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November 17, 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 Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Administrative Assistant to the Borough Manager/Assistant Borough Secretary; Mr. Steven Diehl, Electric Superintendent; Mr. Daniel Eslinger, Community Development Director/Zoning Officer; Mr. Mark Arnold, Telecommunications Director; Kutztown University Student Ambassadors Christopher Kril and Cole Mitchell; Kutztown University Allies Equality Network representative J. Shannon Peitzer; Maxatawny Township representative Steve Wilson; Kutztown Area Transport Services representative Rodney Freeman; AMP representative Gary Shultz; Borough employees Evan Muller, Chad Gechter, Nathan Keller, Kerry Eckert and Eric Boyer; residents Allison Fuller, Scott Piscitelli and David Slabonik; Ms. Emily Leagman, reporter for the Kutztown Area Patriot; and reporter for the Reading Eagle, Ms. Karen Chandler, was also present.

Gary Shultz recognized the Electric Crew as a recipient of the Safety Award from AMP. He spoke very highly of the crew and their conscientious work ethic and commitment to safety. Mr. Diehl accepted the award and thanked AMP for their leadership in training. He then thanked and introduced the crew: Evan Muller, Chad Gechter, Nathan Keller and Kerry Eckert. Mr. Diehl also thanked Council for the

financial support needed to receive proper training and safety equipment.

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda.

Julia Shannon Peitzer urged Council to support the PA Fairness Act by adopting the proposed Resolution, on their agenda, and she asked that they also consider adopting the previously discussed Non-Discrimination Ordinance as well.

Peter Galgano introduced his proposed plans for 760 and 780 Seem Drive. He stated that he currently owns a small manufacturing company at 760 Seem Drive, and he wants to increase the size of the building by 6,500 to 7,000 square feet. He is also trying to purchase the neighboring property, at 780 Seem Drive, where he would like to add a parking area and an accessory building.

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

- Review and accept the Minutes of the October 20, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for October, 2015.
- Take action to approve payment #6 to Joao & Bradley Construction Co., Inc., in the amount of \$162,835.72 for work completed on the East Main Street Water Line Project.
- 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 October 16, 2015 through November 12, 2015, as summarized below:

General Fund	\$184,525.35
Refuse and Recycling Fund	\$42,043.44
Water Fund	\$331,919.71
Electric Fund	\$485,066.39
Sewer Fund	\$94,364.80

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Telecommunications Fund	\$237,793.19
KTA	\$84.00

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To request that the Borough Manager pursue grant funding in the 2016 application cycle, for 2017 and beyond, for curb and sidewalk improvements in the Borough. 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 October 2015 was submitted.

The following fines were collected:

District Justice Greth	September, 2015	\$7,829.98
Clerk of Common Pleas	September, 2015	\$695.98
Secretary's Office	October, 2015	\$6,325.00

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

RESOLUTION NO. 18-2015

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, SUPPORTING SENATE BILL NO. 974 AND HOUSE BILL NO. 1510, KNOWN AS THE *PA FAIRNESS ACT*, TO UPDATE PENNSYLVANIA'S PROTECTED CLASSES TO INCLUDE GAY AND TRANSGENDER PENNSYLVANIANS IN THE REALMS OF HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATION.

WHEREAS, the Borough of Kutztown has established and sustained a commitment to inclusiveness and diversity. This commitment has strengthened the fabric of Kutztown, and made it a destination for residents and visitors of diverse backgrounds, races, religious beliefs and national origins;

WHEREAS, this Council is committed to the belief that employees should be judged by their professional merits; that customers should have access to free and open markets; and, that strong communities begin in the home.

WHEREAS, discrimination in employment, housing and public accommodation based upon sexual orientation and gender identity can presently occur without a legal framework in place to protect victims;

WHEREAS, major corporations (all 23 of Pennsylvania's Fortune 500 companies), thousands of small businesses, leaders of faith and constituents of both major political parties have voiced support for updating our laws to protect gay and transgender Pennsylvanians, with the understanding that this bill will improve the economy of our Commonwealth and the lives of our neighbors.

WHEREAS, members of both parties in our state legislature have joined together with Governor Wolf in support of this bill, which would make Pennsylvania the final state in the Northeast to endorse these protections for our citizens;

NOW, THEREFORE BE IT RESOLVED that this Council of the Borough of Kutztown supports the passage of Senate Bill 974 and House Bill 1510, and urges the Pennsylvania Legislature and Governor Wolf to enact the legislation updating our Human Relations Act to include gay and transgender Pennsylvanians as a protected class.

BE IT FURTHER RESOLVED that the Kutztown Borough Manager will deliver a copy of this Resolution to our state representatives, Senator Judith Schwank and Representative Gary Day.

AYES:	Unanimous
NAYS:	None
ABSENT/ABSTAIN:	None

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 17th day of November, 2015.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve the request from Brian Berlanda to hold the Blues Festival in the Kutztown Park on August 21, 2016. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve the request from the Kutztown Community Partnership to decorate the Main Street banner and to place planter boxes, at the intersection of Whiteoak Street and Main Street, for the Christmas in Kutztown event. Passed by unanimous vote.

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A motion was made by Mr. Schlegel, seconded by Ms. Martin, Resolved, To approve the request from the Kutztown Community Choir to hold their annual Flag Day Concert on Tuesday, June 14, 2016, in the band shell, and to waive associated fees. Passed by unanimous vote.

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

RESOLUTION NO. 19-2015

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE DONATION OF SURPLUS FILING CABINETS TO THE LYONS FIRE COMPANY.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall donate surplus filing cabinets to the Lyons Fire Company.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 17th day of November, 2015.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve the request from Keith Wuchter to use the Scooter Building on August 14, 2016, for a family reunion. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve a \$500.00 donation to the Berks County Solid Waste Authority. Passed by unanimous vote.

Off of the agenda, President Snyder noted that the Borough recently shredded

25,540 pounds of paper documents.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To hire Taylor Kutz, as a part-time Youth Librarian, contingent upon passing all required background checks. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To accept the resignation of part-time Library Clerk, Diane Kozak, effective November 10, 2015. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To adopt the revised Borough Policy 400.15, Infectious and Blood Borne Disease and Control. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To reappoint Andrew Schlegel as a member of the Kutztown Municipal Authority, whose term shall expire December 1, 2020. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To reappoint James Schlegel as a member of the Kutztown Transportation Authority, whose term shall expire December 1, 2020. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint David Johnson as a member of the Zoning Hearing Board, whose term shall expire December 1, 2018. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To reappoint the following individuals as members of the Police Pension Advisory Committee, whose terms shall expire on December 1, 2017: P. Michael Clery, Jeffrey DeTurk and Gabriel Khalife. Passed by unanimous vote.

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

Under Finance and Electric Committee, Mr. Khalife introduced and reviewed the proposed budget for 2016.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize advertisement that the proposed budget for 2016 is available for public inspection. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2016 real estate tax rates. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, there was nothing to report.

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
Telecommunications Advisory Commission:	Two Member Vacancies

President Snyder called for an Executive Session at 8:05 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:52 p.m.

Off of the agenda, a motion was made by Ms. Martin, seconded by Mr. Schlegel, Resolved, To enter into an agreement with Cohen Law Group, to conduct a franchise fee audit, at a cost of \$6,900.00 plus expenses. Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Martin, seconded by Ms. Devlin, Resolved, To enter into an agreement to lease one dark fiber line, from the Elm Street Bridge to the Head End, to Zito Media, for a period of seven year. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:54 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Attested by: Andrea Rahn
Assistant 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 October 16, 2015 through November 12, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand