extended an invitation to the community and council members to attend a memorial service at 6:30 p.m. tomorrow evening (April 18) at Alumni Plaza on campus.

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

- Review and accept the Borough Community Development and Public Safety Report for March, 2007.
- Review and accept the Community Development Office Quarterly Comparison of Fees Report for the first quarter of 2007.
- Adopt the following policy to charge admission for outside organizations using the park facilities as outlined in Mr. Vettraino's letter of March 23, 2007:

An organization may not charge admission to park facilities, but may have a suggested donation amount for access to certain park facilities when special events are taking place. Any organization wishing to have a suggested donation for a special event in the park must receive approval from the Borough of Kutztown prior to the event.

- Ratify the request from the Kutztown Area High School Key Club to use the "Senior Field" at the Kutztown Park for a March of Dimes softball game hosted by the Kutztown Key Club on April 15, 2007, starting at 1:00 p.m.
- Approve the request from the Kutztown Cougar Youth Football & Cheerleading Association for the use of the multi-purpose field in the Kutztown Park from Monday, July 30, 2007 through Sunday, November 12, 2007 for practices and games, conditional upon the KCYFCA providing the necessary Borough-required insurance coverage.

- Approve the request from the Kutztown Cougar Youth Football & Cheerleading Association to lease the Babe Ruth Concession Stand from August 20, 2007 through October 28, 2007.
- Ratify the request from the Kutztown Youth Athletic Association for use of the baseball and softball fields at Kutztown Park for the 2007 season from March 4, 2007 through August 5, 2007.
- Approve the 2007 Concerts in the Park schedule dated April 3, 2007, and authorize the appropriate Borough officials to execute the necessary performance contracts with the bands.
- Approve the request from the Optimist Club of Kutztown to use the Multi-Purpose field in the Kutztown Park on Saturday mornings, from April 28, 2007 through June 16, 2007 from the hours of 9:00 a.m. to 12:30 p.m. for the Club's T-Ball program, contingent upon the Optimist Club providing the required insurance certificate.
- Hire Dallas C. Wanner of Shoemakersville, PA, and Karla Bailey of Lyon Station, PA, as seasonal co-managers of the Kutztown Park Roller Rink for the 2007 summer season at an hourly wage of \$8.35, contingent upon both employees completing and passing all required testing.
- Establish a separate benefit group for Karen Howard, the Library Director, whereas ten additional personal days will be substituted for the ten Borough holidays.
- Ratify the advertisement for a part-time library clerk.
- Approve the revised part-time Library Clerk position description.
- Approve the revised Public Works Laborer I position description.
- Ratify the re-advertisement for a Refuse Laborer.
- Ratify the rate reclassification of electric Account #5250 from an IG rate to a CD rate, effective with the January, 2007, consumption; and ratify the appropriate credits that resulted from this change.
- 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 March 19, 2007, to April 13, 2007, as summarized below:

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General Fund	\$96,515.63
Refuse and Recycling Fund	\$56,458.94
Fire Protection Tax Fund	\$38.88
Recreation Tax Fund	\$99.16
Road Tax Fund	\$104.18
Water Fund	\$91,002.44
Electric Fund	\$496,899.97
Sewer Fund	\$73,655.53
Telecommunications Fund	\$50,211.29

Passed by unanimous vote.

President Eidle and Borough Manager Vettraino presented an award to Musab Siddiqi recognizing his nine years of dedicated service on the Zoning Hearing Board.

Under Borough Planning Commission, Mr. Kern reported on Zoning Appeal Z-07-03 regarding 311 Stimmel Alley. The applicant is seeking a special exception to erect an accessory building to store vintage vehicles on a lot without a primary permitted use and seeks variances from required front and side yards. Mr. Kern advised that the Borough Planning Commission is recommending approval of the variance under the condition that the proposed building be built dividing the two side yards with 15 feet on the south side and ten feet on the north side.

On another matter, Mr. Kern suggested that more rigor be required of applicants when submitting requests to the Borough Planning Commission and the Zoning Hearing Board so as to assist in the review process.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To accept the recommendation of the Borough Planning Commission with regard to Zoning Appeal Z-07-03. Passed by unanimous vote.

Under Community Development and Public Safety Committee, a motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To introduce and authorize

advertisement of a proposed Ordinance amending the Kutztown Code by adding Chapter 37, "Intergovernmental Projects and Agreements," to assemble and record various inter-governmental cooperation projects and agreements and to establish Article I, "Joint Comprehensive Plan" of Chapter 37 so as to authorize the enactment of an intergovernmental cooperation agreement entered into between the Borough of Kutztown, the Borough of Lyons and the Township of Maxatawny for the purpose of establishing a multi-municipal comprehensive plan cooperative implementation agreement. Mr. Strasser explained that this is the first step to unveiling the Joint Comprehensive Plan on which the Borough has been working jointly with Maxatawny Township and the Borough of Lyons. The Plan will be unveiled in the near future. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, To introduce and authorize advertisement of a proposed Ordinance amending Chapter 189, "Stormwater Management," of the Kutztown Code so as to incorporate recommendations made by the Borough engineer. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To introduce and authorize advertisement of a proposed Ordinance amending Chapter 212, "Vehicles and Traffic," of the Kutztown Code to restrict parking along the curve on both sides of Industrial Avenue. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of a proposed Resolution amending Chapter A231 of the Kutztown Code to increase the Municipal Code Officials Training fee from \$2.00 to \$4.00, per the State's directive. Passed by unanimous vote.

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A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To table the agenda item on the proposed Ordinance amending §§212-66 and 212-67 of the Kutztown Code to remove the stop sign on Seem Drive West Bound at North Elm Street, to add a stop sign on North Elm Street North Bound at Seem Drive and to add a sign reading, "Opposing Traffic Does Not Stop" to the stop sign on Seem Drive East Bound at North Elm Street. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, That the following Ordinance be enacted and ordained:

ORDINANCE NO. 3-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS, COUNTY, PENNSYLVANIA, AMENDING SECTION 212-63 OF ARTICLE VIII OF CHAPTER 212 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH SECTION IS ENTITLED "SCHEDULE VI: ONE-WAY STREETS", WHICH ARTICLE IS ENTITLED "MISCELLANEOUS PROVISIONS", AND WHICH CHAPTER IS ENTITLED "VEHICLES AND TRAFFIC", SO AS TO DESIGNATE THE FOLLOWING STREET OR PART THEREOF IN THE BOROUGH OF KUTZTOWN AS ONE-WAY AND TO PROVIDE FOR THE LOCATION AND INSTALLATION OF SIGNAGE AS PROVIDED HEREIN.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, That the following Ordinance be enacted and ordained:

ORDINANCE NO. 4-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 212 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "VEHICLES AND TRAFFIC", BY AMENDING AND RESTATING §212-73. SCHEDULE XVI: TIME LIMIT PARKING; AND ADDING ARTICLE X, ENTITLED "ON-STREET PERSON WITH DISABILITY PARKING SPACES",

COMPRISED OF SECTIONS §212-78; §212-79, §212-80, §212-81, §212-82 AND §212-83.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, That the following Ordinance be enacted and ordained:

ORDINANCE NO. 5-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING §135-2, "DEFINITIONS AND WORD USAGE" OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO CLARIFY THE WORDING OF THE DEFINITION "LET, LETTING, LEASE, RENT, RENTING, RENTAL OR WORDS OF SIMILAR MEANING".

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, That the following Ordinance be enacted and ordained:

ORDINANCE NO. 6-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, VACATING A STREET RIGHT- OF- WAY LOCATED ENTIRELY WITHIN LOT NO. 38 OF CARRIAGE POINT ESTATES SUBDIVISION.

Passed by unanimous vote.

Student Ambassador Kenney announced that Kutztown Borough is sponsoring a PA CleanWays event on April 21, 2007 from 11:00 a.m. to 3:00 p.m. He indicated that everyone will meet at the basketball courts in the center of the Kutztown Park. Flyers and posters were sent to the schools.

Under Police Committee, Student Ambassador Kenney reported the following fines were collected:

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District Justice Greth	February, 2007	\$10,101.48
Clerk of Common Pleas	February, 2007	\$319.90
Secretary's Office	March, 2007	\$7,030.00

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the Pennsylvania Drug Education and Law Enforcement Grant Program Law Enforcement/School Cooperative Agreement. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To award the 2007 Street Improvement Project to E. J. B. Paving and Materials, Inc., in the amount of \$239,011.00 for the reconstruction of Constitution Boulevard from West Main Street to Normal Avenue and for the reconstruction of James Street from Maple Street to Trout Alley, as well as the storm sewer repair on Bieber Alley and miscellaneous patching and crack sealing. Mr. Vettraino noted that the Borough is not awarding the entire project at this time. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To direct the appropriate Borough officials to amend the Multipurpose Rink project to exclude the ice skating rink. Mr. Vettraino will notify the appropriate entities. Passed by unanimous vote.

Under Personnel Committee, Mr. Seyler requested that the Executive Session to discuss a litigation matter be deferred to the end of the meeting.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To confirm full-time employment for Daniel Eslinger, Codes Inspector, upon completion of

his probationary employment period, on or about April 23, 2007, with the understanding that Mr. Eslinger's hourly pay rate will increase to \$20.70. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To table the agenda item requesting permission for AFLAC to present employee-paid insurance plans to Borough employees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To approve the amended Civil Service Commission Rules and Regulations. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To accept the resignation of Beth J. Reichart, with regret, as a temporary police clerk, effective March 30, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To rescind the action taken by Council at the March 20, 2007, Council meeting accepting Vincent Rush's resignation; And Be It Further Resolved, To reassign Vincent Rush as a temporary police clerk at an hourly rate of \$12.50. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the request for a paid internship for the summer months to assist with administrative projects. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To increase the wage rate for the lifeguard position with less than one full season of experience from \$7.07 to \$7.15 and for the pool clerk from \$6.81 to \$7.15 to comply with the new PA Minimum Wage Law. Passed by unanimous vote.

Under Electric and Telecom Committee, Mr. Gangewere had nothing to report.

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Under Water and Wastewater Committee, Mr. Schlegel had nothing to report.

Under Finance and Technology Committee, Mr. Vettraino presented the 2007 first quarter budget report. He reported that most of the funds are operating at the appropriate levels. As indicated on the Budget Performance Summary Sheet, Mr. Samilo explained that the differences in the year-to-date percentages primarily resulted from timing of real estate tax billings and grants. Mr. Eidle commented that, despite the fact that the Borough is in the middle of changing to an accrual accounting method, the Borough staff is doing a tremendous job on the budget reports.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To ratify the submission of a Single Application for Assistance Grant to the PA Department of Community and Economic Development in the amount of \$9,440.00 for the purchase of video equipment for the train station. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 1462007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO AUTHORIZE THE DISPOSITION OF CERTAIN NON-PERMANENT RECORDS, IN ACCORDANCE WITH RESOLUTION NO. 8-2004 ADOPTED MARCH 16, 2004 BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, THE MUNICIPAL RECORDS MANUAL APPROVED ON JULY 16, 1993, AND ACT 428 OF 1968.

WHEREAS, by virtue of Resolution No. 8-2004, adopted March 16, 2004, the Borough of Kutztown declared its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved on July 16, 1993, and

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by Resolution of the governing body of the municipality.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Kutztown, Berks County, Pennsylvania, in accordance with the above-cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

1. Contract files, including advertisements, bid summary and tabulation sheets, instructions to bidders, leases, agreements or contracts, specifications and supporting work papers for successful bids/proposals completed prior to the six year retention period requirement for general contracts and prior to the 12-year retention period requirement for construction contracts;
2. Specifications and supporting work papers for unsuccessful bids/proposals for jobs completed prior to the three-year retention period requirement; and
3. General and construction written contracts and agreements for non-bid projects/jobs terminated prior to the six-year retention period requirement for general written contracts and prior to the 12-year retention period requirement for construction projects.

DULY ADOPTED AS A RESOLUTION this 17th day of April, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the expenses for the appropriate Borough officials to attend the Pennsylvania League of Cities and Municipalities (PLCM) 108th Annual Convention to be held at the Hilton Scranton and Conference Center, Scranton, PA, June 20-22, 2007, and to designate Mayor Sandra Green as the official voting delegate and Brendan Strasser as the alternate voting delegate for the convention. Passed by unanimous vote.

Mr. Jim Springer asked to address the Council regarding the Kutztown Day event. Mr. Seyler responded that the Kutztown Day Committee has already begun planning the event. Mr. Springer requested electricity for the railroad station and closing Railroad Street. Mr. Vettraino asked that the Kutztown Day Committee submit a formal request

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for the June Council meeting.

Mr. Eidle called for an Executive Session at 8:05 p.m. to discuss a litigation matter. The Executive Session ended, and the meeting reconvened at 8:30 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to make payment to William Wyandt in compliance with the Arbitrator's award dated February 14, 2007. Passed by unanimous vote.

There being no further business, a motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To adjourn the meeting at 8:31 p.m. Passed by unanimous vote.

Prepared and
Attested by: Bonnie Bray
Secretary

Malcolm Eidle and Bonnie Bray hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from March 19, 2007, to April 13, 2007, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray