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January 3, 2000  
Kutztown, PA

Prior to the meeting being called to order, at 7:04 p.m., while Mayor James W. Schwoyer held the Bible, District Justice Gail Greth administered the oath of office to re-elected Council members, Mr. Eric A. Ely and Mr. John E. P. Schmoyer, for their 4-year term on Council; and Mr. Carl W. Mantz, elected to fill the remaining two year term of Patrick J. Conrad who resigned May 5, 1999. Councilman elect, Mr. Archie L. Follweiler, Jr. was absent. Mrs. Greth indicated she could administer the oath of office to him at a later time.

The reorganization meeting of the Kutztown Borough Council was called to order at 7:06 p.m. by the Mayor, Mr. James W. Schwoyer, with other members present: Mr. Eric A. Ely, Mr. Malcolm A. Eidle, Mr. Carl W. Mantz, Mr. John E. P. Schmoyer, and Mrs. Jan M. Crooker. Mr. Timothy Dietrich, Borough Solicitor; Mr. Keith A. Hill, Borough Manager/Treasurer; Mr. Russ Smith, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc., arrived at 7:24 p.m.; Mr. Richard J. Diehm, Code Office Administrator; Mr. Norman Milnes, Transportation, Grounds & Buildings Division Superintendent, arrived at 7:24 p.m.; Mr. Theodore R. Cole, Chief of Police; Mrs. Edna A. Kramer, Assistant Borough Secretary/Assistant Treasurer; Mr. Kenneth Kern, member of the Kutztown Planning Commission and Emergency Management Coordinator; Mr. Walter Diener, of Kozloff, Diener, Payne & Fegley Professional Corporation; Mr. David Remaley, and Mr. Michael Barron of the Kutztown Zoning Hearing Board; Mr. Robert Watrous, Director of Judicial Affairs at Kutztown University; Gary S. Fronheiser reporter for the Reading/Eagle Times; and Mike Haines reporter for The Patriot were also present.

The Mayor declared the nominations open for the office of President of Council. Mr. Eidle nominated Mr. Eric A. Ely for Council President. There being no additional nominations, a motion

was made by Mr. Schmoyer, seconded by Mr. Eidle, Resolved, To close the nominations for President of Council and to appoint Mr. Eric A. Ely as President of the Kutztown Borough Council for the years 2000 and 2001. Passed by unanimous vote.

The Mayor declared the nominations open for the office of Vice President of Council. Mr. Schmoyer and Mr. Mantz nominated Mr. Malcolm A. Eidle for Vice President of Council. There being no additional nominations, a motion was made by Mr. Mantz, seconded by Mr. Schmoyer, Resolved, To close the nominations for Vice President of Council and appoint Mr. Malcolm A. Eidle as Vice President of the Kutztown Borough Council for the years 2000 and 2001. Passed by unanimous vote.

Mayor Schwoyer turned over the gavel and control of the meeting to Council President, Mr. Ely.

President Ely thanked Council for their confidence in reappointing him as President.

A motion was made by Mr. Eidle, seconded by Mr. Schmoyer, Resolved, To appoint Mrs. Jan Crooker as Chairman Pro Tem to preside over Council Meetings in the event both the President and Vice President are absent for a meeting and there is still a quorum present. Passed by unanimous vote.

President Ely then appointed the following standing committees for the ensuing two years:

Finance:	* Mr. Eric A. Ely Mr. Malcolm A. Eidle
Streets & Refuse:	* Mr. Carl W. Mantz Mr. John E. P. Schmoyer
Public Works	* Mr. Malcolm A. Eidle Mr. Carl W. Mantz Mr. Eric A. Ely
Grounds & Buildings	* Mr. Archie L. Follweiler, Jr. Mr. Carl W. Mantz
Public Relations	* Mrs. Jan M. Crooker

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Mr. Archie L. Follweiler, Jr.

Personnel

\* Mr. John E . P. Schmoyer  
Mrs. Jan M. Crooker  
Mr. Carl W. Mantz

\* Appointed chairperson

The following Ad Hoc Committee Representatives were appointed:

Representative to the Library Board

Mr. Carl W. Mantz

Representative on the  
Kutztown Day Committee

Mrs. Jan M. Crooker

Temporary Building Committee

Mr. Eric A. Ely  
Mr. Archie L. Follweiler, Jr.  
Mr. Keith A. Hill  
Mr. Norman A. Milnes  
Mr. Bruce Follweiler

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To appoint Mr. Harold Fleischer to the Vacancy Board for the year 2000. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To appoint Mr. Timothy G. Dietrich and the Law Firm of Kozloff Stoudt Professional Corporation formerly known as Rhoda, Stoudt & Bradley, Reading, Pa as the Borough's Solicitor for the year 2000 per approval of a letter submitted with increased rates. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To appoint the following Consulting Engineering Firms as the Borough's Engineer for the year 2000 in each of the assigned disciplines to provide consulting services as requested and duly authorized:

Spotts, Stevens & McCoy, Inc., Reading, PA

Planning & Water/ Wastewater  
Engineering

Great Valley Consultants, Wyomissing, PA

Transportation Engineering

Quad Three Group, Inc., Wilkes Barre, PA

Electrical Engineering

Passed by unanimous vote.

A motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To approve the continuance of Mr. Frank Caruso for consulting services regarding the Borough's administrative and utility computer systems for January 2000. Passed by unanimous vote.

President Ely recessed the Council Meeting at 7:35 p.m. for the purpose of conducting a Public Hearing on the proposed Ordinance amending Chapter 123 of the Kutztown Code entitled "Flood Damage Prevention" by restating same with modifications as required by FEMA and by enactment of Ordinance No. 3-1998 on March 10, 1998. Mr. Dietrich read aloud the caption of the proposed Ordinance and reported that the Public Hearing was advertised in The Patriot on December 16 and December 23, 1999, as it appears in the Proof of Publication in the office of the Borough Secretary. President Ely asked if anyone had any questions or comments. Mr. Dietrich stated that the Ordinance was mandated and required by the Federal Emergency Management Agency (FEMA). Mr. Kenneth Kern, representing the Kutztown Borough Planning Commission, recommended to approve the proposed ordinance and stated that the Berks County Planning Commission also recommended approval of the ordinance. Mr. Diehm reported that FEMA notified him that the proposed ordinance is compliant with the National Flood Insurance Program (NFIP) requirements as revised on October 1, 1989. There being no further comments, the President adjourned the Public Hearing and reconvened the Council Meeting at 7:45 p.m.

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

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## ORDINANCE NO. 1-2000

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY REVISING CHAPTER 123, ENTITLED "FLOOD DAMAGE PREVENTION" BY RESTATING WITH MODIFICATIONS THE CHAPTER AS REQUIRED BY FEMA AND AS ENACTED ON MARCH 10, 1998, BEING AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSE TO COMPLY WITH, THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

Passed by unanimous vote.

A motion was made by Mrs. Crooker and seconded by Mr. Schmoyer, Resolved, To approve and accept the Minutes of the November 9, 1999 and November 23, 1999 Council Meetings with minor changes as noted by Mr. Hill. Passed by unanimous vote.

President Ely asked if there was anyone who wished to address Council before proceeding with the agenda. Mr. Kenneth Kern, Emergency Management Coordinator, commended on the outstanding job volunteers performed while on standby from 10:00 p.m. on New Year's Eve to 2:00 a.m. New Year's Day in case any Y2K problems were encountered. Mr. Kern reported that no problems were reported.

Under Borough Planning Commission, regarding Zoning Appeal No. 99-12 on the application of Donald Porter, representing Fine Line Homes, requesting a variance to the required side yard at 332 North Kemp Street, Mr. Kern reported that the Planning Commission is recommending that the variance be granted and that Council need not intervene in the Appeal.

Regarding Appeal No. 99-13 concerning the application of Mark C. Lessig, 427 West Walnut Street, to convert a One-Family Dwelling situated at 427 West Walnut Street to a Boardinghouse for

(2) students, Mr. Kern reported that the Planning Commission concurs with the Council's decision to intervene.

Mr. Kern reported that a manual was sent to Harrisburg concerning the Route 222 Bypass ramp project. In addition, a video of the project was recently completed by Kelly Ryan of the Telecommunications Department of the Kutztown University and Federal Expressed to Harrisburg to accommodate the manual. The video was presented to the Borough Council by Brenda Bailey, former Planning Commission Chairperson who still heads this project on behalf of the Planning Commission.

The matter to appoint a Borough representative to the Maidencreek/Lake Ontelaunee Steering Committee of the Berks County Conservancy was tabled until the next meeting.

Under Public Relations Committee, a motion was made by Mrs. Crooker and seconded by Mr. Eidle, Resolved, To grant a 90-day extension to post financial security and enter into an Improvements Agreement for the proposed land development at 415 South Laurel Street. Passed by unanimous vote.

Mrs. Crooker presented an award to Mr. Walter M. Diener, Jr., with the previous Law Office of Kozloff, Diener, Payne & Fegley, acknowledging him for his dedicated service of 29 years as Solicitor for the Zoning Hearing Board. Mr. Diener's law office has merged with the Law Firm of Rhoda, Stoudt & Bradley, Reading, Pa., creating a conflict of interest if he were to continue as Solicitor for the Zoning Hearing Board.

Mr. Dietrich presented and read aloud the caption of the proposed resolution authorizing the filing of proposal for first year funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania, with respect to the Main Street/Commercial Reinvestment Program. A motion was made by Mrs. Crooker and seconded by Mr. Eidle, Resolved, To introduce the proposed resolution authorizing the filing of a proposal for first year funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania, with respect to the Main

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Street/Commercial Reinvestment Program, And Be It Further Resolved, To authorize advertisement with intent to adopt said proposed resolution at the January 25, 2000 Council Meeting. Passed by unanimous vote.

Under Police Committee, Mayor Schwoyer submitted the Police Report for the month of December, 1999, copies which were given to Council. He reported the following fines were collected:

District Justice Greth -	November	\$13,264.96
Clerk of Common Pleas -	November	\$ 150.00
Secretary's Office -	December	\$ 4,120.00

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To purchase one Dell Poweredge 4300/6300 RAID LAN Server from Dell Computer Corporation, Round Rock, Texas, in the total amount of \$13,835.00. Passed by unanimous vote.

Mrs. Crooker questioned what exactly this server is for, and Chief Cole responded that it is a redundant system back-up and supplement to their existing computer system.

Under Streets and Refuse Committee, Mr. Schmoyer had nothing to report.

Under Personnel Committee, President Ely called for an Executive Session at 7:34 p.m. to discuss a nonuniformed personnel matter.

The Executive Session ended and the Council Meeting reconvened at 8:00 p.m.

A motion was made by Mr. Schmoyer and seconded by Mr. Eidle, Resolved, To acknowledge completion of probation by Patrol Officer Heather P. Kleckner, effective January 3, 2000 and to confirm continued full-time employment. Passed by unanimous vote.

A motion was made by Mr. Schmoyer, seconded by Mr. Eidle, Resolved, To hire Mr. Frank P. Caruso as a full-time employee on probationary status for the position of Information Technologies

(IT) Director, at an annual salary of \$62,478, effective February 1, 2000, unless he becomes available earlier. Passed by unanimous vote.

A motion was made by Mr. Schmoyer, seconded by Mrs. Crooker, Resolved, To approve the following wages for the Borough Non-Uniformed Employees to be effective January 1, 2000:

WAGES FOR 2000

<u>HOURLY PAID EMPLOYEES RATE</u>	<u>DEPT.</u>	<u>CLASSIFICATION</u>	<u>HOURLY</u>
Dennis G. Follweiler	Electric	Line Person/Skilled Level II/Crew Leader	\$19.64
Joe M. Wessner	Electric	Line Person/Skilled Level I	18.65
Randy J. Conrad	Electric	Line Person/Skilled Level I	17.47
Steven S. Diehl	Electric	Line Person/Skilled Level I	13.67
Walter J. Hess	Sewage/Wastewater	Certified Sewage/Wastewater Treatment Plant Operator/Skilled Level II/Crew Leader	15.61
David J. Blank	Sewage/Wastewater	Certified Sewage/Wastewater Treatment Plant Operator/Skilled Level I	13.50
Kenneth E. Ziegler	Sewage/Wastewater	Certified Sewage/Wastewater Treatment Plant Operator/Semi-Skilled Level II	12.45
Dale J. Kramer	Water	Water Treatment Plant Operator/Skilled Level II/Crew Leader	16.95
Joel S. Graff	Water	Water Treatment Plant Operator/Skilled Level I	12.07
Troy R. Smith	Water	Water Treatment Plant Operator/Semi-Skilled Level I	10.80
Ricky P. Geisinger	Refuse/Recycling	Laborer/Skilled Level II/Crew Leader	17.59
Dallas D. Miller	Refuse/Recycling	Laborer/Skilled Level I	14.60
Jesse H. Kemp	Refuse/Recycling	Laborer/Semi-Skilled Level I	10.00
Curtis L. Daub	Streets/ Grounds/Buildings	Automotive/Medium to Heavy Duty Truck Master Tech/Skilled Level I	16.25
Linwood F. Hamm	Streets/ Grounds/Buildings	Laborer/Skilled Level II/Crew Leader	17.87



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Jason W. Kohler	Streets/ Grounds/Buildings	Streets/Grounds & Facilities Maintenance Worker/ Semi-Skilled Level I	9.00
Brian S. Bailey	Streets/ Grounds/Buildings	Laborer/Semi-Skilled Level II	10.65
Scott W. Steltz	Streets/ Grounds/Buildings	Laborer/Skilled Level I	10.60
Judith M. Hilberg	Administrative Staff	Administrative Staff/Confidential	16.18
Cheryl D. Wiltrout	Administrative Staff	Office Clerk	12.80
Debra D. Loy	Administrative Staff	Office Clerk	13.15
Sue E. Kline	Code/Zoning	Office Clerk	12.30
Karen L. Snyder	Field Operations	Field Operations Coordinator/Confidential	17.18
Patricia P. McCloskey	Library	Librarian	12.75
Karleen M. Ruiz	Library	Librarian	11.99
Charlotte A. Hoare	Library	Part Time Library Clerk/Level I	7.00
Deloros J. Trumbauer	Library	Part Time Library Clerk/Level I	6.50

PART-TIME AND SEASONAL EMPLOYEES

YEARLY FLAT RATE PLUS PERCENTAGE

Tax Collector		
Real Estate Tax for General Purposes & Per Capita Tax		\$ 825.00 5% delinquent
Real Estate Tax for Purchase of Fire Equipment, Fire Apparatus, etc.		480.00
Real Estate Tax for Purpose of Maintaining And Operating Recreation Places		650.00

HOURLY RATE

Part-time police with training on one year probation	12.30
Part-time police with training	13.33
Fire Police Paid Employment	8.85
Fire Police Donations	8.55
Part-time Crossing Guard	7.85
Part-time Parking Enforcement Officer	8.20

<u>SALARIED PERSONNEL</u>		<u>ANNUAL SALARY</u>
Keith A. Hill	Borough Manager/Treasurer & Authority Manager/Assistant Treasurer	\$91,598
Norman A. Milnes	Transportation, Sanitation, Grounds & Buildings Superintendent	50,206
Bruce D. Follweiler	Municipal Utilities Superintendent	52,208
Bonnie L. Bray	Borough Secretary & Authority Assistant Secretary	37,492
Richard J. Diehm	Planning & Code Office Administrator	46,540
Edna A. Kramer	Assistant Secretary/Assistant Treasurer/Office Supervisor	40,014
Theodore R. Cole, Jr.	Police Chief	54,600
Frank P. Caruso	Information Technologies (IT) Coordinator	62,478
Todd S. Meltsch	Code Inspector	34,970

Passed by unanimous vote.

A motion was made by Mr. Schmoyer, seconded by Mr. Eidle, Resolved, To approve and authorize execution of the Letter of Understanding for the Conditions of Employment between the Borough of Kutztown and the Borough Manager. Passed by unanimous vote.

A motion was made by Mr. Schmoyer, seconded by Mr. Eidle, Resolved, To appoint Jan M. Crooker, John E. P. Schmoyer, Terry A. Hahn, Larry C. Youse, and Keith A. Hill for two-year terms on the Kutztown Police Pension Advisory Committee. Passed by unanimous vote. These terms expired December, 1999.

President Ely noted that a special Personnel Committee Meeting has been scheduled for Tuesday, January 11, 2000 at 6:00 p.m. for the purpose of collective bargaining negotiations with AFSCME representatives. He also mentioned that tentatively there is scheduled a Personnel Meeting on Thursday, January 6, 2000 at 6:30 p.m. to prepare negotiations with AFSCME representatives.

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Under Recreation Committee, Mr. Schmoyer discussed the times for the use of the Ice Skating Pond at the Park. He reported that the Borough Police will open the pond, and a sign with the following schedule will be posted.

## -SKATING POND-

### POND – OPEN – FOR SKATING

#### SCHEDULE

7:30 AM	to	10:30 AM	Ice Hockey Only
10:30 AM	to	2:30 PM	Freestyle Skating Only
2:30 PM	to	4:30 PM	Ice Hockey Only
4:30 PM	to	6:00 PM	Freestyle Skating Only

The above times will accommodate both residents and school students.

Under Grounds & Buildings Committee, Mr. Mantz had nothing to report.

Under Public Works Committee/Electric Supply Engineering, Mr. Eidle had nothing to report.

Under Wastewater Engineering, a motion was made by Mr. Eidle, seconded by Mr. Schmoyer, Resolved, To appoint Richard Kanaskie, Charles Volk and Sean Corey of Spotts, Stevens and McCoy, Inc., as the Sewage Enforcement Officers of the Borough for the Year 2000. Passed by unanimous vote.

Under Water Supply Engineering, Mr. Eidle reported on a letter received from the League of Women Voters of Pennsylvania commending Kutztown Borough on its groundwater protection accomplishments over the past year. They congratulated Kutztown as being a designated Groundwater Guardian community by the Groundwater Foundation.

Under Finance Committee, the matter regarding the December 17, 1999 letter from the Kutztown Fire Company requesting the release of Fire Tax Funds for the purchase of a Rescue Truck through Pierce Manufacturing Company was discussed. Mr. Hill reported that \$99,000.00 has been budgeted for the year 2000. Mr. Dietrich suggested that the Borough check on bonding and/or other

assurances provided for to ensure the delivery of the truck. A motion was made by Mr. Eidle, seconded by Mr. Schmoyer, Resolved, That the Borough release Fire Tax Funds to the Kutztown Fire Company subject to verification of adequate measures in place to ensure performance of the contract to manufacture and deliver the rescue truck and/or safeguarding the Borough's Fire Tax Funds. Passed by unanimous vote.

A motion was made by Mrs. Crooker, seconded by Mr. Schmoyer, Resolved, To approve the Borough making a contribution of \$500.00 to Friend, Inc. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Mantz to approve the hourly rate of \$8.50 per hour for Mr. William Cruz, for custodial services for the Borough, effective January 1, 2000. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To ratify payment of bills and necessary transfers of funds for the year ending December, 1999. Passed by unanimous vote.

Mr. Dietrich read aloud the caption of the proposed resolution amending Resolution No. 3-1999 of the Borough of Kutztown and §A231-2 of Chapter A231 of the Code of the Borough of Kutztown, entitled "BOROUGH LABOR AND EQUIPMENT RATES," fixing the billing rates for Borough of Kutztown labor and equipment. A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To introduce the proposed resolution amending Resolution No. 3-1999 of the Borough of Kutztown and §A231-2 of Chapter A231 of the Code of the Borough of Kutztown, entitled "BOROUGH LABOR AND EQUIPMENT RATES," fixing the billing rates for Borough of Kutztown labor and equipment, And Be It Further Resolved, To authorize advertisement of said resolution with intent to enact at the January 25, 2000 Council Meeting. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, to authorize the President and Vice President of the Finance Committee to review and approve the payment of bills and authorize

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the necessary transfer of funds, with the list of bills to be reviewed and approval ratified by the entire Council at the January 25, 2000 meeting. Passed by unanimous vote.

There being no further business, a motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To adjourn the Council Meeting at 8:32 p.m. Passed by unanimous vote.

Prepared and

Attested by: Edna A. Kramer  
Assistant Secretary/Assistant Treasurer