

October 21, 2008
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, Mrs. Amy Bray, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, Student Ambassadors Joe Haughey and Robert Toth and Mayor Sandy Green. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Mr. Richard F. Celmer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Theodore R. Cole, Chief of Police; Sergeant Raymond Schell; Mr. Richard J. Diehm, Director of Special Projects; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Resources Director; Robert Schegan and Troy Arndt of the Kutztown Fire Company; W. Wayne and Jacob Hopkins; Dave Remaley of the Zoning Hearing Board; and Jack Long of Long Barrell & Co. were also present.

Mr. Khalife opened and read aloud the bids for 12,000 gallons of fuel oil. A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To refer the bids for 12,000 gallons of fuel oil to the Public Works Superintendent for his review.

Passed by unanimous vote.

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

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

- Review and accept the Minutes of the September 16, 2008, Council Meeting.

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- Review and accept the Borough Community Development Office Report for September, 2008.
- Review and accept the Borough Community Development Office Quarterly Comparison of Fees Report for Third Quarters of 2007 and 2008.
- Approve the advertisement and bid specifications for janitorial services.
- Accept the resignations of the following seasonal employees: Steven Hudak, effective September 6, 2008; Lisa Reilly, effective September 6, 2008; Erin Goodhart, effective August 9, 2008; Heather Zentner, effective August 9, 2008; Brent Koller, effective September 1, 2008; Alexander Batch, effective August 22, 2008; Daniel Erb, effective September 1, 2008; Patrick Erb, effective September 1, 2008; Hannah Fritz, effective September 1, 2008; Nicholas Lowry, effective August 31, 2008; Joseph Pecha, effective August 22, 2008; Katelyn Remp, effective September 1, 2008; Lindsay Shive, effective August 31, 2008; Kacy Tuite, effective August 20, 2008; Misty Tuite, effective August 29, 2008; Allison Scheidt, effective August 21, 2008; Karla Bailey, effective August 3, 2008; Dallas Wanner, effective August 3, 2008; Jonathan Seaman, effective August 19, 2008 and Naaman Schlegel, effective August 19, 2008.
- 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 September 13, 2008, to October 17, 2008, as summarized below:

General Fund	\$326,902.98
Refuse and Recycling Fund	87,468.19
Fire Protection Tax Fund	17.22
Recreation Tax Fund	65.27
Road Tax Fund	53.16
Water Fund	136,507.72
Electric Fund	477,305.70
Sewer Fund	133,690.91
Telecommunications Fund	117,188.16

Passed by unanimous vote.

Mr. Jack Long of Long Barrell provided a very brief overview of the audit report for year ending December 31, 2007.

Under Borough Planning Commission, Mr. Hopkins reviewed the October 17, 2008 letter from the Borough Planning Commission with regard to its recommendations

for the Kutztown Fire Company. He indicated that the report will be reviewed by the Borough's Public Safety Committee.

Under Environmental Advisory Commission, Mr. Snyder reviewed the request from the EAC for oversight of the Sacony Trail. The EAC has developed a list of activities and responsibilities associated with maintaining and overseeing the trail and is asking Council to assign such tasks. A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To assign oversight of the Sacony Trail to the EAC. Passed by unanimous vote.

Mr. Snyder reported that the EAC is still waiting for a response from Council with regard to EAC's August 18, 2008 letter in which the EAC requested an update on the progress made by the Borough in its promise to meet the 12 standards established by Resolution No. 9-2007 whereby Council endorsed the United States Mayors Climate Protection Agreement concerning the reduction of global warming pollution. Mr. Snyder recommended that each department review the agreement and identify what progress has been made. Mr. Snyder will follow up with the department heads.

Under Community Development, a motion was made by Mrs. Bray, seconded by Mr. Snyder, Resolved, To reappoint Lisa Ladd Kidder to the Borough Planning Commission for a successive four-year term expiring October, 2012. Passed by unanimous vote.

Under Public Safety, Mr. Gangewere submitted the Police Report for the month of September, 2008, copies of which were given to Council. He reported the following fines were collected:

District Justice Greth	August, 2008	\$3,713.00
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Clerk of Common Pleas	August, 2008	\$249.93
Secretary's Office	September, 2008	\$6,000.00
Commonwealth of PA	September, 2008	\$250.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To accept the Communications Agreement ó Amended Terms with the County of Berks for dispatching services for 2009. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mrs. Bray, Resolved, To authorize the appropriate Borough officials to execute the annual agreement with the Animal Rescue League of Berks County, And Be It Further Resolved, To approve a \$500.00 donation to the League. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapter 212 of the Kutztown Code to include the municipal parking lots in §212-73. Passed by unanimous vote.

Under Public Works Committee, Mr. Snyder announced that the Berks County Conservancy will hold a ribbon-cutting event and dedication of the Sacony Trail, Phase 2, on October 24, 2008, at 2:00 p.m., and that everyone is invited to attend.

A motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To award the bid for rock salt to Oceanport Industries, Inc., Claymont, DE, at the cost of \$81.59 per ton. Passed by unanimous vote.

Under Personnel Committee, an Executive Session to review the status of the AFSCME negotiations was deferred to the end of the meeting.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To accept, with regret, the letter of resignation (retirement) of Police Chief T. R. Cole, effective November 5, 2008. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the advertisement for a police chief in the local newspapers and on the Pennsylvania Chiefs of Police website. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To approve the revised Chief of Police position description. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To ratify the action taken by the Personnel Committee to authorize the Borough Manager, the Mayor and the Human Resources Director to accept resumes and applications for the police chief position and to complete the initial screening process of applicants. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To hire Police Chief Garipoli to conduct board-style interviews for the police chief position based on initial screening and selection process. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To hire the Pennsylvania Chiefs of Police Association to conduct the background investigations for police chief candidates at a cost of \$47.50 per hour (average time required is 30 hours). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To appoint Sergeant Raymond Schell as officer-in-charge, effective November 5, 2008. Passed by unanimous vote.

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A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accept, with regret, the resignation of Cynthia Wenrich, Part-time Library Clerk, effective October 23, 2008. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the revised Part-time Library Clerk position description. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize advertisement and hiring of a Part-Time Library Clerk. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mrs. Bray, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapter 33 of the Kutztown Code so as to revise the Police Pension Plan to comply with legal requirements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accord regular full-time employment to Nathan Keller, effective retroactively at the completion of his probationary employment period on September 25, 2008. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify hiring David Vicari as a part-time police officer effective October 9, 2008. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To waive the probationary period for David Vicari. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To establish \$16.25 as the hourly pay rate for David Vicari. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To terminate seasonal part-time employment of Calvin Hoch, CSO II, based on the workers' compensation medical provider's report. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mrs. Bray, Resolved, To hire Dennis Hassler, Tipton, Pennsylvania, as a Student Intern in the Water Department, at an hourly rate of \$10.00, effective October 28, 2008. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the execution of the Berks Career and Technology Center Training Agreement for Work-Based Learning in conjunction with Dennis Hassler's employment. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize payment of the 2008 Solvency Fee of \$3,453.63 to elect the option to request relief from Unemployment Compensation charges. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the 2009 Renewal Application for workers compensation insurance with the Susquehanna Municipal Trust. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mr. Snyder, Resolved, To modify the Unemployment Escrow Fund No. 49 to invest the escrow in long-term higher yielding notes; And Be It Further Resolved, To discontinue additional provisions and provide for an annual review of adequacy of escrow. Passed by unanimous vote.

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Under Finance, Electric and Telecommunications Committee, Mr. Eidle noted that copies of the third quarter Budget Report were distributed to Council members.

There were no questions about the budget.

Mr. Eidle deferred the Executive Session to discuss potential litigation to the end of the meeting.

A motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To authorize the appropriate Borough officials to execute the letter of understanding from Long, Barrell & Co., Ltd., Reading, Pennsylvania, so as to provide auditing services for the year ending December 31, 2008, for the total fee not to exceed \$28,000 for the regular audit and \$2,500 for the single audit. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To award the bid for the Security Surveillance System to LANtek, Kutztown, Pennsylvania, in the total bid amount of \$20,040.00. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To sell the Borough's obsolete telephone system to Friend, Inc., for \$1.00, in "as is" condition. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To approve Change Order No. 1 with regard to the University Interceptor Replacement Project in the amount of \$2,236.75 to be paid to Tru-Line Contractors, Inc., Perkasio, Pennsylvania, for the relocation of the six inch water line. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To approve Change Order No. 2 with regard to the University Interceptor Replacement

Project in the amount of \$5,092.20, to be paid to Tru-Line Contractors, Inc., Perkasie, Pennsylvania, for the installation of six inch electric conduit. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the estimated travel costs of \$986.24 associated with off-site software training in St. Louis, Missouri, for Catherine Runkle, Field Operations Coordinator. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To waive all Borough fees associated with the Homecoming parade and the Kutztown University parade. Passed by unanimous vote.

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

RESOLUTION NO. 25-2008

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. 2001 - 2005 bank statements and deposit slips;

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2. 2001 canceled checks, including payroll, meter deposit and expense checks and check statements;
3. Employment applications, resumes and miscellaneous documents of unsuccessful employment candidates received prior to the two-year retention period requirement as established in the Municipal Records Manual;
4. Insurance policies and certificates covering the years prior to the six-year retention period requirements as established in the Municipal Records Manual;
5. Municipal Obligation bonds and coupons from 1992 through 1996; and
6. Computer System 36 back-up tapes, including electric and water/sewer utility file purges through June, 2005; general ledger tapes through 2004; and accounts payable tapes through 2004.

DULY ADOPTED AS A RESOLUTION this 21st day of October, 2008, 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. Gangewere, seconded by Mr. Schlegel, Resolved, To authorize the solicitor to prepare an Ordinance to comply with Pennsylvania's new Right-to-Know Act. Passed by unanimous vote.

Mr. Eidle called for an Executive Session at 8:10 p.m. to review the status of the AFSCME contract negotiations, to discuss grievances filed by AFSCME employees, and to discuss potential litigation. The Executive Session ended, and the meeting reconvened at 8:45 p.m. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mrs. Bray, Resolved, To authorize the Borough Manager and the Human Resources Director to settle the three unresolved grievances filed by AFSCME employees. Passed by unanimous vote.

There being no further business, a motion was made by Mr. Schlegel, seconded by Mrs. Bray, Resolved, To adjourn the meeting at 8:47 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 of September 13, 2008 through October 17, 2008, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray