

A regular meeting of the Kutztown Borough Council was called to order at 7:31 p.m. in the Kutztown Municipal Building by the President, Mr. Malcolm A. Eidle, with other members of Borough Council present: Mr. Edwin K. Seyler, Mr. Brendan D. Strasser, Mr. James F. Schlegel, Mr. Mark R. Gangewere, Mr. Kevin J. Snyder and the Mayor, Ms. Sandra Green. Mr. Timothy G. Dietrich, Borough Solicitor; Mr. Richard F. Celmer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Jaymes Vettraino, Borough Manager/Treasurer; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Mr. Frank P. Caruso, Director of Information Technology; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Ms. Rachael Birckbichler, Director of Community Development; Mr. John E.P. Schmoyer, Seasonal Recreation Director; Mr. Stephen Kenney, Student Ambassador to the Mayor; Mr. Robert Watrous, Dean of Student Services and Campus Life at Kutztown University; Student Government Day participants Christian Dietrich, Todd Greiss, Sarah Kenney, Chelsea Lenhart, Jason Slick, Stephanie Spatz; and Mr. Bryan Schutt, reporter for The Kutztown Area PATRIOT were also present.

Mr. Vettraino presented Friend, Inc. Executive Director Theresa Ann Barbieri with the \$450.00 donation collected from Borough employees for participating in Casual Attire Day.

President Eidle welcomed the Kutztown Area Senior High School students who participated in the annual Kutztown Student Government Day.

# 17443

After each student introduced him/herself, they conducted a mock Council meeting in which Christian Dietrich, Todd Greiss, Sarah Kenney, Chelsea Lenhart, Jason Slick and Stephanie Spatz represented the Council members. As their theme, the students discussed student housing in the Borough.

A mock motion was made by Mr. Dietrich, seconded by Mr. Greiss, Resolved, To keep all zoning as it is at the present time. The following vote was cast: Ms. Kenney, Aye; Mr. Dietrich, Aye; Mr. Greiss, Aye; Ms. Spatz, Aye; Mr. Slick, Nay and Ms. Lenhart, Nay. There being a majority in favor, the motion passed.

President Eidle asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To approve the following Consent Agenda, as corrected:

- Review and accept the Minutes of the March 20, April 17, and May 8, 2007, Council Meetings.
- Review and accept the Borough Community Development and Public Safety Report for April, 2007.
- Endorse the Kutztown Community Partnership's new Merchant Parking Permit program intended to encourage shopping on and around Main Street.
- Approve the replacement of the cast iron cover on the antique hitching post that was damaged during a snow removal event on February 17, 2006, at 320 West Main Street.
- Approve the request from Keith Brintzenhoff, representing St. John's Spiritual Center at 240 West Walnut Street, to close a portion of Strausser Alley, between Sacony Alley and W. Walnut Street, during the time when the exterior of the building is painted. This is to be contingent on the work being done during the summer months while the students are gone and on receipt of the appropriate permits.

- Approve John Schmoyer's April 26, 2007 written request to hire swim team coaches and to use the pool for an invitational swim meet event. The approval is contingent upon the event ending and clearing all equipment, etc., prior to the scheduled opening time to ensure no conflict with the day-to-day public usage of the facility.
- Approve John Schmoyer's April 29, 2007 written request to hire the YMCA for the Summer Park Recreation Program and for the Summer Fitness Program.
- Approve the YMCA's request for the use of the swimming pool for its summer playground participants and for the YMCA Great White Sharks Swim Team.
- Approve the request from the Kutztown Rockies baseball team to use the Timothy Breidegam baseball field on July 7, 8, 23, 24, and 25 and on Kutztown Day on August 5, 2007, with the understanding that the field will be cleared by 4:00 p.m. on August 5 to enable the set-up of fireworks.
- Ratify the authorization for the appropriate Borough officials to execute the Waiver, Release, and Settlement Agreement with William A. Wyandt, the Kutztown Police Association, and the Borough of Kutztown.
- Ratify the revised Telecommunications Technician I position description and the advertisement for the position and authorize the Borough to hire a Technician.
- Ratify the employment of Jennifer Malafarina as a paid student intern at \$10.00 per hour, to work not more than 30 hours per week.
- Ratify the probationary employment of Thomas J. Stauffer, Kutztown, PA, as a Refuse Laborer I, effective June 18, 2007, at an hourly wage of \$14.60, contingent upon a successful physical exam and drug testing, as well as passing a criminal background check.
- Ratify the probationary employment of Kenneth Gilmore, Fleetwood, PA, as a Public Works Laborer I, effective May 21, 2007, at an hourly wage of \$12.42.
- Ratify the probationary employment of Cynthia Wenrich, Kutztown, PA, as a Part-Time Library Clerk, effective May 14, 2007, at an hourly wage of \$9.50.
- Ratify the proposed revised Expense Policy for Borough Recognition of Retiring or Resigning Employees.

# 17445

- Ratify the process change for the placement of electric disconnect door hangers for the month of May from the regularly scheduled 13<sup>th</sup> of the month to the 9<sup>th</sup> of the month.
- Ratify the amended policy for Disconnecting Electric Customers for Nonpayment to add language that authorizes the Borough, during specific billing periods when there is a large number of tenants closing their accounts, to place door hangers and to disconnect earlier for the purpose of collecting outstanding receivables.
- 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 14, 2007 to May 18, 2007, as summarized below:

General Fund	\$ 160,665.62
Refuse and Recycling Fund	\$ 33,637.10
Fire Protection Tax Fund	\$ 37.88
Recreation Tax Fund	\$ 96.15
Road Tax Fund	\$ 96.17
Water Fund	\$ 59,992.98
Electric Fund	\$ 766,260.11
Sewer Fund	\$ 65,674.40
Telecommunications Fund	\$ 1,220,769.62

Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Strasser, Resolved, To ratify the employment of the summer lifeguards as recommended by John Schmoyer, with the correction that the rate for lifeguard Joseph Pecha is \$8.17 per hour, not 7.39 per hour.

Under Borough Planning Commission, Mr. Kern had nothing to report.

Under Community Development and Public Safety Committee, a motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To enact and ordain the following Ordinance:

## ORDINANCE NO. 7-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 212-66, SCHEDULE IX ENTITLED "STOP INTERSECTIONS" OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO DELETE THE STOP SIGN ON SEEM DRIVE WEST BOUND AT NORTH ELM STREET ADD A STOP SIGN ON NORTH ELM STREET NORTH BOUND AT SEEM DRIVE AND AMENDING SECTION 212-67, SCHEDULE X ENTITLED "YIELD INTERSECTIONS" OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO ADD A SIGN TO READ "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. Schlegel, Resolved, To authorize the appropriate Borough officials to execute an Agreement for Service between the Borough of Kutztown and the Louisa Gonser Community Library. The purpose of the agreement is to state clearly the services that the Borough of Kutztown performs for the library and to provide guidelines for the library to report the contributions of the Borough. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To enact and ordain the following Ordinance:

## ORDINANCE NO. 8-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING CHAPTER 37 OF THE CODE OF THE BOROUGH OF KUTZTOWN ENTITLED "INTER-GOVERNMENTAL PROJECTS AND AGREEMENTS" AND ESTABLISHING ARTICLE I OF CHAPTER 37 ENTITLED, "JOINT COMPREHENSIVE PLAN" SO AS TO AUTHORIZE THE ENACTMENT OF AN INTER-GOVERNMENTAL COOPERATION AGREEMENT ENTERED INTO BETWEEN THE BOROUGH OF

# 17447

KUTZTOWN, THE BOROUGH OF LYONS AND THE TOWNSHIP OF MAXATAWNY FOR THE PURPOSE OF ESTABLISHING A MULTI-MUNICIPAL COMPREHENSIVE PLAN COOPERATIVE IMPLEMENTATION AGREEMENT.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, To enact and ordain the following Ordinance:

## ORDINANCE NO. 9-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING §189-10B(2) OF CHAPTER 189 ENTITLED "STORMWATER MANAGEMENT" OF THE CODE OF THE BOROUGH OF KUTZTOWN.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To enact and ordain the following Ordinance:

## ORDINANCE NO. 10-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 212-77, SCHEDULE XX ENTITLED "NO STOPPING, STANDING OR PARKING" OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO RESTRICT STOPPING, STANDING AND PARKING ON A SECTION OF INDUSTRIAL AVENUE

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 15-2007

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING §A231-1.4 ENTITLED "CH. 77, BUILDING CONSTRUCTION" OF THE CODE OF THE BOROUGH OF KUTZTOWN TO PROVIDE FOR THE

UPDATING OF THE MUNICIPAL CODE OFFICIAL  
TRAINING FEE.

WHEREAS, Act 45 of 1999, known as the Uniform Construction Code of the Commonwealth of Pennsylvania was amended by Act 157 which included an increase in the Municipal Code Official Training Fee effective January 1, 2007; and,

WHEREAS, the Borough of Kutztown adopted the Uniform Construction Code on April 20, 2004 and must remain compliant with same; and

WHEREAS, §A231-1.4(B) of Chapter A231 of the Code of the Borough of Kutztown sets forth the Municipal Code Official Training Fee; and

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said Municipal Code Official Training Fee to comply with the Uniform Construction Code.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Borough Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby adopted by the authority of the same, that §A231-1.4(B) of the Code of the Borough of Kutztown be, and it is hereby, amended as follows:

§A231-1.4(B)

Municipal Code Official training fee: \$4

BE IT FURTHER RESOLVED, that any and all resolutions and parts of resolutions inconsistent with this Resolution are hereby retroactively superseded and that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

BE IT ALSO RESOLVED, that the above listed amended fee shall become effective on the earliest date allowed by law. All such fees shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 22<sup>nd</sup> day of May, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 16-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE KUTZTOWN BOROUGH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE 2007-02, DATED MAY 22, 2007, ENTITLED "CASE MANAGEMENT AND ASSIGNMENT," IN FORM AS ATTACHED.

WHEREAS, Resolution No. 37-1994 of the Borough of Kutztown, Berks County, Pennsylvania provides for the police regarding approval, authority, and responsibilities over the contents of the Departmental Manual for the Kutztown Police Department; and

WHEREAS, any and all proposed changes, modifications, additions and/or deletions to the contents of the Departmental Manual for the Kutztown Police Department must be brought before the Council of the Borough during a lawful Council meeting for consideration of Council action, by the Chief of Police or the Mayor of Kutztown; and

WHEREAS, the Borough recognizes the need to establish fundamental standards for the Kutztown Police Department in order to provide direction for the members of that Department and to signify the Borough's commitment to the Kutztown community; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to approve and adopt the Kutztown Borough Police Department Standard Operating Procedure 2007-02, dated May 22, 2007, entitled "CASE MANAGEMENT AND ASSIGNMENT," in form as attached.

This Resolution shall become effective on May 22, 2007.

DULY ADOPTED AS A RESOLUTION this 22<sup>nd</sup> day of May, 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. Strasser, seconded by Mr. Snyder, Resolved, To introduce and authorize advertisement of a proposed Ordinance, to amend Chapter 136 entitled, "PROPERTY MAINTENANCE," so as to adopt and to revise certain standards of the 2006 edition of the ICC Property Maintenance Code (minor changes will be made prior to advertisement). Passed by unanimous vote.

Mr. Strasser noted that the Zoning Hearing Board will hear an appeal for 82-92 Bieber Alley on Thursday, May 24, 2007, at 7 p.m. in the Council room.

Under Police Committee, Mayor Green submitted the Police Report for March and April, 2007.

Mayor Green reported the following fines were collected:

District Justice Greth	March, 2007	\$7,603.28
Clerk of Common Pleas	March, 2007	\$876.32
Secretary's Office	April, 2007	\$4,640.00

Mayor Green read aloud the proclamation, in which upon the proclamation becoming effective, so as to designate the following area as a Person with Disability Parking space: one space at 122 Noble Street, on Noble Street beginning at a point 231 feet north of the intersection of Normal Avenue and Noble Street in a southerly direction for a distance of 20 feet.

Under Public Works Committee, Mr. Snyder had nothing to report.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the appropriate Borough officials to execute the eGEMS<sup>SM</sup> Service Agreement with Capital Blue Cross and the TPA Acknowledgement of Service Agreement with Capital Blue Cross and Benecon, in order to process health insurance enrollments and changes in enrollments electronically. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To accept the resignation, with regret, of Matthew Owens, Community Service Officer, effective April 27, 2007. Passed by unanimous vote.

# 17451

Off of the agenda, Mr. Vettrainso requested that an Executive Session to discuss a uniformed personnel matter be deferred until the end of the meeting.

Under Electric and Telecom Committee, a request from a property owner at 463 West Main Street to move an electric pole and guide wire to improve garage access, once Sacony Alley is changed to a one-way street was reviewed and considered. Jan Crooker told the Committee that because of the pole, she is unable to put two cars into her garages. Mrs. Crooker further explained that she owns two two-car garages, but because of the location of the pole and the one-way direction of the street, she is unable to utilize one of the bays in each garage, therefore losing two garage parking spaces. Mrs. Crooker requested that Council provide her some relief for this situation. Mr. Seyler said that Mrs. Crooker gave him the opportunity to try to back into the garages, and he said that he could do it. Mr. Seyler and Mr. Schlegel both suggested that Mrs. Crooker could back in and out of the garages after some practice. Mr. Eidle noted that Sacony Alley as a one-way street is an experiment at this point, so the pole will stay during the experiment.

Off of the agenda, Mr. Vettrainso urged Hometown Utilicom television customers to be patient during interruptions while equipment is being upgraded and channels are being added.

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

Under Finance and Technology Committee, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To grant the Kutztown Municipal Authority a one-year extension on an outstanding debt, bearing annual interest of five percent, payable to the Borough of Kutztown, setting the principle and all accrued interest payable on June 30, 2008. Passed by unanimous vote.

President Eidle called for an Executive Session at 8:13 p.m. to discuss a uniformed personnel matter. The Executive Session ended, and the meeting reconvened at 8:46 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To offer full-time employment to Brian Klouser, subject to the parties entering into a Memorandum of Understanding, which is subject to legal review and subject to successful completion of all other pre-employment conditions as a patrol officer. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:47 p.m.

Prepared and Attested by: Gina M. Wiand  
Assistant Borough Secretary

Malcolm Eidle and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from April 14, 2007 to May 18, 2007, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

\_\_\_\_\_  
Malcolm A. Eidle

\_\_\_\_\_  
Gina M. Wiand