

April 16, 2013
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:34 p.m. in the Kutztown Train Station by the president, Mr. Kevin Snyder, with other members of Borough Council present: Mr. James Schlegel, Mr. Edwin Seyler, Mr. Derek Mace, Ms. Rachael Birckbichler and the Mayor, Ms. Sandra Green. Mr. Malcolm Eidle was absent. Mr. Keith Mooney, Borough Solicitor; Ms. Laura Eberly, representing the Borough's planning and wastewater engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Mr. Daniel Eslinger, Director of Community Development/Zoning Officer; Mr. Walter Hess, Superintendent of Water and Wastewater; Mr. David Horvath, Information Technologies Coordinator; Borough employees Mark Arnold, Dale Kramer, Troy Smith, Joel Graff and Dennis Hassler; Kutztown University Student Ambassadors Colin Quinn and Tayania Brown; and Mr. Valdis Lacis, reporter for the Reading Eagle were also present.

President Snyder presided over a Public Hearing on the proposed Ordinance amending the Code of the Borough of Kutztown, by adding a provision to Section 212-66 entitled "Stop Intersections", by providing for the creation of two (2) stop intersections at the intersection of College Boulevard and Wentz Street/College Garden Drive and repealing inconsistent provisions. There were no public comments.

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

ORDINANCE NO. 3-2013

CONDUCT A PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN, BY ADDING A PROVISION TO SECTION 212-66 ENTITLED "STOP INTERSECTIONS", BY PROVIDING FOR THE CREATION OF TWO (2) STOP INTERSECTIONS AT THE INTERSECTION OF COLLEGE BOULEVARD AND WENTZ STREET/COLLEGE GARDEN DRIVE AND REPEALING INCONSISTENT PROVISIONS.

Passed by unanimous vote.

Under Water and Wastewater Committee, Mr. Schlegel read aloud the Resolution expressing appreciation to Walter Hess for his many years of service to the Borough.

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

RESOLUTION NO. 10-2013

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING WALTER J. HESS FOR HIS 35 YEAR CAREER WITH THE BOROUGH OF KUTZTOWN.

WHEREAS Walter J. Hess was hired by the Borough of Kutztown on August 8, 1977, and he is retiring effective June 10, 2013; and

WHEREAS Walter J. Hess has faithfully served the Borough and its citizens for over 35 years; and

WHEREAS Walter J. Hess worked for the Borough in several departments, between 1977 and 2003, performing all duties ably and effectively; and

WHEREAS Walter J. Hess was promoted to Superintendent of Water and Wastewater, in 2003, and he served as a valuable member of the Borough's management team for 10 years.

THEREFORE BE IT RESOLVED that the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Walter J. Hess for his dedicated service to the Borough of Kutztown and wish him well upon his retirement.

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DULY ADOPTED AS A RESOLUTION this 16th day of April, 2013, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mr. Schlegel noted that on April 11, 2013, Borough Water Department employees Walter Hess, Dale Kramer, Troy Smith, Joel Graff and Dennis Hassler were presented with an area-wide Optimization Program Award for their efforts in optimizing water turbidity, which is the level of cleanliness of drinking water. The award was given by the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection. The Borough also received this award in 2007.

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

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

- Review and accept the Minutes of the March 19, 2013 Borough Council meeting.
- Review and accept the Borough Community Development Report for March, 2013.
- Approve the 2013 “Concerts in the Park” schedule and associated costs.
- 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 15, 2013 to April 12, 2013, as summarized below:

General Fund	\$124,785.05
Refuse and Recycling Fund	\$41,695.68
Fire Protection Tax Fund	\$39.22
Recreation Tax Fund	\$62.62
Road Tax Fund	156.86

Water Fund	\$135,843.12
Electric Fund	\$450,575.61
Sewer Fund	\$458,095.40
Telecommunications Fund	\$152,983.42

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, Mr. Mace submitted the Monthly Police Report for March, 2013.

Mr. Mace reported the following fines were collected:

District Justice Greth	February, 2013	\$5,866.22
Clerk of Common Pleas	February, 2013	\$211.96
Secretary's Office	March, 2013	\$5,650.00

Under Public Works Committee, Mr. Snyder noted that due to maintenance and safety concerns, the Roller Rink will not open this summer.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To accord regular part-time employment to Patricia Stark upon completion of her probation period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To accord regular full-time employment to Kerry Eckert upon completion of his probation period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To offer summer employment, in the Wastewater Department, to David Weaknecht, effective May 14, 2013. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To rescind the employment offers to hire Karla Bailey and Rebecca Kunkelman, as

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Roller Rink co-managers for the 2013 season, due to the Roller Rink not opening this season. Passed by unanimous vote.

An Executive Session to discuss personnel matters was deferred until the end of the meeting.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To accept the resignation of Cynthia Wenrich, effective April 11, 2013. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the purchase of a spare 750 kVA 480 volt reconditioned pad mount transformer at a cost of \$9,495.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the advertisement of a Resolution setting the fee for the Reliability Pricing Model Supply Capacity Charge, which will be effective from June 1, 2013 through May 31, 2014. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, Ms. Birckbichler had nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To appoint Troy Sherman, of Great Valley Consultants, as the Borough's Sewage Enforcement Officer for 2013. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the proposal for professional services from Entech Engineering for the Water Treatment Plant Project. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the proposal from Keystone Engineering for the SCADA upgrade at the Water Treatment Plant. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Kutztown Municipal Authority for water service to provide 70,000 gallons per day to the Advantage Point Apartments along Baldy Road. Passed by unanimous vote.

Mr. Seyler asked if the proposal of 70,000 gallons per day is agreeable to the Borough. Mr. Mooney clarified that if they use more than they purchased, the Borough can bill for the overage.

Mr. Seyler also questioned whether or not the Advantage Point Apartments fall within a “right to serve” sewage area within the Borough’s Memorandum of Understanding with Maxatawny Township. Mr. Schlegel directed Mr. Khalife to research that, although he indicated that it would not impact the Borough providing water service to the customer.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve payment #6 to Wickersham Construction and Engineering, Inc., for work completed at the Wastewater Treatment Plant, in the amount of \$350,995.00. Passed by unanimous vote.

Mr. Schelgel noted that ES2 will remove and relocate chlorine equipment at the Wastewater Treatment Plant.

Under Miscellaneous, a motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To file an affidavit preserving the Borough’s registration of the trademark Hometown Utilicom at an estimated cost of \$1,100.00. Passed by

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unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To appoint Mayor Green as the official voting delegate to represent the Borough of Kutztown at the 2013 PML 114th Annual Convention in State College, PA, from June 25-28, 2013. Passed by unanimous vote.

President Snyder noted the following vacancies:

Borough Planning Commission:	One Member Vacancy
Code Appeals Board:	One Member Vacancy
	One Alternate Vacancy
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Zoning Hearing Board:	Two Alternate Vacancies
Environmental Advisory Commission:	Three Member Vacancies
Telecommunications Advisory Commission:	Two Member Vacancy

President Snyder called for an Executive Session at 7:58 p.m. to discuss personnel matters.

The Executive Session ended and the meeting reconvened at 8:39 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, to renew the Employee Assistance Program from July 1, 2013, through June 30, 2014, in the amount of \$1,310.70. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:42 p.m.

Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from March 15, 2013 to April 12, 2013, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin Snyder

Andrea Rahn