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November 17, 2009
Kutztown, PA

Council President Eidle called for an Executive Session of Council at 6:35 p.m. in the Kutztown Municipal Building to conduct employment interviews for the patrol officer positions, with the following other members present: Mr. Edwin Seyler, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, and Mayor Sandy Green. Also present during the Executive Session were Borough Manager Gabriel Khalife, Police Chief Craig Summers, and Borough Secretary and Human Resources Director Bonnie Bray. The Executive Session ended and the regular meeting of the Kutztown Borough Council commenced at 7:40 p.m.

In addition to the elected and Borough officials noted above, the following were present for the regular meeting: Mr. Keith Mooney, representing the Borough Solicitor; Laura Eberly, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Dave Horvath, Information Technologies Coordinator; Mike Puchyr, landlord; Michael Reitnour and Troy Arndt, representing the Kutztown Fire Company; Mary Edwards and Janet Yost, representing the Louisa Gonser Community Library; Student Ambassadors Robert Toth and Michael F. Coe, Jr.; and Phil Ellingsworth, Jr., reporter for The Kutztown Area PATRIOT.

President Eidle asked if there was anyone who wished to address Council before proceeding with the agenda, and Mike Puchyr responded. He questioned the recent drastic increase in false alarm fees, and Mr. Eidle explained that the increase was implemented to benefit the fire department which receives 75 percent of the proceeds from the fees to offset their costs in responding to the alarms.

Mary Edwards and Janet Yost of the Louisa Gonser Community Library addressed Council with regard to 2010 funding for the library. They thanked the Borough for giving the library so much support over the years, but because the library is faced with a significant cut in state funding, they asked Council to consider cutting in half the 5 percent administrative fee that the Borough charges the library for wage and benefit costs for library employees. They further indicated that they are reducing the library hours by opening at 10 a.m. instead of 9:30 and closing at 7 p.m. instead of 8 p.m. three nights a week. Mr. Eidle advised that Council will take the request under advisement.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Omar Sanchez, upon acceptance of offer, as a full-time probationary patrol officer, contingent upon successful completion of all required pre-employment and post-offer testing. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Sean Molony, upon acceptance of offer, as a part-time probationary patrol officer, contingent upon successful completion of all required pre-employment and post-offer testing. Passed by unanimous vote.

No bids were received for fuel oil. A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To readvertise for fuel oil bids. Passed by unanimous vote.

The following bids for gasoline and diesel fuel were opened: Leffler Energy submitted a tank wagon bid in the total amount of \$47,055.00 and Isobunkers dba Atlantic Coast Energy submitted a tank wagon bid in the total amount of \$49,669.20 and a firm bid in the total amount of \$58,350.00. A motion was made by Mr. Snyder,

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seconded by Mr. Gangewere, Resolved, To refer the bids to the Borough Manager and to the Public Works Superintendent for further review and recommendation. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To accept the resignation of Derek Mace from the Borough Planning Commission, effective immediately. Passed by unanimous vote.

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

RESOLUTION NO. 39-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPOINTING A NEW MEMBER OF THE COUNCIL TO FILL THE VACANCY CREATED BY THE RESIGNATION OF COUNCIL MEMBER AMY BRAY.

BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and is hereby adopted by the authority of the same, that Derek Mace, be and is hereby appointed as a member of the Council of the Borough of Kutztown, Berks County, Pennsylvania, effective immediately to serve until January 4, 2010, thereby filling the vacancy created by the resignation of Amy Bray, as a member of the Council from the First Ward of the Borough of Kutztown.

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

Passed by unanimous vote.

Mayor Green administered the Oath of Office to Council Member Derek Mace.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Derek Mace to serve on Public Safety and Personnel Committees and to serve as chairperson of the Community Development 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 Minutes of the October 20 and November 7, 2009, Council meetings.
- Review and accept the Borough Community Development Report for October, 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 from October 17, 2009, to November 13, 2009, as summarized below:

General Fund	\$208,832.50
Refuse and Recycling Fund	\$35,041.19
Water Fund	\$270,001.10
Electric Fund	\$463,137.37
Sewer Fund	\$46,631.24
Telecommunications Fund	\$58,337.08

Mr. Snyder thanked Mrs. Bray for reconfiguring the monthly list of paid invoices that is distributed to Council members. Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, Mr. Snyder announced that the home energy tool box was just received and that there would be more information to follow.

Under Community Development, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To authorize a partial release of escrow funds in the amount of \$45,774.40 for the Hilltop Estates Subdivision, Phase I. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize a partial release of escrow funds in the amount of \$27,833.68 for the Hilltop Estates Subdivision, Phase II. Passed by unanimous vote.

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Under Public Safety, Mr. Gangewere submitted the Police Report for the month of October, 2009, copies of which were given to Council. He reported the following fines were collected:

District Justice Greth	September, 2009	\$9,835.96
Clerk of Common Pleas	September, 2009	\$930.74
Secretary's Office	October, 2009	\$9,975.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the 9-1-1 Records Agreement with the County of Berks. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Snyder, Resolved, To execute the Annual Agreement with the Animal Rescue League and to approve a \$500.00 contribution. Passed by unanimous vote.

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

ORDINANCE NO. 13-2009

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, OPENING FOR PUBLIC USE AND TRAVEL A PORTION OF JAMES ALLEY.

Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To void Invoice No. 2237 to the Kutztown Folk Festival and reissue a revised invoice to reflect labor and truck time for services rendered only. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To refund the \$65.00 pavilion rental fee to the Parents Association for the

Kutztown Men's Rugby Club. The event was cancelled due to inclement weather.
Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To hire Jeri K. Carroll and Amanda R. Vogt, as seasonal CSO II's, effective upon successful completion of all pre-employment and post-offer testing requirements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the appropriate Borough officials to execute the Memorandum of Understanding with the Kutztown Police Association with regard to Article 9, Section 2 of the collective bargaining agreement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accord regular part-time employment to Sarah Edmonds, part-time Library Clerk, effective October 29, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To elect Relief from Charges and pay the \$3,517.54 solvency fee for unemployment compensation benefits. Passed by unanimous vote.

Under Finance, Electric and Telecommunications Committee, Mr. Khalife introduced and reviewed the proposed budget for 2010. A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the advertisement notice that the proposed budget for 2010 is available for public inspection. Passed by unanimous vote.

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A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2010 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To introduce and authorize advertisement of the proposed Resolution to amend the electric rates for 2010. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To donate \$600.00 toward the sponsorship of the Center for Community Leadership at Albright College. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To ratify approval of consent to Crown Castle Towers to sublease the Crown Castle Towers 05 to Metro PCS. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the engagement letter with Long Barrell & Co., Ltd., for the 2009 audit for a gross fee not to exceed \$29,000.00. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the sewer credit in the amount of \$34.13 for 203 Highland Avenue. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To accept Change Order No. 5 from Walabax Construction Services, Inc., for the grit removal system project, to extend contract substantial completion time 56 days to

December 31, 2009, and to extend contract final completion time 146 days to April 30, 2010. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To accept Change Order No. 1 from Barry J. Hoffman Co., Inc., for the grit removal electrical system project, to extend contract substantial completion time 70 days to December 31, 2009, and to extend contract final completion time 190 days to April 30, 2010. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To contribute \$8,000.00 for the purchase of four Comprehensive Conservation Plans in the Saucony Creek/Maiden Creek watershed for the purposes of applying for Best Management Practices (BMP'S) grant funding. This action supersedes the action Council took at its September 15 meeting approving an \$8,000.00 contribution, contingent upon Reading Area Water Authority's participation and payment of \$8,000.00. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accept, with regret, the resignation of Milton Kern from the Borough Planning Commission. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To re-appoint William Fox to a successive five-year term on the Kutztown Municipal Authority, whose term shall expire December, 2014. Passed by unanimous vote.

No action was taken on the agenda item to appoint Karen Feridun as a member of the EAC since Ms. Feridun asked Council to defer action at this time.

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Mr. Eidle noted that the preliminary 2010 meeting schedule for Council, Committees, and various Commission meetings has been distributed to Council for its review and approval for advertising at the December 15, 2009 meeting. The highlighted dates must be changed because they indicate holidays and/or election dates.

A motion was made by Mr. Gangewere, seconded by Mr. Mace, Resolved, To adjourn the Council Meeting at 8:32 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 from October 17, 2009, to November 13, 2009, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray