

August 21, 2007
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 President Malcolm A. Eidle, with other members present: Mr. Edwin Seyler, Mr. Brendan Strasser, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, and Mayor Sandy Green. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Richard F. Celmer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Ms. Rachael Birckbichler, Community Development Director; Mr. David Horvath, Information Technologies Coordinator; Ms. Rose Stroker, member of the Borough Planning Commission; Bonnie Bray, Borough Secretary/Human Relations Director; and Mr. Robert Watrous, Director of Judicial Affairs at Kutztown University were also present.

President Eidle advised Council members that the Borough Manager was sick and would not be attending tonight's meeting.

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

RESOLUTION NO. 28-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN FIRE COMPANY FOR ITS QUICK RESPONSE AND ASSISTANCE TO THE BOROUGH OF KUTZTOWN IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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

WHEREAS, the Borough appreciates the ongoing, vital services that the Kutztown Fire Company provides to the residents of the Borough; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Kutztown Fire Company provided their facility to be utilized as a temporary Emergency Management Center while the Borough's center was not equipped with electricity; and

WHEREAS, the Kutztown Fire Company responded and provided vital assistance in the restoration efforts after the storm and as such has contributed to the overall well-being and public safety of the Borough.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize the vital contributions of the Kutztown Fire Company in responding to and assisting the Borough personnel and residents to restore public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote. Mr. Eidle presented a copy of the signed Resolution to the Kutztown Fire Department and thanked them for everything they do for the community.

President Eidle recessed the Council meeting at 7:35 p.m. for the purpose of conducting a Public Hearing on the proposed Ordinance amending the Kutztown Borough zoning map so as to change the zoning of a tract of land known as Lot 38 of Carriage Point Estates from "M-1 Medium Industrial" to "R-3 Medium Density Residential" and to realign the boundaries of the "M-1 Medium Industrial" zoning district. Mr. Eidle acknowledged the comments received by the Berks County Planning Commission. He asked if there were any questions concerning the proposed Ordinance

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amending the Borough's zoning map; and there being no comments, the President adjourned the Public Hearing and reconvened the Council meeting at 7:36 p.m.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, That the following Ordinance be enacted and ordained:

ORDINANCE NO. 12-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING THE OFFICIAL ZONING MAP OF THE BOROUGH OF KUTZTOWN, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 225-6 OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO CHANGE A PORTION OF A DISTRICT DESIGNATED "M-I MEDIUM INDUSTRIAL" TO "R-3 MEDIUM DENSITY RESIDENTIAL", TO REALIGN THE BOUNDARIES OF THE DISTRICT DESIGNATED "M-I MEDIUM INDUSTRIAL" AND TO DIRECT THE ZONING OFFICER TO TAKE SUCH ACTIONS AS MAY BE NECESSARY TO NOTE SUCH AMENDMENT ON THE OFFICIAL ZONING MAP AND TO EFFECTUATE THE TERMS OF THE ORDINANCE.

Passed by unanimous vote.

Mr. Strasser presented a Certificate of Recognition to Rose Stroker for achieving the status of Certified Master Planner through the Center for Community Leadership and the Berks County Planning Commission. He thanked Ms. Stroker for all her hard work.

Given that Mr. Milton Kern was unable to attend tonight's Council meeting, his Certificate of Recognition will be presented at the special Borough Planning Commission meeting next Monday.

President Eidle asked if there was anyone who wished to address Council before proceeding with the agenda, and Mr. Watrous and Mr. Gangewere were both recognized by the President to speak.

Mr. Watrous reviewed Kutztown University's plan for student move-in day on Saturday, August 25, 2007.

Mr. Gangewere reported that Phase 1 of the Sacony Trail project is now complete seeing that the picnic table and benches have been installed along the trail. He further commented that the trail is a real asset to the community. Mr. Eidle remarked that the Borough workers did a tremendous job on the project.

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

- Review and accept the Minutes of the July 17, 2007, Council Meeting.
- Review and accept the Borough Community Development and Public Safety Report for July, 2007.
- Ratify the execution of the Peer-to-Peer Technical Assistance Articles of Agreement with the Commonwealth of Pennsylvania, Department of Community and Economic Development, Governor's Center for Local Government Services to conduct an administrative, management and problem-solving study of the Kutztown Borough Police Department. The study is of no cost to the Borough.
- Ratify the Borough's participation with Sovereign Bank in a joint promotional program between Sovereign Bank and Hometown Utilicom.
- Ratify the request from St. John's Church to use the Band shell for a "Blessing of the Animals" service on August 19, 2007 from 9:00 a.m. to 10:30 a.m.
- Approve the second quarter sewer bill credit for 258 Wentz Street in the amount of \$164.75.
- Approve the list of 2005 accounts receivables to be written off as uncollectible, as recommended by the Finance Committee.
- Ratify approval for the payment of bills and necessary transfers of funds which have been provided to Borough Council in the Accounts Payable G/L Distribution Report, including payment dates from July 14, 2007, to August 17, 2007.

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the presentation by the Borough Manager on the topic of the Pennsylvania Economy League's State

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System of Higher Education Host Municipality Study was rescheduled for the September Council meeting.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To table the agenda item to take action on the proposed Resolution to support the recommendations of the PEL SSHE Host Municipality Study. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, To direct the Borough Solicitor to draft and file an amicus brief in support of the Borough of Millersville in the Supreme Court of Pennsylvania case of Lynnebrooke Manor, Inc. vs. Borough of Millersville, at a cost not to exceed \$6,500.00. Mr. Strasser explained that this is in reference to Millersville's lease tax case. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To direct the Borough Solicitor to intervene on behalf of Borough Council with regard to Zoning Appeal No. Z-07-08, concerning 50 Apple Alley. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To donate \$500.00 to the Salvation Army for its assistance during the July 16, 2007 storm. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To establish Trick-Or-Treat nights as October 24 and October 25, 2007 from 6:00 p.m. to 9:00 p.m., with October 24 being reserved for Main Street Trick-Or-Treat and October 25 being reserved for neighborhood Trick-Or-Treat. Passed by unanimous vote.

Mr. Strasser announced that the Town and Gown meetings for the fall semester are scheduled for 7:00 p.m. on October 4, 2007 and November 29, 2007, to be held in the

Board Room at Kutztown University's 301 Stratton and in the Council Room at the Kutztown Municipal Building, respectively.

Under Police Committee, Mayor Green submitted the Police Report for the month of July, 2007, copies of which were given to Council. She reported the following fines were collected:

District Justice Greth	June, 2007	\$8,671.44
Clerk of Common Pleas	June, 2007	\$207.82
Secretary's Office	July, 2007	\$2,010.00

A motion was made by Mr. Strasser, seconded by Mr. Gangewere, Resolved, To adopt the following Resolution approving and adopting Standard Operating Procedure 2007-06 entitled, "Domestic Abuse Incidents and Protection From Abuse Orders":

RESOLUTION NO. 24-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE KUTZTOWN BOROUGH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE 2007-06, DATED AUGUST 21, 2007, ENTITLED "DOMESTIC ABUSE INCIDENTS AND PROTECTION FROM ABUSE ORDERS," IN FORM AS ATTACHED, AND BE IT FURTHER RESOLVED TO RESCIND STANDARD OPERATING PROCEDURE 2000-03, ENTITLED "PROTECTION FROM ABUSE ORDERS."

WHEREAS, Resolution No. 37-1994 of the Borough of Kutztown, Berks County, Pennsylvania provides for the police regarding approval, authority, and responsibilities over the contents of the Departmental Manual for the Kutztown Police Department; and

WHEREAS, any and all proposed changes, modifications, additions and/or deletions to the contents of the Departmental Manual for the Kutztown Police Department must be brought before the Council of the Borough during a lawful Council meeting for consideration of Council action, by the Chief of Police or the Mayor of Kutztown; and

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WHEREAS, the Borough recognizes the need to establish fundamental standards for the Kutztown Police Department in order to provide direction for the members of that Department and to signify the Borough's commitment to the Kutztown community; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to approve and adopt the Kutztown Borough Police Department Standard Operating Procedure 2007-06, dated August 21, 2007, entitled "DOMESTIC ABUSE INCIDENTS AND PROTECTION FROM ABUSE ORDERS," in form as attached and be it further resolved to rescind Standard Operating Procedure 2000-03, entitled "PROTECTION FROM ABUSE ORDERS".

This Resolution shall become effective on August 21, 2007.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007 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. Strasser, seconded by Mr. Seyler, Resolved, To adopt the following Resolution approving and adopting Standard Operating Procedure 2007-07 entitled, "Training of Non-Departmental Personnel":

RESOLUTION NO. 25-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE KUTZTOWN BOROUGH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE 2007-07, DATED AUGUST 21, 2007, ENTITLED "TRAINING OF NON-DEPARTMENT PERSONNEL", IN FORM AS ATTACHED.

WHEREAS, Resolution No. 37-1994 of the Borough of Kutztown, Berks County, Pennsylvania provides for the police regarding approval, authority, and responsibilities over the contents of the Departmental Manual for the Kutztown Police Department; and

WHEREAS, any and all proposed changes, modifications, additions and/or deletions to the contents of the Departmental Manual for the Kutztown Police Department must be brought before the Council of the Borough during a lawful Council meeting for consideration of Council action, by the Chief of Police or the Mayor of Kutztown; and

WHEREAS, the Borough recognizes the need to establish fundamental standards for the Kutztown Police Department in order to provide direction for the members of that Department and to signify the Borough's commitment to the Kutztown community; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to approve and adopt the Kutztown Borough Police Department Standard Operating Procedure 2007-07, dated August 21, 2007, entitled "TRAINING OF NON-DEPARTMENT PERSONNEL", in form as attached.

This Resolution shall become effective on August 21, 2007.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the Contract for Community Revitalization Assistance Program with the Commonwealth of Pennsylvania Department of Community and Economic Development for a grant of \$5,000.00 for the purchase of video equipment for the Kutztown Train Station. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To accept the proposal for Spotts, Stevens & McCoy to perform an Indoor Environmental Quality Evaluation for 45 Railroad Street for a fixed fee of \$1,500.00, plus the cost of additional samples. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve the Change Order in the amount of \$42,364.00 to add the paving of the multi-purpose rink at the Kutztown Park to the 2007 Street Improvements Project with EJB Paving and Materials Company. The Change Order is less than 20 percent of the total contract. Passed by unanimous vote.

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A motion was made by Mr. Snyder, seconded by Mr. Strasser, Resolved, To table any action regarding the agenda item to provide direction on the findings of Great Valley Consultants to impose weight restrictions on Briar Circle North and Briar Circle South. Passed by unanimous vote.

Mr. Snyder thanked the Foliage Farms for generously donating and planting eight new deciduous trees in the Kutztown Park.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To adopt the following Resolution recognizing and commending the Kutztown Borough Electric/Telecom Department employees, namely, Dennis Follweiler, Joe Wessner, Randy Conrad, Steve Diehl, Mark Arnold, Ronald Stoudt and Bruce Follweiler for their special efforts and quick response to the July 16, 2007 storm:

RESOLUTION NO. 26-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH ELECTRIC/TELECOM DEPARTMENT EMPLOYEES, IN PARTICULAR, DENNIS FOLLWEILER, JOE WESSNER, RANDY CONRAD, STEVE DIEHL, MARK ARNOLD, RONALD STOUDT AND BRUCE FOLLWEILER FOR THEIR SPECIAL EFFORTS AND QUICK RESPONSE TO A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough's Electric and Telecom Department employees responded immediately to the emergency, working diligently and swiftly around the clock to restore power to the Borough and in so doing contributed to the overall accomplishment of the Borough's mission in restoring essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough's Electric and Telecom Department employees, especially Dennis Follweiler, Joe Wessner, Randy Conrad, Steve Diehl, Mark Arnold and Bruce Follweiler for their exceptional performance that was outside the bounds of what is ordinarily expected in each of their positions.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, 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. Schlegel, Resolved, To adopt the following Resolutions recognizing and commending the Kutztown Borough Public Works, Police, Refuse/Recycling, Water and Wastewater/Sewage Departments, as well as the Administrative staff, for their contributions in responding to and assisting the Borough in the aftermath of the July 16, 2007 storm:

RESOLUTION NO. 27-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH POLICE DEPARTMENT FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING ESSENTIAL SKILLS AND SERVICES IN RESPONDING TO AND ASSISTING THE BOROUGH IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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

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WHEREAS, it is the Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Police Department employees have been essential partners in responding to and in the cleanup efforts after the storm and as such have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Police Department for its exceptional and dedicated team effort in responding to and assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

RESOLUTION NO. 29-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH WATER DEPARTMENT FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING ESSENTIAL SKILLS AND SERVICES IN RESPONDING TO AND ASSISTING THE BOROUGH IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Water Department employees have been essential partners in responding to and in the cleanup efforts after the storm and as such have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Water Department for its exceptional and dedicated team effort in responding to and assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

RESOLUTION NO. 30-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH SEWAGE/WASTEWATER DEPARTMENT FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING ESSENTIAL SKILLS AND SERVICES IN RESPONDING TO AND ASSISTING THE BOROUGH IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Sewage/Wastewater Department employees have been essential partners in responding to and in the cleanup efforts after the storm and as such

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have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Sewage/Wastewater Department for its exceptional and dedicated team effort in responding to and assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

RESOLUTION NO. 31-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH REFUSE/RECYCLING DEPARTMENT FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING ESSENTIAL SKILLS AND SERVICES IN RESPONDING TO AND ASSISTING THE BOROUGH IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Refuse/Recycling Department employees have been essential partners in responding to and in the cleanup efforts after the storm and as such have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Refuse/Recycling Department for its exceptional and dedicated team effort in responding

to and assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

RESOLUTION NO. 32-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH PUBLIC WORKS DEPARTMENT FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING ESSENTIAL SKILLS AND SERVICES IN RESPONDING TO AND ASSISTING THE BOROUGH IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Public Works Department employees have been essential partners in responding to and in the cleanup efforts after the storm and as such have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Public Works Department for its exceptional and dedicated team effort in responding to and assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

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RESOLUTION NO. 33-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE KUTZTOWN BOROUGH ADMINISTRATION OFFICE STAFF FOR ITS EXCEPTIONAL TEAMWORK IN PROVIDING SUPPORT SERVICES IN THE AFTERMATH OF A SEVERE STORM THAT STRUCK THE BOROUGH LATE MONDAY EVENING ON JULY 16, 2007.

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 Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, July 16, 2007, at approximately 10:30 p.m., a severe storm struck the Borough with fury, downing trees and power lines, causing the entire Borough to lose electric power and phone services; and

WHEREAS, the Borough Administration Office employees provided essential support services in the aftermath of the storm and have contributed to the overall accomplishment of the Borough's mission in providing essential public services to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough Administration Office for its exceptional and dedicated team effort in assisting other Borough departments, personnel and residents in restoring public services to the Borough.

DULY ADOPTED AS A RESOLUTION this 21st day of August, 2007, 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. Schlegel, Resolved, To reappoint Carmen Bloom as a student ambassador to Council for a consecutive one-year term beginning in September, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To reappoint Stephen T. Kenney as a student ambassador to the Mayor for a consecutive one-year term beginning in September, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To affirm full-time employment for Carol Fegely upon completion of her probationary employment on July 11, 2007. Council appreciates and recognizes Ms. Fegely's dedication and extra hours worked during the Kutztown Folk Festival. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To affirm full-time employment for Daniel Batz upon completion of his probationary employment on or about August 19, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify probationary employment for Calvin Fetherolf, Trexlertown, PA, as a seasonal Community Service Officer II, effective August 20, 2007, contingent upon successful completion of pre-employment testing. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To ratify probationary employment for Jason M. Rhody, Schuylkill Haven, PA, as a seasonal Community Service Officer II, effective August 20, 2007, contingent upon successful completion of pre-employment testing. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To accept the following resignations, with regret:

- Naaman Schlegel, seasonal Public Works Laborer, effective August 17, 2007;

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- Jonathan Seaman, seasonal Public Works Laborer, effective August 17, 2007;
- David R. Stampler, seasonal CSO II, effective June 29, 2007;
- Walter M. Schlottman, Jr., seasonal CSO II, effective July 13, 2007; and
- Jennifer Malafarina, student intern, effective August 7, 2007.

Passed by unanimous vote.

The Executive Session to discuss uniformed employee matters was deferred until the end of the meeting.

Under Electric and Telecom Committee, a motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To ratify the execution of an agreement with Hoteleguide, LLC, 16775 Addison Road, Suite 310, Addison, Texas 75001, for the provision of a custom television channel that displays a television guide featuring local and national programming. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To ratify the execution of a master purchase agreement with Calix Networks, Inc., for the purchase of telecommunications equipment. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To award the bid for the Pine Street water line project to A. H. Moyer, Inc., Myerstown, PA, in the total bid amount of \$149,845.00, contingent upon the Solicitor's review and acceptance of required bid documents. Passed by unanimous vote.

Under Finance and Technology Committee, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To ratify the execution of the Borough's 2007-2008

property and liability insurance packages as presented by Essick and Barr Insurance.

Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To adopt the following Resolution to authorize the execution of new power supply contracts with American Municipal Power-Ohio for the years 2008 through 2012:

RESOLUTION 34-2007

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING EXECUTION OF NEW POWER SUPPLY CONTRACTS.

BE IT HEREBY RESOLVED that the Borough of Kutztown, Pennsylvania, hereby approves two (2) new power supply contracts with the American Municipal Power-Ohio, Inc. for 2008-2012:

- (1) An "EPPG Pool Participant Schedule to American Municipal Power-Ohio, Inc. and Borough of Kutztown, Pennsylvania, Master Service Agreement," and
- (2) "Borough of Kutztown 2008-2012 Non-Pool Power Sales Schedule."

The President of the Council of the Borough of Kutztown is authorized to execute these Agreements on behalf of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 21 day of August, 2007, by the Council of the Borough of Kutztown, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Mr. Eidle noted that 2008 budget requests and information are due no later than September 7, 2007.

Under Miscellaneous, Mr. Eidle noted that Jeanne Barrett Ortiz, Director of the PA Environmental Action Council (EAC) Network, will present at the September Borough Council meeting. Ms. Ortiz will provide the Borough with information on setting up a local EAC. It is recommended that the Borough not take action to form an

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Environmental Committee until after Ms. Ortiz's presentation at the September 18, 2007 meeting.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To eliminate the position of the second Deputy Emergency Management Coordinator that was created and appointed on October 17, 2006. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To introduce and authorize advertisement of a proposed Resolution amending the Borough's Policy and Procedures Regarding Public Records Subject to the Right-To-Know Act. Passed by unanimous vote.

President Eidle called for an Executive Session at 8:04 p.m. to discuss uniformed personnel matters. The Executive Session ended, and the meeting reconvened at 8:38 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To deny the request of Patrol Officer Walter Skavinsky for a one year unpaid leave of absence from the Kutztown Police Department. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To authorize the Kutztown Borough Civil Service Commission to take the appropriate steps to certify an Eligibility list containing the names of at least three candidates for the position of Patrol Officer. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To authorize the appropriate Borough officials to executive the bargaining unit agreement with the Kutztown Police Association for the period from January, 1, 2008 through

December 31, 2010, based upon the agreed-upon terms as presented to Council members.

Passed by unanimous vote.

There being no further business, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adjourn the meeting at 8:40 p.m. Passed by unanimous vote.

Prepared and
Attested by: Bonnie Bray
Secretary

Malcolm Eidle and Bonnie Bray hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from July 14, 2007, to August 17, 2007, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray