

March 17, 2009
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 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. Gabriel Khalife, Borough Manager/Treasurer; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Ms. Julianne Nolan, Director of Community Relations and Development Services at Kutztown University; Mr. Robert Toth, Student Ambassador to Council; Mr. Joe Haughey, Student Ambassador to the Mayor; and Mr. Phil Ellingsworth, Jr., reporter for The Kutztown Area Patriot were also present.

Off of the agenda, President Eidle made the following announcement:

The population of Kutztown has just increased by one on March 15, 2009 thanks to the efforts of Councilwoman Amy Bray and husband Don. Will Donald Bray, future Kutztown taxpayer, is the newest member of the Bray family. Baby Will was born at 9:30 a.m. and weighs 7 pounds and 11 ounces and is 21 inches tall. Proud parents Don and Amy and big sister Emily are tickled blue. Everyone is home and resting well. Congratulations to Amy, Don and Emily!

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

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confirm the conditional probationary employment of Craig M. Summers as the Chief of Police, effective March 16, 2009, at an annual salary of \$75,000. Passed by unanimous vote.

Mayor Green administered the Loyalty Oath to Chief of Police Summers and gave a brief introduction and biography about the new Chief.

Mayor Green recognized Raymond A. Schell, Jr. for his outstanding performance acting as Officer In Charge during the transitional period without a Police Chief.

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

Caecilia Holt announced that April 18 is National Record Store Day, and Young Ones would like to have bands playing outside of the store that day. Mr. Seyler referred her to the Community Development Office.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To remove from the Consent Agenda the item to ratify the issuance of a purchase order to Blonder Tongue Laboratories, Inc., Old Bridge, NJ, in the amount of \$119,511.87 for machinery and equipment for the transition of the head end to Digital. This item will be placed on the Regular Agenda under Finance, Electric and Telecommunications Committee. Passed by unanimous vote.

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

- Review and accept the Community Development Report for February, 2009.
- Approve the request from the Kutztown University OCAC to hold their annual block party in the 200 block of West Main Street on April 26, 2009 and to waive all associated Borough fees.

- Approve the request to waive all Borough fees associated with the Fools' Run on April 4, 2009.
- Approve the request from the Kutztown American Legion to waive the rental fees associated with the use of the Pomone Pavilion on May 22, 2009 through May 24, 2009 and July 25, 2009 through July 29, 2009.
- 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 February 14, 2009 to March 13, 2009, as summarized below:

General Fund	\$264,815.88
Refuse and Recycling Fund	\$25,654.93
Water Fund	\$45,076.39
Electric Fund	\$505,962.27
Sewer Fund	\$56,144.05
Telecommunications Fund	\$91,989.78

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, Amiee Bollinger reported that the Commission is close to establishing guidelines for a Stewardship Award. She also thanked Council for establishing a budget for the group.

Under Community Development Committee, a motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To accept, with regret, the resignation of Dale Grim as an alternate member of the Zoning Hearing Board after 14 years of service to the Borough. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To accept, with regret, the resignation of Alan L. Kenney from the Housing License and Appeals Board, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To accept, with regret, the resignation of W. Wayne Hopkins from the Borough Planning

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Commission, effective immediately. Passed by unanimous vote.

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

RESOLUTION NO. 7-2009

A RESOLUTION CLOSING OUT COMMUNITY CONSERVATION PARTNERSHIPS GRANT PROJECT (BRC-TAG-12-241)

WHEREAS, the Borough of Kutztown has prepared a Master Park Plan for the recreation facilities of the Borough; and,

WHEREAS, the purpose of the Plan is to enhance the recreation facilities of the Borough and to provide guidance for future development of said recreation facilities; and,

WHEREAS, the Plan was financed in part by a Community Conservation Partnerships Program grant under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, under contract number BRC-TAG-12-241.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the Borough of Kutztown that:

- a. The project was completed in accordance with the Grant Agreement.
- b. All project expenditures have been made and were in accordance with the Grant Agreement.
- c. The Plan and related materials are acceptable to the Borough of Kutztown.
- d. The Plan and related materials will be used to guide future recreation, park, open space and conservation acquisition, development, operations, and maintenance.

ADOPTED THIS 17th DAY OF March, 2009, by the Council of the Borough of Kutztown.

Passed by unanimous vote.

Mr. Schlegel noted that the Zoning Hearing for Appeal No. Z-09-01 with regard to the 235 Grimley Street subdivision will be held on Tuesday, March 31, 2009, and that Solicitor Mooney will attend the hearing to oppose the appeal.

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

February, 2009.

Mr. Gangewere reported the following fines were collected:

District Justice Greth	January, 2009	\$7,892.46
Clerk of Common Pleas	January, 2009	\$538.80
Secretary's Office	February, 2009	\$8,375.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Resolution to amend the false alarm fees as established in Chapter A231-1 of the Kutztown Code. 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 to add permit parking on the 400 block of College Boulevard. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Gangewere, seconded by Mr. Snyder, Resolved, To appoint Donald Sheetz, Jr. to the Police Pension Advisory Committee. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

RESOLUTION NO. 8-2009

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO APPROVE THE SALE AT PUBLIC AUCTION OF CERTAIN SURPLUS PERSONAL PROPERTY

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter "the Borough"), in accordance with Section 1201 (4) of the Borough Code as follows:

RESOLVED, that the Borough shall sell at public auction certain surplus personal

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property of the Borough having an estimated sale value of less than Two Thousand Dollars (\$2,000.00) for each item, and BE IT FURTHER RESOLVED, that the following procedure shall be followed for such sale:

1. The above referenced public auction sale shall be held at a mutually acceptable time established by the auctioneer and the Borough.
2. The Borough will enter into a contract, upon such terms as are determined by the Borough Manager to be in the best interest of the Borough, with a licensed auctioneer to conduct the sale as directed.
3. The Borough Manager may require the contracted auctioneer to advertise the scheduled sale in the manner required by Article XII, Section 1201 (4) of the Borough Code.
4. The attached list of surplus equipment/materials identified as Exhibit 5A and incorporated herein by reference, describes those items scheduled to be exposed to sale at public auction.
5. The purchase price to be paid by successful bidders on all sales of surplus equipment/materials at the public auction shall be paid for in cash, or equivalent, approved by the Borough Manager, and shall be paid to the contracted auctioneer the day of the sale prior to any equipment/materials leaving the site.
6. The public auction shall be an absolute auction whereby the highest bidder, regardless of price, receives the bid item, with exception taken on those items duly noted with a minimum bid requirement.

ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks

County, Pennsylvania in lawful, regular meeting duly assembled this 17th day of March, 2009.

Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Ordinance addressing transient retail businesses selling products in public recreation areas. Passed by unanimous vote.

Council reviewed the letter from Kutztown Area Transport Service and the Kutztown Fire Department with regard to the proposed Elm Street construction project and detours.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the Borough Manager to work with emergency personnel and PennDOT to work on a viable alternative to the current traffic plan, incorporating half-width access to the bridge during the time of construction. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the License Agreement with the County of Berks to use Borough premises for the exclusive purpose of transmitting radio signals for communication with public safety and public works agencies serving the northeastern area of Berks County. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To waive the rental fee associated with Fleetwood Bank's use of the Brick Pavilion for an American Cancer Society benefit dog walk event on April 26, 2009, from 11:30 a.m. to 4:00 p.m. Passed by unanimous vote.

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

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approve the request submitted by the Kutztown American Legion Baseball Association to host baseball tournaments at the Timothy M. Breidegam Field on July 11-15, 2009, July 25-29, 2009 and May 15-June 7, 2009, to use the Babe Ruth Field during the July 25-29, 2009 games as a backup field, to receive donations at the gate and to install a removable rope fence. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve the Optimist Club's 9th Annual Easter Egg Hunt and to waive all associated Borough fees. The event is scheduled to be held on Saturday, April 11, 2009, from 8:00 a.m. until 2:00 p.m. A rain date is scheduled for Sunday, April 12, 2009, from 12:00 p.m. until 5:00 p.m. Passed by unanimous vote.

President Eidle announced that there will also be an Easter Egg Hunt to benefit Autism at Kutztown University on April 4, 2009.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To ratify the request to advertise for and authorize the hiring of seasonal pool and park employees for 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To rehire Steve Hudak as pool manager and Lisa Reilly as assistant pool manager for the 2009 pool season as outlined in John Schmoyer's memorandum to Superintendent Norman Milnes dated March 1, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify the conditional probationary employment of the following CSO II's: Lamar Z. McLaughlin, Timothy R. Tayton, and Zachary E. Milroy. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To

ratify the probationary employment of Joanne M. Englehart, as a part-time library clerk, effective February 28, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept Sterling Adam's resignation from the Civil Service Commission and hence from the Police Pension Advisory Board. Passed by unanimous vote.

Mr. Eidle extended the Borough's thanks and appreciation to Mr. Adam for his many years of service.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accord regular full-time employment status to Cathy Runkle, effective upon completion of her probationary employment on February 25, 2009. Passed by unanimous vote.

Under Finance, Electric and Telecommunications Committee, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To adopt the following Resolution:

RESOLUTION NO. 9-2009

A RESOLUTION OF THE COUNCIL OF THIS BOROUGH APPOINTING AN UNDERWRITER AND BOND COUNSEL AND DETERMINING PRELIMINARILY TO PROCEED TO ISSUE GENERAL OBLIGATION BONDS OF THIS BOROUGH; AND AUTHORIZING PROPER OFFICERS OF THIS BOROUGH, THE SOLICITOR, BOND COUNSEL AND SUCH UNDERWRITER TO TAKE CERTAIN ACTION.

WHEREAS, The Borough of Kutztown, Berks County, Pennsylvania (the Borough), is a municipal corporation of the Commonwealth of Pennsylvania and is governed by its Council; and

WHEREAS, The Council of this Borough contemplates the authorization, sale, issuance and delivery of proposed general obligation bonds to provide funds for and toward the current refunding of this Borough's General Obligation Bonds, Series of 2003, and

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paying costs, fees and expenses with respect to the foregoing purpose and to the financing (the "Refunding Project"); and

WHEREAS, The Council of this Borough has determined that it may be in the best financial interests of this Borough to undertake the Refunding Project, upon a demonstration of financial benefit to this Borough; and

WHEREAS, The Council of this Borough contemplates undertaking the financing necessary in connection with: (1) the financing of all or any part of the Refunding Project; and (2) the payment of the costs and expenses of the financing and related costs and expenses; by issuance and sale of a series of general obligation bonds in the estimated maximum aggregate principal amount not to exceed \$4,610,000 (the "2009 Bonds"); and

WHEREAS, The Council of this Borough has requested the Underwriter (hereinafter defined) to develop and present to this Borough a plan of finance for the financing of all or any part of the Refunding Project through the issuance of the 2009 Bonds; and

WHEREAS, The Council of this Borough, in contemplation of authorization, sale, issuance and delivery of the 2009 Bonds, desires to authorize certain action.

NOW, THEREFORE, BE IT RESOLVED, by the Council of this Borough, as follows:

Section 1. The Council of this Borough does hereby appoint PNC Capital Markets LLC (the "Underwriter") to serve as underwriter to this Borough, and Rhoads & Sinon LLP, Attorneys at Law ("Bond Counsel"), to serve as bond counsel to this Borough in connection with issuance of the Bonds.

Section 2. The Council of this Borough expresses its desire to receive a firm

proposal for the purchase of the 2009 Bonds at the earliest practicable date, provided that market conditions are favorable for the issuance of the 2009 Bonds for the intended purposes and that the net present value savings to be obtained through the issuance of the 2009 Bonds is not less than \$100,000 and that the 2009 Bonds mature no later than August 15, 2023.

Section 3. The administrative officers of this Borough are hereby authorized and requested to cooperate with the Underwriter in the making of preparations for the sale and issuance of the Bonds, including without limitation, preparation of a preliminary official statement for this Borough and the filing of applications for credit ratings or bond insurance, as may be appropriate.

Section 4. The Underwriter, the officers of the Council of this Borough, the administrative officers of this Borough, the Solicitor of this Borough and Bond Counsel for this Borough are hereby authorized and directed to do such other things on behalf of this Borough as may be necessary and appropriate to implement the intent and purposes of this Resolution.

DULY ADOPTED, this 17th day of March, 2009, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

President Eidle noted that the Borough was featured on the cover of Badger Meter's magazine because of the smart meters that have been implemented throughout the Borough.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize preparation of bid specifications and authorize advertisement of a bid for

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machinery and equipment for the transition of the head end to Digital. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to execute the DEP GRANT AGREEMENT for the Environmental Stewardship and Watershed Protection Grant Program in the amount not to exceed \$54,932.00.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To ratify the request for a letter of support for a WREN grant through DEP for which the Maiden Creek Watershed Association is applying. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To Authorize the installation of software on the personal home computers of the Water and Wastewater Superintendent and of the Water Treatment Plant operators to provide access to SCADA. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:08 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 February 14, 2009 to March 13, 2009, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Gina M. Wiand