

April 21, 2009
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, Mrs. Amy Bray, Mr. James Schlegel, Mr. Mark Gangewere, Mr. Kevin Snyder, Student Ambassadors Joe Haughey and Robert Toth and Mayor Sandy Green. Mr. Keith Mooney, representing the Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Mr. Ted Stevenson, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Craig M. Summers, Chief of Police; Ms. Rachael Birckbichler, Community Development Director; Mr. Frank P. Caruso, Director of Information Technologies; Bonnie Bray, Borough Secretary/Human Resources Director; Julie Nolan of Kutztown University; Paul Francis of LSC Design, Inc.; Steve Haddad, James Johnson, Jr., and Lewis Fains of Carl R. Bieber, Inc.; Debbie Toth, mother of student ambassador, Robert Toth, Jr.; Carl Lobb of Kutztown, PA; Raymond Schell, Robert Gately, Sean Buck, Dave Vicari, James Hirko, and Heather P. Rhoads of the Kutztown Police Department; Suzanne Barron, Emergency Management assistant; Michael Barron of the Zoning Hearing Board; Amiee Bollinger of the EAC; Dick Diehm of the Kutztown Transportation Authority; and Phil Ellingsworth, Jr., reporter for The Kutztown Area PATRIOT were also present.

President Eidle noted that Student Government Day is May 19, 2009 [sic].

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the resignation of Michael A. Barron from the Zoning Hearing Board, with regret. Passed by unanimous vote.

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President Eidle presented a plaque of appreciation to Mr. Barron in honor of his many years of community service to the Borough.

Student Ambassadors Joe Haughey and Robert Toth presented their 2008-2009 School Year Report to Council. Council members commended both ambassadors for their outstanding work during their term. Ms. Nolan further indicated that both students went beyond the call of duty, that they never said no, and that their services were very beneficial not only to KUBOK but also to OCAC.

Ms. Nolan presented the DVD of the "Paint The Town Gold" Community Engagement Award of Excellence. She pointed out that plans are underway for this year's event, which will be held on October 1-4, 2009, and further thanked Council for its support.

Mayor Green read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Civilian Service Award to Gary Sanders. A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To adopt the following Resolution:

RESOLUTION NO. 10-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE CIVILIAN SERVICE AWARD TO GARY SANDERS.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2001-01 provides for the recognition of Civilians who aid the police and render aid to another person who is in danger; and

WHEREAS, the recognition of Civilians is done by awards; and

WHEREAS, Standard Operating Procedure 2001-1 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that civilian Gary Sanders be awarded the CIVILIAN SERVICE AWARD for coming to the aid of a co-worker who suffered a heart attack. Gary Sanders exhibited commendable and uncommon concern for his co-worker by performing CPR until the arrival of more advanced medical personnel arrived.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the CIVILIAN SERVICE AWARD to Gary Sanders.

This Resolution shall become effective on April 8, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of April 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Green read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Civilian Service Award to James Johnson, Jr.

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

RESOLUTION NO. 11-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE CIVILIAN SERVICE AWARD TO JAMES JOHNSON, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2001-01 provides for the recognition of Civilians who aid the police and render aid to another person who is in danger; and

WHEREAS, the recognition of Civilians is done by awards; and

WHEREAS, Standard Operating Procedure 2001-1 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that civilian James Johnson, Jr. be awarded the CIVILIAN SERVICE AWARD for coming to the aid of a co-worker who suffered a heart attack. James Johnson, Jr. exhibited commendable and uncommon concern for his co-worker by performing CPR until the arrival of more advanced medical personnel arrived.

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NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the CIVILIAN SERVICE AWARD to James Johnson, Jr.

This Resolution shall become effective on April 8, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of April 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote. Mr. Johnson thanked Council for the recognition and introduced Lewis Fains, the co-worker whose life he saved.

Mayor Green read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Life Saving Award to David Vicari. A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

RESOLUTION NO. 12-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER DAVID D. VICARI.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2001-01 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2001-1 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Officer David D. Vicari be awarded the LIFE SAVING AWARD for performing an act in the line of duty, through prompt and alert actions, resulting in the saving of a life during an incident on February 11, 2009 within the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer David D. Vicari.

This Resolution shall become effective on April 8, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of April, 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Green read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Department Commendation Award to Robert L. Gately. A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To adopt the following Resolution:

RESOLUTION NO. 13-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE DEPARTMENT COMMENDATION AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT OFFICER ROBERT L. GATELY.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2001-01 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2001-01 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Officer Robert L. Gately be awarded the DEPARTMENT COMMENDATION AWARD for exercising sound judgment in the performance of his duties, bringing credit to the Kutztown Borough Police Department by a highly creditable unusual police accomplishment. Officer Robert L. Gately while on duty responded to a report of a robbery at 272 West Main Street. Officer Gately located and detained a suspect who subsequently was identified as the robber. Later, Officer Gately was able to obtain a confession from the actor. Through Officer Gately's quick actions and outstanding diligence the robbery suspect was apprehended and arrested.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the DEPARTMENT

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COMMENDATION AWARD to Kutztown Borough Police Department Officer Robert L. Gately.

This Resolution shall become effective on April 8, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of April 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Green read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Department Commendation Award to Heather P. Rhoads. A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

RESOLUTION NO. 14-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE DEPARTMENT COMMENDATION AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT CRIMINAL INVESTIGATOR HEATHER P. RHOADS.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2001-01 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2001-01 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Criminal Investigator Heather P. Rhoads be awarded the DEPARTMENT COMMENDATION for distinguishing herself by an outstanding achievement of service, bringing credit to herself and the Kutztown Borough Police Department, for service rendered to the community in a clearly exceptional manner. Following the arrest of three defendants for Criminal Homicide, Criminal Investigator Heather P. Rhoads worked countless hours over a fourteen month period gathering evidence for the Homicide Trial. Through her hard work, dedication and professionalism

all three defendants either plead guilty or were found guilty. Such unparalleled dedication and professionalism displayed by Criminal Investigator Heather P. Rhoads has brought honor to both herself and the Kutztown Borough Police Department.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the DEPARTMENT COMMENDATION AWARD to Kutztown Borough Police Department Criminal Investigator Heather P. Rhoads.

This Resolution shall become effective on April 8, 2009.

DULY ADOPTED AS A RESOLUTION this 21st day of April 2009 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

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

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 February 17 and March 17, 2009, Council Meetings.
- Review and accept the Borough Community Development and Public Safety Report for March, 2009.
- Ratify the advertisement for a special Finance, Electric and Telecommunications Committee meeting held on April 8, 2009.
- Authorize the donation of two family pool passes for the 2009 Friend, Inc. Community Services Benefit Auction.
- Authorize the appropriate Borough officials to execute the contract with Local Union No. 45 of the American Federation of Musicians of the United States and Canada for the Allentown Band, Inc. to perform three concerts on Kutztown Day, Sunday, August 2, 2009, for a fee of \$2,300.00.
- Approve the Kutztown Youth Athletic Association's request for the use of ball fields in the park as outlined in Mr. Schmoyer's memorandum to Mr. Milnes dated April 3, 2009.

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- Approve the 2009 Concert Series in the Park schedule as outlined in Mr. Schmoeyer's schedule dated April 5, 2009.
- Ratify the request from the Kutztown Cub Scout Pack #101 to hold Cubmobile Races on Constitution Blvd. on Saturday, April 18, 2009 at 9 a.m. in accordance with Mr. Schmoeyer's memorandum to Mr. Milnes dated April 1, 2009.
- Approve the request from the Kutztown Cougar Youth Football & Cheerleading Association for use of the park multipurpose field, and enter into a lease agreement for the Babe Ruth concession stand, as outlined in Mr. Schmoeyer's memorandum to Mr. Milnes dated April 1, 2009.
- Authorize the appropriate Borough Officials to execute the annual agreement with the YMCA of Reading & Berks County for the operation of the Kutztown Park Playground and Summer Recreation Program at an annual cost of \$6,500.00. This is scheduled for June 15, 2009 thru August 10, 2009.
- Ratify employment advertisement and conditional employment of summer seasonal laborers, Christopher Furches, effective April 13, 2009 and Naaman Schlegel, effective May 5, 2009, contingent upon successful completion of pre-employment requirements.
- Authorize a \$250.00 membership renewal to the Pennsylvania Downtown Center.
- 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 March 14, 2009, to April 17, 2009, as summarized below:

General Fund	\$156,995.19
Refuse and Recycling Fund	60,510.22
Fire Protection Tax Fund	45.56
Recreation Tax Fund	67.13
Road Tax Fund	168.13
Water Fund	140,683.42
Electric Fund	507,305.52
Sewer Fund	134,201.91
Telecommunications Fund	93,192.86

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Karen R. Feridun as a member of the

Borough Planning Commission, whose term will expire September, 2010. Passed by unanimous vote.

Under Environmental Advisory Commission, Ms. Bollinger thanked Council for approving the \$500.00 budget for EAC. She announced the upcoming workshop to be held Saturday, May 23, 2009, at 9 a.m., with a bird walk around the Sacony Trail. The group will meet at the table by the swimming pool. She also reminded everyone that tomorrow is Earth Day.

A motion was made by Mr. Snyder, seconded by Mrs. Bray, Resolved, To accept the resignation of EAC member Sarah Bellois, with regret. Passed by unanimous vote.

Under Community Development, a motion was made by Mrs. Bray, seconded by Mr. Gangewere, Resolved, To appoint Paul Vasko to the Zoning Hearing Board to fulfill Michael A. Barron's three-year term, expiring January, 2012. Passed by unanimous vote.

A motion was made by Mrs. Bray, seconded by Mr. Schlegel, Resolved, To approve the request from the Kutztown Fair Association to hold a fireworks display on August 14, 2009, with a rain date of August 15, 2009, beginning after dusk. Passed by unanimous vote.

In the interest of public safety and the surrounding neighborhood, a motion was made by Mrs. Bray, seconded by Mr. Snyder, Resolved, to authorize the Community Development office, with ultimate guidance by the Borough Manager, to do what is minimally necessary to correct the unsanitary conditions found at 54 S. Maple Street on April 14, 2009, including but not limited to, incurring costs for interior clean up and garbage removal. Passed by unanimous vote.

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A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To authorize the advertisement and rescheduling of the May Council meeting and Student Government Day from Election Day on May 19 to Thursday, May 21, 2009 at 7:30 p.m., to be held in Council Chambers. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To authorize the advertisement and scheduling of a public hearing on May 14, 2009 at 7:30 p.m., in Council Chambers, to consider a liquor license transfer. Passed by unanimous vote.

A motion was made by Mrs. Bray, seconded by Mr. Seyler, Resolved, To donate \$100.00 to the Miss Pennsylvania Scholarship Organization, Inc., to cover the cost of placing a one-third page advertisement in the souvenir program book for the Miss Pennsylvania Scholarship Pageant in support of Carmen J. Bloom, former Student Ambassador to Council. Passed by unanimous vote.

Under Public Safety, Mr. Gangewere submitted the Police Report for the month of March, 2009, copies of which were given to Council. He reported the following fines were collected:

District Justice Greth	February, 2009	\$12,356.83
Clerk of Common Pleas	February, 2009	\$850.00
Secretary's Office	March, 2009	\$8,425.00
Commonwealth of PA	Aug 2008 ó Jan 2009	\$400.00

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adopt the proposed Resolution so as to amend the fees for false alarms as established by §A231-1.2(B) of the Kutztown Code. Passed by unanimous vote. A motion was made

by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To amend the previous motion, which was passed by unanimous vote, to adopt an amended version of the proposed Resolution so as to incorporate language that establishes a revenue sharing arrangement between the Borough of Kutztown and the Kutztown Fire Department to distribute to the Kutztown Fire Department 75 percent of the Borough's revenues collected from fees charged for false alarms, as follows:

RESOLUTION NO. 15-2009

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING THE KUTZTOWN CODE SO AS TO AMEND CERTAIN PORTIONS OF §A231-1.2(B) AND TO ADD §A231-1.2(B)(5).

WHEREAS, §A231-1.2(B) of the Kutztown Code establishes false alarm charges in accordance with Chapter 60, "ALARM SYSTEMS," of the Kutztown Code; and

WHEREAS, the Council of the Borough of Kutztown desires to revise fees for false alarms as established by §A231-1.2(B) of the Kutztown Code.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that certain portions of §A231-1.2(B) of the Kutztown Code are amended and §A231-1.2(B)(5) is added as follows:

§A231-1.2 Ch. 60, Alarm Systems.

- B. (3) Second false alarm: \$50.00
- (4) Third false alarm: \$150.00
- (5) Fourth and subsequent false alarms (each occurrence): \$300.00

NOTE: Seventy five percent of revenues collected from false alarm fees will be distributed to the Kutztown Fire Department.

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BE IT FURTHER RESOLVED that, if any provision, sentence, clause, section or part of this resolution shall for any reason be found 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 that this resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions and all existing portions of the Kutztown Code inconsistent herewith are hereby repealed.

BE IT FURTHER RESOLVED that the above-listed fees shall become effective June 1, 2009.

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

Passed by unanimous vote.

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

RESOLUTION NO. 16-2009

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY ADDING A PROVISION TO §212-74, ENTITLED "SCHEDULE XVII: SPECIAL PURPOSE PARKING ZONES."

WHEREAS, the Code of the Borough of Kutztown, enacted by Ordinance No. 12-1995, which was enacted on December 26, 1995, and approved on December 30, 1995, sets forth a Chapter 212, entitled "Vehicles and Traffic," which Chapter contains Section 212-74, entitled "Schedule XVII: Special Purpose Parking Zones;" and

WHEREAS, Section 212-74, entitled "Schedule XVII: Special Purpose Parking Zones," sets forth the particulars of special purpose parking zones; and

WHEREAS, the Council of the Borough of Kutztown desires to amend the aforementioned section of the Code of the Borough of Kutztown.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby adopted by

the authority of the same, that §212-74 of Chapter 212 of the Code of the Borough of Kutztown be, and it is hereby, amended as follows:

SECTION 1. The Code of the Borough of Kutztown is hereby amended so as to amend §212-74 thereof, entitled "Schedule XVII: Special Purpose Parking Zones," by amending such section to add permit parking on College Boulevard, as follows:

College Boulevard from Wentz Street to Fairview Drive, east side of R2 Zoning.

SECTION 2. Signs shall be installed in accordance with the provisions of this resolution.

SECTION 3. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this resolution, are hereby repealed.

SECTION 4. This resolution shall become effective upon adoption.

DULY ADOPTED AS A RESOLUTION this 21st day of April, 2009, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in 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 enact the proposed Ordinance amending Chapter 206 of the Kutztown Code to incorporate regulations with regard to the operation of transient retail businesses within Borough parks, as follows:

ORDINANCE NO. 3-2009

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 206 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "TRANSIENT RETAIL BUSINESS," BY AMENDING SAID ORDINANCE TO INCLUDE REGULATIONS REGARDING THE OPERATION OF TRANSIENT RETAIL BUSINESSES WITHIN BOROUGH PARKS.

Passed by unanimous vote.

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A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To award the bid for the 2009 Street Improvements Project to the lowest responsible bidder, Schlouch, Inc., Blandon, Pennsylvania, in the total bid amount of \$218,829.74. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve the parade permit application for "The Old Time Plow Boys" Tractor Parade scheduled for April 25, 2009, at 5 p.m., And Be It Further Resolved, To waive any associated barricade fees and/or costs associated with police, etc., for the event. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve the parade permit application for the American Legion Memorial Day Parade scheduled for May 25, 2009, at 8:00 a.m., And Be It Further Resolved, To waive any associated barricade fees and/or costs associated with police, etc., for the event. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To approve an increase in season pool rates for non-residents by \$10.00 and an increase of \$2.00 for general daily admission tickets. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough staff and Great Valley Consultants to prepare specifications to replace the HVAC system that services the upper level of Borough Hall and to advertise for a bid opening. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Gangewere, Resolved, To advertise and accept bids for the train station floor. Mr. Diehm advised that the plan is to

have the bid opening at the June Public Works Committee meeting and to have Council award the bid at the June Council meeting. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute a three-year Service Purchase Contract with Kutztown University for the maintenance of university traffic signals located on College Boulevard and Main Street. Passed by unanimous vote.

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

Under Finance, Electric and Telecommunications Committee, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To award Options 1 and 2 of the bid for upgrading current head-end components from an analogue head-end to an analog and digital head-end to Blonder Tongue Laboratories, Inc., Old Bridge, New Jersey, in the total bid amount of \$119,511.87. Passed by unanimous vote.

Off-agenda, a motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the Borough staff to prepare and to advertise an Ordinance amending the Kutztown Code, so as to remove the fees for telecommunications services from Chapter A231. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Schlegel, Resolved, To approve an EAC annual budget allotment of \$500.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To install the MIRA board to the AMR system, replacing SCE equipment at the substation. Passed by unanimous vote.

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A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the Cable Franchise Agreement between Maxatawny Township and Hometown Utilicom. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mrs. Bray, Resolved, To ratify the traveling and training expenses for Cathy Runkle, Field Operations Coordinator, to attend the TNS Advanced Operators Training course in St. Louis, Missouri, held March 23-27, 2009. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To allow Bruce Follweiler, Electric Superintendent, and Cathy Runkle to attend the Aclara User's Group Conference to be held in St. Louis, Missouri, from April 27-30, 2009. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mrs. Bray, Resolved, To table until the May Council meeting the agenda item with regard to the request to authorize the Borough solicitor to register the current Hometown Utilicom logo, if so desired, and the request to authorize the Finance, Electric, and Telecommunications Committee to review and select an updated Hometown Utilicom logo. Passed by unanimous vote.

Off agenda, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To credit the electric utility account of the Kutztown PA German Festival in the amount of \$2,928.58 for an adjustment for the billing periods covering June and July, 2008. Because the festival spanned two billing cycles, the festival was charged for a demand of 424 KW twice. The \$2,928.58 adjustment represents one of the demand charge of 424 KW. Passed by unanimous vote.

Another off-agenda item, in an effort to help the fire department, a motion was made by Mr. Gangewere, seconded by Mr. Seyler, Resolved, To lock the electric billing rate at 3 KW per month for the Kutztown Fire Department. Passed by unanimous vote.

Another off-agenda item, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the Atlantic Engineering Group to assist the Borough with the development of specifications for an RFP for set-top boxes for the cable television enterprise. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mrs. Bray, Resolved, To approve the request from KMA for additional sewer capacity in the amount of 556 gallons of sewage per day for the Stryker Brigade Readiness Center at 309 College Boulevard. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To award Contract NO. 1 of the bid for the Grit Removal System project to Walabax Construction Services, Inc., Telford, Pennsylvania, in the total bid amount of \$957,500.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To award Contract NO. 2 of the bid for the Grit Removal System project to Barry J. Hoffman Co., Inc., Allentown, Pennsylvania, in the total bid amount of \$48,900.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To award the bid for the Removal of Reed Bed Sludge to Kinsley Construction, York, Pennsylvania, in the total bid amount of \$43,350.00. Passed by unanimous vote.

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A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To purchase the Public Notification System from Swiftreach Networks, Mahwah, New Jersey, for an annual fee of \$2,900.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To authorize the appropriate Borough officials to execute the Pennsylvania Mutual Aid Agreement for Water/Wastewater providers. Passed by unanimous vote.

Under Miscellaneous, it was noted that the May Council meeting will be held on May 21, 2009 at 7:30 p.m. in Council Chambers.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To authorize the Borough staff to develop red flag procedures pursuant to the Federal Trade Commission's Red Flag Rules in response to the increase in identity theft cases. Mr. Mooney commented that earlier this week he forwarded sample procedures for the Borough to consider for adoption, and he stressed the importance for the Borough to adopt similar procedures. Otherwise, if someone's identity is stolen and the Borough is found liable, the victim can receive four times the amount of the damages. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Gina Wiand as the program administrator to oversee the implementation of the red flag procedures. Passed by unanimous vote.

Off agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve Change Order No. 3 from Tru-Line Contractors, Inc., for the University Interceptor Replacement project, said Change Order will allow for the

replacement and installation of four 6" Sch. 80 electrical conduits at a price of \$70,925.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To table the agenda item with regard to the Borough of Kutztown Distelfink trademark renewal until the May 21, 2009 meeting. Passed by unanimous vote.

President Eidle called for an Executive Session at 9:00 p.m. to discuss a nonuniformed personnel matter. The Executive Session ended and the Council meeting reconvened at 9:45 p.m.

There being no further business, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 9:48 p.m.

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 March 14, 2009, to April 17, 2009, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Malcolm A. Eidle

Bonnie Bray