A regular meeting of the Kutztown Borough Council was called to order at
7:30 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. Bruce Follweiler, Superintendent of
Electric; Mr. David Horvath, Information Technology Coordinator; Ms. Andrea Rahn,
Payroll Clerk/Administrative Assistant to the Human Resources Director/Assistant
Borough Secretary; Kutztown University Student Ambassadors Nikki Rohrbaugh and
Christian Keebler; Kutztown Planning Commission representative Karen Feridun; and
Kutztown University representative Susan Mangold were also present.

Mayor Green issued a proclamation declaring the new name of the 69kv
substation the “Richard B. Landis Kutztown Substation.” Mr. Eidle presented Mr. Landis
with a plaque commemorating the name change.

Student Ambassadors Nikki Rohrbaugh and Christian Keebler presented their end
of the year report to Council. They thanked Council for the opportunity, and they
reported learning a lot about the operations of the Borough. They suggested that in the
future, the Ambassador roles should be more clearly defined and more interactive.
President Snyder asked for a formal proposal of their suggestions. Mayor Green and Mr. Mace thanked the Ambassadors for the commitment as well as their comments. Susan Mangold stated that she would like to explore connecting the ambassadorship to an internship, to allow the students to get involved in research and projects.

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

Karen Feridun addressed Council regarding the Act 13 Challenge Resolution. By Council consent, Mr. Mooney was asked to draft a Resolution to be considered by Council in May.

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

- Review and accept the Minutes of the March 20, 2012 Borough Council meeting.
- 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 March 17, 2012 to April 12, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$214,299.19</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$51,550.55</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$37.25</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$59.49</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$149.12</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$150,411.66</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$566,903.24</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$138,890.86</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$63,511.20</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun reported that the revised
11115

Comprehensive Plan was delivered to the Berks County Planning Commission for their review last week.

Under Environmental Advisory Commission, Ms. Feridun had nothing to report.


Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>February, 2012</td>
<td>$8,446.02</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>February, 2012</td>
<td>$1,870.63</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>March, 2012</td>
<td>$7,540.00</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve and forward the updated Municipal Hazard Mitigation Plan to the Berks County Department of Emergency Services. 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 John Schmoyer to approve the 2012 Concerts in the Park schedule. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To approve the request from the American Legion Baseball Team to use the Pomone Pavilion, on May 26, 2012, for their Junior Memorial Day Tournament, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Ron Murray to purchase part of the scrapped tube slide from the pool, for $100.00, with the condition that it is sold in “as is” condition and that the Borough is exonerated from any liability of the components, etc., contingent upon Keith Mooney’s review of the agreement letter. Passed by unanimous vote.
A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the request from Friend, Inc. to use the Brick Pavilion, on August 11, 2012, for their Brake the Cycle of Poverty event, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To waive the insurance requirements for the Kutztown Community Choir Flag Day Concert, in the Bandshell, on June 12, 2012, at 7:30 p.m. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve the request from the Kutztown National Guard to use the Bandshell, Ceres Pavilion, Roller Rink, Scooter Building and Sr. Girls Softball Field, on September 15, 2012, for their annual picnic, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To ratify the request from the Kutztown University Off Campus Advisory Council to use the Brick Pavilion, on April 15, 2012, from 12:00 noon to 2:00 p.m., for their annual Arbor Day event, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To approve the request from the Kutztown Community Partnership (KCP) to purchase and install directional signs, for Borough municipal parking lots, and to invoice KCP an amount not to exceed $3,500.00 for Public Works Department labor. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To ratify the request from Kutztown University Housing and Residential Services to use the
Bandshell on April 15, 2012. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Community Library to use the Bandshell, on August 15, 2012, for the Summer Youth Reading Program, and to waive any associated rental fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 1-2012


Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To approve the Nonuniformed Pension Plan Contract with the Pennsylvania Municipal Retirement System. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To accord regular full-time employment to Matthew Hafer, Code Inspector, upon completion of his probation period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To
hire Matthew Smith, Kyle Smith and Travis Diehl as seasonal laborers for the 2012 summer season (primarily the park). 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.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To authorize the Borough Manager to advertise for an Electric Line Worker and a temporary Operations Coordinator with Technical Skills. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 8–2012


IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania as follows:

SECTION 1 - The Borough of Kutztown shall charge the following billing rates for Borough labor and equipment:

SECTION 2 - Labor Rates

<table>
<thead>
<tr>
<th>Service Division</th>
<th>Straight Time 1/2 hr. Min Charge</th>
<th>Straight Time Hourly Charge</th>
<th>Overtime Hourly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities/Telecom Division</td>
<td>$19.50</td>
<td>$39.00</td>
<td>$58.50</td>
</tr>
<tr>
<td>Hourly Personnel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works Division</td>
<td>$18.50</td>
<td>$37.00</td>
<td>$55.50</td>
</tr>
<tr>
<td>Hourly Personnel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerical</td>
<td>$16.50</td>
<td>$32.75</td>
<td>$49.00</td>
</tr>
<tr>
<td>Hourly Personnel</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Administrative Personnel $25.00 $49.75 N/A

Public Safety Division
Police $39.50 $79.00 N/A
Community Service Officers $10.75 $21.50 $32.25

Billing Notes:

1. The billing of straight-time rates or overtime rates will be determined in accordance with the actual application of pay required from the Borough of Kutztown (Employer) to the Borough employee(s).

2. A minimum of one-half (1/2) hour shall be billed for work performed while the employee(s) are receiving straight-time compensation, and to the nearest quarter hour from the total thereafter.

3. A two (2) hour minimum of overtime shall be billed for special call-outs when the employee is entitled to overtime and two (2) hour minimum compensation, and to the nearest quarter hour from the total thereafter.


5. A flat fee of $10.00 will be charged for special pick up of discarded Christmas trees as per policy adopted by Kutztown Borough Council.

SECTION 3 - Equipment Rates (THESE RATES DO NOT INCLUDE LABOR/OPERATOR RATES)

NOTE: ALL EQUIPMENT MUST BE OPERATED BY A BOROUGH EMPLOYEE UNLESS OTHERWISE AUTHORIZED BY A BOROUGH SUPERINTENDENT.

Bobcat $22.60 per hour
Accessories:
  Pavement breaker $11.00 per hour
  Broom $11.00 per hour

Paint Sprayer (line striping) $18.00 per hour

Pressure Washer $18.00 per hour

Snow Blower $11.00 per hour

Bucket Truck $40.50 per hour

Roller $23.00 per hour

Tamper - Jumping Jack $6.00 per hour

Generator (large trailer-mounted) $51.00 per day + fuel used

Welder $19.00 per hour

Air Compressor $80.00 per day + fuel used
Accessories:
  Jackhammer $18.00 per day

April 17, 2012 Council Meeting Minutes
<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - ea. Pavement Breaker - Hand Held</td>
<td>$8.00 per day</td>
</tr>
<tr>
<td>1 - ea. Asphalt Cutter - 5”</td>
<td>$8.00 per day</td>
</tr>
<tr>
<td>1 - ea. Moll Point</td>
<td>$8.00 per day</td>
</tr>
<tr>
<td>Pick-up Truck</td>
<td>$17.00 per hour</td>
</tr>
<tr>
<td>Dump Truck</td>
<td>$28.00 per hour</td>
</tr>
<tr>
<td>Line Truck</td>
<td>$52.00 per hour</td>
</tr>
<tr>
<td>John Deere Backhoe</td>
<td>$33.00 per hour</td>
</tr>
<tr>
<td>Garbage Packer Truck</td>
<td>$38.00 per hour</td>
</tr>
<tr>
<td>Forklift</td>
<td>$21.80 per hour</td>
</tr>
<tr>
<td>Salter/Truck</td>
<td>$48.00 per hour plus cost of salt</td>
</tr>
<tr>
<td>Snow Loader (Belt)</td>
<td>$78.00 per hour</td>
</tr>
<tr>
<td>4 Wheel Rubber Tire Loader (VOLVO)</td>
<td>$96.00 per hour</td>
</tr>
<tr>
<td>Ditch Witch Trencher</td>
<td>$21.00 per hour</td>
</tr>
<tr>
<td>Street Sweeping (Municipalities only)</td>
<td>$46.00 per hour plus cost of labor (except Maxatawny Township for college area and surrounding areas only (College Blvd., etc.))</td>
</tr>
<tr>
<td>Tamper – Vibratory plate</td>
<td>$8.30 per hour</td>
</tr>
<tr>
<td>2” Pump</td>
<td>$8.00 per hour</td>
</tr>
<tr>
<td>Accessories:</td>
<td></td>
</tr>
<tr>
<td>Suction Hose Per 10’ Length</td>
<td>$1.60 per day</td>
</tr>
<tr>
<td>Discharge Hose Per 10’ Length</td>
<td>$1.05 per day</td>
</tr>
<tr>
<td>3” Pump</td>
<td>$10.45 per hour</td>
</tr>
<tr>
<td>Accessories:</td>
<td></td>
</tr>
<tr>
<td>Suction Hose Per 10’ Length</td>
<td>$2.05 per day</td>
</tr>
<tr>
<td>Discharge Hose Per 10’ Length</td>
<td>$1.60 per day</td>
</tr>
<tr>
<td>Breaker for Boom Mounting</td>
<td>$37.00 per hour</td>
</tr>
<tr>
<td>Crimping Tool - Pilot Tool</td>
<td>$8.00 per day</td>
</tr>
<tr>
<td>Tar Buggy</td>
<td>$51.00 per hour + material</td>
</tr>
<tr>
<td>Tapping Machine (DO NOT LOAN OUT)</td>
<td>$38.90 per TAP</td>
</tr>
<tr>
<td>+ Pick-Up Truck</td>
<td>$16.00 per hour</td>
</tr>
<tr>
<td>Concrete Saw</td>
<td>$11.25 per hour + blade charge ($30 Minimum blade charge;</td>
</tr>
</tbody>
</table>
Pipe Cutter- Ductile Iron or Cast Iron  $138.80 per 1/32 blade use
Pipe Trailer  $22.50 per day
Hand Tamper  $7.20 per day
Pipe Locator - Underground Electric Line Locator  $4.00 per day
Pipe Locator – Water Line  $8.00 per hour
Leak Detector (Water)  $8.00 per hour
Fire Hydrant De-Chlor Equipment  $8.00 per hour
Pipe Locator – Water Line  $8.00 per hour
Pipe Trailer  $7.20 per day
Hand Tamper  $4.00 per day
Pipe Locator - Underground Electric Line Locator  $8.00 per hour
Pipe Locator – Water Line  $8.00 per hour
Leak Detector (Water)  $8.00 per hour
Fire Hydrant De-Chlor Equipment  $10.00 per hour (plus de-chlor tablets, $0.85 @)
Sewer Line Video Camera  $20.00 per hour
Cable Fault Locator (Electric)  $8.00 per hour
#18 Tractor - mowing, etc.  $28.00 per hour
Brush Chipper  $22.00 per hour
Photocopying  $.25 per side of sheet of paper
Laminating  $.75 per page
Cone  $17.95
Cross-walk sign  $25.50
Barricades*: Cost per each barricade Replacement Rental
Class I Wooden (no lights)  $175.00  $3.00 per day
Class II Non-metallic (w/lights)  $53.50  $7.50 per day
Class III Metallic (w/lights)  $251.00  $15.00 per day
Steel Plates (for securing excavations) Replacement Rental
$1,000.00  $15.00 each per day
Flashers*: Cost for replacement of Flashers if lost or stolen or damaged (includes batteries) $18.25 each

*NOTE: Under emergency situation only, Borough can loan out barricades/flashers to contractors at the above listed fees, plus labor for set-up and removal.

SECTION 4 - In addition to labor and equipment charges, administrative expenses and overhead costs will be applied and billed for reimbursement to the Borough, with the amount and/or method of charge to be determined by the Borough Manager.
SECTION 5 - The above listed fees shall become effective April 17, 2012, through adoption of this Resolution and shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

SECTION 6 - All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

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

Passed by unanimous vote.

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

RESOLUTION NO. 9–2012

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, APPOINTING ENERNOC AS THE AUTHORIZED DESIGNEE OF THE BOROUGH OF KUTZTOWN TO PROVIDE DEMAND RESPONSE SERVICE TO THE KF-LARGE GENERAL SERVICE CUSTOMER CLASS FOR THE 2012/2013 DEMAND RESPONSE PLANNING YEAR.

WHEREAS, the Borough of Kutztown is the retail electric regulatory authority for the Borough of Kutztown and the Borough’s retail electric consumers; and

WHEREAS, the Borough has determined it to be desirable that the aggregation of demand response on behalf of its retail customers be bid directly into the organized electric and ancillary services markets administered by the regional transmission organization that includes the Borough; and

WHEREAS, Chapter 107, Section 50 of the Kutztown Borough Code authorizes the Borough of Kutztown to name a designee to aggregate retail customers demand response and bid said demand response on behalf of retail customers of the Borough; and

WHEREAS, EnerNOC desires to be designated by the Borough of Kutztown as its demand response provider for KF-Large General Service Customers; and

WHEREAS, the Borough of Kutztown desires to designate EnerNOC as its authorized designee to provide demand response service to the KF-Large General Service Customer Class for the 2012/2013 demand response planning year, subject to the conditions set forth in this Resolution;
NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, does hereby appoint and authorize EnerNOC, Inc. to act as its authorized designee for the provision of demand response service to the KF-Large General Service Electricity Customer Class of the Borough of Kutztown for the 2012/2013 demand response planning year commencing on June 1, 2012 and terminating on May 31, 2013.

DULY ADOPTED AS A RESOLUTION this 17th day of April, 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 the advertisement of a Resolution setting the fee for the Reliability Pricing Model Supply Capacity Charge, which will be effective from June 1, 2012 through May 31, 2013.

Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To order 24 TiVo Premiere DVR units. Passed by unanimous vote.

Off of the agenda, Ms. Birckbichler reported that the old Council room renovations are 95 percent complete; that Home Net sales have increased by 11 percent since December; that contracts for bulk service are currently being negotiated; and that we have received software updates from New World Systems and PCS.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To authorize a donation of $11,500.00, to the Berks County Conservancy, for the development of conservation plans and nutrient management plans, to help protect the source water in the Borough's watershed.

Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To authorize the Borough Water Department to sell a used 6" Turbine Water Meter, which has an estimated value of no more than $1,500.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from the Maxatawny Township Municipal Authority for 35,000 gallons of raw sewerage, per day, to be diverted from the Kutztown Borough Wastewater Treatment Plant to the Saucony Creek Regional Authority Wastewater Treatment Plant, at no cost to the Borough of Kutztown or the Kutztown Municipal Authority. The flow transfer will take place from approximately May 16, 2012 until it is no longer needed. Passed by unanimous vote.

Mr. Schlegel noted that the Kutztown Borough Council and Mayor Sandy Green are invited to attend the April 18, 2012 Kutztown Municipal Authority meeting, where the installation of the new 12" water line will be discussed with property owners. The meeting will be held in the Kutztown Train Station at 7:30 p.m.

Under Miscellaneous, 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
- Housing License Appeals Board: Three Alternate Vacancies
- Zoning Hearing Board: Two Alternate Vacancies
- Environmental Advisory Commission: Three Member Vacancies
- Telecommunications Advisory Commission: One Member Vacancy

President Snyder called for an Executive Session at 8:24 p.m. to discuss a personnel matter. The Executive Session ended and the meeting reconvened at
8:43 p.m. No action was taken.

Off of the agenda, Dave Yopconka, from McConway and Torley Foundry, expressed to Council that the Foundry is in need of relief from their increasing power costs. Mr. Seyler explained that some of those costs are not in the Borough’s control, and he explained the PJM Reliability Pricing Model Capacity charges. Mr. Yopconka and Mr. Khalife will meet to discuss this matter on April 19.

Mr. Yopconka noted that the annual Kutztown Fishing Derby is scheduled on Saturday, May 19.

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 8:53 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 March 17, 2012 to April 12, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin Snyder  Gina M. Wiand