

December 16, 2008
Kutztown, PA

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. James F. Schlegel, Mr. Mark R. Gangewere, Mr. Kevin J. Snyder and the Mayor, Ms. Sandra Green. Ms. Amy Bray was absent. 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. Gabriel Khalife, Borough Manager/Treasurer; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Mr. Frank Caruso, Director of Information Technology; Mr. Robert Toth, Student Ambassador to Council; Mr. Joe Haughey, Student Ambassador to the Mayor; and Ms. Michelle Park, reporter for The Reading Eagle were also present.

President Eidle called for the opening of bids for the roof replacement project for Borough Hall. Mr. Mooney opened and read bids received from Hutchinson Construction, LLC, Hazelton, PA, in the total bid amount of \$24,990.00; Axis Contracting, Philadelphia, PA, in the total bid amount of \$54,845.00; Ram Siding Company, Inc., East Douglassville, PA, in the total bid amount of \$30,017.00; KPI #2, Morrisville, PA, in the total bid amount of \$27,761.00; Budget Renovations and Roofing, Inc., Shamokin, PA, in the total bid amount of \$24,999.00; Bachman's Roofing, Building and Remodeling, Inc., Sinking Spring, PA, in the total bid amount of \$35,310.00; Stanley W. Bauman, Jr., General Contractor, Inc., Topton, PA, in the total

bid amount of \$45,671.00; Spotts Brothers, Inc., Schuylkill Haven, PA, in the total bid amount of \$27,700.00; Rainbow Roofing Co., Inc., Sinking Spring, PA, in the total bid amount of \$24,899.00; Alan Kunsman Roofing and Siding, Freemansburg, PA, in the total bid amount of \$38,640.00; Ed Snukis Contracting, St. Clair, PA, in the total bid amount of \$48,659.00; and Banes Roofing, Inc., Telford, PA, in the total bid amount of \$34,899.00. A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To award the bid for the roof replacement project for Borough Hall pending review by the Borough Manager and the Public Works Superintendent. Passed by unanimous vote.

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. Gangewere, seconded by Mr. Schlegel, Resolved, To approve the following Consent Agenda:

- Review and accept the Borough Community Development Report for November, 2008.
- Authorize the water/wastewater superintendent to prepare the bid specifications for hauling of secondary digested sludge from the wastewater treatment plant for a two year period from March, 2009, to March, 2011.
- 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 15, 2008, to December 12, 2008, as summarized below:

General Fund	\$ 314,204.03
Refuse and Recycling Fund	\$32,697.19
Water Fund	\$71,985.24
Electric Fund	\$474,882.82
Sewer Fund	\$241,018.37
Telecommunications Fund	\$193,091.18
Highway Aid Fund	108,000.00

Passed by unanimous vote.

17723

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

Under Environmental Advisory Commission, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To appoint Jeffrey L. Henninger as a resident member of the Environmental Advisory Commission, whose three-year term will expire in January, 2012. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To establish a Community Stewardship Award. Passed by unanimous vote.

Under Community Development Committee, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To approve the conversion to DVD format of six reels of 16mm film depicting the 1965 Sesqui-centennial celebration and further recommend that additional copies be produced and made available for sale. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To appoint Lenore McGonigle to the Zoning Hearing Board as Alternate upon the end of her current term on the Planning Commission. Passed by unanimous vote.

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

Mr. Gangewere reported the following fines were collected:

District Justice Greth	October, 2008	\$6,351.35
Clerk of Common Pleas	October, 2008	\$464.25
Secretary's Office	November, 2008	\$8,100.00

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To award the bid for two 30-cubic yard roll-off dumpsters to Berks Transfer of Reading. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To award the bid for gasoline and diesel fuel to Richland Parnters, LLC. Passed by unanimous vote.

Under Personnel Committee, Mr. Seyler noted that an Executive Session of the Personnel Committee was held on Thursday, December 11, 2008, at 3:30 p.m. to discuss a nonuniformed personnel matter. No action was taken and none is expected.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To approve the unpaid leave request for Catherine Runkle for the period from December 15, 2008 through December 19, 2008, and approve the action to offer Ms. Runkle COBRA benefits prorated at a weekly rate. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the change in benefits for salaried and other nonunion full-time employees who are covered by the Borough's health insurance plan to increase the employee's contribution rate to \$30.00 per month under the Section 125 plan for 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To rescind action taken at the November 18, 2008 meeting to hire Russell Walbert as a patrol officer on probationary status as a result of Mr. Walbert withdrawing his application. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To hire Karl J. Schemberg as a patrol officer on probationary status, contingent upon successful completion of all post-offer tests and evaluations and contingent upon receiving ACT 120 certification. Passed by unanimous vote.

17725

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To appoint Donald Sheetz, Jr. and Jeff DeTurk, Kutztown, PA, to the Civil Service Commission, effective immediately. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Sheila Fulton to the Kutztown Municipal Authority for a five-year term. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Dick Diehm to the Kutztown Transportation Authority for a five-year term. Passed by unanimous vote.

Under Finance, Electric and Telecommunications Committee, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To approve the proposed Budget for 2009. Passed by unanimous vote.

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

ORDINANCE NO. 15-2008

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2009.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the County of Berks to bill back a proportionate amount of the cost of the tax bill forms and postage expense incurred on behalf of the Borough. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To

approve a \$500.00 donation for the 2009 Fools Run. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To ratify the payment for an electric service credit in the amount of \$1,517.67 for Mary Jane Holloway of 44A South Elm Street. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To hire Professional Computer Systems Co., Dennison, Iowa, to provide a utility billing software program, in the total amount of \$185,000.00, contingent upon the acceptable review by Borough staff and the solicitor. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To authorize the Borough solicitor to prepare ordinances and resolutions, as needed, to accommodate the proposed monthly water and sewer billing cycle. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the sewer credit request for 152 West Walnut Street in the amount of \$552.18. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To approve the sewer credit request for 413 Luella Drive in the amount of \$22.15. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to execute the lease agreement with Kyle Henninger, Breinigsville, Pennsylvania, to farm a portion of the Borough of Kutztown farm tract. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To

17727

authorize the appropriate Borough officials to execute the lease agreement with Berks County Conservancy, Reading, Pennsylvania to sublease to Harlan Burkholder, Kutztown, Pennsylvania to farm a portion of the Borough of Kutztown farm tract. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 16-2008

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NOS. 38-2007 AND 29-2002 AND ADOPTING CHAPTER 170 OF THE KUTZTOWN CODE WHICH SHALL PROVIDE RULES AND REGULATIONS FOR THE OBTAINING OF PUBLIC RECORDS FROM THE BOROUGH OF KUTZTOWN PURSUANT TO 65 P.S. § 67.101, *ET SEQ.* OTHERWISE KNOWN AS THE "RIGHT-TO-KNOW LAW."

Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To approve the request for Edna Kramer and Susan Barron to attend the seminar on Wednesday, January 7, 2009, on Pandemic Preparedness for Local Government sponsored by the Berks County Department of Emergency Services and the Berks County Pandemic Advisory Council. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To renew the trademark registration for the Hometown Utilicom service mark by filing Section 8 and Section 15 affidavits. Passed by unanimous vote.

Off of the agenda, President Eidle noted that in 2009, the meeting times for the Finance, Electric and Telecommunications Committee and the Public Safety Committee will both change from 3:30 p.m. to 8:00 a.m.

Off of the agenda, a motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To ratify the agreement with Professional Computer Systems Co.

Off of the agenda, a conversation regarding APEX was tabled for further discussion.

President Eidle noted that the MLB (Major League Baseball) Network will be added to the Hometown Utilicom television lineup in January.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:07 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 November 15, 2008, to December 12, 2008, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Gina M. Wiand