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January 3, 2006
Kutztown, PA

Prior to the reorganization meeting being called to order, the Honorable Forrest G. Schaeffer, Jr., Judge of the Court of Common Pleas in Berks County, administered the oath of office to Mayor Sandy Green, Council members Malcolm Eidle, Carl Mantz, and Brendan Strasser, and to Mrs. Brenda Bailey, the Borough's tax collector.

The reorganization meeting of the Kutztown Borough Council was called to order at approximately 7:15 p.m. by Mayor Green, with other members present: Mr. Carl W. Mantz, Mr. Malcolm A. Eidle, Mr. James W. Schwoyer, Mr. Archie L. Follweiler, Jr., Mr. Edwin Seyler, and Mr. Brendan Strasser. 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, Superintendent of Electric and Telecom; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Relations Director; residents Kim Davis, Craig Koller, Martin Smith, Dave Remaley, Bill and Dolly Fox, Fay Werley, Evelyn Adams, Joan Bieber, Roxanne Moyer, Gennaro Marino, Robert E. Gangewere, and Mark Gangewere; Tax Collector Brenda Bailey; Bethlehem resident Courtney Taylor; and Mike Trask, reporter for the Reading Eagle were also present.

The Mayor declared the nominations open for the office of President of Council. Mr. Schwoyer nominated Mr. Carl Mantz for Council President. There being no additional nominations, a motion was made by Mr. Eidle, seconded by Mr. Schwoyer,

Resolved, To close the nominations for President of Council and to appoint Mr. Carl Mantz as President of the Kutztown Borough Council for 2006 and 2007. The following vote was cast: Brendan Strasser, Aye; James W. Schwoyer, Aye; Edwin Seyler, Aye; Carl Mantz, Aye; Archie Follweiler, Nay; and Malcolm Eidle, Aye. There being a majority vote in favor, the motion passed.

The Mayor declared the nominations open for the office of Vice President of Council. Mr. Mantz nominated Mr. Malcolm Eidle for Vice President of Council. There being no additional nominations, a motion was made by Mr. Seyler, seconded by Mr. Schwoyer, Resolved, To close the nominations for Vice President of Council and to appoint Mr. Malcolm A. Eidle as Vice President of the Kutztown Borough Council for 2006 and 2007. The following vote was cast: Brendan Strasser, Aye; James W. Schwoyer, Aye; Edwin Seyler, Aye; Carl Mantz, Aye; Archie Follweiler, Aye; and Malcolm Eidle, Aye. Passed by unanimous vote.

Mayor Green turned over the gavel and control of the meeting to Council President Mantz.

President Mantz appointed Mr. Ed Seyler as President Pro Tem to preside over Council meetings in the event both the President and Vice President are absent for a meeting and there is still a quorum present.

President Mantz then appointed the following standing committees for 2006 and 2007:

Public Works:	Archie Follweiler, Chairman Ed Seyler Brendan Strasser
Electric/Telecommunications:	James Schwoyer, Chairman Malcolm Eidle

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	Archie Follweiler
Water/Wastewater:	Malcolm Eidle, Chairman Carl Mantz James Schwoyer
Personnel:	Ed Seyler, Chairman Carl Mantz Brendan Strasser
Public Relations:	Brendan Strasser, Chairman James Schwoyer Archie Follweiler
Finance & Technology:	Carl Mantz, Chairman Malcolm Eidle Ed Seyler

President Mantz personally invited the Mayor to attend the Public Works

Committee and Personnel Committee meetings.

President Mantz appointed the following Ad Hoc Committee representatives:

Representative to the Library Board	Carl W. Mantz
Representative on the Kutztown Day Committee	Ed Seyler
Representative to the Center for Community Leadership	Brendan Strasser
Representative for the Berks Municipal Partnership	Carl W. Mantz

President Mantz appointed the following individuals to the Kutztown Police

Pension Advisory Board: Carl Mantz, Chairman; Ed Seyler; Sterling Adam; Terry Hahn
and Jaymes Vettraino and Bonnie Bray and Russell Samilo as Board advisors.

A motion was made by Mr. Eidle, seconded by Mr. Schwoyer, Resolved, To
accept the Board, Commission, Authority and Committee meeting dates as follows and
authorize advertisement of said meetings:

COUNCIL MEETINGS – 7:30 PM PREVAILING TIME

January 17, February 21, March 21, April 18, May 9, June 20, July 18, August 15, September 19, October 17, November 21 and December 19. A special workshop is also scheduled for 10 a.m. on February 11, 2006.

PUBLIC RELATIONS COMMITTEE – 7:30 PM PREVAILING TIME

January 10, February 14, March 14, April 11, May 2, June 13, July 11, August 8, September 12, October 10, November 14, and December 12

PUBLIC WORKS COMMITTEE – 2:00 PM PREVAILING TIME

January 9, February 6, March 6, April 3, May 1, June 5, July 3, August 7, September 5, October 2, November 6, and December 4

WATER AND WASTEWATER COMMITTEE – 7:30 PM PREVAILING TIME

January 23, February 28, March 28, April 25, May 23, June 27, July 25, August 22, September 26, October 24, and November 28

ELECTRIC AND TELECOM COMMITTEE – 7:00 AM PREVAILING TIME

No meeting in January, February 2, March 2, April 6, May 4, June 1, July 6, August 3, September 7, October 5, November 2, and December 7

PERSONNEL COMMITTEE – 1:00 PM PREVAILING TIME, EXCEPT FOR 2:15 PM ON JANUARY 16

January 16, February 13, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 13, and December 11

FINANCE AND TECHNOLOGY COMMITTEE – 7:00 AM PREVAILING TIME

January 10, February 14, March 14, April 11, May 2, June 13, July 11, August 8, September 12, October 10, November 14, and December 12

KUTZTOWN CODE APPEALS BOARD – 7:00 PM PREVAILING TIME

January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9 and December 14

KUTZTOWN HOUSING LICENSE APPEALS BOARD – 7:00 PM PREVAILING TIME

January 25, February 22, March 22, April 26, May 24, June 28, July 26, August 23, September 27, October 25, November 22 and December 27

KUTZTOWN CIVIL SERVICE COMMISSION REORGANIZATION MEETING – 1 PM PREVAILING TIME

February 6

BOROUGH PLANNING COMMISSION – 7:30 PM PREVAILING TIME

January 9, February 13, March 13, April 10, May 1, June 12, July 10, August 7, September 11, October 9, November 13, and December 11

KUTZTOWN POLICE PENSION ADVISORY COMMITTEE – 10:30 AM PREVAILING TIME

February 13, May 8, August 14, and November 13

KUTZTOWN MUNICIPAL AUTHORITY – 7:30 PM PREVAILING TIME

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January 18, April 19, July 19, and October 18

KUTZTOWN TRANSPORTATION AUTHORITY – 7:30 PM PREVAILING TIME
February 15, May 3, August 2, and November 29

Passed by unanimous vote.

A motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To appoint Barbara Smith to the Vacancy Board for 2006. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Strasser, Resolved, To appoint Timothy G. Dietrich and the law firm of Barley Snyder, LLC, as the Borough Solicitor for 2006, at the new rates as quoted by Mr. Dietrich. Passed by unanimous vote.

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

Passed by unanimous vote.

A motion was made by Mr. Follweiler, seconded by Mr. Seyler, Resolved, To appoint Great Valley Consultants, Wyomissing, PA, as the Borough transportation consulting engineer to provide consulting services as requested and duly authorized.

Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To appoint Quad Three Group, Inc., Wilkes Barre, PA, as the Borough electrical consulting engineer to provide consulting services as requested and duly authorized. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To accept the December 6, 2005 and the December 20, 2005 Council meeting minutes. Passed by unanimous vote.

President Mantz asked if there was anyone who wished to address Council before proceeding with the agenda, and there was no response.

Under Public Relations Committee, a motion was made by Mr. Strasser, seconded by Mr. Eidle, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Zoning Hearing Board for 2006. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Eidle, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Code Appeals Board for 2006. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Eidle, Resolved, To reappoint James Schlegel to another five-year term on the Kutztown Transportation Authority, expiring in December, 2010. Passed by unanimous vote.

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

RESOLUTION NO. 2-2006

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, TO APPOINT MICHAEL A. BARRON OF KUTZTOWN, PA, AS A MEMBER OF THE ZONING HEARING BOARD OF THE BOROUGH OF KUTZTOWN TO A THREE-YEAR TERM EFFECTIVE JANUARY 1, 2006.

BE IT RESOLVED, by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania and is hereby adopted by the authority of same, that Michael A. Barron of Kutztown, PA, be and is hereby appointed as a member of the Zoning Hearing Board of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, effective January 1, 2006, to serve as such for a three-year term.

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DULY ADOPTED AS A RESOLUTION this 3rd day of January, 2006, by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mr. Strasser asked Council to consider two items off of the agenda. He asked Council to accept his letter of December 31, 2005, resigning from the Borough Planning Commission. A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To accept, with regret, Brendan Strasser's letter of resignation from the Borough Planning Commission, effective with Mr. Strasser's swearing-in to Council on January 3, 2006.

Passed by unanimous vote.

Mr. Strasser asked Council to consider his written recommendation of January 3, 2006 for Susan L. Ebling to complete his term on the Borough Planning Commission. A motion was made by Mr. Strasser, seconded by Mr. Eidle, Resolved, To appoint Susan L. Ebling as a member of the Borough Planning Commission to finish Mr. Strasser's four-year term, expiring in October, 2008. Passed by unanimous vote.

Under Personnel Committee, the Executive Session to discuss a nonuniformed personnel matter was deferred until the end of the meeting.

The agenda item concerning the hiring of a Community Development Director was also moved to the end of the meeting after the Executive Session.

Under Electric and Telecom Committee, a motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To adopt the following Resolution:

Resolution No. 1-2006

BE IT HEREBY RESOLVED that the Borough of Kutztown, Pennsylvania, hereby approves a proposal to enter an Amendment for a new power schedule for 2006-

2007 to "American Municipal Power-Ohio, Inc., and the Borough of Kutztown Pennsylvania Agreement AMP-Ohio Municipal Master Service Agreement No. C-12-2004-4113 dated January 11, 2005." The Borough Council hereby approves this Amendment.

DULY ADOPTED AS A RESOLUTION, this 3rd day of January, 2006, by the Council of the Borough of Kutztown, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To introduce and authorize advertisement of the proposed Resolution amending electric service rates. A motion was made by Mr. Schwoyer, seconded by Mr. Eidle, Resolved, To amend the motion still on the floor to incorporate the KF block rate (which was presented by the Borough Manager to Council at tonight's meeting) in the proposed Resolution amending electric service rates. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To appoint Sean Corey and Richard Kanaskie, both of Spotts, Stevens & McCoy, Inc., as Sewage Enforcement Officers of the Borough for the year 2006. Passed by unanimous vote.

Under Finance and Technology Committee, Mr. Mantz indicated that there was no need to review the status of the 2006 real estate tax ordinance and there is no need to authorize a special meeting to reconsider the tax ordinance at this time.

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

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RESOLUTION NO. 3-2006

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 28-2003 OF THE BOROUGH OF KUTZTOWN AND §A231-2 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ENTITLED "BOROUGH LABOR AND EQUIPMENT RATES," FIXING THE BILLING RATES FOR BOROUGH OF KUTZTOWN LABOR AND EQUIPMENT.

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

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

SECTION 2 - Labor Rates

	<u>Straight Time 1/2 hr. Min Charge</u>	<u>Straight Time Hourly Charge</u>	<u>Overtime Hourly Charge</u>
Utilities/Telecom Division Hourly Personnel	\$15.95	\$31.90	\$47.85
Public Works Division Hourly Personnel	\$14.47	\$28.94	\$43.41
Clerical Hourly Personnel	\$12.80	\$25.59	\$38.39
Administrative Personnel	\$20.62	\$41.23	N/A
Public Safety Division Police	\$34.08	\$68.16	N/A
Community Service Officers	\$ 7.77	\$15.54	\$23.31

Billing Notes:

1. The billing of straight-time rates or overtime rates will be determined in accordance with the actual application of pay required from the Borough of Kutztown (Employer) to the Borough employee(s).
2. A minimum of one-half (1/2) hour shall be billed for work performed while the employee(s) are receiving straight-time compensation, and to the nearest quarter hour from the total thereafter.
3. A two (2) hour minimum of overtime shall be billed for special call-outs when the employee is entitled to overtime and two (2) hour minimum compensation, and to the nearest quarter hour from the total thereafter.
4. Administration classification includes Code Inspector and Planning & Code Office Administrator.
5. A flat fee of \$10.00 will be charged for special pick up of discarded Christmas trees as per policy adopted by Kutztown Borough Council.

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

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

Bobcat	\$20.60 per hour
Accessories:	
Pavement breaker	\$10.00 per hour
Broom	\$10.00 per hour
Snowblower	\$10.00 per hour
Bucket Truck	\$37.50 per hour
Roller	\$21.00 per hour
Tamper - Jumping Jack	\$5.00 per hour
Generator (large trailer-mounted)	\$50.00 per day
Welder	\$18.00 per hour
Air Compressor	\$80.00 per day
Accessories:	
Jackhammer	\$18.00 per day
Accessories:	
1 - ea. Pavement Breaker - Hand Held	\$8.00 per day
1 - ea. Asphalt Cutter - 5"	\$8.00 per day
1 - ea. Moll Point	\$8.00 per day
Pick-up Truck	\$15.00 per hour
Dump Truck	\$25.00 per hour
Line Truck	\$49.00 per hour
John Deere Backhoe	\$30.00 per hour
Garbage Packer Truck	\$35.00 per hour
Forklift	\$19.80 per hour
Salter/Truck	\$45.00 per hour plus cost of salt
Snow Loader (Belt)	\$75.00 per hour
4 Wheel Rubber Tire Loader (VOLVO)	\$95.00 per hour
Ditch Witch Trencher	\$20.00 per hour
Street Sweeping (Municipalities only)	\$45.00 per hour plus cost of labor (except Maxatawny Township for college area and surrounding areas only (College Blvd., etc.))
Tamper – Vibratory plate	\$7.30 per hour

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2" Pump	\$7.00 per hour
Accessories:	
Suction Hose Per 10' Length	\$1.60 per day
Discharge Hose Per 10' Length	\$1.05 per day
3" Pump	\$9.45 per hour
Accessories:	
Suction Hose Per 10' Length	\$2.05 per day
Discharge Hose Per 10' Length	\$1.60 per day
Breaker for Boom Mounting	\$36.00 per hour
Crimping Tool - Pilot Tool	\$8.00 per day
Tar Buggy	\$50.00 per day + material
Tapping Machine (DO NOT LOAN OUT) + Pick-Up Truck	\$37.90 per TAP \$15.00 per hour
Concrete Saw	\$10.25 per hour + blade charge (\$30
minimum	blade charge; \$138.80 per 1/32 blade use)
Pipe Cutter- Ductile Iron or Cast Iron	\$22.50 per day
Pipe Trailer	\$7.20 per day
Hand Tamper	\$4.00 per day
Pipe Locator - Underground Electric Line Locator	\$8.00 per hour
Leak Detector (Water)	\$8.00 per hour
Cable Fault Locator (Electric)	\$8.00 per hour
#18 Tractor - mowing, etc.	\$25.00 per hour
Brush Chipper	\$20.00 per hour
Photocopying	\$.25 per side of sheet of paper
Laminating	\$.75 per page
Cones:	
Cost per each cone for replacement	
Cone	\$17.95
Cross-walk sign	\$25.50
Barricades*:	
Cost per each barricade	Replacement Rental
Class I Wooden (no lights)	\$175.00 3.00 per day
Class II Non-metallic (w/lights)	\$ 53.50 7.50 per day

Class III Metallic (w/lights) \$251.00 15.00 per day

Flashers*:

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

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

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

SECTION 5 - The above listed fees shall become effective January 1, 2006 through adoption of this Resolution and shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

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

DULY ADOPTED AS A RESOLUTION by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 3rd day of January, 2006.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the request for the Mayor to attend the two-day 2006 Borough Officials Training offered by PSAB in Allentown, PA, on February 24 and 25, 2006, at a total cost of \$140.00. Passed by unanimous vote.

President Mantz called for an Executive Session at 7:49 p.m. to discuss a nonuniformed personnel matter. Mr. Schwoyer excused himself from the Executive Session and left the meeting at 7:49 p.m. The Executive Session ended, and the meeting reconvened at 8:00 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To approve the terms as presented in the employment offer letter dated January 3, 2006, for the position of Community Development Director, and to authorize the Borough Manager to offer employment and to hire on such terms. Passed by unanimous vote.

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A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:01 p.m.

Prepared and
Attested by: Bonnie Bray
Secretary