The reorganization meeting of the Kutztown Borough Council was called to order at 7:33 p.m. by Mayor Sandra Green, with the following members present: Malcolm Eidle, Edwin Seyler, James Schlegel, Kevin Snyder, Derek Mace and Rachael Birckbichler. Mr. Troy Rider, representing the Borough Solicitor; Ms. Laura Eberly, representing the Borough’s planning and water/wastewater engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Director of Marketing Communications and Customer Relations; Mr. Walter J. Hess, Superintendent of Water and Wastewater; residents Steve and Pauline Wood, Craig Koller and Alan Robertson; Mr. Ron Devlin, reporter for the Reading Eagle and Ms. Lisa Mitchell, reporter for the Kutztown Area Patriot were also present.

Magisterial District Judge Gail M. Greth administered the oath of office to Council members James Schlegel, Edwin Seyler and Rachael Birckbichler.

The Mayor declared the nominations open for the office of President of Council. Mr. Seyler nominated Malcolm Eidle for President of Council, and Mr. Mace nominated Kevin Snyder for President of Council. There being no additional nominations, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To close the nominations for President of Council. The following vote was cast for Mr. Eidle as President of Council: Malcolm Eidle, Aye; Edwin Seyler, Aye; James Schlegel, Aye; Kevin Snyder, Nay; Derek Mace, Nay; and Rachael Birckbichler, Nay. There being a tie vote, Mayor Green voted for Kevin Snyder as President of Council, therefore defeating the motion.
The Mayor declared the nominations open for the office of Vice President of Council. Mr. Mace nominated James Schlegel as Vice President of Council. There being no additional nominations, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To close the nominations for Vice President of Council. The following vote was cast for Mr. Schlegel as Vice President of Council: Malcolm Eidle, Aye; Edwin Seyler, Aye; James Schlegel, Aye; Kevin Snyder, Aye; Derek Mace, Aye; and Rachael Birckbichler, Aye. Mr. Schlegel was elected as Vice President of Council by a unanimous vote.

The Mayor declared the nominations open for the office of President Pro Tem of Council. Mr. Schlegel nominated Edwin Seyler as President Pro Tem of Council, and Mr. Seyler rejected the nomination. Mr. Schlegel nominated Derek Mace as President Pro Tem of Council. There being no additional nominations, a motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To close the nominations for President Pro Tem of Council. The following vote was cast for Mr. Mace as President Pro Tem of Council: Malcolm Eidle, Aye; Edwin Seyler, Nay; James Schlegel, Aye; Kevin Snyder, Aye; Derek Mace, Aye; and Rachael Birckbichler, Aye. There being a majority in favor, the motion passed.

At the conclusion of the election of officers, Mayor Green turned over the gavel and control of the meeting to Council President Snyder.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To appoint Barbara Smith to the Vacancy Board for 2012. Passed by unanimous vote.

President Snyder appointed the following chairpersons and members to the standing committees for 2012 and 2013:
President Snyder appointed the following ad-hoc committee representatives for 2012 and 2013:

**Kutztown Community Library, Inc. Board**
Derek Mace

**Kutztown Day Committee**
Edwin Seyler
James Schlegel

**Center for Community Leadership**
Sandra Green

**Berks Municipal Partnership**
Sandra Green
A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To appoint the solicitor and various consulting engineering firms for the year 2012, in each of the assigned disciplines, to provide consulting services as requested and duly authorized, as follows: the law firm of Barley Snyder, LLC, as the Borough solicitor; SSM Group, Inc. as the Borough planning and water/wastewater consulting engineer; Great Valley Consultants as the Borough transportation consulting engineer; Utility Engineers, PC as the Borough electrical consulting engineer. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Eidle, Resolved, To appoint Stephen H. Price, Esq., and the firm of Mogel, Speidel, Bobb & Kershner, as solicitor for the Zoning Hearing Board; Code Appeals Board; Housing License Appeals Board; and the Civil Service Commission for 2012. Passed by unanimous vote.

Kutztown Bicentennial Committee Chairperson Craig Koller announced Kutztown University student Laura Richardson as the Bicentennial logo contest winner, and he presented her winning logo. Mr. Koller also announced the new Web site for the Bicentennial celebration, www.kutztownboro/bicentennial, and he encouraged everyone to get involved.

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

Under Community Development and Public Safety Committee, Mr. Mace had nothing to report.

Under Public Works Committee, Mr. Snyder had nothing to report.

Under Personnel Committee, Mr. Seyler had nothing to report.
Under Finance and Electric Committee, Mr. Eidle had nothing to report.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Birckbichler, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 1-2012

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING RESOLUTION 17-2011, WHICH SET THE FEES ASSOCIATED WITH THE BOROUGH’S PROVISION OF VIDEO, TELEVISION, INTERNET AND TELEPHONE SERVICES AS PROVIDED FOR IN CHAPTER 110 OF THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING FEES FOR COMMERCIAL DIGITAL TELEPHONE SERVICE.

WHEREAS, the Borough of Kutztown (the “Borough”) is a Pennsylvania municipal corporation organized and existing pursuant to the Borough Code of the Commonwealth of Pennsylvania, as adopted on February 1, 1965, P.L. 1656, No. 581, as amended and supplemented from time to time; and

WHEREAS, the Borough owns and manages a fiber optic network which provides television, video, Internet and telephone services to the residents of the Borough of Kutztown and other customers of the aforementioned services; and

WHEREAS, Chapter 110 of the Code of the Borough of Kutztown provides that a description of the Services to be made available through the Borough’s fiber optic communications Network and the rates to be charged for such Services shall be established from time to time by a Resolution of the Borough Council adopting a Schedule of Rates and Services to be kept on file in the office of the Borough Secretary; and

WHEREAS, the Borough of Kutztown previously adopted a schedule of rates and services related to the Borough’s telecommunications services by Resolution 17-2011 on November 15, 2011;

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 17-2011 in order to provide rates for Commercial Digital Telephone Service.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, pursuant to the authority contained in Chapter 110 of the Code of the Borough of Kutztown, as follows:
SECTION 1. Resolution 17-2011 is hereby revised and amended to read as follows:

G. Digital Phone Service – Borough Internet service required.

4. Commercial Digital Telephone Rates:
   A. Office Voice
      i. Office Voice Unlimited $35.00/mo.
      ii. Fax/Lobby Line (incl. 200 min.) $18.50/mo.  
          ($0.03 after 200 min.)
      iii. Auto Attendant (incl. unl. line) $50.00/mo.
      iv. Activation $22.00
   
   B. Integrated Voice
      i. Trunk Rate (all outbound) $13.95/mo.  
         ($.03 per min.)
      ii. Trunk Rate (outbound domestic ltd.) $19.50/mo.  
          ($.03 per min.)
      iii. DID (ratio 10:1) $0.30 per min.  
           (over billed at $0.70 per min.)
      iv. Activation Fee (per Trunk) $22.00
   
   C. Hosted Voice
      i. Unlimited Seat $13.50/mo.
      ii. Extension Only $12.00/mo.
      iii. Call Path (5,000 min. outbound, pooled) $16.50/mo.
      iv. Fax/Lobby Line (incl. 200 min.) $16.50/mo.  
           ($.03 after 200 min.)
      v. Music on Hold (per location) $5.75/mo.
      vi. Instant Call Group $6.00/mo.
      vii. Auto Attendant (includes call path) $39.95/mo.
      viii. Activation (per line/seat) $22.00
   
   D. Other Items
      i. Toll free (business only) $6.00/mo.  
         $.065/min.
      ii. Account Codes $6.00/mo.
   
   E. Per Call Charges
      i. Operator Assisted $3.75/mo.
      ii. Directory Assisted $1.25/mo.

5. Additional fees and surcharges are not included.

6. International phone calls will be billed at market rate, plus fifteen percent, based upon a schedule of rates, which will
be kept on file in the Borough’s administrative office.

SECTION 2. The Service rates as set forth herein shall become effective on January 4, 2012.

SECTION 3. If any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be 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 of the Borough of Kutztown that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

SECTION 4. The rates and services, as set forth herein shall become effective as noted above. All other rates and services not rescinded or revised by this resolution shall remain in full force and effect until the same are changed by action of the Council of the Borough of Kutztown.

SECTION 5. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

SECTION 6. Capitalized terms used in this Resolution without definition shall have the meanings ascribed thereto in Chapter 110 of the Code of the Borough of Kutztown.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 3rd day of January, 2012.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To appoint Sean Corey, of SSM Group, Inc., as the Sewage Enforcement Officer for the Borough for 2012.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To adopt the following Resolution:

RESOLUTION NO. 2-2012

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING A SCHEDULE OF FEES, CHARGES AND EXPENSES FOR PROFESSIONAL CONSULTANTS AND ENGINEERS UTILIZED
January 3, 2012 Council Meeting Minutes

BY THE BOROUGH OF KUTZTOWN FOR THE REVIEW AND REPORT OF SUBDIVISION AND LAND DEVELOPMENT, STORMWATER MANAGEMENT AND FLOODPLAIN REGULATIONS SUBMITTALS TO THE BOROUGH OF KUTZTOWN.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, in conformity with the Pennsylvania Municipalities Planning Code, as from time to time amended, Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management" and Chapter 123 "Floodplain Management" of the Code of the Borough of Kutztown to adopt the following schedule of fees, charges and expenses incurred by the Borough for the review and report of Subdivision and Land Development Plans and Stormwater Management, which shall be chargeable to Developers/Applicants, as follows:

SECTION 1 - Legal Consultants

Hourly rates shall be as listed below:

1. General Municipal Law Services (all matters not described in II below)
   
   Solicitor and Solicitor's Partners $178.50
   Associates in Solicitor's Office $162.75
   Paralegals in Solicitor's Office $94.50

   Other Legal Consultants
   Such fees, charges and expenses shall be the same as the charges incurred by the Borough for such Legal Consultants.

2. Specialized Services (travel time to be charged only from Reading office)

   Partner  Associate  Paralegal
   
   Telecommunications  $220.50  $194.25  $94.50
   Labor/Employment/Benefits  $220.50  $194.25  $94.50
   Environmental  $220.50  $194.25  $94.50

   Litigation (excluding (i) code enforcement; (ii) zoning; and (iii) minor collection/eviction matters, in each case not involving other issues, claims or counterclaims)  $220.50  $194.25  $94.50

   Municipal Finance (bonds) Fees negotiated per transactions

SECTION 2 - Engineering Consultants

Hourly rates shall be as listed below:
1. Borough Water/Wastewater and Planning/Zoning Engineer and Staff
   Administrative Support $40.00
   Technician; Project Support $63.00
   CAD Drafter; Specialist I $74.00
   Designer; Land Surveyor; Planner I; Project Representative; Specialist II $85.00
   Senior Designer; Senior Land Surveyor; Planner II; Senior Project Representative; Specialist III $97.00
   Engineer; Geologist; Planner III; Specialist IV $107.00
   Technical Manager; Senior Engineer; Senior Geologist; Senior Planner; Specialist V $117.00

2. Borough Electrical Engineering Consultants
   Principal $100.00
   Senior Professional $95.00
   Project Manager $85.00
   Engineer $70.00
   Designer $55.00
   CADD Operator $45.00
   Support Staff $35.00

3. Borough Transportation Engineering Consultants
   Rod Person; Engineering Aide $36.00-$40.00
   Word Processor $44.00-$48.00
   Technician; Administrative Assistant $54.00-$56.00
   Instrument Person; Survey Party Chief $67.00-$70.00
   Registered Surveyor $90.00-$92.00
   Design Drafter/Design Technician $82.00-$86.00
   Senior Technician $86.00-$90.00
   Construction Observer; Code Officer $75.00-$78.00

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Engineer/Designer $84.00-$ 92.00
Senior Designer $97.00-$101.00
Project Engineer $101.00-104.00
Project Manager; Senior Construction Observer $104.00-107.00
Senior Project Engineer; Senior Planner; Senior Project Manager; Senior Architect; Technical Manager; Principal $111.00-118.00
CAD Time $12.00
Travel – Mileage Rate $0.555 per mile

(*The rate established by the IRS changes periodically, and the actual travel rate will be the rate allowed by the IRS.)

4. Other Engineering Consultants

Such fees, charges and expenses shall be at cost plus 10% as received from such Consultants.

SECTION 3 - Other Consultants

Such fees, charges and expenses shall be the same as the charges incurred by the Borough of Kutztown for such Consultants.

SECTION 4 - Miscellaneous Charges and Disbursement Expenses

Miscellaneous charges and disbursement expenses incurred by the Borough for the services of the above-noted Consultants in the performance of the reviews and reports required by Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management" and Chapter 123 "Floodplain Regulations" of The Code of the Borough of Kutztown shall be charged to the Developer/Applicant at the same rate as charged to the Borough for such expenses.

SECTION 5 - Such fees, charges and expenses as herein listed shall be the same as would be charged to the Borough when such fees, charges and expenses are not reimbursable.

Such fees, charges and expenses as herein listed shall be on file and available upon request to the Developer/Applicant for review.

SECTION 6 - The Borough of Kutztown reserves the right to adopt additional fees, charges and expenses, and to modify the fees, charges and expenses listed herein.

Upon adoption or modification of this Resolution, any and all Developers and/or Applicants currently being charged for such services, as allowed by the Pennsylvania Municipalities Planning Code, as from time to time amended, shall be notified of such within ten (10) days of adoption.
SECTION 7 - Capitalized terms used herein without definition shall have the meanings attributed thereto by the Pennsylvania Municipalities Planning Code and/or Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management" and Chapter 123 "Floodplain Regulations" of The Code of the Borough of Kutztown, as appropriate.

SECTION 8 - All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 3rd day of January, 2012.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the meeting at 8:03 p.m. Passed by unanimous vote.

Prepared and Attested by: Gina M. Wiand
Borough Secretary