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. Malcolm Eidle, Mr. Edwin Seyler, Mr. James Schlegel, Mr. Derek Mace, Ms. 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. Walter J. Hess, Superintendent of Water and Wastewater; Mr. Daniel Eslinger, Director of Community Development/Zoning Officer; Police Chief Craig Summers; Mr. David Horvath, Information Technology Coordinator; Ms. Andrea Rahn, Payroll Clerk/Administrative Assistant to the Human Resources Director; Kutztown University Student Ambassador Nikki Rohrbaugh; Kutztown Planning Commission representative Lisa Ladd-Kidder; Kutztown Community Partnership Board President and Kutztown Growers Market representative John L. Scott; Kutztown Growers Market representatives Andrew Arnold and Catharine Dill; and residents Tim and Pat Snyder were also present.

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

Kutztown Community Partnership (KCP) Board President John L. Scott invited Council, management staff and the community to attend the State of Downtown
Kutztown event, on April 25, 2012, from 6:00 p.m. to 8:00 p.m., at St. John’s UCC, during which the Borough will be recognized as KCP partner of the year.

Mr. Scott also voiced his support for the Kutztown Growers Market.

Kutztown Gardening Club representative Tami Bollinger asked Council if they could plant flowers around the Kutztown welcome sign, near the airport, and in the area of the Water Treatment Plant. Mr. Seyler provided contact information regarding planting around the Kutztown welcome sign. Mr. Schlegel stated that they should be able to plant in the area of the Water Treatment Plant, in two or three weeks, when the construction project is complete.

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 21, 2012 Borough Council meeting.
- Authorize the donation of two family pool passes for the 2012 Friend, Inc., Community Services Benefit Auction.
- 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 17, 2012 to March 16, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$174,040.17</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$44,733.40</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$69,344.28</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$623,089.18</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$88,911.78</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$141,767.14</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, after Ms. Ladd-Kidder read aloud the
Planning Commission’s recommendation letter, a motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To grant the waiver from SALDO §195-16.D.23., regarding the plan to contain mapping of soil types for the Hilltop Estates Lots 89 and 90 Annexation Plan. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Eidle, Resolved, To approve the proposed Hilltop Estates Lots 89 and 90 Annexation Plan, with the condition of the resolution of any outstanding items in the SSM recommendation letter dated March 9, 2012. Passed by unanimous vote.

Under Environmental Advisory Commission, no one was present to give a report.


Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th>Department</th>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>January, 2012</td>
<td>$6,513.96</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>January, 2012</td>
<td>$285.65</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>February, 2012</td>
<td>$7,825.00</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed updated Floodplain Ordinance. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize sending Chief Craig Summers to the Police Executive Training Program at a cost of $1,240.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To table the motion to take action on the letter and promissory note regarding the Public Safety Radio System Program. Passed by unanimous vote.
A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the request from the Animal Rescue League of Berks County for a $1,000.00 donation. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To place a congratulatory ad in the Lyons Fire Company 100th Anniversary celebration booklet at a cost of $50.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve the indemnification language, provided as follows, to fulfill PennDOT requirements for street closures during the Kutztown Community Partnership’s Block Party, Live Music on Main, Muscle on Main, and Downtown Trick-or-Treat Night events: “The Borough of Kutztown will agree to fully indemnify, save harmless and, if requested, defend the Commonwealth, Commonwealth departments and their officers, agents and employees from and against claims, suits or actions for injury, death or property damage arising from or because of the acts or omission of the sponsor, its officers, agents or employees.” Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve the request from the Kutztown Growers Market to use the Train Station grounds and restrooms for their 2012 season, which will run from June through Thanksgiving. Passed by unanimous vote.

A motion was made by Ms. Birckbichler to approve the request from the Kutztown Growers Market to donate $1,500.00 to the Kutztown Community Partnership (KCP) to enable them to provide the Growers Market with seed money to support and expand marketing and signage efforts, with the understanding that KCP provides
assurance to the Borough that they will administer the funds. The motion failed for lack of a second.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To table the request from the Kutztown Growers Market to donate funds to the Kutztown Community Partnership to enable them to provide the Growers Market with seed money to support and expand marketing and signage efforts. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To ratify the award of the bid received from Rainbow Roofing Co., Inc., Sinking Spring, PA, to replace the Bandshell roof at a cost of $24,385.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To authorize the Kutztown Legion Baseball organization to use the Pomone Pavilion, on July 28, 2012 through August 1, 2012, and to waive the associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Community Choir for the use of the Bandshell, in the park, for its annual "Flag Day Concert," on June 12, 2012, at 7:30 p.m., and to waive the associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To authorize Great Valley Consultants to perform a study of the entire Railroad Street Municipal Complex, for a cost not to exceed $3,350.00, including the Water Treatment Plant and the Wastewater Treatment Plant, and to determine a timeline. Passed by unanimous vote.

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

RESOLUTION NO. 6-2012

WHEREAS, The Borough of Kutztown ("Applicant") desires to undertake the following project: Kutztown Park Upgrades; and

WHEREAS, the Applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled “Terms and Conditions of Grant” and a document entitled “Signature Page for Grant Agreement;” and

WHEREAS, the Applicant understands that the contents of the document entitled “Terms and Conditions of Grant,” including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the Applicant is awarded a grant; and

NOW THEREFORE, it is resolved that:

1. The “Signature Page for Grant Agreement” may be signed on behalf of the Applicant by the Official who, at the time of signing has TITLE of Borough Council President.

2. If this Official signed the “Signature Page for Grant Agreement” prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.

3. If the Applicant is awarded a grant, the “Signature Page for Grant Agreement,” signed by the above Official, will become the Applicant/Grantee’s executed signature page for the Grant Agreement, and the Applicant/Grantee will be bound by the Grant Agreement.

4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the TITLE specified in paragraph 1 and the grantee will be bound by the amendment.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 20th day of March, 2012.

Passed by unanimous vote.
A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To execute the agreement with the YMCA for the 2012 Kutztown Park Summer Playground Program. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Seyler, Resolved, To approve the request from the American Legion Hoch Balthaser Post No. 480 to hold its annual Memorial Day Parade on Monday, May 28, 2012, and to waive the associated fees. Passed by unanimous vote.

Off of the agenda, Mr. Mace acknowledged Kutztown Elementary School teacher Mrs. Brett, and her sixth grade class, for removing trash along the Sacony Creek Trail.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Karla Bailey and Rebecca Kunkleman as park roller rink co-managers for the 2012 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the advertisement for an Electric Department First Class Lineman. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the 1.75% pay increase for the Community Service Officer II position for 2012. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accord regular full-time employment to Eric Boyer, upon completion of his probation, on or about March 13, 2012. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the amendment of the Administrative and Confidential Employee Sick Leave
policies to allow for the use of sick leave for the adoption or foster care placement of a child, for a period of 12 weeks, or no more than 480 hours of sick leave, during approved FMLA leave. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To ratify the change to the Retirement Health Care calculation, for Administrative and Confidential employees, from one year for every five years worked, to one year for every three years worked. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the change to the Vacation calculation for Administrative and Confidential employees, including the Police Chief, to the following schedule:

First four years – 96 hours – 12 days
Five years – 120 hours – 15 days
Eight years – 144 hours – 18 days
10 years – 160 hours – 20 days
12 years – 176 hours – 22 days
14 years – 184 hours – 23 days
15 years – 192 hours – 24 days
20 years – 200 hours – 25 days

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the amendment of the Administrative and Confidential Employee Sick Leave policies to allow for the use of up to 40 hours of sick leave, per calendar year, to care for the following family members: mother, father, sister, brother, husband, wife, daughter, son, stepdaughter, stepson, grandparent, grandchildren, daughter-in-law and son-in-law. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the amendment of the Administrative and Confidential Employee Bereavement
Leave policies to allow for 40 hours of leave for the following family members: mother, father, sister, brother, husband, wife, daughter, son, stepdaughter and stepson; and 16 hours of leave for the following family members: mother-in-law, father-in-law, stepmother, stepfather, stepbrother, stepsister, grandparent, grandchildren, daughter-in-law and son-in-law. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify the addition of one Personal Day and the Presidents’ Day holiday for the Administrative and Confidential employees. Passed by unanimous vote.

Off of the agenda, Mr. Seyler called for an Executive Session, at the end of the meeting, to discuss a personnel matter.

Under Finance and Electric Committee, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Resolution amending labor and equipment rates. Passed by unanimous vote.

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

RESOLUTION NO. 7-2012

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, EXONERATING THE BOROUGH TAX COLLECTOR FROM COLLECTING REAL ESTATE TAXES ON THE TAX-EXEMPT BOROUGH PROPERTY LISTED HEREWITH.

WHEREAS, the Borough of Kutztown has received a Notice of Public Tax Sale from the Berks County Tax Claim Bureau for the Borough property located at 15 Railroad Street.

WHEREAS, the above-stated property is owned by the Borough of Kutztown and is designated as a tax-exempt property; and

WHEREAS, the Borough of Kutztown is exonerating the Borough tax collector for the collection of the real estate taxes on the above-stated property as listed herewith.
NOW THEREFORE, Be It Resolved that the Borough tax collector is hereby exonerated from collecting the following municipal real estate taxes, totaling $249.55:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>BOROUGH OF KUTZTOWN</th>
<th>FIRE PROTECTION TAX</th>
<th>RECREATION TAX</th>
<th>ROAD TAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$104.65</td>
<td>$32.20</td>
<td>$32.20</td>
<td>$80.50</td>
</tr>
</tbody>
</table>

DULY ADOPTED AS A RESOLUTION this 20th day of March, 2012, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To authorize sending Steve Diehl to the Aclara Conference, in Tennessee, from April 23-26, 2012. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To table the motion to take action on the proposed Resolution regarding the request from McConway & Torley for their participation in the PJM Demand Response Program through EnerNOC, Inc. 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. Eidle, Resolved, To authorize the appropriate Borough officials to execute the agreement, with PennDOT, for electronically submitting the Borough’s application for a Highway Occupancy Permit. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To reimburse the Kutztown Municipal Authority $5,890.78 for the water credit issued by the
Kutztown Municipal Authority, for the property located at 15155 Kutztown Road. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve the proposal from American Aquatic Testing, Inc., for the Whole Effluent Toxicity testing, regarding the Wastewater Treatment Plant National Pollutant Discharge Elimination System permit renewal, in the amount of $5,600.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To order level indicators for the failed filter PLCs, at a cost of $6,832.00. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the Easement Agreement, relating to the lease that the Borough has entered into with Berks County, for the placement of the Emergency Radio Tower on Borough owned land located within Maxatawny Township. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To execute the Acceptance of Service form, from Berks County, for the June 20, 2012 Judicial (Free and Clear) Tax Sale, which includes two properties within the Borough. Passed by unanimous vote.

President Snyder noted that the Sacony Creek Regional Authority is seeking three members to serve the following terms: one one-year term, one two-year term and one three-year term.

President Snyder noted the following vacancies:

Borough Planning Commission: Two Member Vacancies
Code Appeals Board: One Alternate Vacancy

March 20, 2012 Council Meeting Minutes
President Snyder called for an Executive Session at 9:07 p.m. to discuss a personnel matter. The Executive Session ended and the meeting reconvened at 10:01 p.m.

Returning to Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To amend a portion of the previous motion ratifying the change to the Vacation calculation for Administrative and Confidential employees, including the Police Chief, from “First four years – 96 hours – 12 days,” to “After the first year of employment – 96 hours – 12 days.” Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 10:02 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 17, 2012 to March 16, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.