

A regular meeting of the Kutztown Borough Council was called to order at 7:32 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, Ms. Amy Bray and the Mayor, Ms. Sandra Green. 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. Craig M. Summers, Chief of Police; Kutztown Fire Chief Troy Arndt; Student Government Day participants Amelia Mengel, Amanda Guest, Andrew Velik; Resident David J. Reimer, Sr.; Ms. Michelle Park, reporter for the Reading Eagle and Ms. Christina Steffy, reporter for The Kutztown Area Patriot were also present.

Off of the agenda, Maxatawny Township Supervisor Kap Stauffer addressed Council with a status report on the SACRA agreement, and he reminded them that it must be signed by the Borough. Mr. Mooney indicated that the agreement should be ready sometime in June.

President Eidle welcomed the Kutztown Area Senior High School students who participated in the annual Kutztown Student Government Day.

After each student introduced him/herself, they conducted a mock Council meeting in which Amelia Mengel, Amanda Guest and Andrew Velik represented the Council members. As their theme, the students discussed façade improvements and

17790

implementing a mural program in the Borough. After a lengthy discussion, the students agreed that the entire community, including the school district, the Borough and Kutztown University should all work together to improve the aesthetics of downtown Kutztown.

President Eidle expressed his pride in the participants and he wished them good luck with their future plans. Mr. Khalife and Borough Council thanked Gina Wiand for her efforts in coordinating another successful Student Government Day.

Off of the agenda, Fire Chief Troy Arndt presented the Kutztown Fire Company Annual Report for 2008 to Council. He pointed out that the fire company responded to 410 emergency calls in 2008. He reported on statistics such as the number of emergency responses per month, day of the week and time of the day. He also provided data regarding emergency responses by municipality, response percentage by municipality, types of emergency incidents, total hours of service, average firefighters per call and action items completed in 2008.

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

David Reimer suggested possibly changing the "stop ahead" sign on the northbound side of Noble Street, because people often treat it as a stop sign.

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

- Review and accept the Minutes of the April 21, 2009, Council Meeting.
- Review and accept the Borough Community Development Report for April, 2009.
- Conditionally hire the following 2009 seasonal pool employees, contingent upon meeting all pre-employment requirements: Misty L. Tuite, Head Lifeguard, at

- \$9.46 per hour; Melody L. Aldinger, Lifeguard, at \$7.44 per hour; Patrick J. Brown, Lifeguard, at \$7.44 per hour; William R. Collier, Lifeguard, at \$7.44 per hour; Patrick A. Erb, Lifeguard, at \$8.50 per hour; Hannah E. Fritz, Lifeguard, at \$8.06 per hour; Kacy L. Houser, Lifeguard, at \$7.44 per hour; Nicholas S. Lowry, Lifeguard, at \$8.50 per hour; Katelyn Remp, Lifeguard, at \$7.69 per hour; Kacy A. Tuite, Lifeguard, at \$8.50 per hour, Emily M. Miller, Pool Office Clerk, at \$7.25 per hour; Allison M. Scheidt, Pool Office Clerk, at \$7.25 per hour; and Tyler M. Williams, Pool Office Clerk, at \$7.25 per hour.
- Conditionally hire the following Roller Rink Co-Managers for the 2009 summer season at \$8.68 per hour, contingent upon meeting all pre-employment requirements: Karla S. Bailey and Rebecca R. Kunkleman.
 - Conditionally hire the following Swim Team Coaches for the 2009 summer season at a cost not to exceed \$3,000.00, contingent upon meeting all pre-employment requirements: Erin Goodhart, Head Coach, at \$1,100.00 for the season; Shawn Santo, Assistant Coach, at \$1,000.00 for the season; and Niccole Buchanan, Assistant Coach, at \$900.00 for the season.
 - Approve the request from the Kutztown Dolphin Swim Team to use the Kutztown swimming pool for practices from Monday, June 8, 2009 through Monday, August 3, 2009, from 8:00 a.m. to 11:00 a.m.
 - Approve the request from the Kutztown Dolphin Swim Team to use the Kutztown swimming pool on Sunday, July 19, 2009, from 8:00 a.m. to 2:30 p.m. for the Swim Team Invitational Meet and to delay opening of the pool to the public until 2:30 p.m. on the 19th of July.
 - Ratify the annual sign sponsorship of \$100.00 for the Kutztown American Legion Baseball Association.
 - Ratify the advertising fee of \$200.00 for a full-page ad in the Kutztown American Legion Baseball Association program.
 - Ratify the annual sign sponsorship fee of \$50.00 for the Relay for Life.
 - 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 April 18, 2009, to May 15, 2009, as summarized below:

General Fund	\$208,160.79
Refuse and Recycling Fund	\$58,123.80
Fire Protection Tax Fund	\$36.04
Recreation Tax Fund	\$57.61
Road Tax Fund	\$144.29

17792

Water Fund	\$125,378.04
Electric Fund	\$511,706.30
Sewer Fund	\$101,098.53
Telecommunications Fund	\$156,894.38

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, Mr. Snyder inquired about the Borough's order of CFL light bulbs. President Eidle said that he would look into it.

Under Community Development Committee, off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To waive the permit and inspection fees, in the amount of \$104.00, associated with Scott Fields's Eagle Scout project working on new steps at the library. Passed by unanimous vote.

Under Public Safety Committee, Mr. Gangewere submitted the Police Report for April, 2009.

Mr. Gangewere reported the following fines were collected:

District Justice Greth	March, 2009	\$7,025.53
Clerk of Common Pleas	March, 2009	\$794.04
Secretary's Office	April, 2009	\$6,625.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the DBM Equipment Sales Agreement with Davis Business Machines, Inc., Allentown, Pennsylvania, to lease a Canon copier for \$166.00 per month for 60 months, plus \$695.00 per year for a service contract. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mrs. Bray, Resolved, To introduce and authorize advertisement of the proposed Resolution amending §212-71 of

the Kutztown Code so as to prohibit parking on the north side of Normal Avenue from Herring Alley to a point 39 feet west of Herring Alley. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To award the bid for the Borough Hall HVAC Replacement Project, in the amount of \$146,795.00 to Spotts Brothers, Inc. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To authorize a Kutztown Employee Appreciation Picnic at the Kutztown swimming pool on August 15, 2009, from 4:30 p.m. to 8:00 p.m., and the closing of the pool to the public during this time. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Sandra Green as the official voting delegate to represent the Borough of Kutztown at the 2009 PLCM 110th Annual Convention in Lancaster PA, from June 24-26, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accept the resignation, with regret, from Richard J. Diehm as the Deputy Coordinator with the Kutztown Emergency Management Agency, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the resignation, with regret, from Troy R. Trexler, Community Service Officer II, effective retroactively to April 21, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mrs. Bray, Resolved, To approve the request from the Louisa Gonser Community Library, Inc., to reimburse the library for 60 percent of the cost or \$1,203.00 to employ Karen Howard as an interim

17794

librarian from January 1, 2009 through January 19, 2009. Passed by unanimous vote.

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

RESOLUTION NO. 18-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE REVISED BOROUGH OF KUTZTOWN EMPLOYEE 457 DEFFERED COMPENSATION PLAN TO INCORPARTATE A LOAN PROVISION TO ALLOW PARTICIANTS TO TAKE OUT LOANS AS ALLOWED BY THE PROGRAM GUILDELINS UNDER A 457 DEFFERED COMPENSATION.

WHEREAS, Borough Council resolves that ING National Trust is hereby appointed as Trustee of the Borough of Kutztown 457b Deferred Compensation Plan VF 3795, effective May 21, 2009 and further,

WHEREAS, Borough Council hereby resolves, that the Borough of Kutztown 457b Deferred Compensation Plan VF 3795 is amended and restated effective January 6, 2009, and further,

WHEREAS, that Mr. Gabriel Khalife Borough Manager is hereby authorized and empowered to enter into agreements substantially in the form attached hereto and to undertake such acts as are necessary to carry into effect the forgoing resolution.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown that amendments to allow a loan provision to the Borough of Kutztown 457b Deferred Compensation Plan VF 3795, is approved and adopted.

This Resolution shall become effective on May 21, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of May 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mr. Seyler noted that vacancies exist on the Civil Service Commission (six-year

term expiring January, 2014) and on the Police Pension Advisory Committee (two-year term expiring in December, 2009).

Under Finance, Electric and Telecommunications Committee, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To accept the amended amount of the \$3,200 initial fee for the purchase of a Public Information System from Swiftreach Networks, Mahwah, New Jersey. Passed by unanimous vote.

Under Water and Wastewater Committee, Mr. Schlegel had nothing to report.

Under Miscellaneous, a motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To renew the Borough's Distlefink logo.

A motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To register the Hometown Utilicom logo that is currently in use. All in favor except Mr. Snyder who voted nay. There being a majority in favor, the motion passed.

President Eidle called for an Executive Session at 8:32 p.m. to discuss potential litigation matters with regard to a Right-To-Know appeal and with regard to a Department of Environmental Protection Consent Assessment of Civil Penalty concerning violations of the Pennsylvania Safe Drinking Water Act and Regulations. The Executive Session ended, and the meeting reconvened at 8:47 p.m.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:47 p.m.

Prepared and Attested by: Gina M. Wiand
Assistant Borough Secretary

17796

Malcolm Eidle and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from April 18, 2009, to May 15, 2009, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Gina M. Wiand