

April 21, 2015
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 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 Martin, Ms. Peggy Devlin, and the Mayor, Ms. Sandra Green. Mr. Keith Mooney and Mr. Timothy Dietrich, Borough Solicitors; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Director of Marketing Communications and Customer Relations; Mr. Daniel Eslinger, Community Development Director/Zoning Officer; Police Chief Craig Summers; Northeastern Berks EMS representative Doug Demchyk; Kutztown Area Transport Services representatives Becky Rakowiecki, Cheri Keim, Rodney Freeman, Phil Salamone, Jeremy Harbonic and Matt Rieger; Kutztown University Allies Equality Network representatives James Carraghan, Julia Shannon Peitzer, Curtis Welteroth, Brennan Kennedy and Rachel Dechert; Equality PA representative Maureen Gray; Kutztown Community Partnership representatives Andrew Arnold and Pete Smith; Kutztown Municipal Authority member Sheila Fulton; Kutztown Area Democratic Club representative Linda B. Wood; Maxatawny Township representative Steve Wilson; residents Edna and Clair Kramer; visitor Barbara Peronteau; and reporter for the Reading Eagle, Mr. Mr. Ron Devlin, was also present.

Mayor Green presented and read aloud the proposed Resolution recognizing and commending Edna A. Kramer for her contributions to the Borough of Kutztown's Emergency Management Center.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To hire Jacob Auman, as a Police Officer, contingent upon passing all required background checks. Passed by unanimous vote.

Mayor Green administered the Loyalty Oath to Jacob Auman.

President Snyder called for an Executive Session at 7:37 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:48 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Barley Snyder to file a petition for rehearing, en banc, with regard to the Commonwealth Court opinion in the Maxatawny Township versus Kutztown et al matters decided in Commonwealth Court. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Barley Snyder to pursue the escrow documents for the title to the land that the SCRA Sanitary Sewer Plant was constructed upon. Passed by unanimous vote.

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. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items, as amended:

- Review and accept the Minutes of the March 17, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for March 2015.
- Ratify the donation of two family pool passes for the 2015 Friend, Inc., Community Services Benefit Auction.

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- Take action on the proposed Resolution for the Life Saving Award presented to Officer Arthur Hirsch:

RESOLUTION NO. 6-2015

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 ARTHUR T. HIRSCH, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 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 2011-04 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 Arthur T. Hirsch, Jr. 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 December 3, 2014, 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 Arthur T. Hirsch, Jr.

This Resolution shall become effective on April 21, 2015.

DULY ADOPTED AS A RESOLUTION this 21st day of April, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

- Take action on the proposed Resolution for the Life Saving Award presented to Officer William Wyand:

RESOLUTION NO. 7-2015

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 WILLIAM A. WYANDT.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 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 2011-04 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 William A. Wyandt 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 December 3, 2014, 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 William A. Wyandt.

This Resolution shall become effective on April 21, 2015.

DULY ADOPTED AS A RESOLUTION this 21st day of April, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

- Take action on the proposed Resolution for the Officer of the Year Award presented to Officer William Wyandt:

RESOLUTION NO. 8-2015

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 WILLIAM A. WYANDT.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 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 2011-04 requires that the Council of the Borough of Kutztown affirm by Resolution a recommendation by the Awards Review Board; and

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WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Officer William A. Wyandt be awarded the DEPARTMENT COMMENDATION for distinguishing himself by an outstanding achievement of service, bringing credit to himself and the Kutztown Borough Police Department, for service rendered to the community in a clearly exceptional manner. Such unparalleled dedication and professionalism displayed by Officer William A. Wyandt has brought honor to both himself 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 Officer William A. Wyandt.

This Resolution shall become effective on April 21, 2015.

DULY ADOPTED AS A RESOLUTION this 21st day of April, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

- Take action on the request from the Kutztown Community Choir for the use of the Bandshell, for its annual "Flag Day Concert" on June 16, 2015, at 7:30 p.m., and to waive the associated rental fees and insurance requirements.
- Take action to approve the request from the Optimist club to use the Multi-Purpose Field for 2015 tee-ball games on May 2, 9, 16, 23 and 30; and June 6 and 13.
- Approve the 2015 "Concerts in the Park" schedule and associated costs.
- Take action to hire the 2015 Kutztown Swim Team coaches Gwendolyn Dietrich, with a salary of \$1,250.00; Steve Fowler, with a salary of \$1,000.00; Emily Scordato with a salary of \$500.00; and Jeannie Chukoskie with a salary of \$250.00.
- Conditionally hire the following 2015 seasonal pool employees, contingent upon meeting all pre-employment requirements: Christopher M. Collier, head lifeguard, \$10.04 per hour; Makenzie Barrell, lifeguard, \$7.89 per hour; Kelsey L. Brey, lifeguard, \$9.02 per hour; Christian H. Kanaskie, lifeguard, \$9.02 per hour; Zoe E. Keim, lifeguard, \$8.16 per hour; Bekah L. Keim, lifeguard, \$7.89 per hour; Brock A. Rabenold, lifeguard, \$8.16 per hour; Max T. Shirey, lifeguard, \$9.02 per hour; Leah E. Dietrich, office clerk, \$7.70 per hour; Brooke Koller, office clerk, \$7.70 per hour; Keaton D. McCoach, office clerk, \$7.70 per hour; Amy Mucelli, office clerk, \$7.70 per hour; and Alyssa Wentzel, office clerk, \$7.70 per hour.

- Take action on the request from the Kutztown American Legion Baseball Association to host the High School PIAA playoff games on May 7, 2015, at 4:00 p.m. and 7:00 p.m., and the PA Legion playoff game on July 8, 2015, and to collect a donation for park use.
- Take action to execute the agreement with the YMCA for the 2015 Kutztown Park Summer Playground Program.
- Take action to approve payment #16 to Wickersham Construction and Engineering, Inc., in the amount of \$3,639.00, for work completed at the Water Plant.
- 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 13, 2015 through April 16, 2015, as summarized below:

General Fund	\$280,320.38
Refuse and Recycling Fund	\$45,952.17
Water Fund	\$89,608.70
Electric Fund	\$469,882.61
Sewer Fund	\$75,995.84
Telecommunications Fund	\$91,035.38

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Ms. Devlin, seconded by Ms. Martin, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending the Zoning Ordinance by permitting the re-construction of non-conforming structures and non-conforming uses. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for March 2015 was submitted.

The following fines were collected:

District Justice Greth	February, 2015	\$7,275.59
Clerk of Common Pleas	February, 2015	\$672.63
Secretary's Office	March, 2015	\$4,200.00

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A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve a \$500.00 donation to the Berks County Emergency Response Team. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the new logo design for Borough of Kutztown Emergency Management. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To introduce and authorize a proposed Ordinance regarding non-discrimination.

A discussion regarding the proposed Ordinance regarding non-discrimination was held by Council with comments from the public. Kutztown University Allies Equality Network representatives James Carraghan and Julia Shannon Peitzer spoke in support of the Ordinance and they both said they do not live in Kutztown for personal safety reasons. Linda Wood, representing the Kutztown Area Democratic Club, and Barbara Peronteau, from Reading, also supported the proposed Ordinance.

Mr. Seyler expressed his concerns about the cost factors related to the Ordinance.

Keith Mooney advised Council that legal work should be done on the Ordinance, before they vote on it, to eliminate ambiguity.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To amend the motion still on the floor in reference to the proposed Ordinance regarding non-discrimination by tabling the initial motion and authorizing Keith Mooney to streamline and improve the proposed Ordinance. Passed by unanimous vote.

Off of the agenda, Ms. Devlin announced that she was appointed to represent Borough Council on the Transition Team for the new Kutztown University president.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from Kristin Bechtel to use the Bandshell on Friday October 2 and Saturday, October 3, 2015, for a wedding, and to only charge her for one day. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, to approve the order of 1,000 14 gallon recycling buckets, from Busch Systems, in the amount of \$7,150.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Creekside Property Services to cut the grass, as needed, at the detention ponds and the park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To execute the contract for the additional play and ancillary equipment for Kutztown Park, from Play and Park Structures, in the amount of \$25,790.24. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To award the bid and related options for Kutztown Park – Phase 2 to Land-Tech Enterprises, Inc., with a base bid price of \$156,700.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Dominic Matrone, from Boy Scout Troop 101, to paint the dugouts in the Kutztown Park as his Eagle Scout project, and to provide the paint. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request, from the Kutztown Community Partnership, to hold a Bicentennial “Kutztown Kruizz” classic car event on July 25, 2015, contingent upon following the

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approved area for the event, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To seek bids for the demolition of 15 Railroad Street. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To accept, with regret, the resignation of Karen Feridun, from the Environmental Advisory Commission, effective immediately. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To accept, with regret, the resignation of library clerk Sarah Edmonds, effective April 2, 2015. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To hire Tyler Diehl as a part-time seasonal laborer in the Public Works Department, contingent upon passing all required background checks. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To hire Kyle Hess as a part-time seasonal laborer in the Public Works Department, contingent upon passing all required background checks. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To hire Greg Parks as a part-time seasonal laborer in the Public Works Department, contingent upon passing all required background checks. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To allow Department Heads to utilize Personal Days in half day increments. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace,

Resolved, To authorize the Borough Manager to execute a separation of employment letter with Robert Strauss contingent upon the terms set forth in the letter dated April 22, 2015. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To award the bid for the 1992 Ford Ranger XLT 4x4, to Charles Hackenberger, in the amount of \$1,350.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To award the bid for the tailgate and bumper from a 1973-1979 Ford truck, to Jim Wright, in the amount of \$50.00. Passed by unanimous vote.

Mr. Khalife presented Borough Council with a 2015 year-to-date budget report, including the following topics: Salaries with and without Overtime, Benefits, Utility Sales, Taxes, Projects and Capital, Revenue Sources, Activities the Borough Performs, More Informative Web Site, Highlights So Far, Projects on the Horizon, and Goals.

Under Telecommunications and Information Technologies Committee, Ms. Martin announced that Home Net now has an official Facebook page.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the Borough Sewer Policy regarding blockages in sewer laterals. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To issue a sewer credit, for 313 East Main Street, in the amount of \$71.54. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To authorize the Borough Manager to execute the Chapter 94 consistency portions of the

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Edge Phase II Planning Module in regard to wastewater treatment capacity. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

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

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 10:31 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from March 13, 2015 through April 16, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand