

April 18, 2006
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 Vice President, Mr. Malcolm A. Eidle, with other members present: Mr. James W. Schwoyer, Mr. Archie L. Follweiler, Jr., Mr. Edwin Seyler, Mr. Brendan Strasser, and Mayor Sandy Green. Mr. Carl Mantz was absent. Mr. Timothy G. Dietrich, Borough Solicitor; Mr. Jaymes A. Vettraino, Borough Manager/Treasurer; Mr. Richard Celmer, 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; Ms. Rachael Birchbickler, Community Development Director; Mr. Russell Samilo, Director of Finance; David Horvath, Information Technologies Coordinator; Bonnie Bray, Borough Secretary/Human Relations Director; Mr. Robert Watrous, Director of Judicial Affairs at Kutztown University; residents Mark Gangewere, Robert Gangewere, Robert Stroker, Rose Stroker, Dolly Fox, Evelyn Adams, Craig Koller and Carl Lobb; Mike Trask, reporter for the Reading Eagle; and Dan Roman, reporter for The Kutztown Area PATRIOT were also present.

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

Vice President Eidle recessed the Council meeting at 7:31 p.m. for the purpose of conducting a Public Hearing on the proposed Ordinance amending Chapter 225, "ZONING," of the Kutztown Code. Mr. Dietrich reported that the Borough Planning

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Commission has not yet completed its review of the proposed Ordinance. He suggested that the matter be tabled and continued at the regular Council meeting on Tuesday, June 20, 2006, and that Council authorize the advertisement to reschedule the Public Hearing. There being no further comments, the Vice President adjourned the Public Hearing and reconvened the Council meeting at 7:34 p.m.

A motion was made by Mr. Strasser, seconded by Mr. Follweiler, Resolved, To table any action on the proposed Ordinance amending Chapter 225, "ZONING," of the Kutztown Code until the regular Council meeting on June 20, 2006, And Be It Further Resolved, To authorize re-advertisement of the proposed Ordinance. Passed by unanimous vote.

Mr. Eidle noted that Student Government Day is scheduled for May 9, 2006.

A motion was made by Mr. Schwoyer, seconded by Mr. Strasser, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the February 21, 2006, Council Meeting.
- Review and accept the Community Development Office Report for March, 2006, and the Quarterly Comparison of Fees Report for the first quarter of 2006.
- Donate two Borough family pool passes for the 2006 Friend, Inc. Community Services Benefit Auction held on May 6, 2006.
- The Public Works Committee recommends that Borough Council approve Mr. Fellman's project in which he is proposing to install approximately six flag holders to the steel upright posts on the interior of the Band shell. He explained that he proposed mounting the holders with a band (strapping) around the post and that they would be useful for a number of events in the Band shell.
- The Public Works Committee recommends that Borough Council approve the use of a park pavilion (free of charge) for a Girl Scout Troop #369 from Sherry Wentzel. The proposed usage is on May 31, 2006 or June 1, 2006 from 5:30 p.m. to 8:00 p.m.

- The Public Works Committee recommends that Borough Council approve the co-sponsoring of the Street Hockey Program with the YMCA as per his memorandum to Mr. Milnes dated March 31, 2006.
- The Public Works Committee recommends that Borough Council approve the Authorized Borough Officials to execute the annual agreement with the YMCA of Reading for the operation of the Kutztown Park Playground and Summer Recreation Program at an annual cost of \$6500.00 per Mr. Schmoyerø memorandum to Mr. Milnes dated April 1, 2006.
- The Public Works Committee recommends that the Borough Council approve the request for use of the Multi-Purpose Field by the Optimist Club of Kutztown for a T-Ball program. The use would be for Saturday mornings from April 29, 2006 through June 17, 2006 from 9 a.m. to 12:30 p.m.
- The Public Works Committee recommends that Borough Council approve that the Cadet band the 2006 Concert Series in the Park for July 8, 2006 has been changed to July 15, 2006.
- Ratify approval for the payment of bills and necessary transfers of funds, as follows:

General Fund	\$98,756.38
Refuse and Recycling Fund	\$45,865.36
Fire Protection Tax Fund	\$62.40
Recreation Tax Fund	\$166.41
Road Tax Fund	\$166.41
Water Fund	\$81,889.43
Electric Fund	\$113,434.22
Sewer Fund	\$66,690.88
Telecommunications Fund	\$53,890.88

Passed by unanimous vote.

Under Borough Planning Commission, in Mr. Kern's absence, Mr. Strasser reported that the Planning Commission is recommending that the stop signs be relocated from Highland Avenue to North Kemp Street, converse to the Planning Commission's earlier position. A motion was made by Mr. Strasser, seconded by Mr. Follweiler,

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Resolved, To accept the Borough Planning Commission's recommendation to relocate stop signs from Highland Avenue to North Kemp Street. Passed by unanimous vote.

Under Community Development and Public Safety Committee, a motion was made by Mr. Strasser, seconded by Mr. Schwoyer, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 8-2006

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 158 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "PEACE AND GOOD ORDER", BY AMENDING AND RESTATING §158-1(C), §158-1(E) AND §158-1(G); REPEALING §158-1(B), §158-1(D), §158-1(H) AND §158-1(J); ADDING §158-1(P); AND ADDING THE DEFINITION "OPEN BURNING" TO §158-3.

Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Seyler,

Resolved, To adopt the following Resolution:

RESOLUTION NO. 11-2006

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN APPROVING A NON-VOTING MEMBER, KNOWN AS A STUDENT AMBASSADOR, TO SERVE ON COUNCIL.

WHEREAS, young people of college age have been creating positive change within their communities;

WHEREAS, Borough Council recognizes ways in which our college-age young adults can improve their own community through public service;

WHEREAS, Council can and should further promote benefits to young residents of our Borough;

WHEREAS, Kutztown University offers students the unique opportunity to get involved with our community through public service, and

WHEREAS, the tie that binds Kutztown University and the Borough should always be further strengthened, it is therefore

RESOLVED, that the Borough Council of Kutztown does hereby authorize a "Student Ambassador" which will be an honorary, non-voting position on Borough Council;

BE IT FURTHER RESOLVED, that this Student Ambassador shall be a Kutztown University student who will be selected from a pool of applicants and then confirmed by a panel of judges consisting of the President of Borough Council and his/her designee, the President of Kutztown University or his/her designee;

BE IT FURTHER RESOLVED, that this Student Ambassador shall sit on three of the following Committees: Community Development and Public Safety; Public Works; Water and Wastewater; Electric and Telecom, or Finance and Technology. The Student Ambassador shall not sit on the Personnel Committee or participate in Executive Sessions;

BE IT FURTHER RESOLVED, that this Student Ambassador shall sign a behavior and confidentiality compact before taking a seat on Council, and

BE IT FURTHER RESOLVED, that the term of the Student Ambassador shall be one calendar year with option of reappointment for an additional year of service.

DULY ADOPTED AS A RESOLUTION this 18th day of April, 2006, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Off the agenda, Mr. Strasser asked Council members to consider holding a town hall meeting in July to discuss the Borough's ward system. Mr. Vettraino suggested scheduling the meeting either directly before the Council meeting on July 18, 2006, at the July 11, 2006 Community Development and Public Safety meeting, or at a special meeting on July 12, 2006. A motion was made by Mr. Strasser, seconded by Mr. Follweiler, Resolved, To schedule the town hall meeting at 6:30 p.m. on July 18, 2006 to precede the regular Council meeting; and to authorize advertisement of said meeting.

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The meeting location will be changed to accommodate a larger group of residents, and as soon as the location is determined, the meeting notice will be advertised. Passed by unanimous vote.

Under Police Committee, Mrs. Green submitted the Police Report for the month of March, 2006, copies of which were given to Council. She reported the following fines were collected:

District Justice Greth	February, 2006	\$6,805.02
Clerk of Common Pleas	February, 2006	\$887.21
Secretary's Office	March, 2006	\$5,120.00

Under Public Works Committee, Mr. Follweiler noted that no bids were received for the Exhaust Hood Replacement project at the concession stands at the Kutztown Pool and Kutztown Park. A motion was made by Mr. Follweiler, seconded by Mr. Strasser, Resolved, To receive telephone bids for the Exhaust Hood Replacement project at the concession stands at the Kutztown Pool and Kutztown Park. Passed by unanimous vote.

Mr. Vettraino advised that before beginning the work on the streetlights on Main Street, Council needs to enact an Ordinance mandating the laying out and construction of sidewalks to satisfy the requirements of Penn DOT. A motion was made by Mr. Follweiler, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Ordinance mandating the laying out and construction of sidewalks in conformity with the Borough of Kutztown Topographical Survey that was adopted on November 5, 1945. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To ratify the full-time probationary employment of Gary L.

Aulenbach as an Uncertified Sewage/Wastewater Treatment Plant Operator, effective April 24, 2006, at an hourly rate of \$14.73, contingent upon passing a criminal background check, an acceptable employment physical examination and drug screening results. Passed by unanimous vote.

Mr. Seyler tabled the agenda item to ratify the employment of a Telecommunications Technician I, at an hourly rate of \$17.49 until the next regular Council meeting.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To instruct the Kutztown Borough Civil Service Commission to certify an Eligibility List for the position of Corporal. Passed by unanimous vote.

Off the agenda, Mr. Vettraino advised the Council that the Borough is working with Robert Watrous of Kutztown University to utilize a work-study student to assist with public works projects in the park. The university is taking care of the employment papers and the compensation. and the Borough will provide the work and supervision of work. A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to execute the Off-Campus Federal Work-Studysite Agreement with Kutztown University for the sole purpose of providing work and supervision of work for Eugene Tinsley, a Kutztown University student selected to participate in the Federal Work-Study Program. Passed by unanimous vote.

Mr. Seyler noted that the Kutztown Police Department will be assigning the Community Service Officers to patrol the Kutztown Park, effective upon completion of required training. Until then, the police officers will be assigned to patrolling the park.

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Under Electric and Telecom Committee, Mr. Schwoyer announced that he is still working on obtaining two wind turbines for the Borough. Mr. Bruce Follweiler commented that wind turbines have improved. In addition to being more economical, they do not require as much wind as they once needed. Mr. Strasser further indicated that the Louisa Gonser Community Library Board of Trustees just approved submission of an application for possible windmills to be used for the library.

Under Water and Wastewater Committee, Vice President Eidle called for an Executive Session at 7:50 p.m. to discuss a legal matter. The Executive Session ended, and the meeting reconvened at 8:08 p.m.

Mr. Eidle tabled the agenda item on the proposed Ordinance authorizing the Borough of Kutztown to join with the Kutztown Municipal Authority, the Township of Maxatawny and the Maxatawny Township Municipal Authority to enter into an agreement to form the Saucony Creek Regional Authority.

A motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To authorize the Water and Wastewater Superintendent to hire the contractor who submits the lowest quote for the installation of new water meter remote wire (AMR) in the Briar Cliff townhouses. Passed by unanimous vote.

Under Finance and Technology Committee, Mr. Vettrano reviewed the Quarterly Budget Report for period ending March 31, 2006. He indicated that the funds are pretty much on target with the budget and that some of the revenue funds are under budget because of timing. The General Fund is under budget because the streets project has not begun. In the Refuse and Recycling Fund, the refuse truck has not been purchased yet.

In the operational funds, the water fund is slightly under budget due to transfers not received yet and capital purchases.

A motion was made by Mr. Schwoyer, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to accept a proposal from the Valuation Advisory Group, Inc., to prepare a comprehensive and auditable property record for the Borough of Kutztown at an estimated cost of \$7,600.00. The property record will be designed to assist the Borough in complying with GASB 34. Passed by unanimous vote.

Off the agenda, a motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To authorize the Borough Manager to hire college interns.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to execute the Amendment to Agreement Between David F. Brendel and the Borough of Kutztown dated February 17, 1999. Passed by unanimous vote. A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To waive the first right of refusal with regard to the current proposed half sale of David F. Brendel's property located at 15 Railroad Street. Passed by unanimous vote.

A motion was made by Mr. Schwoyer, seconded by Mr. Seyler, Resolved, To designate Carl W. Mantz as the official voting delegate for the 95th General Assembly of Boroughs, June 11-14, 2006. Passed by unanimous vote.

A motion was made by Mr. Schwoyer, seconded by Mr. Strasser, Resolved, To adjourn the Council meeting at 8:15 p.m. Passed by unanimous vote.

Prepared and
Attested by: Bonnie Bray
Secretary