

April 7, 2008  
Kutztown, PA

A special meeting of the Kutztown Borough Council was called to order at 5:00 p.m. in the Kutztown Municipal Building by President Malcolm A. Eidle, with other members present: Mr. Edwin Seyler, Mr. James Schlegel, Mr. Mark Gangewere, and Mayor Sandy Green. Mr. Kevin Snyder was absent. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Jaymes A. Vettraino, Borough Manager/Treasurer; Bonnie Bray, Borough Secretary/Human Relations Director; Gina Wiand, Assistant Borough Secretary; and Michele Park, reporter for the Reading Eagle were also present.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution appointing certain persons and/or firms as officers of the Borough of Kutztown on an interim basis:

## RESOLUTION NO. 12-2008

A RESOLUTION OF THE BOROUGH COUNCIL OF  
THE BOROUGH OF KUTZTOWN, COUNTY OF  
BERKS, COMMONWEALTH OF PENNSYLVANIA,  
APPOINTING ON AN INTERIM BASIS, CERTAIN  
PERSONS AND/OR FIRMS AS OFFICERS OF THE  
BOROUGH OF KUTZTOWN.

WHEREAS, both the Pennsylvania Borough Code and the Code of the Borough of Kutztown provide for the appointment of a Borough Manager and a Borough Treasurer of the Borough of Kutztown; and

WHEREAS, Mr. Jaymes A. Vettraino, who had served as Borough Manager and Treasurer for the Borough of Kutztown since December of 2002, resigned his appointed positions with the Borough of Kutztown and his employment with the Borough of Kutztown effective May 9, 2008; and

WHEREAS, the Borough Council of the Borough of Kutztown is in the process of seeking candidates for the position of Borough Manager and Treasurer of the Borough of Kutztown; and

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WHEREAS, it is essential to the proper operation of the government of the Borough of Kutztown, as well as to assure that the laws are faithfully enforced, that individuals be appointed, on an interim basis, to hold the positions of Borough Manager and Treasurer of the Borough of Kutztown.

NOW, THEREFORE, the Borough Council of the Borough of Kutztown, in accordance with the authority set forth in §§ 1106, 1107 and 1141 of the Pennsylvania Borough Code and Chapter 29 of the Code of the Borough of Kutztown does hereby adopt the following resolutions:

RESOLVED, that appointments or elections be made to certain Borough of Kutztown appointive offices, on an interim basis, with each of the respective appointees to hold such office until the removal from such office or until their successors shall have been appointed by the Borough Council and shall have given any bond required by law:

1. David L. Woglom is hereby appointed to assume the responsibilities of Borough Manager of the Borough of Kutztown, pursuant to the authority of § 1141 of the Pennsylvania Borough Code and § 29-7 of the Code of the Borough of Kutztown effective April 26, 2008. Between the effective date of this Resolution and April 25, 2008 David L. Woglom is authorized and directed to communicate and consult with Jaymes A. Vettrains regarding the responsibilities and duties for which David L. Woglom shall assume on April 26, 2008. (The terms and conditions applicable to Mr. Woglom's employment are set forth in Exhibit A.)

2. Russ Samilo, Finance Director of the Borough of Kutztown, is hereby appointed to the office of Borough Treasurer of the Borough of Kutztown, pursuant to the authority of § 1106 of the Pennsylvania Borough Code and §§ 29-4 and 29-5 of the Code of the Borough of Kutztown effective April 26, 2008.

FURTHER RESOLVED, that the above stated appointments shall take effect, with respect to each appointee, upon the giving by such appointee of any bond required by law, if the employee is currently not bonded or not sufficiently bonded, and pursuant to the authority contained in § 1103 of the Pennsylvania Borough Code, the Borough of Kutztown hereby agrees to pay the premium on any such bond which may be required.

FURTHER RESOLVED, that during periods of time when the Borough Manager as set forth herein is unavailable and unable to fulfill the requirements and duties of his office due to his absence from the Borough and when it is immediately necessary for someone to assume the duties of the Borough Manager, Bonnie Bray, the Borough Secretary shall perform the duties of the Borough Manager.

FURTHER RESOLVED, that during such time as the above-named appointees shall serve in their respective offices, they shall each perform such duties and exercise such powers as may be imposed or provided by law regarding each such appointive office.

FURTHER RESOLVED, that pursuant to the authority contained in § 29-7 of the Code of the Borough of Kutztown, this Resolution shall be deemed the "Written Statement" required by such section that it is the intention of the Borough Council of the Borough of Kutztown that the appointment of a Borough Manager set forth in this Resolution is interim or temporary and that the Borough Council intends to remove the appointee and appoint a permanent successor upon the conclusion of the Borough Council's current effort to recruit a new Borough Manager.

FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption and approval.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution and it is hereby declared to be the intent of the Borough Council of the Borough of Kutztown that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all resolutions or parts of resolutions inconsistent with this Resolution are hereby superseded.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 7<sup>th</sup> day of April, 2008.

Passed by unanimous vote.

President Eidle asked if there was anyone who wished to address Council at this time, and there was no response.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting at 5:03 p.m. Passed by unanimous vote.

Prepared and  
Attested by: Bonnie Bray  
Secretary