

July 18, 2006  
Kutztown, PA

A special Town Hall meeting of the Kutztown Borough Council was called to order at 6:34 p.m. in the Kutztown Middle School Auditorium Commons by the President, Mr. Carl W. Mantz, with other members of Borough Council present: Mr. Malcolm A. Eidle, Mr. Archie L. Follweiler, Jr., Mr. Edwin K. Seyler, Mr. Brendan D. Strasser, and the Mayor, Ms. Sandra Green. Mr. James W. Schwoyer was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Dale Kratzer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Jaymes Vettraino, Borough Manager/Treasurer; 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 Caruso, Director of Information Technology; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Ms. Rachael Birckbichler, Community Development Director; Police Corporal Paul Clery; Patrol Officer James Elo; Residents Mark Gangewere, Jay Druckenmiller, Robert Stroker, Rose Stroker, Roger and Marjorie Hassler, Alan Kenney, Milton Kern, Kenneth Kern, Kim Davis, Ladd Forslime, Jan Crooker; Kutztown Airport Representatives Amy Bertolette and Earl Binder; Visitors Juliana Clery and Rebecca Doyle; Mr. Steve DeLucas, reporter for the Reading Eagle/Reading Times; and Mr. Dan Roman, reporter for The Kutztown Area PATRIOT were also present.

Mr. Vettraino gave a presentation on the current voting ward system and the proposed changes, and public comments were heard.

Milton Kern and Jan Crooker spoke in favor of the ward change; Ladd Forslime spoke in opposition to the ward change; and Dolly Fox stated that the subject deserves more consideration.

A motion was made by Mr. Strasser, seconded by Mr. Follweiler, Resolved, To direct the solicitor to prepare a Resolution for the Borough to petition the Berks County Court of Common Pleas to consider creating one voting ward for the entire Borough. The following vote was cast: Mr. Strasser, Aye; Mr. Seyler, Nay; Mr. Mantz, Aye; Mr. Follweiler, Aye; and Mr. Eidle, Nay. There being a majority in favor, the motion passed.

The Town Hall meeting ended and President Mantz called the regular Council meeting to order at 7:17 p.m.

A public hearing on the proposed Ordinance amending certain Sections of Chapter 225, entitled, "Zoning," of the Kutztown Code to conform to PA Acts 67 and 68, to add or amend a number of defined terms, to change the zoning districts, and to add regulatory provisions to §225-25 was tabled. All corresponding agenda items were also tabled.

President Mantz noted that a special Council meeting is scheduled for July 20, 2006 at 7:30 p.m. to conduct a public hearing for the reconsideration of the proposed Ordinances amending Chapter 225 of the Kutztown Code.

President Mantz asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

Mayor Green swore in Police Corporal Paul Michael Clery, Jr. and Patrol Officer James Elo.

Mr. Vettraino presented United States of America and Commonwealth of

# 17274

Pennsylvania flags that the Borough received from Representative Paul Semmel.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To send a thank you letter to Representative Semmel. Passed by unanimous vote.

Fran Strouse from L. Robert Kimball & Associates gave a presentation on the Kutztown Airport, a Joint Airport Authority with Maxatawny Township and the Pennsylvania capital budget, and a lengthy discussion ensued.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To authorize preparation and execution of a letter of request to the PA Department of Transportation, Bureau of Aviation, for funding for the preparation of a Master Plan and Business Plan for the Kutztown Airport. According to Fran Strouse, the projected cost for these two plans is \$65,000. The funding is a part of Act 83 (Pennsylvania Capital Budget). Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Eidle, Resolved, To remove from the Consent Agenda the item to review and accept the Borough Community Development and Public Safety Report for June, 2006. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the following Consent Agenda, as corrected: review and accept the Minutes of the May 9 and June 20, 2006, Council Meetings; review and accept the Minutes of the May 5, 2006 Joint Special Meeting of the Board of Supervisors of Maxatawny Township and the Council of the Borough of Kutztown; hire Great Valley Consultants to perform rental housing inspections and Barry Isett & Associates to perform construction inspections on a temporary basis; rescind the employment offer to Community Service Officer II candidate, Deron Mandel, Glen Rock, New Jersey; ratify the advertisement of

rescheduled Water and Wastewater Committee meetings; and to ratify approval for the payment of bills and necessary transfers of funds which have been provided to Borough

Council as summarized below:

General Fund	\$137,279.71
Refuse and Recycling Fund	\$59,799.03
Fire Protection Tax Fund	\$41.27
Recreation Tax Fund	\$110.99
Road Tax Fund	\$109.57
Water Fund	\$103,954.28
Electric Fund	\$450,949.52
Sewer Fund	\$117,638.99
Telecommunications Fund	\$66,604.36

Passed by unanimous vote.

Under Borough Planning Commission, Mr. Strasser noted that there was nothing to report.

Under Community Development and Public Safety Committee, Mr. Strasser noted, off of the agenda, that the Borough received a letter from the Kutztown Community Partnership regarding their position on the Gambone development project, copies of which were provided to Council members.

Also off of the agenda, a motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To appeal the Zoning Hearing Board's ruling on Z-06-03 regarding 424 W. Main Street. All in favor except Mr. Follweiler, who voted Nay. There being a majority in favor, the motion passed.

Under Police Committee, Mayor Green submitted the Police Report for June, 2006.

Mayor Green reported the following fines were collected:

District Justice Greth	May, 2006	\$6,869.98
Clerk of Common Pleas	May, 2006	\$228.50

Under Public Works Committee, Mr. Follweiler had nothing to report.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To defer an Executive Session to discuss a uniformed employee until the July 20, 2006 meeting. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To accord regular full-time employment to Rachael Birckbichler, effective upon successful completion of her probationary employment. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To terminate probationary employment of Todd Delong, Kutztown, PA, as a Community Service Officer II, effective June 27, 2006. Passed by unanimous vote.

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

RESOLUTION NO. 13-2006

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE BOROUGH OF KUTZTOWN SECURITY POLICY, IN FORM AS ATTACHED, FOR ALL PARTICIPANTS OF THE EMPLOYEE WELFARE BENEFIT PLAN SPONSORED BY THE BOROUGH OF KUTZTOWN AND AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE THE AMENDED BUSINESS ASSOCIATE AGREEMENT.

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 address the compliance issues regarding electronic Protected Health Information ("ePHI") that is protected by the Security Rules of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

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 Security Policy for all participants of the Plan, in form as attached, effective retroactively to April 20, 2006 and authorizes the appropriate Borough officials to execute the amended Business Associate Agreement.

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

DULY ADOPTED AS A RESOLUTION this 18<sup>th</sup> day of July, 2006, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To authorize the Borough Manager to hire a Codes Inspector. Passed by unanimous vote.

Under Electric and Telecom Committee, Mr. Vettrano reported that no bids were received for the purchase of Optical Solutions, Inc., Model FEA-FD-BPON.

A motion was made by Mr. Eidle, seconded by Mr. Follweiler, Resolved, To rebid the purchase of Optical Solutions, Inc., Model FEA-FD-BPON with a new bid opening date of August 10, 2006. Passed by unanimous vote.

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

### ORDINANCE NO. 13-2006

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE CODE OF THE BOROUGH OF KUTZTOWN SO AS TO AMEND CHAPTER 107, ENTITLED, "ELECTRICAL STANDARDS," SECTION 107-8, ENTITLED, "GUARANTY OF PAYMENT," SO AS TO AMEND AND RESTATE §§107-8(B) AND 107-8(D) IN THEIR ENTIRETY.

Passed by unanimous vote.

# 17278

Under Water and Wastewater Committee, off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve a sewage treatment plant influent/headworks analysis, at a cost of \$23,300. Passed by unanimous vote.

Under Finance and Technology Committee, Mr. Vettraino reviewed the Second Quarter Budget Summary, copies of which were provided to Council members.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To authorize the preparation and release of a Request for Proposal (RFP) for the replacement and/or upgrade of the Borough phone system. Note: This is a 2007 project. Passed by unanimous vote.

Under Miscellaneous, 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 9:27 p.m.

Prepared and Attested by: Gina M. Wiand  
Assistant Borough Secretary