

January 19, 2010
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. James F. Schlegel, Mr. Edwin K. Seyler, Mr. Mark R. Gangewere, Mr. Kevin J. Snyder, Mr. Derek D. Mace and the Mayor, Ms. Sandra Green. Mr. Keith Mooney, Borough Solicitor; Ms. Laura Eberly, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Mr. Frank P. Caruso, Director of Information Technology; Ms. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Ms. Rachael Birckbichler, Director of Community Development; Mr. Craig M. Summers, Chief of Police; Mr. Robert Toth, Student Ambassador to Council; Mr. Michael Coe, Student Ambassador to the Mayor; Borough employees Daniel Eslinger and Carolann Moody; and Phil Ellingsworth, reporter for the Kutztown Area Patriot were also present.

President Eidle noted that all Council, Board, Commission and Committee meetings will be held in the Kutztown Train Station starting in February.

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. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the December 15, 2009 and January 4, 2010, Council Meetings.

17938

- Review and accept the Borough Community Development Report for December, 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 December 12, 2009, to January 15, 2010, as summarized below:

General Fund	\$441,209.99
Refuse and Recycling Fund	\$38,062.42
Water Fund	\$32,226.60
Electric Fund	\$482,130.09
Sewer Fund	\$140,577.76
Telecommunications Fund	\$ 57,570.77

Passed by unanimous vote.

Under Borough Planning Commission, John Loomis read aloud the letter and reviewed the Planning Commission's recommendation with regard to Zoning Appeal No. Z-09-04 for 50 Trexler Avenue, KASD Stadium. President Eidle noted that Borough Council would not intervene.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To accept the resignation of Thomas Summer, with regret, from the Borough Planning Commission.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To appoint Leon E. Weber as a member of the Borough Planning Commission, whose term shall expire December, 2012. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, Mr. Mace submitted the Preliminary Annual Police Report for 2009 and Monthly Police Report for December, 2009.

Mr. Mace reported the following fines were collected:

District Justice Greth	November, 2009	\$8,168.67
Clerk of Common Pleas	November, 2009	\$249.14
Secretary's Office	December, 2009	\$6,750.00

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

RESOLUTION NO. 4-2010

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE KUTZTOWN BOROUGH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE 2010-01, DATED JANUARY 19, 2010, ENTITLED "UNIFORMS AND APPEARANCE", IN FORM AS ATTACHED.

WHEREAS, Resolution No. 37-1994 of the Borough of Kutztown, Berks County, Pennsylvania provides for the police regarding approval, authority, and responsibilities over the contents of the Departmental Manual for the Kutztown Police Department; and

WHEREAS, any and all proposed changes, modifications, additions and/or deletions to the contents of the Departmental Manual for the Kutztown Police Department must be brought before the Council of the Borough during a lawful Council meeting for consideration of Council action, by the Chief of Police or the Mayor of Kutztown; and

WHEREAS, the Borough recognizes the need to establish fundamental standards for the Kutztown Police Department in order to provide direction for the members of that Department and to signify the Borough's commitment to the Kutztown community; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to approve and adopt the Kutztown Borough Police Department Standard Operating Procedure 2010-01, dated January 19, 2010, entitled "UNIFORMS AND APPEARANCE", in form as attached.

This Resolution shall become effective on January 19, 2010.

DULY ADOPTED AS A RESOLUTION this 19th day of January, 2010 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

17940

Passed by unanimous vote.

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

Under Personnel Committee, Mr. Seyler called for an Executive Session at 7:45 p.m. to discuss a nonuniformed personnel matter. The Executive Session ended and the meeting reconvened at 8:36 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To award two personal days to the Borough's four confidential employees.

Passed by unanimous vote.

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

ORDINANCE NO. 2-2010

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING §33-5 OF THE CODE OF THE BOROUGH OF KUTZTOWN SO AS TO ADOPT THE 2009 COMPLIANCE AMENDMENT TO THE BOROUGH OF KUTZTOWN POLICE PENSION PLAN IN ORDER TO COMPLY WITH ACT 600 OF 1956, AS AMENDED BY ACT 51 OF 2009, THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT, EFFECTIVE AS PROVIDED IN THE AMENDMENT.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accord Patrol Officer Karl J. Schemberg regular full-time status, effective February 2, 2010, contingent upon successful completion of probationary period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the police department to start testing for the rank/position of patrol corporal.

Note: the Civil Service Commission and the Mayor have given their approval. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the revised position description for Distribution Voltage Lineman, Voltages at 15 KV or Less (Meter Reader). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To reclassify Evan Muller on probationary status as a Distribution Voltage Lineman, effective retroactively to January 11, 2010. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the advertisement for a Distribution Voltage Lineman. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To authorize the appropriate Borough officials to execute the Certification of Uncollected Real Estate Taxes with the Berks County Tax Claim Bureau. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To adopt the asset smoothing method for purposes of determining the actuarial value of assets to be used in the preparation of the January 1, 2009 actuarial valuation of the Kutztown Police Pension Plan. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize advertisement of a proposed ordinance amending Chapter 107 of the Kutztown Code to add Section 107-41 to allow customer electric generation. Passed by unanimous vote.

17942

Under Telecommunications and Information Technologies Committee, Mr. Gangewere reported that a new unified billing format will be introduced in February.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the purchase of a chlorine analyzer from Hach Company, Loveland, CO, for the water treatment plant in the amount of \$3,134.15. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the purchase of a push camera w/200' cable in the amount of \$9,200.00 and a 1" camera head in the amount of \$2,034.00 for the wastewater treatment plant from Exeter Supply Co., Inc., Reading, PA, under Pennsylvania State Contract Costar # 016-011. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To accept Change Order No. 6 from Walabax Construction Services, Inc., for the grit removal system project, to extend contract substantial completion time 59 days to February 28, 2010. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To accept Change Order No. 2 from Barry J. Hoffman Co., Inc., for the grit removal electrical system project, to extend contract substantial completion time 59 days to February 28, 2010. Passed by unanimous vote.

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

RESOLUTION NO. 5-2010

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY,

PENNSYLVANIA, AMENDING RESOLUTION NO. 2-2009 OF THE BOROUGH OF KUTZTOWN AND §A231-2 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ENTITLED "BOROUGH LABOR AND EQUIPMENT RATES," FIXING THE BILLING RATES FOR BOROUGH OF KUTZTOWN LABOR AND EQUIPMENT.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania as follows:

SECTION 1 ó The Borough of Kutztown shall charge the following billing rates for Borough labor and equipment:

SECTION 2 ó Labor Rates

	<u>Straight Time 1/2 hr. Min Charge</u>	<u>Straight Time Hourly Charge</u>	<u>Overtime Hourly Charge</u>
Utilities/Telecom Division Hourly Personnel	\$18.50	\$37.00	\$55.50
Public Works Division Hourly Personnel	\$17.50	\$35.00	\$52.50
Clerical Hourly Personnel	\$15.50	\$31.00	\$46.50
Administrative Personnel	\$23.50	\$47.00	N/A
Public Safety Division Police	\$37.50	\$75.00	N/A
Community Service Officers	\$10.00	\$20.00	\$30.00

Billing Notes:

1. The billing of straight-time rates or overtime rates will be determined in accordance with the actual application of pay required from the Borough of Kutztown (Employer) to the Borough employee(s).
2. A minimum of one-half (1/2) hour shall be billed for work performed while the employee(s) are receiving straight-time compensation, and to the nearest quarter hour from the total thereafter.
3. A two (2) hour minimum of overtime shall be billed for special call-outs when the employee is entitled to overtime and two (2) hour minimum compensation, and to the nearest quarter hour from the total thereafter.
4. Administration classification includes Code Inspector and Planning & Code Office Administrator.

17944

5. A flat fee of \$10.00 will be charged for special pick up of discarded Christmas trees as per policy adopted by Kutztown Borough Council.

SECTION 3 ó Equipment Rates (THESE RATES DO NOT INCLUDE LABOR/OPERATOR RATES)

NOTE: ALL EQUIPMENT MUST BE OPERATED BY A BOROUGH EMPLOYEE UNLESS OTHERWISE AUTHORIZED BY A BOROUGH SUPERINTENDENT.

Bobcat	\$22.60 per hour
Accessories:	
Pavement breaker	\$11.00 per hour
Broom	\$11.00 per hour
Snowblower	\$11.00 per hour
Bucket Truck	\$40.50 per hour
Roller	\$23.00 per hour
Tamper - Jumping Jack	\$6.00 per hour
Generator (large trailer-mounted)	\$51.00 per day + fuel used
Welder	\$19.00 per hour
Air Compressor	\$80.00 per day + fuel used
Accessories:	
Jackhammer	\$18.00 per day
Accessories:	
1 - ea. Pavement Breaker - Hand Held	\$8.00 per day
1 - ea. Asphalt Cutter - 5ö	\$8.00 per day
1 - ea. Moll Point	\$8.00 per day
Pick-up Truck	\$17.00 per hour
Dump Truck	\$28.00 per hour
Line Truck	\$52.00 per hour
John Deere Backhoe	\$33.00 per hour
Garbage Packer Truck	\$38.00 per hour
Forklift	\$21.80 per hour
Salter/Truck	\$48.00 per hour plus cost of salt
Snow Loader (Belt)	\$78.00 per hour
4 Wheel Rubber Tire Loader (VOLVO)	\$96.00 per hour
Ditch Witch Trencher	\$21.00 per hour

Street Sweeping (Municipalities only)	\$46.00 per hour plus cost of labor (except Maxatawny Township for college area and surrounding areas only (College Blvd., etc.))
Tamper ó Vibratory plate	\$8.30 per hour
2ö Pump	\$8.00 per hour
Accessories:	
Suction Hose Per 10øLength	\$1.60 per day
Discharge Hose Per 10øLength	\$1.05 per day
3ö Pump	\$10.45 per hour
Accessories:	
Suction Hose Per 10øLength	\$2.05 per day
Discharge Hose Per 10øLength	\$1.60 per day
Breaker for Boom Mounting	\$37.00 per hour
Crimping Tool - Pilot Tool	\$8.00 per day
Tar Buggy	\$51.00 per day + material
Tapping Machine (DO NOT LOAN OUT)	\$38.90 per TAP
+ Pick-Up Truck	\$16.00 per hour
Concrete Saw	\$11.25 per hour + blade charge (\$30 minimum blade charge; \$138.80 per 1/32 blade use)
Pipe Cutter- Ductile Iron or Cast Iron	\$22.50 per day
Pipe Trailer	\$7.20 per day
Hand Tamper	\$4.00 per day
Pipe Locator - Underground Electric Line Locator	\$8.00 per hour
Leak Detector (Water)	\$8.00 per hour
Cable Fault Locator (Electric)	\$8.00 per hour
#18 Tractor - mowing, etc.	\$28.00 per hour
Brush Chipper	\$22.00 per hour
Photocopying	\$.25 per side of sheet of paper
Laminating	\$.75 per page
Cones:	
Cost per each cone for replacement	

17946

Cone	\$17.95
Cross-walk sign	\$25.50

Barricades*:

Cost per each barricade	Replacement	Rental
Class I Wooden (no lights)	\$175.00	\$3.00 per day
Class II Non-metallic (w/lights)	\$ 53.50	\$7.50 per day
Class III Metallic (w/lights)	\$251.00	\$15.00 per day

Flashers*:

Cost for replacement of Flashers if lost or stolen or damaged (includes batteries)	\$18.25 each
------------------------------------------------------------------------------------	--------------

*NOTE: Under emergency situation only, Borough can loan out barricades/flashers to contractors at the above listed fees, plus labor for set-up and removal.

SECTION 4 ó In addition to labor and equipment charges, administrative expenses and overhead costs will be applied and billed for reimbursement to the Borough, with the amount and/or method of charge to be determined by the Borough Manager.

SECTION 5 ó The above listed fees shall become effective January 1, 2010 through adoption of this Resolution and shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

SECTION 6 ó All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

DULY ADOPTED AS A RESOLUTION by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 19th day of January, 2010.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To change the date of Student Government Day from May 19, 2010 to April 20, 2010. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To put Public Works Superintendent Norman Milnes in charge of remedial environmental concerns with train station. Passed by unanimous vote.

Mr. Mace reported that he will attend Emergency Management training, with Emergency Management Coordinator Ken Kern, later in January.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:48 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 December 12, 2009, to January 15, 2010, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Gina M. Wiand