

February 19, 2008  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Municipal Building by the Vice President, Mr. Edwin K. Seyler, with other members of Borough Council present: Mr. Brendan D. Strasser, Mr. James F. Schlegel, Mr. Mark R. Gangewere, Mr. Kevin J. Snyder and the Mayor, Ms. Sandra Green. President Malcolm A. Eidle was not present. Mr. Keith Mooney, 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; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Mr. David Horvath, Information Technology Coordinator; Mr. Russell Samilo, Director of Finance/Assistant Treasurer; Ms. Rachael Birckbichler, Director of Community Development; Zoning Hearing Board representative, Dave Remaley; Kutztown University students Joseph Grasso, Greg Lawson and Jordan Weagly; residents Filbert A. Grim, Jr., Kim Grasso; and Ms. Michelle Park, reporter for the Reading Eagle; and Ms. Lisa Mitchell, reporter for The Kutztown Area Patriot were also present.

Frank J. Leber of Rhoads & Sinon, LLP, Bond Counsel, gave a presentation with regard to funding for capital improvements and related studies for the Borough's Telecommunications utility.

Steve Flaherty of RBC Dain Rauscher, Financial Consultants, explained that

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Requests for Proposal for a \$1,300,000 loan were sent to lenders throughout the region, and that he recommends the proposal from Leeseport Bank for this loan.

Mr. Vettraino clarified that the loan is an amount not to exceed \$1,300,000, and that the Borough will not take all of this money at one time. Approximately \$300,000 is required for 2008, and the remaining \$1,000,000 will be used in the future to upgrade the current system. He also stated that \$1,000,000 is a projection of what will be needed, and the actual cost will be determined throughout the year.

After Mr. Leber reviewed the ordinance that was distributed to Council, Vice President Seyler asked if there were any public comments regarding the issue, and there were none.

Councilman Strasser expressed that he does not have a problem with the terms of the loan; however, he thinks that Council should explore a better direction for Hometown Utilicom.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To enact and ordain the following Ordinance, and To approve the Requests for Proposal for a taxable General Obligation Note for the Telecommunications Fund in the approximate amount of \$1,300,000 to be used to fund capital projects and studies. The following vote was cast: Mr. Gangewere, Aye; Mr. Schlegel, Aye; Mr. Snyder, Nay; Mr. Seyler, Aye; and Mr. Strasser, Nay.

## ORDINANCE NO. 2-2008

AN ORDINANCE OF THE COUNCIL OF THIS BOROUGH AUTHORIZING AND DIRECTING ISSUANCE OF A GENERAL OBLIGATION NOTE OF THIS BOROUGH, TO BE DESIGNATED GENERAL OBLIGATION NOTE, SERIES OF 2008 (FEDERALLY TAXABLE), TO BE DATED AS PROVIDED THEREIN, IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000), PURSUANT TO THE ACT OF THE

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT, TO PROVIDE FUNDS FOR AND TOWARD: (A) A CAPITAL PROJECT CONSISTING OF THE STUDY, DESIGN, ACQUISITION AND INSTALLATION OF FIBER OPTIC CABLE FACILITIES AND RELATED EQUIPMENT TO BE USED IN CONNECTION WITH THE AUGMENTATION OF EXISTING PUBLIC UTILITY SERVICES AND WITH THE FURNISHING OF VOICE, VIDEO AND DATA TRANSMISSION AND RECEPTION SERVICES WITHIN THIS BOROUGH AND MAKING AND/OR CONSTRUCTING CAPITAL IMPROVEMENTS RELATED THERETO; AND (B) PAYING COSTS, FEES AND EXPENSES WITH RESPECT TO THE FOREGOING PURPOSES AND TO THE FINANCING; SETTING FORTH THE FINDING THAT IT IS IN THE BEST FINANCIAL INTERESTS OF THIS BOROUGH TO SELL SUCH GENERAL OBLIGATION NOTE AT PRIVATE SALE BY NEGOTIATION; SETTING FORTH THE TERMS AND SUBSTANTIAL FORM OF SUCH GENERAL OBLIGATION NOTE AND AUTHORIZING EXECUTION AND DELIVERY THEREOF; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THIS BOROUGH IN SUPPORT OF SUCH GENERAL OBLIGATION NOTE; APPOINTING A PAYING AGENT AND A SINKING FUND DEPOSITORY IN CONNECTION WITH SUCH GENERAL OBLIGATION NOTE; AUTHORIZING APPROPRIATE OFFICERS OF THIS BOROUGH TO TAKE CERTAIN ACTIONS AND TO EXECUTE CERTAIN DOCUMENTS IN CONNECTION WITH SUCH GENERAL OBLIGATION NOTE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INSOFAR AS THE SAME SHALL BE INCONSISTENT HEREWITH.

There being a majority in favor, the motion passed.

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

Amiee Bollinger and Sarah Bellois introduced themselves to Council as the Chairperson and Vice Chairperson of the Environmental Advisory Committee, respectively.

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

- Review and accept the Minutes of the January 7 and 15, 2008, Council Meetings and the February 9, 2008 Council workshop.
- 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

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Report, including payment dates from January 12, 2008, to February 15, 2008, as summarized below:

General Fund	\$ 260,533.70
Refuse and Recycling Fund	\$42,867.63
Fire Protection Tax Fund	\$20.96
Recreation Tax Fund	\$41.92
Road Tax Fund	104.80
Water Fund	\$171,882.55
Electric Fund	\$452,395.45
Sewer Fund	\$130,660.36
Telecommunications Fund	\$77,524.46

Passed by unanimous vote.

Under Borough Planning Commission, off of the agenda, a motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To appoint Derek Mace to the Borough Planning Commission. His term expires in October, 2009. Passed by unanimous vote.

Under Community Development Committee, a motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To appoint Lisa Prendergast to the Environmental Advisory Committee as a student representative. Her term expires in January, 2010. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To accept the resignation of Lee W. Trout from the Code Appeals Board, effective immediately. Passed by unanimous vote.

Council discussed the proposed Act 167 Stormwater ordinance proposed by the Department of Environmental Protection. Mr. Diehm noted that the Borough models its ordinance after Berks County's ordinance, which has not yet been passed.

Mr. Strasser noted that a special Council meeting has been scheduled for February 26, 2008, at 6:00 p.m. to consider a residential rental tax ordinance.

Mr. Strasser also noted that earlier this month, Kutztown's Pennsylvania

Representative Carl Mantz introduced legislation in the State House that would distribute grants to municipalities that provide primary municipal services to a Pennsylvania State System of Higher Education University.

Under Public Safety Committee, Mr. Gangewere submitted the Police Report for January, 2008.

Mark Gangewere reported the following fines were collected:

District Justice Greth	December, 2007	\$11,291.53
Clerk of Common Pleas	December, 2007	\$755.98
Secretary's Office	January, 2008	\$2,195.00

A motion was made by Mr. Gangewere, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to execute the Annual Agreement with the Animal Rescue League of Berks County, Inc., and approve a \$500.00 donation to the League. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to execute an agreement with the Pennsylvania Department of Community and Economic Development for a grant in the sum of \$25,000, to be utilized to offset overtime costs associated with police services on weekend nights. The term of the agreement is July 1, 2007 through June 30, 2010. This grant was received with the assistance of Senator Mike O'Pake. Passed by unanimous vote.

Mr. Gangewere noted that Kutztown's Pennsylvania Senator Mike O'Pake is a co-sponsor of a package of legislation introduced on February 12, 2008 in the State Senate entitled the Alcohol Accountability Act. The Act is intended to address the problems of binge-drinking in college towns throughout the Commonwealth.

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Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the 2008 disposal contract between the Borough and the Delaware County Solid Waste Authority, pertaining to tipping by the Borough at Rolling Hills landfill. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve the request from CareNet Pregnancy Center to use the Brick Pavilion in the Kutztown Park for their 22<sup>nd</sup> Annual Walk for Life planned for April 26, 2008, from 8 a.m. to 11:30 a.m. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To ratify the approval of the revised Police Secretary position description. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To accord regular part-time employment status to Debbie Smith-Craine, CSO, upon completion of her probationary employment period. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To opt-out of the Capital Blue Cross Medical Adherence Program for 2008. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To ratify the hiring of a temporary employee to substitute for the Field Operations Coordinator during an FMLA leave. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To ratify the hiring of Nathan F. Keller, Fleetwood, PA, as a Public Works Laborer II,

contingent upon his obtaining a CDL Class B driver's license and successfully completing all post-offer, pre-employment testing. Passed by unanimous vote.

Under Finance, Electric and Telecommunications Committee, Mr. Samilo briefly reviewed the 2007 fourth quarter budget report.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To Review the second use request and Code Office recommendation with regard to 60 Bieber Alley to use a portion of the property as a retail pet supply store. Passed by unanimous vote.

Under Miscellaneous, Mr. Vettraino presented information about the Borough's 2008 National Citizen Survey. The presentation covered the following topics:

- Why Kutztown is doing a Citizen Survey.
- What the National Citizen Survey is and why we should use it.
- The purposes of the National Citizen Survey.
- The kinds of questions the National Citizen Survey asks.
- What the National Citizen Survey service include.
- Why the survey is conducted by mail.
- How to assure that survey respondents represent the community.
- Example survey questions.
- Comparison data the National Citizen Survey offers.

A few residents expressed concern that the Borough's student population would negatively affect the survey results.

Mr. Vettraino noted that this survey will include demographics, so if answers appear to be skewed, the answers and demographics can be closely studied. He also

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pointed out that the Master Park Plan survey was conducted the same way, and it was a huge success.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:32 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 January 12, 2008, to February 15, 2008, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Malcolm A. Eidle

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Gina M. Wiand