

January 4, 2010  
Kutztown, PA

Prior to the meeting being called to order, Magisterial District Judge Gail M. Greth administered the oath of office to Constable Gregory W. Heid, Tax Collector Brenda Bailey, Mayor Sandra Green, and Council members Malcolm Eidle, Kevin Snyder and Derek Mace.

The reorganization meeting of the Kutztown Borough Council was called to order at 7:05 p.m. by Mayor Green, with the following members present: Malcolm A. Eidle, Edwin Seyler, Derek Mace, James Schlegel, Mark Gangewere, Kevin Snyder, and Student Ambassador Robert Toth. Mr. Troy Rider, representing the Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Laura Eberly, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Ms. Rachael Birckbichler, Community Development Director; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Resources Director; Constable Gregory Heid; Tax Collector Brenda Bailey; Borough Planning Commission member Lisa Ladd-Kidder; and Lisa Mitchell, reporter for The Kutztown Area PATRIOT were also present.

The Mayor declared the nominations open for the office of President of Council. Mr. Schlegel nominated Mr. Malcolm Eidle for Council President. There being no additional nominations, the Mayor closed the nominations for President of Council. The following vote was cast for Mr. Eidle as Council President: Mark Gangewere, Aye; James Schlegel, Aye; Kevin Snyder, Aye; Derek Mace, Aye; and Edwin Seyler, Aye. Mr. Eidle was elected as Council President by a unanimous vote, with Mr. Eidle abstaining.

The Mayor declared the nominations open for the office of Vice President of Council. Mr. Gangewere nominated Mr. James Schlegel as Vice President of Council. There being no additional nominations, the Mayor closed the nominations for Vice President of Council. The following vote was cast for Mr. Schlegel as Council Vice President: Mark Gangewere, Aye; James Schlegel, Aye; Kevin Snyder, Aye; Derek Mace, Aye; Edwin Seyler, Aye; and Mr. Eidle, Aye. Mr. Schlegel was elected as Council Vice President by a unanimous vote.

The Mayor declared the nominations open for the office of President Pro Tem of Council. Mr. Seyler nominated Mr. Mark Gangewere as President Pro Tem of Council. There being no additional nominations, the Mayor closed the nominations for President Pro Tem of Council. The following vote was cast for Mr. Gangewere as President Pro Tem of Council: Mark Gangewere, Aye; James Schlegel, Aye; Kevin Snyder, Aye; Derek Mace, Aye; Edwin Seyler, Aye; and Mr. Eidle, Aye. Mr. Gangewere was elected as President Pro Tem by a unanimous vote.

At the conclusion of the election of officers, Mayor Green turned over the gavel and control of the meeting to Council President Eidle.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To appoint Barbara Smith to the Vacancy Board for 2010. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To enact the following proposed Ordinance amending Chapter 47 of the Kutztown Code so as to restructure the standing committees of Council:

ORDINANCE NO. 1-2010

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING

# 17932

CHAPTER 47 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "STANDING COMMITTEES" BY AMENDING AND RESTATING §§ 47-1, 47-2, 47-3(E), 47-4, 47-5(D), AND 47-6 THEREOF.

Passed by unanimous vote.

President Eidle appointed the following standing committee members for the years 2010 and 2011:

## Community Development and Public Safety Committee

Chairperson: Derek Mace  
Member: Mark Gangewere  
Member: Malcolm Eidle

## Public Works Committee

Chairperson: Kevin Snyder  
Member: James Schlegel  
Member: Mark Gangewere

## Personnel Committee

Chairperson: Edwin Seyler  
Member: Kevin Snyder  
Member: Malcolm Eidle

## Finance and Electric Committee

Chairperson: Malcolm Eidle  
Member: Edwin Seyler  
Member: Derek Mace

## Telecommunications and Information Technologies Committee

Chairperson: Mark Gangewere  
Member: Edwin Seyler  
Member: James Schlegel

## Water and Wastewater Committee

Chairperson: James Schlegel  
Member: Kevin Snyder  
Member: Derek Mace

President Eidle appointed the following ad-hoc committee representatives for 2010 and 2011:

## Louisa Gonsler Community Library Board

Derek Mace

Kutztown Day Committee

Edwin Seyler  
James Schlegel

Center for Community Leadership

Sandra Green

Berks Municipal Partnership

Malcolm Eidle

Environmental Advisory Committee

Kevin Snyder

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To appoint the law firm of Barley Snyder, LLC, as the Borough Solicitor for 2010. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To appoint Spotts, Stevens, and McCoy, Inc., as the Borough planning and water/wastewater consulting engineer to provide consulting services as requested and duly authorized. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To appoint Great Valley Consultants as the Borough transportation consulting engineer to provide consulting services as requested and duly authorized. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To appoint Utility Engineers PC as the Borough electrical consulting engineer to provide consulting services as requested and duly authorized. Passed by unanimous vote.

President Eidle asked if there was anyone who wished to address Council before proceeding with the agenda, and Lisa Ladd-Kidder responded. She asked Council to investigate the possibility of adding a residency restriction to the Kutztown Code for

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sexual predators. Mr. Eidle responded that the Community Development and Public Safety Committee will review her proposal.

Under Community Development and Public Safety Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Zoning Hearing Board for 2010. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Snyder, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Code Appeals Board for 2010. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Housing License Appeals Board for 2010. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Snyder, Resolved, To adopt the following Resolution to reappoint David Johnson to the Zoning Hearing Board for a successive three-year term, expiring, December 2012:

## RESOLUTION NO. 1-2010

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, TO REAPPOINT DAVID R. JOHNSON OF KUTZTOWN, PA, AS A MEMBER OF THE ZONING HEARING BOARD OF THE BOROUGH OF KUTZTOWN TO A SUCCESSIVE THREE-YEAR TERM EFFECTIVE JANUARY 1, 2010

BE IT RESOLVED, by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania and is hereby adopted by the authority of same, that David R. Johnson of Kutztown, PA, be and is hereby reappointed as a member of the Zoning Hearing Board of the borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, effective January 1, 2010, to serve as such for a successive three-year term until the last day of December 2012.

BE IT FURTHER RESOLVED that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

DULY ADOPTED AS A RESOLUTION this 4<sup>th</sup> day of January, 2010, by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, Mr. Snyder had nothing to report.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accept, with regret, the resignation of Earl Smith from the Code Appeals Board, effective January 1, 2010. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To reappoint Jeri Colicchio to a successive three-year term as a member of the Environmental Advisory Committee, whose term shall expire January, 2013. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Jeffrey Deturk to a successive six-year term on the Civil Service Commission, whose term shall expire January, 2016. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Resolution amending labor and equipment rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize the appropriate Borough officials to execute the Low-Income Home Energy Assistance Program Vendor Agreement with the Commonwealth of Pennsylvania Department of Public Welfare, expiring June 30, 2012. Passed by unanimous vote.

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Under Telecommunications and Information Technologies Committee, Mr. Gangewere had nothing to report from the agenda. He did, however, comment on the success of the recent e-mail migration despite some small bumps and bruises along the way. He extended a "big thank you" to Frank Caruso for all his work and long hours. Borough Council appreciated and acknowledged Mr. Caruso's work.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To appoint Sean Corey and James Fisher, both of Spotts, Stevens & McCoy, Inc., as Sewage Enforcement Officers for the Borough for the Year 2010. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To adopt the following Resolution amending the charges associated with the distribution and supply of water as formerly set forth in Resolution No. 36-2009. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To adopt the following Resolution amending the charges associated with the collection and treatment of sewage as formerly set forth in Resolution No. 37-2009. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the meeting at 7:25 p.m. Passed by unanimous vote.

Prepared and  
Attested by: Bonnie Bray  
Secretary