

September 17, 2002
Kutztown, PA

The 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. Eric A. Ely, with other members present: Mr. Malcolm A. Eidle, Mr. Carl W. Mantz, Mr. James W. Schwoyer, Mr. Archie L. Follweiler, Jr., Mrs. Jan M. Crooker, and the Mayor, Mr. Gennaro A. Marino. Mr. Timothy G. Dietrich, Borough Solicitor; Mr. Keith A. Hill, Borough Manager/Treasurer; Mr. Richard F. Celmer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Bruce Follweiler, Municipal Utilities Division Superintendent; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Planning/Zoning Administrator; Frank P. Caruso, Director of Information Technologies; Gina Dell'Elmo, Public Relations and Customer Service Representative; Bonnie Bray, Borough Secretary/Human Resources Director; Mr. Kenneth Kern, member of the Borough Planning Commission; Robert Watrous, Director of Judicial Affairs at Kutztown University; Maxatawny Township Supervisors Allen Leiby, Carl Zettlemyer, and Marlowe Graff; Maxatawny Township Solicitor Chad D. Lubas; K. Ray Stauffer, Maxatawny Township Manager; Christopher Falencki, Maxatawny Township Engineer; Kenny Ziegler and David Blank, Kutztown Borough employees; Borough residents Allan Kenney, William Hopkins, Robert and Joan Gangewere, Evelyn Adams, Mr. and Mrs. William Fox, Dave and Shirley Remaley, Max Slick, Cindy O'Neil, Hilary Thomas, Charley Lutz, Charles Wessner, Charles Leibensperger, Carl A. Lobb, David Reimer, Sr., Gregory Heid, Trey Gilardone, Perry

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Kramer, and Robert L. Hauck; Maxatawny resident Raymond Muth; and Eric Veronikis, reporter from The Kutztown Area PATRIOT were also present.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To refer the bids received for rock salt to Mr. Milnes for review. Passed by unanimous vote.

Mr. Ely tabled the agenda item in regard to the August 27, 2002 Council meeting minutes until the next regular meeting.

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

Mr. William Hopkins addressed Council in regard to an incident that occurred on August 25, 2002 outside his home at 307 South Whiteoak Street, where his vehicle was struck by a temporary Borough "No Parking" sign which was previously positioned there by a Borough employee. He reported that the Borough submitted the claim to its insurance company, and he subsequently received a denial notice from the Borough's insurance company stating that the Borough was not negligent. Mr. Hopkins asked Council to consider reimbursing him in the amount of \$474.46, the cost to repair his vehicle. Mr. Ely stated that his request would be taken under advisement.

Mr. Remaley asked the Mayor why he proclaimed the area (along the eastern side) of South Whiteoak Street, (from Normal Avenue to Trexler Avenue) as a "No Parking" area. The Mayor responded that Mr. Remaley was very disrespectful and that he was not answering any more questions from him. Mr. Remaley asked the Mayor if he is actively seeking any federal funds for the Borough, and the Mayor responded, "Who are you to ask me this question?"

Cindy O'Neil commented that Council is at fault for giving Mr. Hill too much on his plate and that he needs an assistant. Mr. Ely responded that Council is looking into this and will be working with a consultant.

Diverting to Wastewater Engineering, Mr. Ely pointed out that the Maxatawny Township Supervisors were present, along with the Maxatawny Township manager and Mr. Chris Falencki, the township engineer, to discuss the status of the proposed joint regional sewer treatment plant project. Mr. Falencki advised Council that the Township is still interested in pursuing the regional sewer project with the Borough. He indicated that the township has the financing in place, including the county's support, and would like to move forward with the project. After hearing of Mr. Hill's resignation, the township became concerned about the project, since Mr. Hill was a major player on the project. Mr. Falencki reported that the township's 537 plan is running out of time and that November 7, 2002 was the deadline established to complete the specifications for the plan. Mr. Graff further commented that the township is willing to build the plant and is not asking for money, just the Borough's blessing at this time. Mr. Falencki stated that it would be the Borough's decision if the Borough wanted to add to the plant. Mrs. Crooker asked Mr. Falencki what type of plant the township is considering, a package plant or a true sewer plant. Mr. Falencki responded that the township is considering a package plant at this time, a component treatment plant that can be easily expanded or discarded and a larger plant built in the future. Mr. Graff pointed out that the Borough wouldn't need to invest any money until the Borough was ready to build. Mr. Hill expounded that the Borough has been working with the township for 12 years on trying to resolve some of these issues. He explained that the approach being taken was for the

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proposed regional plant to be overseen by a regional operating authority with separate municipal authorities to serve the separate areas and that the group is looking at the Berks County Industrial Development Authority (BCIDA) as a third financial partner. Mr. Hill indicated that the BCIDA is interested and is expecting the two municipalities to make a presentation. Instead of building a sewer treatment plant with a 75,000 gallons per day capacity, the group is now looking at building a plant with a capacity of 200,000 gallons per day, with the idea that the township would basically fund about 37 ½ %, Kutztown about 37 ½ % and BCIDA about 25%. The Borough is interested because of the university needs and possibly in the future the 222 Route Dev.Com project in which the township and Borough are both interested. Ms. Thomas questioned the amount of water this plant would require. Mr. Eidle responded that not much water is used in a sewer treatment plant. Mr. Dietrich reiterated that the next step is to make the presentation to BCIDA on October 9, 2002. Based on informal discussions, he noted, BCIDA would be willing to make financial contributions. Mr. Ely commented that the Borough will continue to work with the engineers, solicitor, Mr. Hill and Mr. Bruce Follweiler and that a meeting will be scheduled prior to the October 9 meeting to get together with the township. Mayor Marino stated that Mr. Hill resigned, and he didn't think the Borough had to cater to him.

Mrs. Crooker asked to address Council. Before the start of tonight's meeting, Mrs. Crooker distributed a letter to everyone discussing why it will be so difficult for the Borough if Mr. Hill resigns. A motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To formally request Mr. Keith A. Hill to withdraw his resignation because of Mr. Hill's involvement with the telecommunications project, the regional

sewer treatment plant project, and the water treatment plant or to postpone his resignation until negotiations have been completed in regard to the proposed regional sewer treatment plant project. Passed by unanimous vote. Mayor Marino stated that Mr. Hill submitted his resignation because it's unbearable for him to work for the Borough. The Mayor further commented that he doesn't want the blame for Mr. Hill leaving, he wants the credit. Mr. Ely responded that Mr. Hill's leaving is not a credit to the community, but rather a disservice to the community. Mayor Marino reminded Council that Mr. Hill wrote a letter that accompanied his resignation, which, in the Mayor's opinion, showed that Mr. Hill is dictating to Council what he will do for his final 45 days of employment. The Mayor accused Council of relinquishing their power to Mr. Hill. He raised objections that Mr. Hill's resignation was not on the agenda. Mr. Ely responded that Mr. Hill's resignation was not placed on the agenda because Council is not ready to take action and is still looking at all its options. He further explained that the Borough is hiring a consultant to analyze the Borough's needs to determine the type of manpower the Borough needs. He reiterated that Council is not accepting Mr. Hill's resignation until all options are considered. Mr. Ely further commented that Mr. Hill has been very beneficial to the community. Mayor Marino told Council that they should resent that Mr. Hill is leaving, that Mr. Hill is deserting them.

Under Borough Planning Commission, Mr. Kern asked Council to table the two agenda items regarding Zoning Appeal Nos. Z-02-05 and Z-02-06, until after the Planning Commission's meeting next week. Mrs. Crooker replied that there is not enough time to table Zoning Appeal No. Z-02-05 item until the special Council meeting on September 30, 2002, because that would only give the solicitor one day to prepare for

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the hearing if Council authorizes the solicitor to intervene on its behalf. A motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To authorize the Borough Solicitor to intervene on the Borough's behalf to oppose the owner's request regarding Zoning Appeal No. Z-02-05, 27 South Whiteoak Street. The following vote was cast: Mr. Schwoyer, Aye; Mrs. Crooker, Aye; Mr. Mantz, Aye; Mr. Follweiler, Nay; Mr. Eidle, Nay; and Mr. Ely, Nay. There being a tie vote, the Mayor cast a Nay vote. The motion was defeated and therefore did not pass.

Mrs. Crooker tabled the agenda item in regard to Zoning Appeal No. Z-02-06, 85 Industrial Avenue, concerning the owner's request to change the use of a vacant industrial building to a social club and to request relief from certain parking requirements.

Under Public Relations Committee, a motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To accept the Borough Code Office Report for August, 2002. Passed by unanimous vote.

Under Police Committee, Chief Cole submitted the Police Report for the month of August, 2002, copies of which were given to Council. He reported the following fines were collected:

District Justice Greth	July, 2002	\$8,475.13
Clerk of Common Pleas	July, 2002	\$783.41
Secretary's Office	August, 2002	\$2,130.00

Mr. Cole noted that the Mayor issued a proclamation on August 28, 2002, in which upon the proclamation becoming effective, one space at 253 East Main Street, beginning at a point 85 feet 10 inches west of the intersection of North Laurel Street and East Main Street in an easterly direction for a distance of 20 feet a Disability Parking

zone; and the area on the south side of West Main Street from the east curb line of Normal Avenue and extending from that point eastwardly one hundred sixty (160) feet more or less to be a No Stopping, Standing or Parking area.

Mayor Marino designated October 23 and 24, 2002 from 6:00 p.m. until 8:30 p.m. as Trick or Treat night in the Borough.

Under Streets & Refuse Committee, a motion was made by Mr. Follweiler, seconded by Mr. Eidle, Resolved, To award the 2002 CDBG Traffic Signal Upgrades Project to Telco, Inc., Reading, PA, for a total amount not to exceed \$207,885.00, contingent upon Berks County Community Development office approval and Telco providing the required bonds and other documents, as stated in the specifications. Passed by unanimous vote.

A motion was made by Mr. Follweiler, seconded by Mr. Eidle, Resolved, To authorize the Borough Solicitor to prepare an ordinance amending Chapter 192, "STREETS AND SIDEWALKS," of the KUTZTOWN CODE, in regard to new curb installation specifications. Mr. Follweiler explained that the Borough's depth requirement for new curb is 28" from the top of the finished curb and surpasses the state's requirement of 18". Even though Mr. Diehm thinks the measurement should remain at 28", Mr. Follweiler, Mr. Milnes and the Transportation engineer all agree that 18" is sufficient. Mr. Follweiler pointed out that this amendment will provide significant savings for homeowners. Mr. Mantz asked for Mr. Diehm's comments. Mr. Diehm stated that the change will result in a savings but that the curbing will only last half as long. As an example of poor construction, he pointed to the curbing on College Garden Drive, which was installed using the state's guidelines. He compared the difference in

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cost as buying a \$150 suit instead of a \$200 suit. Mr. Gangewere objected on the grounds that not everyone is being treated alike. All in favor except Mrs. Crooker who voted Nay. There being a majority in favor, the motion passed.

Under Personnel Committee, Mr. Mantz tabled the Executive Session to discuss the status of the litigation matter involving the Kutztown Transportation Authority, a subrogation claim, a possible litigation matter involving a liability claim and a personnel matter until the end of the meeting. Mayor Marino commented that the Sunshine Law requires a better description than "personnel matter."

A motion was made by Mr. Mantz, seconded by Mr. Follweiler, Resolved, To accept, with regret, the resignation of Elaine Seaman, part-time Parking Enforcement Officer and School Crossing Guard, effective September 27, 2002. Passed by unanimous vote. Mrs. Crooker commented that Mrs. Seaman has done a great job and will be missed. She asked the Chief to send Mrs. Seaman a letter of appreciation.

A motion was made by Mr. Mantz, seconded by Mr. Follweiler, Resolved, To authorize advertising for a part-time Parking Enforcement Officer and School Crossing Guard. Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mr. Follweiler, Resolved, To reinstate Tania Borkey as a part-time Parking Enforcement Officer and substitute School Crossing Guard, effective November 2, 2002. Passed by unanimous vote.

Under Recreation Committee, Mr. Schwoyer noted that he is working on obtaining some grants for the swimming pool and bathhouse, as well as for the park.

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

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

Under Telecommunications, Mr. Dietrich read aloud the caption of the proposed resolution amending §A231-1 of Chapter A231 of the KUTZTOWN CODE, so as to amend Chapter 110, entitled "FIBER OPTIC COMMUNICATIONS NETWORK," to delete §1(a) of Part 6 of the "Schedule of Rate and Services." A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To adopt the following resolution:

RESOLUTION NO. 17-2002

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING § A231-1 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "ENUMERATION OF FEES", SO AS TO AMEND CHAPTER 110, ENTITLED "FIBER OPTIC COMMUNICATIONS NETWORK" THEREOF, TO DELETE § 1.(a) OF PART 6 OF THE "SCHEDULE OF RATE AND SERVICES", OF THE CODE OF THE BOROUGH OF KUTZTOWN.

WHEREAS, by Ordinance 9-2002, certain provisions applicable to the fiber optic communications Network of the Borough of Kutztown were codified as Chapter 110 of the Code of the Borough of Kutztown; and

WHEREAS, Chapter 110 of the Code of the Borough of Kutztown provides that a description of the Services to be made available through the Borough's fiber optic communications Network and the rates to be charged for such Services shall be established from time to time by a resolution of the Borough Council adopting a Schedule of Rates and Services to be set forth in Chapter A231 of the Code of the Borough of Kutztown; and

WHEREAS, by adopting this Resolution, the Borough Council desires to comply with the aforesaid provisions of Chapter 110 of the Code of the Borough of Kutztown and to amend Chapter A231 of the Code of the Borough of Kutztown.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, pursuant to the authority contained in Chapter 110 of the Code of the Borough of Kutztown, as follows:

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SECTION 1. Section A231-1 of Chapter A231 of the Code of the Borough of Kutztown entitled "Enumeration of Fees" is hereby amended so as to delete from Chapter 110 thereof, entitled "Fiber Optic Communications Network", § 1.(a) of Part 6 of the "Schedules of Rates and Services", which language being deleted is as follows:

(a) As to any Consumer occupying a Unit as a Tenant and which or who has not authorized automatic credit card payment of delinquent or part due billings, the following deposits shall be paid prior to receiving Service:

- | | | |
|-----|----------------------------|---------|
| (1) | Video/Television Services: | \$25.00 |
| (2) | Data/Internet Services: | \$25.00 |

SECTION 2. This Resolution shall take effect immediately upon its adoption and approval.

SECTION 3. If any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Kutztown that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

SECTION 4. Except to the extent of the specific matters which are set forth hereinabove and in the Schedule of Rates and Services, the provisions and fees set forth in § A231-1 of Chapter A231 of the Code of the Borough of Kutztown, as previously amended, shall remain in full force and effect.

SECTION 5. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

SECTION 6. Capitalized terms used in this Resolution without definition shall have the meanings ascribed thereto in Chapter 110 of the Code of the Borough of Kutztown.

ADOPTED by the Council of the Borough of Kutztown, Berks County,
Pennsylvania, in lawful session duly assembled this 17th day of September, 2002.

Passed by unanimous vote.

A lengthy discussion ensued in regard to the proposed business relationship with International Broadband Network, Inc. (IBN). Mr. Hill explained that IBN is a fiber

optic broadband service provider, focusing on partnering with municipalities and builders to create community-based fiber optic loops, over which digital and analog services would be provided. IBN approached the Borough about whether the Borough would have an interest in entertaining a proposal from them to 1.) enter into an operating agreement and 2.) provide an option to purchase some of the television head end facilities. Mr. Hill indicated to IBN that he did not know how the Borough would respond. He provided some history in terms of the Borough's objectives and why this may or may not be a good opportunity for the Borough. IBN is impressed with the Borough's system and initial customer interest and sign-ups. When the Borough started this project, one of the objectives was not to own the head end equipment. One of the objectives was to secure programming on a wholesale basis and be able to sell retail, like our electric, or to somehow gain better control over the rates for television programming. When the Borough discovered that the television industry is very territorial, it was difficult to get anyone to come in and want to compete directly and on this type of project when dealing with voice, video and data services, it is necessary to offer those three services, plus many more, in order to increase the feasibility of the project. It is not cost effective to build these systems just for one service. The whole selling concept behind fiber is that it offers converged services (many services can be offered over the same wire). In consideration of IBN's proposal, Mr. Hill contemplated how is the municipality going to maintain control over the rates. This would have to be worked out through an agreement if the Borough is interested, but Mr. Hill thought it is IBN's impression that the Borough would remain the gatekeeper of the NOC (network operating center). He indicated that IBN is interested in the television and in building a customer service

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center in Kutztown. IBN would be interested in having an option to buy the facilities which the Borough owns. IBN would probably use those facilities to send signals beyond Kutztown to compete and would use the Kutztown customer service center to serve those areas outside Kutztown. It would bring employment into the area. Mr. Hill advised IBN that if the Borough was interested in taking a look at the proposal, it would probably require competitive bidding. If the Borough is interested in pursuing such a proposal without making a commitment, Mr. Hill recommended that the Borough be creative in structuring its RFP. For example, under IBN's arrangement, they are proposing an operating agreement with an option that would extend into a year with different intervals of payment over the one year period. Mr. Hill suggested that perhaps the Borough look at different options. He reported that IBN is very interested in meeting with the Borough to discuss their proposal if Council is interested in exploring. He further indicated that IBN is also interested in the Borough's ISP services. Mr. Hill suggested establishing a committee if the Borough is interested in exploring the proposal and conducting a brainstorming session to determine what the Borough wants. In response to some questions about the proposal, Mr. Hill clarified that IBN's proposal has nothing to do with the fiber optic infrastructure or the NOC (the gateway for providing the services), that IBN is basically looking for an operating agreement with an option to purchase the head end facilities. Messrs. Eidle and Ely agreed that the Public Works Committee is the best vehicle to examine the proposal and to bring a recommendation back to Council.

In regard to the agenda item to take action authorizing the proposed reimbursement and expenses of the G. O. Bond Fund – 2001A

Series/Telecommunications, Mr. Hill reported that the Borough has two capital outlay funds for telecommunications, the G. O. Bond Fund – 2001A Series/Telecommunications (15 account) and the Telecommunications Capital Outlay Fund, the 48 account. The 48 account is Borough funds and the G. O. Bond 15 fund is borrowed bond money. The Borough was able to save money on the 15 account that the Borough has to deplete sooner or later because there is a certain time limit to be able to expire the bond money. On the 48 account, particularly on the television facilities, there is cost for which the Borough could reimburse itself from the bond money. In talking to the bond counsel today, Mr. Hill relayed, that if the Borough is thinking at all about offering the television head end facilities for sale, then the Borough should not use that facility as the facility that the Borough reimburses itself from out of the bond money. In that case, Mr. Hill will need to go back and recalculate and reassign expense to do that. Mr. Hill indicated that the auditors also agreed that it makes sense to do this. Mr. Hill explained that the accounts are kept separate from an auditing standpoint, but that the accounts really represent one bowl of money to build capital outlay projects. There are sections in both accounts that mimic each other, and he is suggesting to take savings out of the 15 account and apply it towards some of the costs that are higher in the 48 account so that it helps to extinguish the 15 account, although it probably won't happen this year yet. A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To authorize the Borough Manager to transfer the proceeds of the G. O. Bond Fund – 2001A Series/Telecommunications in order to reimburse expenditures already funded by the Borough in the 48 account, Telecommunications Capital Outlay Fund; And Be It Further Resolved, To authorize the Borough Manager to reassign different aspects of the

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telecommunications project in order to complete the transfers. Passed by unanimous vote.

Under Wastewater Engineering, the agenda item regarding the Maxatawny Township Supervisors' request to address Council about the status of the proposed joint sewer treatment plant project has been discussed earlier.

Under Water Supply Engineering, Mr. Dietrich read aloud the proposed ordinance to consider a water rate adjustment. Mr. Hill reviewed the water debt service and proposed a 23 percent water rate increase. He demonstrated the impact on a typical Borough of Kutztown residential customer with a 23 percent increase. A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To introduce the proposed Ordinance amending Ordinance No. 7-1960, as subsequently amended, the most recent amendments being Ordinance No. 6-1998, Ordinance No. 13-1998, Ordinance No. 8-1999 and Ordinance No. 9-2000 by amending certain sections thereof so as to establish new water service charges, by amending Section 11 thereof so as to increase the quarterly rental for fire hydrants, and by amending Section 12 thereof so as to increase the quarterly charge for stand-by fire protection; And Be It Further Resolved, To authorize advertisement with intent to enact and ordain said proposed Ordinance at the special Council meeting on September 30, 2002. Passed by unanimous vote.

Mr. Ely noted that a special Council meeting has been scheduled for September 30, 2002 at 7:30 p.m. to consider water rate adjustments.

Under Finance Committee, Mr. Dietrich read aloud the caption of the proposed ordinance regarding the use of electronic media for filing tax reporting obligations to the Berks County Earned Income Tax Collection Bureau. A motion was made by Mr. Eidle,

seconded by Mr. Mantz, Resolved, That the following ordinance be enacted and ordained:

ORDINANCE NO. 10-2002

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, BERKS COUNTY, PENNSYLVANIA
AMENDING THE CODE OF THE BOROUGH OF
KUTZTOWN TO ADD THERETO §200-50 ENTITLED
ELECTRONIC MEDIA.

Passed by unanimous vote.

Mr. Dietrich read aloud the caption of the proposed Ordinance amending Chapter 13 of the KUTZTOWN CODE so as to establish a rate of interest on filed and unpaid municipal liens. A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, That the following ordinance be enacted and ordained:

ORDINANCE NO. 11-2002

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, BERKS COUNTY, PENNSYLVANIA
AMENDING THE CODE OF THE BOROUGH OF
KUTZTOWN TO ADD TO CHAPTER 13 OF THE CODE
OF THE BOROUGH OF KUTZTOWN TO ESTABLISH
A RATE OF INTEREST ON FILED AND UNPAID
MUNICIPAL LIENS.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To authorize the appropriate Borough officials to execute the service agreement with Neopost for the postage machine maintenance, in the amount of \$225.00 per quarter. Passed by unanimous vote.

President Ely called for an Executive Session at 9:30 p.m. to discuss the status of the litigation matter involving the Kutztown Transportation Authority, a subrogation

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claim, a possible litigation matter involving a liability claim and a personnel matter dealing with considerations for permission by Council of a request to make certain expenditures in connection with a hearing to be held early next month on various employee complaints.

The Executive Session ended, and the Council meeting reconvened at 9:50 p.m.

A motion was made by Mr. Mantz, seconded by Mrs. Crooker, Resolved, To accept a one-third reduction of the Borough's subrogation claim from Carol Conrad's settlement, in that the Borough will accept the amount of \$13,780.55 as a full and final settlement of its lien. Passed by unanimous vote.

Notwithstanding the notice of denial received from St. Paul Fire and Marine Insurance Company in regard to the liability claim of \$474.46 for damages to a 2002 Chevrolet Monte Carlo owned by Steven B. Renninger and William Hopkins, resulting from the Borough's temporary "No Parking" sign falling over and striking said vehicle on August 25, 2002, as reported in the August 27, 2002 letter from Chief of Police Theodore R. Cole, Jr., a motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To reimburse Steven B. Renninger and William Hopkins in the amount of \$474.46 for the damages caused to their 2002 Chevrolet Monte Carlo on August 25, 2002, by the Borough's temporary "No Parking" sign falling over and striking said parked vehicle while parked on South Whiteoak Street. Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To provide on-site flu vaccinations to full-time employees, contingent upon the employees signing a flu vaccination waiver and with the further understanding that employees who are unavailable for the on-site flu vaccinations and who are still interested in receiving the

vaccination shall pay the difference of \$9.00 charged by the physician for an office visit.

Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To hire a court stenographer and Pennsylvania State constable to perform their respective duties for a special investigative hearing to be conducted by the Personnel Committee on Friday, October 4, 2002 at 1 p.m., tentatively, to receive testimony in response to employee complaints received by the Personnel Committee. The Mayor asked if the hearing pertained to complaints about him, he wanted to know what he was being charged with. In response to the Mayor, the Solicitor replied that would be dealt with in due course. The Mayor stated that he has been under this threat for 1 ½ months coming from the employees and objected to waiting longer to find out what the charges are. He accused the Committee of being a vigilante group and Council of being underhanded, in that they wait until everyone is gone to deal with this, including the reporter. Mr. Dietrich responded that the special meeting will be advertised properly and that everything will be done above board. Mr. Dietrich said there will be a two-part process, that there will be an executive session. The Mayor demanded that the investigation take place during an open meeting. Mr. Dietrich responded that the investigation will take place during the Executive Session portion of the meeting. The Mayor responded that he will fight everyone every step of the way. He will put it out on the streets so that everyone will know about this secret stuff. Referring to Mr. Hill, the Mayor accused him of threatening employees and of shutting people's electric off. The Mayor threatened to legally go after everyone of the employees who filed complaints. The Mayor left the meeting at approximately 10:05 p.m. The following vote was cast: Mr. Schwoyer, Aye; Mrs.

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Crooker, Aye; Mr. Mantz, Aye; Mr. Follweiler, Aye; Mr. Eidle, Aye; and Mr. Ely; Aye.

Passed by unanimous vote. For the record, Mr. Dietrich pointed out this is a two-step process. Accusations have been made. The committee has an obligation to see what the facts are and what is true. Ultimately, the committee will have to decide what to do about it, which will be done in a public session, as required by the Sunshine Law. The Sunshine Law has an exception to investigations. The Mayor will be present whenever he wishes to be present. He will be advised of everything. Mr. Ely stated that it is the committee's responsibility to respond or to investigate any complaints that are presented to them. Therefore, they are simply performing their roles. There are no hidden agendas here. Mr. Mantz pointed out to Council that if the Committee feels the presence of a particular witness is necessary, it has a subpoena power with the aid and assistance, if necessary, to compel the attendance of that witness, by the Berks County Court of Common Pleas, and no official is exempt from that petition. There may be compulsion, if necessary, in the form of an order from a Berks County judge, compelling the attendance of a witness who may be recalcitrant and whatever office he holds does not render him immune from such service of process or legal enforcement of that process, if necessary, at the hands of Berks County Deputy Sheriff. Mr. Mantz reminded everyone that as Chairman of Personnel Committee he will expect that attendance at that hearing conform to the rules of order, as he sees them.

A motion was made by Mr. Mantz, seconded by Mrs. Crooker, Resolved, To authorize Mayor Marino to retain separate legal counsel, in accordance with Section 1117(b) of the Borough Code, at a total cost not to exceed \$2,500.00 during the 12 month period beginning on September 17, 2002, for the purpose of representing the Mayor in his

capacity as Mayor in any proceedings before the Personnel Committee and the Borough Council with respect to employee complaints which have been lodged against the Mayor.

Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To authorize advertisement of a special investigative hearing requested by the Personnel Committee, tentatively scheduled for Friday, October 4, 2002 at 1 p.m. to receive testimony in response to employee complaints received by the Personnel Committee.

Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To authorize Messrs. Ely and Mantz to retain Mosteller & Associates, Reading, PA, as a human resources consultant, with the final terms of the agreement to be subsequently ratified by Council. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To approve the payment of miscellaneous September bills, including the transfers of funds; And Be It Further Resolved, To ratify approval of the payment of bills paid on September 15, 2002, including the necessary transfers of funds from one department to another or from one fund to another, which were reviewed and approved by the Finance Committee as follows:

GENERAL FUND	
Commonwealth of PA	\$300.00
Bob Miller	1,275.00
Bracalente Construction, Inc.	23,914.81
Essick & Barr Insurance	69,599.00
First Bankcard Center	99.60
Kutztown Fire Police	1,054.50
Long Barrell & Co., Ltd.	599.85
Payroll Fund	42,310.18

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Payroll Fund - Soc Sec	2,044.37
Pennboc 28th Annual	150.00
Richard J. Diehm	12.41
Warnock Fleet	22,381.48
William Cruz	243.10
AT&T	201.75
Big Bear Promotions, Inc.	114.77
Kutztown Fire Police	535.00
PA State Constables	910.00
Payroll Fund	48,661.81
Payroll Fund - Soc Sec	2,484.83
Pennboc 28th Annual	200.00
Petty Cash	78.96
Reading Eagle Company	70.89
Todd S Meltsch	118.60
U S Post Office	311.85
Verizon Pennsylvania, Inc.	702.66
William Cruz	289.85
A-1 Restaurant Supply Co	111.75
ADT Security Services	218.71
All-Phase Electric Supply Co.	12.75
Arch Wireless Inc.	26.26
AT&D Communications Services	415.00
Ballard Spahr Andrews	1,134.44
Berkheimer Associates	555.44
Berks Co Assoc of Boros	39.00
Berks Products Corp	14.23
Berks Traffic Service, Inc.	8,500.00
Berks-Mont Newspaper Inc	300.93
BOCA International Inc	70.00
Business Link	24.50
CCP Industries, Inc.	42.02
Chad N. Pongracz	40.00
Chief Supply Corporation	116.42
Choice Marketing, Inc.	23.50
CHS Professional Practice	45.00
Clarence Cartwright	305.00
Coca-Cola Bottling Corp	50.38

Colorworks Graphic Service	45.70
Computerized Reporting	160.00
Cogle's Recycling	37.45
County of Berks	1,949.95
Credit Bureau of Reading	11.00
D & A Emergency Equipment	25.00
Dan's Camera City	14.33
Datastuff	61.44
Davidheiser's Inc.	190.50
Decisionone Corp	74.52
Delaware County Solid	11,534.65
Deturk Hardware	85.37
E J Breneman LP	266.20
E T Satchell Auto Supply	2.04
Ehrlich	125.00
Electric Revenue Fund	8,389.72
Engleman's Auto Body	895.00
Expanets, Inc.	112.17
FedEx	61.82
Fisher Space Pen Co	40.00
Fraser Advanced	30.80
Fronheiser Pools	15.63
General Code Publishers	165.00
George Y Brubaker Inc	1,501.29
Gould Publications	134.75
Granturk Equipment Company, Inc.	75.98
Great Valley Consultants	2,527.51
Guth Laboratories, Inc.	17.66
Heil Equipment Company	51.42
Hotsy Equipment Company	18.20
Ikon Office Solutions	78.50
Insurance Reserve Fund	22,200.00
J L Honberger Co Inc	617.50
John A. Miller, Jr.	20.00
Kutztown Auto Parts Inc	39.78
Lab Safety Supply, Inc.	41.95
Levan Machine Company, Inc.	11.35
Lighting Fixture &	35.36

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Locate Plus.com, Inc.	31.00
Lowe & Moyer Garage, Inc.	11.32
M J Earl Inc	32.25
M J Reider Association, Inc.	240.00
Mary MacIntosh Uniform	468.44
Met-Ed	125.16
MG Industries	171.86
Mid-American Specialties	493.30
Millennium Consulting	43.00
Mr. Food Convenience Store	12.69
Neopost	263.26
Nolt's Welding	8.10
PA Police Supply, Inc.	3,227.90
Positive Promotions, Inc.	81.03
Promoworx Incorporated	279.28
PRPS	40.00
Reading Eagle Company	1,368.32
Recorder of Deeds	37.98
Reidler Decal Corp.	383.04
Rodney W. Beard, CrI.	64.00
Ryly's Service Center	163.74
Schadler's Towing	125.00
Sovereign Bank	71.80
Stephanie A Donner	122.75
Telco Inc	45.00
The Art Store, Inc.	24.00
The Cutting Edge	540.00
The Keystone	75.00
The Morning Call	43.65
The Windsor Press Inc	30.09
Triangle Communications	70.00
Trugreen Chemlawn	17.55
Tyco Valves & Controls	105.10
UGI Utilities	1,109.61
Verizon Pennsylvania, Inc.	672.50
Waste Management	539.40
WCS, Inc.	191.63
Weaver's Hardware Co	99.58
Wrigley's Office Supply	851.08

\$294,654.55

WATER

Bob Miller	\$637.50
Bracalente Construction, Inc.	5,538.24
Essick & Barr Insurance	7,405.00
Kutztown Fire Police	22.00
Payroll Fund	11,891.51
Payroll Fund - Soc Sec	909.70
Big Bear Promotions, Inc.	114.77
Payroll Fund	10,785.92
Payroll Fund - Soc Sec	825.13
Petty Cash	19.34
Reading Eagle Company	18.55
Verizon Pennsylvania, Inc.	27.68
A-1 Restaurant Supply Company	22.35
Arch Wireless, Inc.	13.17
AT&D Communications Service	85.00
Berks Products Corporation	313.52
Berks-Mont Newspaper, Inc.	44.79
Business Link	18.08
CCP Industries, Inc.	21.01
Coco-Cola Bottling Corporation	50.38
Colorworks Graphic Services	45.70
Datastuff	20.48
Decisionone Corporation	59.62
E T Satchell Auto Supply	1.02
Eastern Industries Inc.	346.80
Electric Revenue Fund	3,014.99
Exeter Supply Company, Inc.	783.04
Expanets, Inc.	18.69
Fraser Advanced	6.16
George Y. Brubaker, Inc.	187.59
Hotsy Equipment Company	9.10
Ikon Office Solutions	78.50
Insurance Reserve Fund	4,070.00
Jack A. Pocerobba	10.40

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Jeffrey Wolf	86.73	
Justin J. Rice	12.46	
Kenneth P. Snyder	81.16	
Kunkel's Saw & Mower, Inc.	85.00	
Kutztown Auto Parts, Inc.	2.21	
M J Reider Association, Inc.	150.00	
Mary MacIntosh Uniform	98.75	
Mr. Food Convenience Store	12.68	
Neopost	78.97	
PA Section AWWA	81.85	
Promoworx Incorporated	139.64	
Reading Eagle Company	327.51	
Sovereign Bank	71.80	
Spotts, Stevens & McCoy	476.00	
The Art Store, Inc.	24.00	
The Morning Call	43.65	
The Windsor Press, Inc.	30.10	
Trugreen Chemlawn	7.02	
Tyco Valves & Chemicals	52.55	
US Filter Distribution Group	213.60	
Verizon Pennsylvania, Inc.	23.64	
Wrigley's Office Supply	<u>52.82</u>	
		\$49,567.87

ELECTRIC FUND

Baker Equipment	\$500.00
Essick & Barr Insurance	13,112.00
Kutztown Fire Police	22.00
Payroll Fund	12,842.95
Payroll Fund - Soc Sec	982.48
Payroll Fund	74.80
AT&T	264.87
Big Bear Promotions, Inc.	114.77
Met-Ed	21,644.52
Payroll Fund	15,350.41
Payroll Fund - Soc Sec	1,174.31
Penna Power & Light Company	157,774.41
Petty Cash	19.34

Reading Eagle Company	18.56
U S Post Office	438.15
Verizon Pennsylvania Inc.	495.02
William Cruz	65.45
Bob Miller	637.50
A-1 Restaurant Supply Co	22.35
Albert Amann	3.22
All-Phase Electric Supply Co	137.46
Allegheny Electric	3,225.16
Arch Wireless, Inc.	13.13
Asplundh	650.00
Berks-Mont Newspaper, Inc.	44.80
Borough of Lansdale	128.77
Brian O'Hearen	76.50
Bryon C. Yoder	38.18
Business Link	18.08
CCP Industries, Inc.	21.01
Coca-Cola Bottling Corporation	50.38
Colorworks Graphic Services	45.71
Datastuff	20.48
Decisionone Corporation	104.32
Department of Revenue	5,474.88
Deturk Hardware	12.29
E T Satchell Auto Supply	1.02
Electric Revenue Fund	879.11
Expanets, Inc.	37.39
Fraser Advanced	6.16
George Y. Brubaker, Inc.	118.25
Hotsy Equipment Company	9.10
Ikon Office Solutions	78.50
Insurance Reserve Fund	5,920.00
Jaime Lynn Bryne	10.71
Kutztown Auto Parts, Inc.	152.84
Lighting Fixture &	41.71
Mary MacIntosh Uniform	247.08
Mente Chrysler Plymouth	31.88
Morgan Siegfried	50.82
Mr. Food Convenience Store	12.69
Neopost	105.30

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Patrice M. Kline	1.38	
Promoworx Incorporated	139.64	
Reading Eagle Company	102.66	
Rumsey Electric Company	2,810.73	
Ryly's Service Center	24.00	
Snap On Industrial ~ Philadelphia	85.45	
Sovereign Bank	191.49	
The Art Store, Inc.	24.00	
The Morning Call	43.65	
The Windsor Press, Inc.	30.10	
Timothy E. Schlaner	65.01	
Trugreen Chemlawn	9.75	
Tyco Valves & Controls	52.55	
Utiliserve, Inc.	102.46	
Verizon Pennsylvania Inc.	422.78	
W W Grainger, Inc.	29.00	
Wheatley & Ranquist	563.13	
Wrigley's Office Supply	<u>52.82</u>	
		\$248,071.42

SEWER FUND

Commonwealth of PA	\$10.00
Bob Miller	637.50
AT & T	21.81
Big Bear Promotions, Inc.	114.77
Payroll Fund	10,573.98
Payroll Fund - Soc Sec	808.91
Petty Cash	19.34
Reading Eagle Company	18.55
Verizon Pennsylvania, Inc.	61.75
Essick & Barr Insurance	22,950.00
Kutztown Fire Police	22.00
Payroll Fund	10,456.17
Payroll Fund - Soc Sec	799.89
A-1 Restaurant Supply Co	22.45
All-Phase Electric Supply Co	4.60
Applied Controls, Inc.	72.97
Arch Wireless, Inc.	13.13
Berks-Mont Newspaper, Inc.	44.80

Business Link	18.08
CCP Industries, Inc.	21.05
Coca-Cola Bottling Corporation	50.38
Colorworks Graphic Service	45.71
Datastuff	20.48
Decisionone Corporation	59.62
Deturk Hardware	17.61
E T Satchell Auto Supply	1.05
Ehrlich	37.00
Electric Revenue Fund	2,797.72
Erb Electric	399.00
Expanets, Inc.	18.69
Fraser Advanced	6.13
George Y. Brubaker, Inc.	245.66
Hotsy Equipment Company	9.10
Ikon Office Solutions	78.50
Insurance Reserve Fund	4,440.00
Isco, Inc.	97.50
Jetvac Services, Inc.	2,105.00
John R. Young & Company	70.68
Kutztown Auto Parts, Inc.	21.10
LRM, Inc.	229.00
Mary MacIntosh Uniform	117.63
Mr. Food Convenience Store	12.69
Neopost	78.97
Nolt's Welding	15.00
PA One Call System, Inc.	50.60
Promoworx Incorporated	139.64
QC Laboratories, Inc.	1,035.00
Reading Eagle Company	254.12
Reading Electric	1,193.31
Robert J. Takacs	470.00
Sears	85.25
Snap On Industrial ~ Philadelphia	33.29
Sovereign Bank	71.80
Spotts Stevens & McCoy	1,358.40
Suburban Propane Office	926.27
The Art Store, Inc.	24.00
The Morning Call	43.65

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The Windsor Press, Inc.	30.10	
Trugreen Chemlawn	4.68	
Tyco Valves & Controls	52.55	
USA Blue Book	86.91	
Verizon Pennsylvania, Inc.	52.73	
Waste Management	262.30	
Wrigley's Office Supply	<u>115.75</u>	
		\$63,956.32

TELECOMMUNICATIONS FUND

Baker Equipment	\$500.00	
Essick & Barr Insurance	2,797.00	
First Bankcard Center	9.95	
Kutztown Fire Police	22.00	
Payroll Fund	5,034.85	
Payroll Fund - Soc Sec	385.17	
AT&T	59.73	
Big Bear Promotions, Inc.	114.78	
Payroll Fund	4,222.95	
Payroll Fund - Soc Sec	323.05	
Petty Cash	19.35	
Reading Eagle Company	18.55	
Verizon Pennsylvania, Inc.	53.02	
Bob Miller	637.50	
Atlantic Engineering	2,400.00	
A B Dick Company	811.56	
All-Phase Electric Supply Company	300.91	
Atlantic Engineering	2,400.00	
Berks-Mont Newspaper , Inc.	169.22	
Business Link	18.09	
Coca-Cola Bottling Corp.	50.38	
Colorworks Graphic Services	45.71	
Datastuff	20.46	
DeTurk Hardware	15.09	
Electric Revenue Fund	65.00	
Essick & Barr Insurance	460.00	
FedEx	33.43	
Insurance Reserve Fund	370.00	
Lawson Products, Inc.	47.72	

Lighting Fixture &	17.16	
Long Barrell & Company, Ltd.	551.00	
Mr. Food Convenience Store	12.69	
MTV Networks	22.26	
National Cable	422.39	
Nolt's Welding	144.00	
PA Cable Network	132.00	
Peco/Adelphia Communications	1,989.44	
Radio Shack	59.95	
Reading Eagle Company	472.33	
Reighn Communications	13,440.00	
Sovereign Bank	71.80	
Staples, Inc.	24.99	
Suburban Propane Office	175.00	
The Art Store, Inc.	24.00	
The Morning Call	43.64	
The Windsor Press, Inc.	30.09	
UGI Utilities	1,849.39	
Utilicor	1,630.71	
Verizon Pennsylvania, Inc.	51.54	
W W Grainger, Inc.	70.97	
Weaver's Hardware Company	<u>73.13</u>	
		\$42,713.95

GO BOND FUND - '01A SERIES/TELECOMMUNICATIONS

Atlantic Engineering	\$ 68,179.98	
Atlantic Engineering	<u>\$3,210.00</u>	
		\$71,389.98

GO BOND FUND - '01 SERIES/WATER & ELECTRIC

Bracalente Construction, Inc.	\$ 111,347.05	
Spotts Stevens & McCoy	<u>\$3,818.78</u>	
		\$115,165.83

GO BOND -1 - '02 SERIES/GENERAL

Bracalente Construction, Inc.	\$ 48,389.37	
Great Valley Consultants	<u>\$816.43</u>	
		\$49,205.80

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ELECTRIC CAPITAL OUTLAY FUND

Lauchnor's Gravely	\$ 355.00	
Wesco Distribution, Inc.	<u>328.80</u>	
		\$683.80

WATER CAPITAL OUTLAY FUND

E M Kutz, Inc.	<u>850.00</u>	
		\$850.00

INSURANCE RESERVE FUND

BCMHIPG	\$35,324.89	
Ceridian Benefits Serv	\$96.00	
Fort Dearborn Life	\$538.80	
Life Investors Insurance	<u>313.85</u>	
		\$36,273.54

FIRE TAX PROTECTION FUND

Payroll Fund	\$144.00	
Payroll Fund - Soc Sec	\$11.02	
Long, Barrell & Company, Ltd.	<u>367.65</u>	
		\$522.67

POLICE TRAINING FUND

Payroll Fund	\$246.29	
Raymond A. Schell, Jr.	\$28.61	
Payroll Fund	<u>134.48</u>	
		\$409.38

TELECOM CAP OUTLAY FUND

D & E Communications, Inc.	\$7,417.56	
GB Enterprises, Inc.	4,056.00	
Atlantic Engineering	128,865.00	
Bracalente Construction, Inc.	1,969.15	
Atlantic Engineering	25,207.69	
Atlantic Engineering	206,270.00	
Lauchnor's Gravely	<u>355.00</u>	
		\$374,140.40

RECREATION TAX FUND

Long, Barrell & Company, Ltd.	\$967.50	
Payroll Fund	\$195.00	
Payroll Fund - Soc. Sec.	<u>14.92</u>	\$1,177.42

SEWER CAPITAL OUTLAY FUND

Control Microsystems	<u>\$ 100.00</u>	\$100.00
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ROAD TAX FUND

Payroll Fund	\$ 195.00	
Payroll Fund - Soc. Sec.	<u>\$ 14.92</u>	\$209.92

HIGHWAY AID FUND

Bracalente Construction Inc.	<u>\$ 82,085.00</u>	\$82,085.00
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And Be It Further Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 10:10 p.m.

Prepared and
Attested by: Bonnie Bray
Secretary