A regular meeting of the Kutztown Borough Council was called to order at
7:32 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other
members of Borough Council present: Mr. James Schlegel, Mr. Derek Mace, Ms.
Rachael Birckbichler and the Mayor, Ms. Sandra Green. Mr. Malcolm Eidle and Mr.
Edwin Seyler were absent. 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.
David Horvath, Information Technologies Coordinator; Mr. Walter J. Hess,
Superintendent of Water and Wastewater; Kutztown University Student Ambassador
Colin Quinn; Environmental Advisory Commission representatives Jeri Carroll and Tara
Erney; resident Todd Graff; and Mr. Ron Devlin, reporter for the Reading Eagle were
also present.

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

Student Ambassador Colin Quinn asked for clarification of the date for the Fools’
Run because of a discrepancy in a letter that he received. President Snyder said that it is
April 6, 2013.

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 February 19, 2013 Borough Council
  meeting.
• Review and accept the Borough Community Development Report for February, 2013.

• Authorize the donation of two family pool passes for the 2013 Friend, Inc., Community Services Benefit Auction.

• Take action to execute the agreement with the YMCA for the 2013 Kutztown Park Summer Playground Program.

• Take action on the request to waive any fees associated with the Optimist Club Easter Egg Hunt on March 30, 2013.

• Take action on the request to waive any fees associated with the Fools’ Run on April 6, 2013.

• Take action on the request to waive any fees associated with the Life’s Choice “Celebrate Life” fundraiser on April 20, 2013.

• Take action on the request to waive any fees associated with the Kutztown Community Partnership’s CommUnity Block Party on May 11, 2013.

• Take action on the request from the Cub Scouts to hold their Cub Mobile Rally on May 18, 2013, from 9:00 a.m. to 11:00 a.m., and to waive any associated fees.

• Take action on the request from the American Legion Hoch Balthaser Post No. 480 to hold its annual Memorial Day Parade on Monday, May 27, 2013, and to waive any associated fees.

• Take action on the request to waive any fees associated with the Kutztown Rotary Club’s Taste of Kutztown event on June 8, 2013.

• Take action on the request from the Kutztown Community Choir for the use of the Bandshell, for its annual "Flag Day Concert" on June 18, 2013, at 7:30 p.m., and to waive the associated rental fees and insurance requirements.

• Take action on the request to waive any fees associated with the Kutztown Community Partnership’s Muscle on Main event on July 20, 2013.

• Take action on the request from the Optimist Club to use the Multi-Purpose Field for the 2013 T-Ball Program on April 27, May 4, May 11, May 18, June 1, June 8 and June 15, from 9:00 a.m. to 12:00 noon, and to waive any associated fees.

• 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 February 15, 2013 to March 14, 2013, as summarized below:
Passed by unanimous vote.

Jim Havrilla, from AMP, gave a brief explanation of the proposed Resolution authorizing the execution of a non-pool power sales schedule.

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

RESOLUTION NO. 5-2013

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF NON-POOL POWER SALES SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")

WHEREAS, the Borough of Kutztown, Pennsylvania (the “Municipality”) is a political subdivision organized and existing pursuant to the laws of the state of Pennsylvania which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power (capacity) and energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable power and energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased power arranged by AMP; and

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality; and

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric power
and/or energy for a term of five years, which will provide an economical source of electric power and/or energy (herein “Long Term Power Purchase(s)”) for Municipality and other AMP Members; and

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the power and energy available from these Long Term Power Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement power, losses, congestion costs, purchased power security costs, or AMP service fees) not to exceed $59.00 per MWh; and

WHEREAS, AMP, has prepared and delivered to the Municipality the form of a Non-Pool Power Sales Schedule, pursuant to which the Municipality may purchase power and/or energy; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long Term Power Purchase(s) to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the Long Term Power Purchase(s), to take actions contemplated by the resolution hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, in recognition of the unique nature of the Purchases described herein, competitive bidding is not required on the Municipality’s purchase of power and energy, through the Non-Pool Power Sales Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any power and energy through the execution of the Non-Pool Power Sales Schedule authorized by this resolution, should be waived; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, PENNSYLVANIA.

SECTION 1. That the form of the Non-Pool Power Sales Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Borough or the Borough’s designee are hereby authorized to execute the Non-Pool Power Sales Schedule and to acquire the Municipality’s power and energy from Long Term Power Purchase, with a term of five years, and with a third party contract price (excluding any taxes, transmission costs, replacement power, losses, congestion costs, purchased power security costs, or AMP service fees) not to exceed $59.00 per MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Power Purchase, pursuant to the conditions set forth herein for a term of five years, as set forth in the Non-Pool Power Sales Schedule.

SECTION 3. That competitive bidding is not required on the Municipality’s acquisition of its right to secure power and/or energy under the Non-Pool Power Sales
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Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this resolution shall take effect immediately upon its passage.

DULY ADOPTED as a Resolution this 19th day of March, 2013 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.


Ms. Erney announced plans for a Rain Barrel Workshop to be held in the Kutztown Elementary School Library on April 27, 2013.

Under Community Development and Public Safety Committee, off of the agenda, Mr. Mace announced that a pharmaceutical drop box is now available at Borough Hall.


Mr. Mace reported the following fines were collected:
A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve the recommendation from Great Valley Consultants to make the intersection of College Boulevard and Wentz Street an all-way stop. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize Keith Mooney to draft and advertise an Ordinance creating an all-way stop at College Boulevard and Wentz Street. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Kutztown University for Johnson Hall Council to host an event in the Scooter Building and Bandshell, on Saturday, April 21, 2013, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve the request from several area churches to use the Bandshell and the Scooter Building for a community worship service on May 19, June 23, July 28 and August 18, 2013, and to waive any associated fees. Note: The Scooter building is not available on August 18. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Cornerstone Community Church to use the Bandshell and Scooter Building for a worship service on August 25, 2013, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To approve the request from the Lyons Fire Company for a donation of two metal
L-shaped desks and a computer cart that are surplus items from the Borough Hall renovation project. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To approve the request from the Kutztown Community Partnership for a donation of a standard metal desk that is a surplus item from the Borough Hall renovation project. Note: This desk will be placed in the Community Development Office. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To approve the quote of $17,875.00 to repair dump truck #10. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To award the North Park base bid, in the amount of $395,977.00, and the Alternate No. 5 bid, in the amount of $3,600.00, to Land-Tech Enterprises. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the proposal from YSM to develop the playground and gazebo/restroom construction documents for the Kutztown Park. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from the KYAA to add a fenced-off warm-up area along the Little League field and to add a water fountain closer to the Senior Field. Mr. Schlegel also noted that the water fountain will be moved from the Bandshell. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize the purchase of ten trees for the Kutztown Park. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To
increase the fee for lost pool passes to $25.00 each. Note: The pool passes will be changed from labels to plastic cards this year. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To authorize action on the quotes provided for pool repairs to be done before the beginning of the season, pending solicitor and staff review, and if the quotes are above the bid level, to authorize the preparation of bid documents. Passed by unanimous vote.

Council discussed future plans for the Roller Rink and whether or not it is safe to open and operate this season. Todd Graff spoke in favor of making immediate repairs that would allow the Roller Rink to open this season. Ms. Birckbichler suggested referring the topic back to the Public Works Committee for more details on the condition of the building and the cost to repair it, and it was the consensus of Council to do so.

Council discussed future plans for 15 Railroad Street. Several suggestions were made, including repairing if for Borough use, getting quotes to tear it down, and repairing it to make it available for rent. Ms. Birckbichler suggested, and it was the consensus of Council, to ask Public Works Superintendent Brian Bailey to provide information, at the next Public Works Committee meeting, on fixing the roof.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Friend, Inc. to use the Brick Pavilion, on August 10, 2013, for their Brake the Cycle of Poverty event, and to waive any associated fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To ratify the approval of Matthew Smith to perform community service work, as an educational requirement, from March 11 – 15, 2013. Passed by
unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To hire Matthew Smith, Kyle Smith and Travis Diehl as seasonal Public Works laborers for the 2013 summer season. Note: Travis Diehl will have an early start date. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To authorize advertisement for a Public Works Laborer. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To ratify the sale of the 1995 GMC Top Kick w/Simon-Telelect Mod. 92-45 Digger Derrick truck, to Rob Bresnahan, in the amount of $19,100.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize the Costars contract purchase of 67 Phillips Hadco cobra-head lights, for the alleys off of Main Street, at a total cost of $19,899.00. Passed by unanimous vote.

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

RESOLUTION NO. 6-2013

A RESOLUTION OF THE GOVERNING BOARD OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS RETAINED AS THE EXCLUSIVE TAX COLLECTOR FOR THE COLLECTION OF DELINQUENT PER CAPITA TAXES FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT
TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX ENABLING ACT (ACT 511, P.L. 1257).

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, to levy, assess and collect a tax on the assessed value of an occupation and a tax on residents of a taxing district, as therein with more particularity specified, generally and hereinafter referred to as the “Per Capita Tax,” respectively, hereinafter collectively referred to as “taxes”; and

WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such taxes; and

WHEREAS, Section 10 of said Act of 1965, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect delinquent per capita taxes for THE BOROUGH OF KUTZTOWN, BERKS COUNTY,

THEREFORE, BE IT RESOLVED that:

1. THE BOROUGH OF KUTZTOWN, BERKS COUNTY hereby appoints BERKHEIMER as its exclusive delinquent tax collector to collect DELINQUENT PER CAPITA TAXES for the calendar year beginning January 1, 2012 and each calendar year thereafter until the calendar year ending December 31, 2016, and any subsequent renewal terms thereafter. This appointment Resolution shall be deemed to encompass any renewal terms agreed upon by the parties without further reenactment of this Resolution or re-appointment.

2. Further, BERKHEIMER is authorized to retain any reasonable costs of collection incurred in recovering delinquent per capita taxes and that are assessed to the delinquent taxpayer as allowed by law.

3. Further, THE BOROUGH OF KUTZTOWN, BERKS COUNTY APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the DELINQUENT PER CAPITA TAXES.

3. Any Resolution or part of this Resolution conflicting with the provisions of this Resolution be and the same are hereby repealed to the extent of such conflict.
ENACTED into a RESOLUTION this 19th day of March, 2013.

Passed by unanimous vote.

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

RESOLUTION NO. 7-2013


WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. §690l et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including THE BOROUGH OF KUTZTOWN, BERKS COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and whereunder CLIENT appointed Berkheimer to collect Delinquent Per Capita Taxes; and

WHEREAS, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality's Ordinance or Resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any Ordinance or Resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any Ordinance or Resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and
WHEREAS, BERKHEIMER requires passage of a Resolution by the governing body of THE BOROUGH OF KUTZTOWN, BERKS COUNTY specifying that said confidential information is needed for official purposes and absolving BERKHEIMER from liability in connection with the release of said confidential information to CLIENT;

NOW, THEREFORE, BE IT RESOLVED that:

1. THE BOROUGH OF KUTZTOWN, BERKS COUNTY hereby appoints the Borough Manager, Finance Director and the Tax Collector as its authorized representatives to make requests upon and receive any and all tax information and records from BERKHEIMER, relative to the collection of taxes for CLIENT, as desired and deemed necessary by CLIENT, to be used for official purposes only; and

2. BERKHEIMER is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the CLIENT, upon request, to the Borough Manager, Finance Director and the Tax Collector as the authorized contact representatives for it.

3. THE BOROUGH OF KUTZTOWN, BERKS COUNTY hereby saves harmless, indemnifies and/or absolves BERKHEIMER from and against any and all liability in connection with the release of said confidential information to CLIENT.

RESOLVED, ENACTED AND ADOPTED at a meeting held on the 19th day of March, 2013.

Passed by unanimous vote.

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

RESOLUTION NO. 8-2013

A RESOLUTION OF THE GOVERNING BOARD OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT BERKHEIMER AS ITS TAX HEARING OFFICER UNDER AND PURSUANT TO THE LOCAL TAXPAYERS BILL OF RIGHTS FOR THE EXPRESS PURPOSE OF ADJUDICATING APPEALS THEREUNDER.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including THE BOROUGH OF KUTZTOWN, BERKS COUNTY, to levy, assess and collect certain local taxes on taxpayers, for general revenue producing measures; and
WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of the Delinquent Per Capita Tax; and

WHEREAS, Section 10 of said Act of 1965, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, has appointed BERKHEIMER to collect the aforementioned taxes levied by it; and

WHEREAS, Act 50 of the 1998 General Assembly of the Commonwealth of Pennsylvania, enacted May 5, 1998, and effective, in part, January 1, 1999, known as the “Local Taxpayers Bill of Rights,” requires political subdivisions levying, collecting and assessing taxes of the nature and kind aforementioned to establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of such tax, including without limitation, the appointment of a Tax Hearing Officer by a political subdivision to hear and decide such an appeal; and

WHEREAS, under Section 8432 of such Act of 1998, a political subdivision shall adopt regulations governing practice and procedure under the Local Taxpayers Bill of Rights;

THEREFORE, BE IT RESOLVED, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, hereby appoints BERKHEIMER as its Tax Hearing Officer and further, adopts and incorporates the Act 50 Regulations as promulgated by BERKHEIMER in their entirety.

ENACTED into a Resolution this 19th day of March, 2013.

Passed by unanimous vote.

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

RESOLUTION NO. 9-2013

A RESOLUTION OF THE GOVERNING BOARD OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING AND EMPOWERING ITS LOCAL TAX COLLECTOR, BERKHEIMER, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT PER CAPITA TAXES.
WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, by Resolution, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, has hired BERKHEIMER to collect said taxes levied by THE BOROUGH OF KUTZTOWN, BERKS COUNTY, including per capita taxes that are or may become delinquent; and

WHEREAS, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania, THE BOROUGH OF KUTZTOWN, BERKS COUNTY, has the right to impose a cost of collection on per capita taxes that become delinquent and/or that remain due and unpaid; and

NOW, THEREFORE, BE IT RESOLVED that

1. THE BOROUGH OF KUTZTOWN, BERKS COUNTY, APPROVES AND ADOPTS the Cost of Collection Schedule attached hereto and made a part of this Resolution to be imposed by BERKHEIMER upon any taxpayer whose per capita taxes are or become delinquent and/or remain due and unpaid.

2. BERKHEIMER is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent per capita taxes and assessed the delinquent taxpayer as allowed by law.

3. Any Resolution or part of this Resolution conflicting with the provisions of this Resolution be and the same are hereby repealed to the extent of such conflict.

ENACTED into a Resolution this 19th day of March, 2013.

Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To execute a three-year renewal agreement with Level 3, for Internet bandwidth, at a total cost of $5,600.00. Note: There is no price increase on this contract. Ms. Birckbichler added that the cost of the contract has actually decreased. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve payment #5 to Wickersham Construction
and Engineering, Inc., for work completed at the Wastewater Treatment Plant, in the amount of $297,824.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To waive the permit fees for property owners needing to replace their water service in conjunction with the East Main Street Water Main Replacement project. Passed by unanimous vote.

Mr. Schlegel noted that the water service replacement for the Park will be added to the East Main Street Water Main Replacement Project contract.

Mr. Schlegel also noted that the Borough of Kutztown will join the Berks County Water and Sewer Association (BCWSA). Water and/or Wastewater Department management personnel will attend the BCWSA meetings to disseminate information and share experiences to promote improved practices in water and sewer cooperation countywide.

Under Miscellaneous, President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:39 p.m. to discuss personnel and potential legal matters. The Executive Session ended and the meeting reconvened at 9:27 p.m.

Off of the agenda, a motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To increase the Library Page wage by $0.25 per hour. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:28 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 February 15, 2013 to March 14, 2013, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand