

April 1, 2003
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. Jaymes A. Vettraino, Borough Manager/Treasurer; Mr. Dale Kratzer, 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; Mr. Frank P. Caruso, Director of Information Technologies; John E. P. Schmoyer, Seasonal Recreation Director; Bonnie Bray, Borough Secretary/Human Resources Director; Mr. Kenneth Kern, member of the Borough Planning Commission; Mr. Philip Breeze, Director of Public Relations at Kutztown University; Residents Robert and Joan Gangewere, Greg Heid, Ed Seyler, Evelyn Adams, Fay A. Werley, Mr. and Mrs. William Fox, Carl A. Lobb, Dave Remaley, Tim Seyler, David Deturk, George E. Weida, Jonathan Grim, Dan Courtenay, and Andy S. O'Neil; Julia Nazimov, reporter for the Reading Eagle; and Nikki M. Murry, reporter for The Kutztown Area PATRIOT were also present.

The President called for the opening of bids for furnishing padmount transformers, 600 volt underground high voltage and low voltage cable and materials. The Borough Manager opened and read bids received from Queen City Electrical Supply Co., Inc., Allentown, PA, in the total amount of \$19,690.85; Rumsey Electric Company,

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Conshohocken, PA, showing no lump sum; Hamby Young/WESCO, Berwyn, PA, in the total amount of \$15,099.74; and Hughes Supply, Somerset, PA, in the total amount of \$28,972.82. It should be noted that the total lump sum bids reported do not necessarily represent the total of all individual items on the bid documents, since some of the bidders did not bid on each item. A motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To refer the bids received for furnishing padmount transformers, 600 volt underground high voltage and low voltage cable and materials to the Municipal Utilities Superintendent for review and recommendation of award at the April 22, 2003 Council meeting. Passed by unanimous vote.

The President called for the opening of bids for furnishing the Borough's annual propane (LP-Gas) requirements. There were no bids received. A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To authorize readvertising for bids for furnishing the Borough's annual propane (LP-Gas) requirements. Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mrs. Crooker, Resolved, To approve and accept the Minutes of the March 11, 2003 Council Meeting. Passed by unanimous vote.

President Ely asked if there was anyone who wished to address Council before proceeding with the agenda. Mr. Carl Lobb questioned the timing of demolishing the old swimming pool building because of the proposed regional sewer treatment plant project. Mr. Vettraino responded that the building needs to come down one way or another and that it is the Borough's choice to do it safely. He further commented that he didn't think the property would be needed for the potential sewer treatment plant project.

Under Borough Planning Commission, Mr. Kern reported that the Planning Commission is recommending approval of Zoning Appeal No. Z-03-02 regarding Tabernacle Church, Inc., utilizing part of 145 Highland Avenue for church and youth activities. No action was taken by Council.

Mr. Kern reported that the Planning Commission is recommending that Borough Council grant a 60-day extension offered by Stephen H. Bensinger, PE, agent for LRM Ziegenfuss Partners, in which to render a decision on the proposed Hilltop Subdivision along Seem Drive. A motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To grant a 60-day extension offered by Stephen H. Bensinger, PE, agent for LRM Ziegenfuss Partners, in which to render a decision on the proposed Hilltop Subdivision along Seem Drive. Passed by unanimous vote.

Under Public Relations Committee, a motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To authorize the appropriate Borough officials to execute the Participating Jurisdiction Agreement with the International Code Council in regard to national standardized contractor license examinations. Passed by unanimous vote.

A motion was made by Mrs. Crooker, seconded by Mr. Eidle, Resolved, To approve the preparation of an ordinance amending Chapter 107, "Electrical Standards" and Chapter 163, "Plumbing," so as to provide for testing for the licensing of electricians and plumbers by the ICC Contractor Examination Program. Passed by unanimous vote.

Mrs. Crooker reported to Council on the cost of each legislative veto by the Mayor. She advised that the cost per veto averages \$3,375 per month and \$40,500 annually. Mrs. Crooker asked the Mayor to reconsider before vetoing legislation in the

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future because of the costs incurred as a result of a veto. The Mayor responded that Mrs. Crooker had no right to ask him that. He further remarked that he vetoes legislation for the fiber optics project because the project should have been planned better.

Mrs. Crooker noted that Kutztown Student Government Day is scheduled for the May 13, 2003 Council meeting. Mr. Vettrainso stated that he has talked with Mrs. Crooker, Mayor Marino and Ms. Dell'Elmo about planning the event, and that he will work with all three of them.

Mr. Archie Follweiler asked for clarification regarding the cost of vetoing legislation. Mrs. Crooker thoroughly reviewed the costs in more detail, outlining the costs of lost customer revenue and administrative costs for each veto.

Mrs. Crooker asked if the Borough has heard a response from Maxatawny Township yet regarding their proposed rezoning plans. Mr. Vettrainso responded that the Borough has not heard from Maxatawny Township yet but that Berks County Planning Commission is on record as saying the area by the Borough's wellheads should not be rezoned.

Under Police Committee, a motion was made by Mr. Follweiler, seconded by Mr. Eidle, Resolved, To authorize Great Valley Consultants to conduct a parking study in the vicinity of College Boulevard from College Garden Drive to Lytle Lane to determine the feasibility of establishing a No Parking Area on the west side of College Boulevard from College Garden Drive and extending southward 178 feet, more or less, to Lytle Lane, at an approximate cost of \$350. Passed by unanimous vote.

Under Streets & Refuse Committee, a motion was made by Mr. Follweiler, seconded by Mr. Mantz, Resolved, To place American flags and yellow ribbons on Main

Street. Passed by unanimous vote. Mr. Follweiler reminded Council that the Optimist Club had previously donated new flags to the Borough. Mr. Vettrano indicated that OCAC has offered to donate the yellow ribbons.

Mr. Archie Follweiler reported on the final 2003 Street Improvements project for Baldy Street, Sander Alley and Strausser Alley. He pointed out that earlier it was reported that South Whiteoak Street was part of the project but is now going to be delayed again because of the problem on Baldy Street. Mr. John E. P. Schmoyer asked when the street projects would be completed. He was concerned about the heavy truck traffic because of the construction of the student housing project. Mr. Ely responded that the Borough would try to coordinate the street work with the university's project.

Mr. Archie Follweiler reported on the final 2003 Storm Sewer project. Because of a problem near the ice plant, the Borough is revising its original plans for the Storm Sewer project and instead of working on North Whiteoak, the project will focus on the sink hole near the ice plant. The Borough will advertise for bids shortly.

Under Personnel Committee, President Ely called for an Executive Session at 8:02 p.m. to discuss personnel and finance litigation matters. The Executive Session ended, and the Council meeting reconvened at 8:21 p.m.

A motion was made by Mr. Mantz, seconded by Mr. Follweiler, Resolved, To reimburse the \$1,247.00 legal expenses incurred by Frank Caruso, Bonnie Bray and Gina Dell'Elmo, in connection with their respective employee complaints regarding the Mayor. Passed by unanimous vote.

Mr. Dietrich presented and read aloud the caption of the proposed resolution requesting that the Mayor reimburse the Borough for legal fees that it would not have

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incurred but for the Mayor's unjustifiable defiance of the Personnel Committee's investigative efforts pertaining to employee complaints. Mr. Mantz pointed out that legislative bodies at all levels of government pass resolutions. He asserted that a resolution is a formal statement of opinion or expression of opinion or a determination adopted by Council. Mr. Mantz indicated that 3 1/3 pages of this 5-page resolution consist of a chronology of non-compliance by the Mayor, with the Personnel Committee's frequently announced invitation or offer of an opportunity to the Mayor to voluntarily tell his version of the events complained of. Mr. Mantz remarked that as he related to the public at the Committee's announced special publicly-held meetings of Friday, October 25, 2002, and on Thursday, November 7, 2002, and as he reiterated to the public with the Mayor this time in attendance at an open Borough Council meeting on Tuesday, February 18, 2003, from which he quoted the following from Page 16175 of the official minutes:

"But for the Mayor's stubborn defiance of Council's legal right to compel his attendance, Mr. Mantz pointed out that the Borough would not have incurred that expense, so he called upon the Mayor to seriously consider reimbursing the Borough for those costs, which the Borough would not necessarily have incurred at all but for the Mayor's stubborn defiance of Council's legal right to subpoena. Mayor Marino indicated that Council never did accuse him of anything. Mr. Mantz clarified that the Personnel Committee's seeking to meet with the Mayor and question the Mayor under oath is not for the sake of holding any kind of adversary proceeding designed to adjudicate the Mayor's guilt or innocence. By the Mayor's own admission, no charges alleging his violation of any laws, rules or

regulations have been made by Borough Council or any of its Committees.

Mr. Mantz further explained that the courts are in the business of making those kinds of decisions. Rather, it is the Personnel Committee's purpose to gather information or facts pertaining to the matters complained of that are within the Borough's knowledge to add to that already provided under oath by the aggrieved parties, the Borough employees, to form as comprehensive a factual basis as possible, upon which to draft or prepare a sound piece of legislation to adequately address the problems that have come to Borough Council's attention as a result of the incidents in question."

Mr. Mantz pointed out that there were allegations of abusive and offensive misconduct. Those allegations of offensive and abusive misconduct were leveled by the complainants themselves. Borough Council and the Personnel Committee of Borough Council, as a responsible employer, listened to the complaints of its employees. The Borough, desiring to be a responsible employer, undertook to hear both sides of the story. In seeking to do so, the Committee's efforts to hear from the Mayor, first privately, then publicly as he demanded, were always frustrated because he refused to appear. The Mayor left the Council no alternative but to challenge his defiance in court. The Mayor challenged the Committee to do that; the Committee then challenged the Mayor in court. A jurist decided the Mayor was wrong. Therefore, the Borough incurred expenses amounting to a total of \$17,679.15 in legal fees and related advertising costs that the Borough would not have incurred but for the Mayor's baseless and unjustifiable defiance. Therefore, Mr. Mantz placed the proposed resolution before Council for their

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consideration. A motion was made by Mr. Mantz, seconded by Mrs. Crooker, to adopt the following resolution:

RESOLUTION NO. ____-2003

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING REIMBURSEMENT FROM THE MAYOR OF THE BOROUGH OF KUTZTOWN FOR ADDITIONAL LEGAL FEES INCURRED AS A RESULT OF THE MAYOR'S REFUSAL TO COOPERATE IN THE INVESTIGATION OF BOROUGH EMPLOYEE COMPLAINTS

WHEREAS, Borough employees filed complaints during August, 2002, in the form of sworn affidavits (the "Complaints") with the Personnel Committee of the Borough Council of the Borough of Kutztown (the "Personnel Committee") alleging certain inappropriate conduct directed toward them by the Mayor of the Borough of Kutztown (the "Mayor"); and

WHEREAS, the Borough Council of the Borough of Kutztown (the "Council") authorized the Personnel Committee to investigate the allegations made in the Complaints; and

A. WHEREAS, the Personnel Committee requested a private meeting with the Mayor on October 4, 2002 to discuss the Complaints; and

B. WHEREAS, on September 27, 2002, the Mayor wrote to advise the Personnel Committee that he refused to attend a private meeting and demanded that the meeting be held in public; and

C. WHEREAS, the Personnel Committee scheduled and advertised a meeting to be held October 15, 2002, in executive session, to meet with the Mayor and privately discuss the Complaints and advised the Mayor of the date and time of the meeting; and

D. WHEREAS, the Mayor refused to attend the meeting scheduled on October 15, 2002; and

E. WHEREAS, the Personnel Committee scheduled and advertised another meeting to be held openly and in public on October 25, 2002 and advised the Mayor of the new date and time for the meeting; and

F. WHEREAS, the Mayor refused to attend the October 25, 2002 meeting; and

G. WHEREAS, the Council authorized the Personnel Committee to issue a subpoena to the Mayor to compel his attendance at a public meeting to discuss the Complaints and to seek enforcement of the subpoena, if necessary; and

H. WHEREAS, the Personnel Committee scheduled yet another public meeting to be held on November 7, 2002 and caused the Mayor to be served with a subpoena (the "Subpoena") pursuant to § 1014 of the Borough Code, requiring the Mayor's attendance at the public meeting; and

I. WHEREAS, the Mayor refused to attend the November 7, 2002 public meeting in defiance of the Subpoena; and

J. WHEREAS, the Personnel Committee caused a petition (the "Petition") to be filed in the Berks County Court of Common Pleas on December 2, 2002 requesting the Court compel the Mayor to honor the Subpoena; and

K. WHEREAS, the Court signed a Rule to Show Cause and set a date for a hearing on the matter for January 2, 2002; and

L. WHEREAS, the Berks County Sheriff's Department served the Mayor with a copy of the Petition and Rule to Show Cause on December 10, 2002; and

M. WHEREAS, the Mayor did not attend the January 2, 2002 hearing and the Honorable Jeffrey Schmehl signed an Order compelling the Mayor to testify under oath as to facts within his knowledge about the Complaints before the Personnel Committee; and

N. WHEREAS, the Mayor alleged his copy of the Rule to Show Cause was blank and he did not have notice of the date and time for the January 2, 2003 hearing; and

O. WHEREAS, the Personnel Committee requested the Court schedule a new date and time for a hearing to hear legal argument on the Petition; and

P. WHEREAS, the Court scheduled a new hearing for February 6, 2003 and the Mayor was served with notice of the new date and time for a hearing; and

Q. WHEREAS, after hearing held on February 6, 2003, the Honorable Jeffrey Schmehl ordered the Mayor to meet privately with the Borough Solicitor, and other legal counsel for the Borough of Kutztown to discuss the Complaints and, after ten days notice, to appear before the Personnel Committee to testify under oath as to facts within his knowledge about the Complaints; and

R. WHEREAS, the Borough of Kutztown accrued legal fees and other expenses in the effort to compel the Mayor to discuss the Complaints; and

S. WHEREAS, the legal fees and other expenses would have been substantially less had the Mayor simply met with the Personnel Committee in private on October 4, 2002, as was originally scheduled by the Personnel Committee rather than illegally defy the Personnel Committee's lawful Subpoena; and

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T. WHEREAS, the Mayor's responsibility for the cost of proceedings after the proposed October 4, 2002 meeting is clear, based upon the public meetings and actions taken by the Personnel Committee of the Borough Council and upon the Mayor's own public statements and messages written to Borough personnel, stating his defiance of the subpoena and his contempt for the process, as follows:

September 27, 2002 email from the Mayor demanding a public meeting, a copy of which is annexed hereto and incorporated herein as Exhibit "A";

the Mayor's October 3, 2002 memorandum by email to the Borough Solicitor challenging the Personnel Committee to issue a subpoena to the Mayor, a copy of which is annexed hereto and incorporated herein as Exhibit "B";

the November 1, 2002 handwritten message addressed to Borough Council members, Borough employees and the Borough Solicitor in which the Mayor stated: "To sum up I will not honor your subpoena [sic] or attend your meetings let's go to Court immediately. The game is over.", a copy of which is annexed hereto and incorporated herein as Exhibit "C";

the November 1, 2002 handwritten letter from the Mayor to the Chairman of the Personnel Committee reading: "Enclosed please find your subpoena [sic] which is worthless. Let's go to Court. Your game is over. . . . I take my chance with an impartial judge.", a copy of which is annexed hereto and incorporated herein as Exhibit "D";

handwritten note dated November 2, 2002 to the Chairman of the Personnel Committee and the Borough Solicitor in which the Mayor stated: "I will not attend any meetings or accept any correspondence about this investigation" and "You have no authority to investigate the Mayor", a copy of which is annexed hereto and incorporated herein as Exhibit "E";

handwritten letter dated November 6, 2002 addressed to the Chairman of the Personnel Committee in which the Mayor stated: "I will not honor the subpoena [sic] and I will not appear.", a copy of which is annexed hereto and incorporated herein as Exhibit "F";

the November 7, 2002 typed letter addressed to the Borough Council, Borough personnel and the Borough Solicitor stating, in part, "[t]o issue an illegal subpoena to a person not accused of a violation and to have this person compelled to be at a certain place at a certain time and be questioned until excused is kidnapping. I think it is high time for the personnel committee to either take me to court or drop the issue. If you decide to sanction me, which you have no authority to do, I will not abide by any ruling you make.", a copy of which is annexed hereto and incorporated herein as Exhibit "G"; and

handwritten letter dated November 8, 2002, the day after the date scheduled for the honoring of the subpoena, questioning what would be said to the judge when the matter came to court, a copy of which is annexed hereto and incorporated herein as Exhibit "H"; and

U. WHEREAS, throughout the period of time from September 27, 2002 through February 6, 2003, the Mayor refused to acknowledge the Personnel Committee's subpoena power, all the while demanding that the Personnel Committee proceed against him in the Court of Common Pleas of Berks County, but complaining publicly and privately about the cost which would be incurred by the Borough as a result of the very court proceedings he was demanding; and

V. WHEREAS, although the Borough Council, at its meeting on September 17, 2002, made the sum of \$2,500.00 available to the Mayor to permit him to hire separate legal counsel, in accordance with Section 1117(b) of the Borough Code, legal counsel appeared on behalf of the Mayor in the court proceedings only several days before the court hearing held February 6, 2003; and

W. WHEREAS, as a result, throughout the time period in question, the Mayor offered to the Personnel Committee no means of resolving the investigation of the Complaints, except either (1) proceeding before the Court of Common Pleas of Berks County, or (2) simply ignoring the Complaints and capitulating to the Mayor's claims that his conduct could not be investigated and could not be sanctioned; and

X. WHEREAS, the Mayor's opinion, oft stated during the period from September 27, 2002 through February 6, 2003, that the subpoena issued by the Personnel Committee was "illegal", was clearly erroneous and has caused the Borough to incur substantial expense.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is HEREBY RESOLVED by the authority of the same as follows:

SECTION 1. The Borough of Kutztown incurred legal fees, court filing fees, transcription fees and Sheriff service of process fees in the amount of Twenty Thousand Eight Hundred Seventy-five and 75/100 Dollars (\$20,875.75), and advertising costs for special public meetings requested by the Mayor in the amount of One Hundred Eighty-Seven and 00/100 Dollars (\$187.00), regarding the investigation of the Complaints by the Personnel Committee.

SECTION 2. The total legal fee to the Borough of Kutztown through the September 27, 2002 date of the Mayor's initial written refusal to meet with the Personnel Committee would have been Three Thousand One Hundred Ninety-six and 60/100 Dollars (\$3,196.60), if the Mayor had appeared at the October 4, 2002 meeting to privately discuss the Complaints with the Personnel Committee.

SECTION 3. The Borough Council believes the Mayor's refusal to

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discuss the Complaints either privately or in public, as per his September 27, 2002 written refusal as well as the Mayor's refusal to cooperate in any manner with the Personnel Committee in its investigation of the Complaints and his insistence that a Court Order was required to compel his attendance, resulted in the need to seek a Court Order compelling his testimony, thereby having needlessly cost the Borough of Kutztown an additional Seventeen Thousand Six Hundred Seventy-nine and 15/100 Dollars (\$17,679.15) in legal fees and One Hundred Eighty-Seven and 00/100 Dollars (\$187.00) in advertising costs.

SECTION 4. The Borough Council respectfully requests that the Mayor reimburse the Borough of Kutztown for those additional legal fees and costs in the total amount of Seventeen Thousand Eight Hundred Sixty-Six and 15/100 Dollars (\$17,866.15).

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this _____ day of _____, 2003.

Mayor Marino questioned why Council is asking to be reimbursed if the investigation is not over. Mr. Mantz responded that the costs represented in the resolution are the costs accrued to date and further pointed out that the Borough would not have incurred these costs but for the Mayor's defiance of the Committee's subpoena power. In response to the Mayor's comments and questions regarding the court order, Mr. Dietrich explained the process which was required by the court order.

Mayor Marino questioned Council, Tim Dietrich, Frank Caruso and Bonnie Bray as to whether or not they knew Keith A. Hill filed the PHRA complaint in July, 2002. Council members and Tim Dietrich all responded that they were not aware of the complaint filed in July. Mr. Caruso and Bonnie Bray did not respond. Mayor Marino accused Mr. Mantz of helping Keith Hill's case by presenting this resolution tonight. He further accused Mr. Hill of initiating this whole thing.

As a member of the Personnel Committee, Mr. Follweiler commented that a lot of time was wasted waiting for the Mayor to show up at meetings. He stated that it's hard to protect the Mayor and stand up for the Mayor with his actions, (shouting, ranting and raving). At the same time, on this particular resolution, he advised that he was uncomfortable with the precedence setting if the resolution were passed. He further indicated that even though it was the Mayor's action that caused the Borough to spend the money, Council authorized the spending. He pointed out that the Personnel Committee scheduled all these meetings knowing that the Mayor wouldn't show up. Even though Mr. Follweiler maintained that as far as the harassment of the employees, it should not have been done, and the Council should be protecting the employees, he opposed spending any additional funds on this issue. He further stated that this action would provoke the matter further and that the people in the community have asked Council and the Mayor to get along, to be civil to one another. Instead of provoking each other, Mr. Follweiler reminded Council that it should be finding a resolution to work together.

Mrs. Crooker, responding to Mr. Follweiler's remark about Personnel knowing that the Mayor would not show up at these meetings, remarked that she did not know he would not show up. In fact, she remembered the Mayor stating that if the meeting was public, he would attend. Mrs. Crooker indicated that she attended all four special Personnel Committee meetings in hopes that the Mayor would be there, to find out what actually happened, and it wasn't until the final fourth meeting that the Mayor showed up. She disagreed with Mr. Follweiler's statement that Personnel knew the Mayor was not going to show up at these special meetings and further stated that the problem that exists is not with Council, but rather with the Mayor who refuses to cooperate. Mr. Follweiler agreed

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with Mrs. Crooker in that Personnel did not know if the Mayor would actually show up.

Mr. Eidle stated that Council did not have a choice in spending the money because if Council didn't take action, they would not be protecting their employees. Mr. Follweiler countered that there are other things that Council could have done, which he had brought up in Executive Sessions for six months, to take action to stand up for our employees and condemn him (the Mayor) and give him a censure.

The Mayor noted that the only invitations (regarding the special Personnel Committee meetings) he received came from Barley Snyder, not from Personnel. He complained that the letters from Barley Snyder did not contain any RSVP. He also wanted to know why Carl Mantz never invited him. Mr. Mantz responded that every invitation given to the Mayor was given in the name of the Personnel Committee, further explaining that Barley Snyder did not hold these meetings, the Personnel Committee scheduled, announced and held these meetings. Every announcement published in the newspaper and posted on the door stated that the Personnel Committee was holding the meeting. He further pointed out that all these meetings were conducted and chaired by the Personnel Committee, not by Barley Snyder. There was no ambiguity or any confusion in anybody's mind as to who was holding these meetings. Mayor Marino asked who authorized Barley Snyder to represent the Personnel Committee. Mr. Mantz responded that Council authorized Barley Snyder, as they do at the beginning of every year when Council appoints the engineers and solicitor, etc. Mayor Marino accused Council of authorizing the Borough solicitor to attack the Mayor. The Mayor advised Council if they vote for something that is illegal, they can be sued. He maintained that "this is all illegal." The Mayor contended that the day Keith A. Hill accused the Mayor,

that's the day the Mayor became a defendant, rather than a witness. He blamed Mr. Mantz for being "part of it." He accused Council of giving Keith Hill plenty of ammunition and called Keith Hill a liar.

Mr. Ely addressed Council regarding the proposed resolution introduced by Mr. Mantz. He commented that every statement in the proposed resolution is factual --- it is accurate, however, he is of the opinion that this will not amount to anything because the Mayor will not pay so it's a waste of effort and energy. He further stated that Council needs to take steps to resolve this case to protect employees, but thought that this resolution would only prolong the case. Mr. Mantz explained that the proposed resolution is being presented as an expression of opinion, further clarifying that it's not an ordinance, it's a request that this is the honorable thing to do and concluded this is the reason why he presented it tonight.

Mrs. Crooker asked about the status regarding the complaints of the three employees. Mr. Mantz replied that Personnel has already heard from the three complainants. He explained that Personnel has been met by nothing but obstructionism, that their efforts have been frustrated up to this point to hear the other side of the story. The Solicitor has been directed by Council to prepare an ordinance for some time in the future, which will be Council's response to the employee complaints. As far as having a hearing, Personnel is waiting for a clearance from the Borough's insurance carrier. 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, Mr. Dietrich advised the Mayor that he was allowed to break the tie vote, under provisions of Section 1103J of the Ethics Act which allows voting when there is a conflict if the vote is needed

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to break a tie. The Mayor broke the tie vote by voting Nay, and the motion was defeated and therefore did not pass.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To confirm full-time employment for Jaymes Vettraino, Borough Manager/Treasurer, upon completion of his probationary period on or about March 28, 2003. Mr. Ely commented that Council is very pleased with Mr. Vettraino's work. Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To authorize the Borough Manager to hire a Public Works Laborer I, And Be It Further Resolved, That the hiring will be ratified by Council at a future meeting. Passed by unanimous vote.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To authorize undertaking the appropriate action to hire one additional part-time Library Clerk I. Passed by unanimous vote. Mr. Mantz noted that all costs involved are chargeable back to the library.

A motion was made by Mr. Mantz, seconded by Mr. Eidle, Resolved, To adopt the following resolution adopting the Borough of Kutztown Privacy Policy; And Be It Further Resolved, To appoint Bonnie Bray as the Privacy Officer to administer the Privacy Policy:

RESOLUTION NO. 6-2003

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE BOROUGH OF KUTZTOWN PRIVACY POLICY FOR ALL PARTICIPANTS OF THE EMPLOYEE WELFARE BENEFIT PLAN SPONSORED BY THE BOROUGH OF KUTZTOWN, IN FORM AS ATTACHED.

WHEREAS, the Borough of Kutztown (the "Borough") is a municipal corporation existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, it is the intent of the Borough to promote awareness of the confidential nature of the medical information that is collected, maintained and disseminated by the employee welfare benefit plan ("Plan") sponsored by the Borough.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown as follows:

RESOLVED, that the Council of the Borough herewith adopts the Borough of Kutztown Privacy Policy for all participants of the Plan, in form as attached, effective April 14, 2003.

This Resolution supersedes any other Resolution or parts of Resolutions inconsistent with this Resolution.

DULY ADOPTED AS A RESOLUTION this 1ST day of April, 2003, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Recreation Committee, a motion was made by Mr. Schwoyer, seconded by Mr. Follweiler, Resolved, To authorize the appropriate Borough officials to execute the Kutztown Park Playground and Summer Recreation Agreement for the 2003 summer season with the Tri-Valley Branch YMCA at an increased compensation of \$6,000.00, along with an increase in insurance costs. Passed by unanimous vote.

Mr. Vettraino noted that the increase in cost to add accident insurance, as specified in the contracts, included \$53 for the summer fitness program and \$193 for the summer recreation program.

A motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To authorize the appropriate Borough officials to execute the Kutztown Park Roller Rink Classes Agreement for the 2003 summer season with the Tri-Valley Branch YMCA for fitness classes at an increased insurance cost. Passed by unanimous vote.

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A motion was made by Mr. Schwoyer, seconded by Mr. Mantz, Resolved, To authorize the appropriate Borough officials to execute the Contract with The Allentown Band, Inc., to perform concerts at the annual Kutztown Day celebration on Sunday, August 3, 2003, at a cost of \$2,100, plus dinner to be furnished at 5:45 p.m. on the day of the performance. Passed by unanimous vote.

Under Grounds & Buildings Committee, Council reviewed the request from the Kutztown Dolphin Swim Team to charge admission fees as they desire and receive all proceeds from the admissions for the Berks County Swim Association Invitational Meet at the Kutztown Swimming Pool and to sell additional food and drinks in coordination with Tracy Arnold, provided the Swim Team's insurance policy extends coverage to such operations involving the sale/resale of food and drinks. Mr. John Schmoyer advised Council that the admission fee issue has been resolved and that the only issue remaining is selling food. He indicated that he met with Tracy Arnold, and she has no objections. Mr. Vettraino reminded Mr. Schmoyer to make sure that the Dolphin Swim Team's insurance includes food sales. A motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To authorize the Kutztown Dolphin Swim Team to sell additional food and drinks in coordination with Tracy Arnold for the Berks County Swim Association Invitational Meet at the Kutztown Swimming Pool, contingent upon the Dolphins' insurance policy extending coverage to such operations involving the sale/resale of food and drinks. Passed by unanimous vote.

A motion was made by Mr. Schwoyer, seconded by Mr. Mantz, Resolved, To approve the request to demolish the old swimming pool building along Route 737 at the old swimming pool site. Passed by unanimous vote.

Mr. Schwoyer asked Council to consider an item off the agenda regarding KYAA's request to use the Kutztown Borough Park fields for the 2003 summer season. A motion was made by Mr. Schwoyer, seconded by Mrs. Crooker, Resolved, To approve the request from KYAA to use the Kutztown Borough Park fields, contingent upon KYAA providing the appropriate insurance. Passed by unanimous vote.

Under Public Works Committee/Electric Supply Engineering, Mr. Dietrich presented and read aloud the caption of the proposed resolution to participate in a joint action by Boroughs to solicit wholesale power supplies. A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To adopt the following resolution:

RESOLUTION NO. 7-2003

The Council of the Borough of Kutztown, Berks County, Pennsylvania, hereby authorizes the Borough of Kutztown to join with the other Boroughs in the "Borough Group" named in the Settlement Agreement of January 29, 1998 with PPL, Inc., approved by the Federal Energy Regulatory Commission, to solicit proposals from electricity providers to provide electric service to the Boroughs in the Group, effective as of February 1, 2004. Since the Group proposal will be utilizing the diversity factors of the members of the Group to seek to obtain the lowest wholesale price for electricity for everyone in the Group, the Borough of Kutztown agrees to participate as a member of the Group similar to the prior proceedings in 1998.

DULY ADOPTED AS A RESOLUTION this 1ST day of April, 2003, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.
Passed by unanimous vote.

Under Telecommunications, a motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To ratify approval to prepare specifications and advertise to receive bids for the wiring of Briar Cliff Community, with a bid opening date of April 17, 2003.
Passed by unanimous vote.

16231

Mr. Dietrich read aloud the caption of the proposed resolution to amend §A231-1 of Chapter A231 of the Kutztown Code to add Parts 12, 13 & 14 to the "Schedule of Rates and Services" in Chapter 110. A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To adopt the following resolution:

RESOLUTION NO. 8-2003

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 ADD A NEW PART 12, 13 & 14 TO 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:

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 add the new Part 12,13 &14 of the "Schedule of Rates and Services" of Chapter 110 thereof, entitled "Fiber Optic Communications Network," so as to henceforth read as follows:

Part 12. Web Hosting and Training Sessions.

In the event that a Consumer requests the Borough host web-site services, and from time to time schedule internal training programs, the Borough agrees to do so as long as the Consumer is an active customer of Hometown Utilicom Internet Services. The charges therefore shall be as follows:

- (a) Set-up and Configuration of Web-Service Folders, Directory, and Security access.
 - (1) A one-time setup fee of \$5.00 per domain (web-site). (Applies to Basic, Expanded25, Expanded50)
 - (2) Monthly fee based on selected package.
 - (a.) Basic Package
 - 10MB if storage space
 - 1 FTP User Account
 - 24/7 Technical Support
 - Daily Backup

\$7.50/Month
 - (b.) Expanded25 Basic Package
 - 25MB if storage space
 - 1 FTP User Account
 - 24/7 Technical Support
 - Daily Backup

\$16.25/Month
 - (c.) Expanded50 Basic Package
 - 50MB if storage space
 - 1 FTP User Account
 - 24/7 Technical Support
 - Daily Backup

\$20.00/Month
- (b) Web-Site Design, personal web page development.
 - (1) The cost for the personal web-page and class is \$25.00.
 - (2) FREE up to 1MB personal HTML page.

Part 13. Internet Gaming Server .

16233

In the event that a Consumer request access to the Internet Gaming Server, the Borough will provide access to games currently made available, provided the Consumer is an active Internet Hometown Utilicom Customer. The charges therefore shall be as follows:

- (1) Additional charge of \$3.00-\$8.00 per month. (Added to existing Customer Internet charge). Actual fee within such range is dependant on the selected gaming solution.

Part 14. E-mail Relay and Forwarding Services

In the event that a Consumer requests E-mail relay and forwarding services, the Borough will provide such services, provided the Consumer is an active Internet Hometown Utilicom Customer. The charges therefore shall be as follows:

- (1) One time Setup Fee of \$30.00
- (2) \$1.50 per email address per month

SECTION 2. All users of the above-listed services shall execute an agreement to the Borough's then current standard contract terms for said services.

SECTION 3. This Resolution shall take effect immediately upon its adoption and approval.

SECTION 4. 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 5. 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 6. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

SECTION 7. 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 1st day of April, 2003.

Passed by unanimous vote.

Mr. Dietrich read aloud the caption of Resolution No. 5-2003, which was passed by Council at the March 11, 2003 Council meeting and vetoed by Mayor Marino on March 13, 2003. Mr. Dietrich read aloud the Mayor's objections to Council as follows:

"Please note I am rejecting Resolution No. 5-2003, 'Enumeration of Fees,' etc. because this should have been done in the planning stage of 'Fiber Optics.' It seems like every Council meeting has another Ordinance or Resolution for Fiber Optics."

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To reconsider the vetoed Resolution No. 5-2003, to override Mayor Marino's rejection and to adopt the following:

RESOLUTION NO. 5-2003

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 ADD A NEW PART 11 TO 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

16235

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:

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 add a new Part 11 to the "Schedule of Rates and Services" of Chapter 110 thereof, entitled "Fiber Optic Communications Network", to read as follows:

Part 11. Video Advertisement Rates.

Hometown Utilicom
Television Advertising

1. Rates.

Text Only Ad	1-Day	3-Day	5-Day	7-Day
12 Hours 7AM-7PM 2 times per Hour*	\$3.00	\$7.50	\$11.25	\$14.00
24 Hours 2 times per Hour*	\$5.00	\$9.00	\$15.00	\$21.00
Text & Picture Ad	1-Day	3-Day	5-Day	7-Day
12 Hours 7AM-7PM 2 times per Hour*	\$5.00	\$9.50	\$13.25	\$16.00
24 Hours 2 times per Hour*	\$7.00	\$11.00	\$17.00	\$23.00

* AD may appear more than 2 times per hour depending on other AD's appearing within the same hour

Picture must be JPG and/or BMP

Maximum 30 Words per display (less with images)
Maximum 2 images per display (limits text)

The Borough of Kutztown and Hometown Utilicom reserve the right to edit and if necessary reject any and all material.

AD's must be paid in advance to
Hometown Utilicom
45 railroad Street
Kutztown, PA. 19530

2. **Payment and Application.** All advertising purchases shall be accompanied by a payment in the amount of all charges applicable under Part 11 and shall be made by completion of a form that appears as follows:

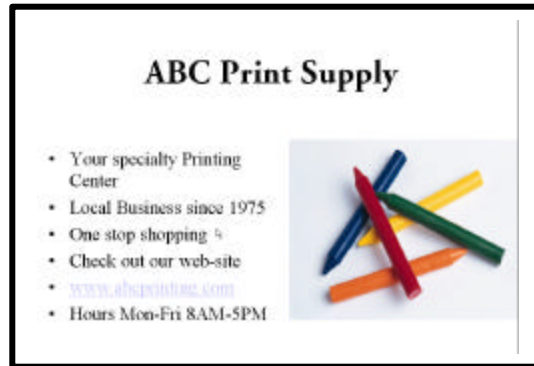
Hometown Utilicom - Television

Name	
Address-1	
Address-2	
Contact Person	Phone & Extension

Sample Text Panel



Sample Display Panel



Display Options

Starting Date	Ending Date	Starting Time	Ending Time	Days	Display
_____	_____	_____	_____	M T W T F S S	30 Second Display

	Pricing	
	Text Only Panel	Panel with Picture
1 Day 12 Hrs	\$ 3.00	\$ 5.00
1 Day 24 Hrs	\$ 5.00	\$ 7.00
3 Day 12 Hrs	\$ 7.50	\$ 9.50
3 Day 24 Hrs	\$ 9.00	\$11.00
5 Day 12 Hrs	\$11.25	\$13.25
5 Day 24 Hrs	\$15.00	\$17.00
7 Day 12 Hrs	\$14.00	\$16.00
7 Day 24 Hrs	\$21.00	\$23.00

16237

Guaranteed 2 Times Per Hour Picture must be a JPG or BMP format (subject to review)

Available Print Size Maximum 30 Words Per Display (less with images)
Maximum 2 Images per display (limits text)

The Borough of Kutztown and Hometown Utilicom reserve the right to edit and if necessary reject any and all material. Payments must be made prior to AD display. Payment options include, Cash, Check, Credit Card (Visa,Mastercard,Discover)

3. Regulations. All advertisements proposed by consumers shall be subject to review, regulation, and/or refusal by the Borough in accordance with such rules and regulations as may be adopted by the Borough from time to time in accordance with Section 110-6 of the Code of the Borough of Kutztown.

SECTION 3. This Resolution shall take effect immediately upon its adoption and approval.

SECTION 4. 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 5. 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 6. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

SECTION 7. 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.

PASSED by the Borough Council on the 11th day of March, 2003.

VETOED by the Mayor on the 13th day of March, 2003.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 1st day of April, 2003, upon reconsideration following the veto, by an affirmative vote of a majority plus one of the

members of the Borough Council in a roll call vote. The following vote was cast: Mr. Schwoyer, Aye; Mrs. Crooker, Aye; Mr. Mantz, Aye; Mr. Follweiler, Aye; Mr. Eidle, Aye; and Mr. Ely, Aye. Passed by unanimous vote.

Under Wastewater Engineering, a motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To award Alternate 1 of the bid for sludge hauling to Synagro Mid-Atlantic, Inc., Whiteford, MD, for a unit price per gallon of \$0.0695 to haul and dispose of digested liquid sludge as specified in the contract documents; And Be It Further Resolved, To award Alternate 2 of the bid for sludge hauling to Miller's Sanitary Service, Inc., Kutztown, PA, at an hourly rate of \$80 for straight time and an hourly rate of \$80 for overtime to pump out and haul Borough sewage pumping stations and facilities to remove grit, solids, and liquid residue, as specified in the contract documents. Passed by unanimous vote.

Under Water Supply Engineering, a motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To apply a sewer credit of \$58.56 toward the fourth quarter water and sewer billing for Account No. 625, 120 Normal Avenue. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To reimburse the property owners at 243 West Main Street for \$618.90 for expenses incurred for damages caused by a water leak in the area. Passed by unanimous vote. Mr. Eidle explained that a fire hydrant was leaking in the vicinity of this property.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To approve the Borough's and the KMA's Drought Contingency Plans, as revised. Passed by unanimous vote.

16239

Mr. Eidle reported on the request for reimbursement from the property owner at 134 Fairview Drive regarding water damage to the basement. He commented that the gaskets at the water meter failed, an obvious failure of Borough equipment. The request was submitted to the Borough's insurance carrier. No action was taken by Council.

A motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To deny the request by the property owners of 300-306 West Main Street to provide some relief to them for their 2002 fourth quarter water and sewer bill in the amount of \$868.57 Mr. Eidle commented that the high consumption of water was due to a leaking toilet and that they did use the water and the water subsequently had to be treated. Therefore, he recommended that no credit be given. Passed by unanimous vote.

At Mr. Archie Follweiler's request, Mr. Bruce Follweiler provided an update on the water treatment plant project. Mr. Follweiler reported that the project is approximately 31 days behind schedule, although the contractor has not to date submitted any requests for extension dates. He further indicated that the contractor started putting in the fresh water holding tanks today and suggested that now that the weather is nicer, the project is moving along more rapidly. Mr. Follweiler commented that he doesn't foresee any problems and that there is a good rapport among the engineer, contractor and Borough.

Under Finance Committee, a motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To schedule and authorize advertisement for a special Council meeting on April 8, 2003 at 7:30 p.m. to discuss the refinancing of the 1998 G. O. Bonds. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mrs. Crooker, Resolved, To contribute \$200.00 to Albright College to sponsor their Local Government Program. Passed by unanimous vote. Mrs. Crooker asked that Council consider increasing the amount for next year's budget. She noted that many of the volunteers take advantage of the training offered by Albright's Local Government Program.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To authorize the appropriate Borough officials to execute the Maintenance Agreement with Minolta Business Solutions, Horsham, PA, for servicing the copier in the Code Office at an annual cost of \$620.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mantz, Resolved, To approve the payment of miscellaneous March bills including the transfers of funds; And Be It Further Resolved, To ratify approval of the payment of bills paid on March 15, 2003, including the necessary transfer 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	
AT&T	173.86
Bob Miller	712.50
Conestoga	523.15
Engle-Hambright	7.56
Expanets Inc.	66.50
Gina M. Dell'Elmo	9.34
Jeffrey Futchko	103.10
Nextel Communications	1,029.48
PA Municipal Retirement	20.00
Payroll Fund	43,453.88
Payroll Fund-Soc. Sec.	2,109.04
PennBoc Region II	30.00
Todd S. Meltsch	86.76

16241

U S Post Office	374.25
Verizon Pennsylvania Inc.	238.22
Walmart	280.00
William Cruz	249.60
State Workers	54,181.92
Berks Co Assoc. of Boros	17.82
Bob Miller	562.50
Curt Daub	50.00
GFOA-PA	8.10
Greg Monaghan	20.00
ICC Inc.	175.00
Jeffrey Futchko	40.34
Nunet Inc.	40.66
PA Assoc/Code Officials	275.00
PA League of Cities	30.00
Payroll Fund	48,683.53
Payroll Fund- Soc. Sec.	2,501.62
PSATS	75.00
Sovereign Bank	16.04
UGI Utilities Inc.	14.49
William Cruz	249.60
ADT Security Services	226.25
American Rock Salt Co.	3,967.23
AT&D Communications	85.00
Ballard Spahr Andrews	1,681.40
Bergey's Tire Whse	2,249.58
Berkheimer Associates	85.19
Berks Products Corp.	215.21
Berks-Mont Newspaper Inc.	626.26
CHS Professional Practice	35.00
Clarence Cartwright	181.50
Cody Computers	3,150.00
Cogle's Recycling	49.97
County of Berks	2,068.46
D & A Emergency Equip	2,135.00
Dan's Camera City	10.58
Datastuff	35.79
Decisionone Corp	74.52

Delaware County Solid	8,979.21
Dell Marketing LP	313.95
Department of Revenue	49.59
DeTurk Hardware	31.77
E J Breneman LP	581.40
E T Satchell Auto Supply	10.98
Eastern Industries Inc.	451.80
Electric Revenue Fund	5,747.30
Element K Journals	87.00
Essick & Barr Insurance	773.00
FedEx	3.50
First Bankcard Center	53.63
First Precinct Uniforms	1,004.85
Fraser Advanced	54.20
George Y Brubaker Inc	1,844.20
GTSI	161.00
Guth Laboratories Inc.	17.85
Heil Equipment Co.	20.25
Hometown Utilicom	1,038.75
IFP Test Services Inc.	375.00
Ikon Office Solutions	41.85
Insurance Reserve Fund	15,950.00
K-Log Inc.	1,470.00
Keller Hauling	963.50
Kutztown Auto Parts Inc	230.36
Lakeside Excavating	400.00
Lantek Inc.	77.52
Lawson Products Inc.	39.62
Leonard M. Dietrich DO	75.00
Lighting Fixture	208.41
Locate Plus.Com Inc.	71.50
Lynn Peavey Company	263.85
MacMillan Oil Co.	209.64
Mary MacIntosh Uniform	285.43
Medtronic Physio-Control	460.39
Mente Chevrolet	13.82
Met-Ed	125.29
Micro Warehouse	128.60

16243

Mogel Speidel Bobb	1,000.00	
Mosteller & Associates	37.00	
Neopost	255.00	
Nextel Communications	784.35	
Northern Safety Co. Inc.	238.36	
Palos Sports Inc.	335.89	
Philadelphia Ball	111.69	
Plasterer Equipment	225.99	
Reading Eagle Company	550.00	
Recorder of Deeds	26.29	
Ryly's Service Center	92.35	
Schadler's Towing	261.65	
Scott A. Youse Inc.	77.67	
Shaul Equip. & Supply co.	86.40	
Smith Farms	1,327.75	
Spotts Stevens & McCoy	380.00	
Tel-A-Talk Tas Inc.	38.60	
The Kutztown Publishing Co.	78.80	
The Rhode Agency Inc.	200.00	
The Windsor Press Inc.	55.60	
Treadway Graphics	1,112.71	
Triangle Communications	144.60	
United Parcel Service	12.71	
USA Blue Book	40.62	
W. W. Grainger Inc.	225.80	
Waste Management	269.70	
Weaver's Hardware Co.	24.69	
Whitehall Turf Equip	90.36	
Wrigley's Office Supply	<u>1,227.08</u>	
		\$225,211.47

WATER

Bob Miller	356.25
Christine Kyle	104.63
Conestoga	30.16
Expanents Inc.	11.08
Gina M. Dell'Elmo	3.12
Nextel Communications	114.38
Payroll Fund	9,798.65

Payroll Fund - Soc Sec	749.60
Verizon Pennsylvania Inc.	-0.52
State Workers Insurance	11,438.11
Berks Co. Assoc. of Boros	7.26
Bob Miller	281.25
GFOA-PA	3.30
Nunet Inc.	13.56
PA League of Cities	30.00
Payroll Fund	9,761.91
Payroll Fund-Soc. Security	746.79
Sovereign Bank	16.04
Berks Products Corp.	826.04
Clarence Cartwright	39.50
Datastuff	11.92
Decisionone Corp.	59.62
Electric Revenue Fund	3,685.06
Exeter Supply Co. Inc.	689.00
FedEx	3.50
First Bankcard Center	26.79
Fraser Advanced	13.55
George Y. Brubaker, Inc.	277.32
Hometown Utilicom	1,719.38
Ikon Office Solutions	41.85
Insurance Reserve Fund	3,025.00
Kunkel's Saw & Mower	10.35
Kutztown Auto Parts Inc.	5.78
L/B Water Service Inc.	5,075.41
Lantek Inc.	25.84
Lawco Inc.	150.00
Lawson Products Inc.	19.81
Lighting Fixture & Supply	138.94
M J Reider Association, Inc.	484.00
MacMillan Oil Co.	34.94
Mary MacIntosh Uniform	98.75
Micro Warehouse	142.74
Mosteller & Associates	37.00
National Waterworks Inc.	1,152.90
Neopost	76.50
Nextel Communications	87.14

16245

Northern Safety Co. Inc.	33.48	
Tel-A-Talk Tas Inc.	12.85	
The Kutztown Publishing Co.	78.80	
USA Blue Book	40.62	
W W Grainger Inc.	18.77	
Whitehall Turk Equip.	22.60	
Wrigley's Office Supply	<u>137.97</u>	
		\$51,769.29

ELECTRIC FUND

AT&T	118.29
Bob Miller	356.25
Conestoga	539.40
Expanents Inc.	22.18
Gina M. Dell'Elmo	3.12
Nextel Communications	114.38
Payroll Fund	12,119.00
Payroll Fund-Soc. Security	927.11
U S Post Office	525.75
Verizon Pennsylvania	-9.34
William Cruz	76.80
Met-Ed	24,171.71
PA Power & Light	213,224.89
U S Post Office	13,020.23
Berks Co. Assoc. of Boros	29.70
Bob Miller	281.25
Borough of Lansdale	4,657.43
GFOA-PA	13.50
Nunet Inc.	13.56
PA League of Cities	30.00
Payroll Fund	11,050.96
Payroll Fund-Soc. Security	845.40
Sovereign Bank	42.74
William Cruz	76.80
Accurate Calibration Service	1,300.00
All-Phase Electric Supply, Co.	265.50
Allegheny Electric	2,327.82
American Public Power	1,706.68
Berks Products Corp.	42.97

Bill Mann	126.22
Borough of Lansdale	3,454.38
Burlington Safety	175.70
C&H Distributors Inc.	509.89
Carlos R. Leffler Inc.	1,381.62
Clarence Cartwright	39.50
Datastuff	11.92
Decisionone Corp.	104.32
Department of Revenue	4,924.30
DeTurk Hardware	44.33
East Penn Mfg. Co. Inc.	63.20
Electric Revenue Fund	4,500.26
FedEx	3.50
First Bankcard Center	26.79
Fraser Advanced	13.55
George Y. Brubaker, Inc.	140.43
Hometown Utilicom	1,719.37
Ikon Office Solutions	41.85
Insurance Reserve Fund	4,400.00
Jessica Stuart	145.84
Kutztown Auto Parts, Inc.	12.99
Lantek Inc.	25.84
Lawson Products Inc.	19.81
Lighting Fixture & Supply	225.77
Loren Hutchinson	19.28
MacMillan Oil Co.	34.94
Mary MacIntosh Uniform	249.18
Mente Chevrolet	15.92
Micro Warehouse	142.74
Mosteller & Associates	37.00
Neopost	102.00
Nextel Communications	87.14
Northern Safety Co. Inc.	150.78
Quad Three Group	6,171.27
Reliable Equipment	622.34
Ryly's Service Center	6.50
Steven Diehl	109.90
Tel-A-Talk Tas Inc.	12.85
The Kutztown Publishing Co.	78.80

16247

USA Blue Book	40.62	
Utiliserve Inc.	196.35	
Valley Power Inc.	2,333.57	
Village Motors Inc.	45.00	
W W Grainger Inc.	37.72	
Weaver's Hardware Co.	343.38	
Weinstein Supply Corp.	156.71	
Wrigleys Office Supply	<u>141.76</u>	
		\$321,141.21

SEWER FUND

AT&T	13.41
Bob Miller	356.25
Conestoga	67.28
Expanents	11.08
Gina M. Dell'Elmo	3.12
Nextel Communications	85.79
Payroll Fund	9,789.27
Payroll Fund-Soc. Security	748.87
Verizon Pennsylvania Inc.	-1.16
State Workers Insurance	11,342.46
Berks Co. Assoc of Boros	7.26
Bob Miller	281.25
GFOA-PA	3.30
Nunet Inc.	13.56
PA League of Cities	30.00
Payroll Fund	8,708.89
Payroll Fund - Soc Sec	666.23
Sovereign Bank	16.04
All Phase Electric Supply Co.	84.93
Carols Leffler Inc.	1,629.20
Clarence Cartwright	39.50
Datastuff	11.92
Decisionone Corp.	59.62
DeTurk Hardware	78.34
Ehrlich	37.00
Electric Revenue Fund	4,042.17
Exeter Supply	88.50
FedEx	3.49

First Bankcard Center	26.79	
Fraser Advanced	13.55	
George Y. Brubaker, Inc.	157.28	
Hach Company	74.90	
Hometown Utilicom	1,500.00	
Ikon Office Solutions	41.85	
Insurance Reserve Fund	3,300.00	
Keystone Engineering	5,627.50	
Kutztown Auto Parts Inc.	4.62	
Lantek Inc.	25.84	
Lawson Products Inc.	19.82	
Lighting Fixture & Supply	138.94	
Liquid Motion	2,054.00	
MacMillan Oil Co.	34.98	
Main Pool & Chemical Co.	247.50	
Mary MacIntosh Uniform	117.61	
Micro Warehouse	142.74	
Millers Sanitary Service Inc.	1,740.34	
Mosteller & Associates	37.00	
Motor Technology Inc.	2,332.14	
Neopost	76.50	
Nextel Communications	65.36	
Northern Safety Co. Inc.	81.54	
PA One Call Systems	19.20	
Philadelphia Ball	72.86	
QC Laboratories Inc.	1,809.00	
Robert J Takacs	430.00	
Ryly's Service Center	8.65	
Stump's Service & Supply	35.90	
Suburban Propane Office	1,457.90	
Tel-A-Talk Tas Inc.	12.85	
The Kutztown Publishing Co.	78.80	
Tyco Valves & Controls	1,281.45	
USA Blue Book	93.20	
Vaughan Company Inc.	1,217.00	
Waste Management	231.06	
Weaver's Hardware Co.	95.97	
Wrigley's Office Supply	<u>126.04</u>	
		\$63,048.25

16249

TELECOMMUNICATIONS FUND

AT&T	13.37
Bob Miller	356.25
Gina M. Dell'Elmo	3.12
Nextel Communications	85.79
Payroll Fund	5,900.24
Payroll Fund-Soc. Sec.	451.36
U S Post Office	100.00
Verizon Pennsylvania Inc.	51.52
State Workers Insurance	4,051.28
Berks Co. Assoc of Boros	3.96
Bob Miller	281.25
GFOA-PA	1.80
Nunet Inc.	13.56
PA League of Cities	30.00
Payroll Fund	5,240.93
Payroll Fund-Soc. Sec.	400.93
Sovereign Bank	16.04
U S Post Office	1,000.00
Adelphia Business	2,003.00
All-Phase Electric Supply	258.89
Berks-Mont Newspaper Inc.	447.52
Business Link	41.29
D & E Communications	589.00
Datastuff	11.92
DeTurk Hardware	8.92
Ditch Witch	630.00
Electric Revenue Fund	756.45
FedEx	119.05
First Bankcard Center	26.79
Hometown Utilicom	487.37
Insurance Reserve Fund	825.00
Jaimes Heine	2.00
Kutztown Auto Parts Inc.	28.64
Lantek Inc.	25.84
Lifetime Entertainment	86.04
Lighting Fixture & Supply	156.27
Maxatawny Auto Rental	44.95

Micro Warehouse	142.77	
Mosteller & Associates	37.00	
Mr. Food Convenience Store	115.02	
MTV Networks	235.75	
National Cable	4,173.54	
Nextel Communications	65.38	
Peco/Adelphia Communications	1,989.44	
Radio Shack	33.98	
Tel-A-Talk Tas Inc.	12.85	
The Kutztown Publishing Co.	78.80	
TV Guide Networks Inc.	331.00	
TVC Incorporated	73.69	
USA Network	111.30	
W W Grainger Inc.	43.04	
Weaver's Hardware Co.	54.54	
Wilbert R. Gaul	2.98	
Wrigley's Office Supply	<u>38.72</u>	
		\$32,090.14

FIRE TAX PROTECTION FUND

Engle-Hambright	<u>\$4.68</u>	\$4.68
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RECREATION TAX FUND

Engle-Hambright	<u>\$11.88</u>	\$11.88
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ROAD TAX FUND

Engle-Hambright	<u>\$11.88</u>	\$11.88
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GO BOND - FD -01A SERIES/TELECOMMUNICATIONS

GB Enterprises Inc.	<u>\$4,394.00</u>	\$4,394.00
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GO BOND -1- '02 SERIES/GENERAL

Great Valley Consultants	\$1,876.56	
Great Valley Consultants	<u>\$1,831.86</u>	
		\$3,708.42

16251

WATER CAPITAL OUTLAY FUND

L/B Water Service Inc.	<u>\$4,860.00</u>	\$4,860.00
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TELECOM CAP OUTLAY FUND

B & H Photo Video	\$752.60	
Connect-Tek	\$318.75	
First Bankcard Center	\$359.65	
Special Fleet Service Inc.	\$1,895.41	
TVC Incorporated	\$4,465.31	
Wire Master of PA	<u>\$2,812.50</u>	
		\$10,604.22

INSURANCE RESERVE FUND

Fort Dearborn Life	521.80	
Ceridian Benefits Serv	85.00	
Life Investors Insurance	<u>160.59</u>	
		\$245.59

POLICE TRAINING FUND

Brian A. Klouser	<u>\$216.80</u>	\$216.80
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And Be It Further Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 9:24 p.m.

Prepared and
Attested by: Bonnie Bray
Secretary