

December 18, 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, Student Ambassadors Carmen Bloom and Steven Kenney and Mayor Sandy Green. Mr. Timothy G. Dietrich, Borough Solicitor; Mr. Jaymes A. Vettraino, Borough Manager/Treasurer; Mr. Dale Kratzer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Ms. Rachael Birckbichler, Community Development Director; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Relations Director; Mr. Robert Watrous, Director of Judicial Affairs at Kutztown University; Dave Remaley of the Zoning Hearing Board; William W. Hopkins of the Borough Planning Commission; Nicole Romig; Jean Werley; Ray Martin; Elton Meitzler; Ted Stump; Carl A. Lobb; Jay Druckenmiller; Michelle Park, reporter for the Reading Eagle; and Lisa Mitchell, reporter for The Kutztown Area PATRIOT were also present.

President Eidle called for the opening of bids for employee uniforms. Mr. Vettraino opened and read the bid results as follows: Unifirst Corporation, Breinigsville, PA, in the total bid amount of \$11,730.28 for a one-year contract, \$23,460.50 for a two-year contract and \$35,190.84 for a three-year contract. A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To award the bid for employee uniforms to

17547

Unifirst Corporation, pending review and acceptance of the bid proposal. Passed by unanimous vote.

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

Jean Werley of 251 Trexler Avenue asked to address Council regarding her excessive water bill due to a water leak on her property. She asked Council to consider a reduced water rate for the past due amount. She asserted that she was unaware that there was a water leak until the bill was received. A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To grant a five-year payment plan for Mrs. Werley's outstanding (past due) water and sewer account. Mr. Snyder asked Council to consider a reduced rate for this past due account because of the extenuating circumstances. All in favor, except Messrs. Snyder and Strasser who voted Nay. There being a majority in favor, the motion passed without compromise.

Mr. Ted Stump, of 237 Wentz Street, addressed Council on behalf of his father-in-law, Mr. Meitzler. He requested that Council consider a water credit because of a sewer back up at the property. Mr. Eidle suggested that he attend the next Water and Wastewater Committee meeting on January 22, 2008.

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 Minutes of the November 20, 2007, and December 5, 2007 Council Meetings.
- Review and accept the Borough Community Development and Public Safety Report for November, 2007.
- Ratify the enrollment of the Borough in the National Citizens Survey™

- Approve the request from J. Richard Wagner of the Kutztown Community Choir to use the Kutztown Park band shell for the 33rd annual Flag Day Concert on Tuesday, June 10, 2008 at 7:30 p.m. and to waive the associated rental fees.
- Ratify the donation of two 55-gallon drums of rock salt to the Kutztown Fire Company.
- Ratify the increase of the hourly wage for the temporary seasonal unskilled laborer position (winter) to \$14.00, effective December 3, 2007.
- Ratify the rehiring of Naaman Schlegel as a temporary seasonal unskilled laborer (winter), effective December 17, 2007.
- Hire two unpaid student interns for the Spring semester to assist with general office duties and administrative projects.
- Deny the request for the third quarter water bill credit for 251 Trexler Avenue.
- Approve the request for the third quarter sewer bill credit for 251 Trexler Avenue in the amount of \$606.12.
- Authorize Berks County to bill back a proportionate amount of the cost of the tax bill forms and postage expense incurred on behalf of Kutztown.
- Authorize the appropriate Borough official to execute the Confidential Service Agreement with Keystone Mobile Shredding, Inc., to provide shredding services for the Borough.
- 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 November 17, 2007, to December 14, 2007, as summarized below:

General Fund	\$136,310.04
Refuse Fund	37,152.43
Fire Protection Tax Fund	38.91
Recreation Tax Fund	103.66
Road Tax Fund	232.13
Water Fund	198,915.29
Electric Fund	402,449.61
Sewer Fund	59,339.30
Telecommunications Fund	66,335.53

Passed by unanimous vote.

17549

Under Borough Planning Commission, Mr. Hopkins noted that the Borough Planning Commission voted five to zero that the Zoning Hearing Board deny Appeal No. Z-07-10 with regard to 242 North Whiteoak Street.

Mr. Hopkins also noted that the Borough Planning Commission elected the following officers for 2008: Wayne Hopkins, Chairman; Lisa Ladd-Kidder, Vice-Chairman; and Lenore McGonigle, Secretary.

Mr. Hopkins further indicated that there are several openings on the Commission and encouraged anyone interested to contact Council.

Under Community Development and Public Safety Committee, a motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

BOROUGH OF KUTZTOWN RESOLUTION NO. 44-2007

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSLVANIA AMENDING §A231-1.8 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "CH. 135, HOUSING STANDARDS", SPECIFICALLY ITEM "A" OF THAT SECTION, TO PROVIDE FOR THE INCREASE OF THE ANNUAL LICENSE FEES FOR LETTING PROPERTY FOR OCCUPANCY.

WHEREAS, Section A231-1.8 (A) of Chapter A231 of the Code of the Borough of Kutztown sets forth the annual license fee structure for letting property for occupancy; and,

WHEREAS, the Council of the Borough of Kutztown from time to time adopts resolutions establishing the rates to be charged for annual licensing of properties leased for occupancy, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania; and,

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said annual license fee structure.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Sections A231-1.8(A)(1), A231-1.8(A)(2) and A231-1.8(A)(3) of Chapter A231 of the Code of the Borough of Kutztown are, and are hereby, amended so as to read:

- (1) Single let dwelling, apartment or efficiency apartment: \$42
- (2) Boarding house: \$42
- (3) Rooming house:
 - (a) Per Unit: \$42
 - (b) Per sleeping room within unit: \$34

BE IT FURTHER RESOLVED that, except to the extent of the specific sections which are amended as set forth hereinabove, the provisions and fees set forth in §A231-1.8 of Chapter A231 of the Code of the Borough of Kutztown shall remain in full force and effect; and,

BE IT FURTHER RESOLVED that the above listed amended fees 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; and,

BE IT FURTHER RESOLVED that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

DULY ADOPTED AS A RESOLUTION this 18th day of December, 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. Snyder, Resolved, That the following Ordinance be enacted:

ORDINANCE NO. 17-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, CREATING AND ENACTING CHAPTER 15 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED, "ENVIRONMENTAL CODE," WHICH SHALL PROVIDE FOR THE CREATION OF AN ENVIRONMENTAL ADVISORY COMMISSION AND WHICH SHALL SET FORTH DUTIES AND RESPONSIBILITIES OF SAID ENVIRONMENTAL ADVISORY COMMISSION.

17551

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To appoint the following members to the Environmental Advisory Commission: Sarah Anne Bellois, Amiee Bollinger, Jeri Carroll Colicchio, Art Goldberger, Robyn Jasko, and Todd Underwood. The Borough is waiting to hear from Kutztown University with regard to appointing the seventh member of the Commission. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Resolution to amend Chapter A231 of the Kutztown Code so as to increase the inspection fees for electrical permits. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To approve the easement agreement between the Borough and Ray Martin for driveway access across Borough-owned property on Route 737 in Maxatawny Township. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to execute Pennsylvania contract number C000029840 with the Commonwealth of Pennsylvania for the New Communities program. Under this contract the Borough is accepting a \$160,000 grant for the improvement of the Borough's core business district. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to execute a Cooperation Agreement with the Kutztown Community Partnership (KCP) to designate the KCP as the entity responsible

for the planning and implementation of the Main Street component of the New Communities Program. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, To accept the resignation, with regret, of Robert J. Stroker from the Kutztown Zoning Hearing Board, effective December 27, 2007. Passed by unanimous vote.

Mr. Strasser noted the December 8, 2007 letter from Troy M. Arndt requesting that the Borough does not reappoint him for another term on the Kutztown Transportation Authority. Mr. Strasser thanked Mr. Arndt for his service on the Authority. Mr. Schlegel asked that the Borough send him a letter thanking him for his service to the community.

A motion was made by Mr. Schlegel, seconded by Mr. Strasser, Resolved, To appoint William A. Yurvati to a five-year term on the Kutztown Transportation Authority, expiring December, 2012. Passed by unanimous vote.

Mr. Strasser reinforced Mr. Hopkins' point about openings on the Borough Planning Commission, in addition to openings on the Code Appeals Board and Zoning Hearing Board and encouraged anyone interested to apply.

Under Police Committee, Mayor Green submitted the Police Report for the month of November, 2007, copies of which were given to Council. She reported the following fines were collected:

District Justice Greth	October, 2007	\$13,004.10
Clerk of Common Pleas	October, 2007	\$1,230.69
Secretary's Office	November, 2007	\$6,020.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapters 212

17553

and A231 of the Kutztown Code so as to amend the fee schedules and to make minor language changes. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To award the bids received for yard waste dumpsters to SCOTTA, Saylorsburg, Pennsylvania, for a total bid amount of \$20,550. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To award the bids received for gasoline and diesel fuel to Richland Partners, LLC, dba Leffler Energy, Mount Joy, Pennsylvania, for a tank wagon bid of a net delivered price of \$2.6429 per gallon for unleaded plus gasoline and for \$2.9055 per gallon for diesel fuel. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To ratify the award of the Borough's 2008 rock salt bid to International Salt Company, LLC, at \$65.91 per ton delivered. The modified contract specifies that the Borough may purchase rock salt from alternate suppliers. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To authorize the appropriate Borough officials to execute Amendment #1 to Agreement #RGZ-2935-07 with Berks County to provide one additional year through December 31, 2008 for the Borough to complete the grant-funded multipurpose rink. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the 2008 wage increases for salaried, confidential and seasonal employees, effective January 1, 2008, as follows:

SALARIED PERSONNEL		2008 Base
Jaymes Vettraino	Borough Manager/Treasurer	103,876.39
Frank Caruso	Director of Information Technology	84,056.02
Randy Cole	Police Chief	73,059.93
Bruce Follweiler	Superintendent of Electric and Telecom	68,503.73
Norm Milnes	Superintendent of Public Works	66,078.55
Dick Diehm	Director of Planning and Zoning	60,583.04
Rachael Birchbickler	Director of Community Development	58,063.50
Bonnie Bray	Borough Secretary/Dir. of Human Relations	57,278.10
Walter Hess	Superintendent of Water and Wastewater	57,245.48
Russell Samilo	Director of Finance/Assistant Treasurer	57,245.48
Gina Wiand	Asst. Borough Secretary/Director of P.R.	41,554.72
Karen Howard	Librarian	39,329.03
HOURLY PERSONNEL		
Dan Eslinger	Codes Inspector	21.15
David Horvath	Information Technologies Coordinator	21.70
Sharon Gechter	Payroll Clerk and Mang. Support Staff	16.46
Mara Bennett	Field Operations Coordinator	16.46
Kristine Polster	Police Secretary	16.46
Roseanne Perkins	Childrens Librarian	16.31
Part-time Police with training on probation		15.50
Part-time Police with training after 1 year		16.25
SEASONAL EMPLOYEES		
John E. P.Schmoyer	Seasonal Recreation Director	7,094.26
Roller Skating Rink Manager		8.76
Roller Skating Assistant Rink Manager		7.96
Lifeguards:		
Less than 1 full season		7.15
At least one full season		7.39
At least two full seasons		7.75
Three or more full seasons		8.17
Head Lifeguard		9.10
Alternate Head Lifeguard		8.84
Pool Clerk		6.81
Steve Hudak	Pool Manager (season rate)	8,278.01
Lisa Reiley	Assistant Pool Manager (season rate)	7,174.27
Head Swim Team Coach (season rate)		2,000.00
Assistant Swim Team Coach (season rate)		750.00
Assistant Swim Team Coach II (season rate)		250.00
Seasonal Laborer		9.69
CSO II		10.25

17555

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To establish the 2008 hourly rate of \$14.00 for Jill Remick, the Borough Planning Commission recording secretary. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To establish the 2008 hourly rate of \$12.20 for janitorial services. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the request for one student to serve one semester as an intern in the Water and Wastewater Departments. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To accept the resignation, with regret, of Jeffrey Dietrich, Community Service Officer, effective December 21, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To ratify the promotion of Brian Bailey to Public Works Crew Leader, effective January 7, 2008. Council congratulated Mr. Bailey for his promotion. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize advertisement and hiring of a Public Works Laborer II. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the revised Public Works Laborer II position description. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To accept the Workers' Compensation Renewal Proposal from Susquehanna Municipal Trust. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accord full-time employment to Tom Stauffer, Refuse Laborer I, effective December 13, 2007. Council congratulated Mr. Stauffer for his full-time employment status. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to execute the Summary of Benefits for the Kutztown Borough Group Health PPO Plan. Passed by unanimous vote.

Mr. Seyler requested an Executive Session at the end of the meeting to discuss a personnel issue.

Under Electric and Telecom Committee, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Resolution amending the electric service rates. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Resolution amending §A231-1 of the Kutztown Code to add a fee for the provision of a Point-to-Point Virtual Private Network Service. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To approve the TWACS Support Service Agreement renewal for 2008 with Distribution Control Systems, Inc. Passed by unanimous vote.

17557

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To authorize the Borough Engineer, Spotts, Stevens & McCoy, to hire a contractor for the Hydro Excavation needed for the installation of the proposed Sewer Interceptor along Krumsville Road (Route 737) at a total cost estimate between \$1,520.00 and \$2,000.00 Passed by unanimous vote.

Mr. Vettrano suggested to conduct the Executive Session at this juncture in the meeting regarding a personnel issue. Mr. Eidle called for an Executive Session to discuss a personnel issue at 8:25 p.m. The Executive Session ended, and the meeting reconvened at 8:40 p.m.

Under Finance and Technology Committee, Mr. Vettrano presented the 2008 proposed budget. He reviewed the budget timeline and thoroughly discussed the major issues for the 2008 budget. He noted the changes made since its December 5 introduction. Total revenues were estimated at \$19.1 million and total expenses were estimated at \$17.5 million, with the General Fund portion at approximately \$4.6 million for revenues and expenses. The rates and taxes were reviewed. Mr. Vettrano indicated the budget included a 0.8 mill increase in Real Estate taxes and an electric rate increase of 19.75 percent. He showed comparisons of real estate taxes among similar municipalities in Berks County, with Kutztown being the lowest among them. He further explained the reason for the electric rate increase and compared Kutztown's rates to other municipal electric services. He compared the cost of living in Kutztown to other Berks County communities. He reviewed the Telecom budget which included a \$1,350,000 bank loan. In summary, Mr. Vettrano indicated that the General Fund revenues will increase by 7 percent and expenses by 5 percent over 2007 while all revenue funds

combined will increase by 1 percent and expenses will decrease by 4 percent. He further commented on the core quality of life in Kutztown and indicated that the 2008 budget still maintains the high quality of life services.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To approve the 2008 budget as presented. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To enact the following Ordinance to adopt the 2008 real estate tax rates:

ORDINANCE NO. 18-2007

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2008.

Passed by unanimous vote.

Mr. Vettraino announced that the 2006 audit was just received from the Auditor and will be distributed to Council.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the list of 2008 Council and committee meetings, copies of which were distributed to Council. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To enact the following Ordinance to amend Chapter 47 of the Kutztown Code so as to establish the Standing Committees of Council:

ORDINANCE NO. 19-2007

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
AMENDING CHAPTER 47 OF THE CODE OF THE
BOROUGH OF KUTZTOWN, WHICH CHAPTER IS
ENTITLED "STANDING COMMITTEES" BY

17559

AMENDING AND RESTATING §§ 47-1, 47-2, 47-3, 47-4, 47-5, 47-6 AND 47-7 THEREOF.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Resolution to amend §A231-2 of the Kutztown Code so as to fix the billing rates for Borough of Kutztown labor and equipment. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To appoint the following members to the Police Pension Advisory Committee, each serving a two-year term expiring December, 2009: Edwin K. Seyler, Brendan Strasser, Sterling H. Adam, Heather Rhodes and Jaymes A. Vettraino. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Strasser, Resolved, To reappoint Sterling H. Adam to a six-year term on the Civil Service Commission, expiring January, 2014. Passed by unanimous vote.

Council deferred action on appointing a member to a four-year term on the Borough Planning Commission.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To reappoint David B. Remaley to a consecutive three-year term on the Zoning Hearing Board. (A resolution to follow in January.) Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting at 9:10 p.m. Passed by unanimous vote.

Prepared and
Attested by: Bonnie Bray
Secretary

17560

Malcolm Eidle and Bonnie Bray hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 17, 2007 to December 14, 2007, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray