A regular meeting of the Kutztown Borough Council was called to order at 7:32 p.m. in the Kutztown Train Station by the Vice President, Mr. James Schlegel, with other members of Borough Council present: Malcolm Eidle, Edwin Seyler, James Schlegel, Kevin Snyder, Derek Mace, Rachael Birckbichler and the Mayor, Ms. Sandra Green. Mr. Keith Mooney, 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. Frank P. Caruso, Director of Information Technologies; Mr. Daniel Eslinger, Director of Community Development/Zoning Officer; Kutztown Planning Commission representatives Andrew Arnold, Lisa Ladd-Kidder and Karen Feridun; residents Mark and Tracy Arnold, Eric Boyer and Steve Fritz; visitor Anita Burkhart; and Ms. Lisa Mitchell, reporter for the Kutztown Area Patriot were also present.

Vice President Schlegel declared the nominations open for the office of President of Council. Mr. Mace nominated Kevin Snyder for 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 President of Council. The following vote was cast for Mr. Snyder as President of Council: Malcolm Eidle, Nay; Edwin Seyler, Nay; James Schlegel, Nay; Kevin Snyder, Aye; Derek Mace, Aye; and Rachael Birckbichler, Aye. There being a tie vote, Mayor Green broke the tie vote by voting Aye, and the motion passed.
Off of the agenda, a motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To ratify the following documents signed by Kevin Snyder, between January 3, 2012 and January 17, 2012: Resolution No. 1-2012; Resolution No. 2-2012; Corporate Authorization Resolution and 12 signatory cards for Sovereign Bank; accounts payable checks up to and including January 12, 2012; and the certification of uncollected real estate taxes. All in favor, except Mr. Seyler, who voted Nay. There being a majority in favor, the motion passed.

Vice President Schlegel turned the gavel over to President Snyder.

President Snyder acknowledged Mr. Eidle for all of his years on Borough Council and for serving as Council President.

Mr. Caruso updated Council on the progress of the Borough’s new Web site, and he announced that it would launch during the week of January 23.

Mr. Snyder stated that he hopes that Borough Council can unify and work together.

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

Anita Burkhart addressed Council regarding the proposed easement leading to her house, and specifically that the easement does not appear on the map that she presented to Council during the meeting.

Mr. Mooney said that he has discussed this with Ms. Burkhart’s attorney, and that consultants are reviewing the map. He also indicated that this matter now rests in the County’s hands.

Mr. Khalife noted that the Borough has no jurisdiction over approving the
construction of the road for which the easement is requested, because the road would be built in Maxatawny Township.

President Snyder noted that there are ongoing conversations between the Borough, Maxatawny Township and Berks County Commissioners regarding this matter.

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

- Review and accept the Minutes of the December 20, 2011 Borough Council meeting.

- Review and accept the Minutes of the January 3, 2012 reorganization Borough Council meeting.

- Review and accept the Borough Community Development Report for December, 2011.

- 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 December 16, 2011 to January 12, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$134,951.14</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$40,676.72</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$49,163.05</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$428,168.58</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$64,315.26</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$75,089.99</td>
</tr>
<tr>
<td>Unemployment Comp Escrow Fund</td>
<td>$1,765.12</td>
</tr>
<tr>
<td>KMA</td>
<td>$77.95</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun reported that the Planning Commission is working on finalizing changes to the revised Comprehensive Plan.

Under Environmental Advisory Commission, Karen Feridun reported that there will be a program, about backyard creatures, on February 18, at TEK Park.

Under Community Development and Public Safety Committee, Mr. Mace

Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th>Source</th>
<th>Month, Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>November, 2011</td>
<td>$11,025.25</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>November, 2011</td>
<td>$314.35</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>December, 2011</td>
<td>$4,975.00</td>
</tr>
</tbody>
</table>

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

RESOLUTION NO. 3-2012

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH’S EMERGENCY OPERATIONS PLAN.

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code (35 Pa.C.S.A. § 7101 et seq.) mandates that municipalities prepare, maintain, and keep an Emergency Operations Plan current for the prevention and minimization of injury and damage caused by a major emergency or disaster; and

WHEREAS, in response to the aforementioned mandate, the Borough of Kutztown, Berks County, Pennsylvania, prepared and adopted an Emergency Operations Plan to protect the health, safety and welfare of the residents of the Borough and to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, the Borough Council of Kutztown Borough in conjunction with the Borough’s Emergency Management Coordinator have concluded that the Borough’s Emergency Operations Plan should be revised and amended to reflect the Change in Elected Officials who are responsible for the Plan’s implementation and adoption; and

WHEREAS, the Borough Council of the Borough of Kutztown desires to adopt said amended and revised Emergency Operations Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania that the Emergency Operations Plan of Kutztown Borough, Berks County, is hereby amended and re-promulgated as set forth in Exhibit “A” attached hereto and incorporated herein by reference and said amendment is hereby adopted and placed into immediate effect. The Emergency Operations Plan of Kutztown Borough shall remain in effect until replaced or amended by further action of the Borough Council.
DULY ADOPTED AS A RESOLUTION this 17th day of January, 2012, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

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

Under Personnel Committee, Mr. Seyler called for an Executive Session at 8:14 p.m. to discuss personnel matters.

The Executive Session ended and the meeting reconvened at 8:41 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the appropriate Borough officials to execute the Agreement by and between the Borough of Kutztown and AFSCME, District Council 88, effective January 1, 2012 to December 31, 2014. Passed by unanimous vote.

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

RESOLUTION NO. 4-2012

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, APPOINTING ANDREA RAHN AS ASSISTANT BOROUGH SECRETARY.

WHEREAS, both the Pennsylvania Borough Code and the Code of the Borough of Kutztown provide for the appointment of an Assistant Borough Secretary of the Borough of Kutztown; and

WHEREAS, the Council of the Borough of Kutztown, pursuant to the authority contained in Section 1112 of the Pennsylvania Borough Code, desires to appoint Andrea Rahn as Assistant Secretary of the Borough of Kutztown.

WHEREAS, it is essential to the proper operation of the government of the Borough of Kutztown, as well as to assure that the laws are faithfully enforced, that an individual be appointed to hold the position of Assistant Secretary of the Borough of Kutztown.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, and it is hereby adopted by the authority of the same, that Andrea Rahn be, and she is hereby, appointed to the office of Assistant Secretary of the Borough of Kutztown, effective January 18, 2012; and

BE IT FURTHER RESOLVED, that the appointment of Andrea Rahn to the position of Assistant Borough Secretary shall remain in full force and effect until her removal from such office or until her successor shall have been appointed by the Borough Council and shall have given any bond required by law.

DULY ADOPTED AS A RESOLUTION this 17th day of January, 2012 by the Council of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To promote Sarah Edmonds, Joanne Englehart and Cynthia Wenrich to the position of Library Clerk II, each at an hourly rate of $11.50. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Gene Mosca, Randy Jay Haydt, Gordon Konemann and Steven Fritz as members of the Telecommunications Advisory Commission, whose terms shall expire on February 1, 2014. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint Michael Reitnour as a member of the Kutztown Code Appeals Board, whose term shall expire July 1, 2012. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Jeff Slostad as a member of the Kutztown Code Appeals Board, whose term shall expire July 1, 2015. Passed by unanimous vote.

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

RESOLUTION NO. 5-2012

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE REVISED POLICY AND HEALTH CARE PROVIDER PANEL FOR WORK-RELATED INJURIES BY ADDING ORTHOPAEDIC ASSOCIATES OF ALLENTOWN TO THE HEALTH CARE PROVIDER PANEL.

WHEREAS, the Borough of Kutztown (the “Borough”) is a municipal corporation existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Kutztown previously adopted guidelines for Borough employees to follow while traveling on Borough business by Resolution 7-2010 and Resolution 10-2011; and

WHEREAS, the Borough of Kutztown desires to amend its panel of health care providers for work related injuries by adding Orthopaedic Associates of Allentown to the list of available providers available under the Health Care Provider Panel.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown as follows:

RESOLVED, that the Council of the Borough of Kutztown herewith amends the revised policy and Health Care Provider Panel for Work-Related Injuries, by adding Orthopaedic Associates of Allentown to the list of available providers available under the Health Care Provider Panel, in the form as attached hereto, effective immediately.

FURTHER RESOLVED, that this Resolution supersedes any other Resolution or parts of Resolutions inconsistent with this Resolution.

DULY ADOPTED AS A RESOLUTION this 17th day of January, 2012, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the Relief from Charges and the payment of a solvency fee, in the amount of $3,666.24, for unemployment compensation benefits. Passed by unanimous vote.
A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve BENECON as the Borough’s COBRA administrator. Passed by unanimous vote.

Under Finance and Electric Committee, off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved to name the Borough’s substation the Richard B. Landis Substation. 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 approve the request from the property owner of 92 South Whiteoak Street for a water credit, in the amount of $100.00, and a sewer credit, in the amount of $100.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved to award the design of the Water Treatment Plant expansion project for Nitrate removal to ENTECH Engineering, Inc. Passed by unanimous vote.

Ms. Birckbichler asked why ENTECH was chosen since their price was not the lowest. Mr. Mace explained that the ENTECH project leader is very familiar with the project; the firm is relatively local; their presentation was “phenomenal” and that Superintendent of Water and Wastewater, Walter Hess, approved as well.

Under Miscellaneous, President Snyder noted the following vacancies:

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

January 17, 2012 Council Meeting Minutes
A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:55 p.m.

Prepared and Attested 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 December 16, 2011 to January 12, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin J. Snyder  Gina M. Wiand