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April 18, 2017
Kutztown, PA

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. Derek Mace, Mr. Edwin Seyler, Ms. Peggy Devlin, Mr. Richard Diehm, Mr. Scott Piscitelli, and the Mayor, Ms. Sandra Green. Mr. Timothy Dietrich and Mr. Keith Mooney, Borough Solicitors; Mr. Darryl Jenkins, 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/Public Relations and Marketing Director; Police Chief Craig Summers; Police Officer Walter Skavinsky; Kutztown University Student Ambassador to Council, Cole Mitchell; Maxatawny Township representative Steve Wilson; Kutztown Area Transport Services representative Cheri Keim; Kutztown Fire Company representatives Eric Diehl and Dale Rothermel; Northeastern Berks Emergency Medical Service representative Steve Demchyk; Kutztown Emergency Management representative Todd Evans; visitors Paul Stoltzfus and Tammy, Chase, Caitlin and Robert Skavinsky; residents Jim Schlegel, Allison Fuller and Eric Boyer were also present.

Mayor Green administered the loyalty oath to Walter Skavinsky for his promotion to Patrol Corporal.

President Snyder called for an Executive Session at 7:36 p.m. to discuss legal matters. The Executive Session ended and the meeting reconvened at 7:59 p.m.

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. Kutztown Fire Chief Eric Diehl distributed the Fire

Company's 2016 Annual Report.

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

- J Review and accept the Minutes of the March 21, 2017 Borough Council meeting.
- J Review and accept the Borough Community Development Report for March, 2017.
- J Take action to approve the request from the Environmental Advisory Commission to use the North Park pavilion, for Trail Day on June 10, 2017, and to waive any associated fees.
- J Take action to approve the request from the Relay for Life to hang sponsor signs and bows around town, from May 11 through June 10, 2017.
- J Take action to hire the 2017 Kutztown Dolphins Swim Team coaches Steve Fowler (head coach), with a salary of \$1,500.00; Gwendolyn Dietrich (head assistant coach), with a salary of \$1,000.00; and James Goodreau (assistant coach), with a salary of \$500.00.
- J Conditionally hire the following 2017 seasonal pool employees, contingent upon meeting all pre-employment requirements: Patrick Eigenbrod, head lifeguard, \$10.79 per hour; Makenzie Barrell, lifeguard, \$9.14 per hour; Molly Brown, lifeguard, \$8.37 per hour; Kaitlyn Floyd, lifeguard, \$8.79 per hour; Devan Hanna, lifeguard, \$8.37 per hour; Christian Kanaskie, lifeguard, \$9.50 per hour; Kian Kanaskie, lifeguard, \$8.37 per hour; Bekah Keim, lifeguard, \$9.14 per hour; Mya Keim, lifeguard, \$8.79 per hour; Zoe Keim, lifeguard, \$9.50 per hour; Keaton McCoach, lifeguard, \$8.79 per hour; Nathan Nahrgong. Lifeguard, \$8.37 per hour; Brock Rabenold, lifeguard, \$9.50 per hour; Brock Rabenold, lifeguard, \$8.37 per hour; Alyssa Wentzel, lifeguard, \$8.79 per hour; Leah Dietrich, office clerk, \$8.07 per hour; Katie Eigenbrod, office clerk, \$8.07 per hour; Ema Oroxom, office clerk, \$8.07 per hour; Beckham Sibiski, office clerk, \$8.07 per hour; and Kirby Sibiski, office clerk, \$8.07 per hour.
- J 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 18, 2017, through April 13, 2017, as summarized below:

General Fund	\$98,278.37
Refuse and Recycling Fund	\$40,493.35
Water Fund	\$45,042.73
Electric Fund	\$273,295.64

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Sewer Fund	\$41,946.26
Telecommunications Fund	\$85,315.21

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for March, 2017 was submitted.

The following fines were collected:

District Justice Greth	February, 2017	\$5,978.50
Clerk of Common Pleas	February, 2017	\$251.30
Secretary's Office	March, 2017	\$4,750.00

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To approve Standard Operating Procedure 2017-01, which establishes policy guidelines for the Kutztown Borough Police Department for use of the Commonwealth Law Enforcement (CLEAN) and the National Crime Information Center (NCIC), and which regulates access to these systems and the security of information received as a result of their use. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve Standard Operating Procedure 2017-02, which establishes guidelines and procedures to be followed by the Kutztown Borough Police Department when using any audio and visual recording systems. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To approve Standard Operating Procedure 2017-03, which establishes policy for evaluating the performance of Kutztown Borough Police Department personnel. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Fire Company to release \$250,000.000, from the Fire Protection Tax Fund, for the down payment on the purchase of a new 2017 E-One Ladder Truck. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the Kutztown Park 'Tobacco-Free Zone' Policy. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To enter into a five-year lease agreement with Radius Corporation for their lease of the Borough's land on the northeast corner of Railroad and Peach Streets, contingent upon approval of the lease agreement language by the Borough Solicitor. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve authorizing John Schmoyer to revise the park concession stand lease agreement for 2017. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Community Partnership to use South Whiteoak Street, back to Sander Alley, and North Whiteoak Street, back to Sacony Alley, for a Vendor Village during the Kutztown Kruizz, pending approval from Chief Summers. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To authorize Great Valley Consultants to perform a traffic study for flashing school zone signs, at the Borough's expense, and the Kutztown Area School District would pay for

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the flashing signs. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To authorize the Borough Solicitor to draft an Ordinance opening a portion of Baldy Alley as an official street and to advertise the same for adoption. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To promote Walter J. Skavinsky as a Patrol Corporal. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To accept the resignation of Deborah Smith-Craine who will retire on May 30, 2017. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To approve the pool manager salaries for 2017, in the amount of \$9,527.02 for Lisa Reilly and \$8,527.02 for Steve Hudak. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To accept the resignation of Lenore McGonigle from the Zoning Hearing Board. Passed by unanimous vote.

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

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

RESOLUTION NO. 2-2017

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, IN DEFENSE OF BOROUGH OPERATED

MUNICIPAL ELECTRIC SYSTEMS IN THE COMMONWEALTH OF PENNSYLVANIA

WHEREAS, the Borough of Kutztown is proudly one of the thirty-five boroughs in the Commonwealth of Pennsylvania that owns and operates a non-profit community electric system in accordance with provisions set forth in the Pennsylvania Borough Code; and

WHEREAS, each of our municipalities works diligently and effectively to provide reliable and cost effective public power to all of the residents and businesses within their borders; and

WHEREAS, from time to time legislation is introduced in the Pennsylvania General Assembly proposing to add additional regulations, rules, or taxes focused only on these thirty-five Boroughs; and

WHEREAS, a member of the Pennsylvania House of Representatives has circulated a co-sponsorship memorandum, indicating his intention to introduce legislation in the near future, which would amend the Borough Code by unnecessarily regulating and controlling the thirty-five Boroughs that own and operate non-profit community electric systems;

NOW THEREFORE, be it so resolved that the Borough Council of the Borough of Kutztown hereby expresses its opposition to this recently proposed legislation on the basis that it unduly imposes on our community a severe financial burden, endless litigation, and is an overreach by the Pennsylvania General Assembly to usurp the fiduciary role of our Borough Council to manage the finances of our municipality;

AND FURTHER, a copy of this Resolution shall be provided to our State Representative and State Senator to encourage them to vigorously oppose this legislation on our behalf.

DULY ADOPTED AS A RESOLUTION this 18th day of April, 2017, 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. Mace, seconded by Mr. Seyler, Resolved, To advertise and sell 21 scrap pole-mount transformers. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Piscitelli, Resolved, To enter into an agreement to accept a \$20,000 grant to repair the HVAC

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system at the Kutztown Community Library. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To authorize the appropriate Borough official to sign the Approval and Written Contract, regarding the Fire Company's purchase of a new truck, after their public hearing on May 3, 2017. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, Mr. Diehm noted that the Internet outage, on April 14, 2017, was a result of damaged fiber at Level3.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the equipment and labor quotes for trickling filter arm replacements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit request for 417 W. Walnut Street, in the amount of \$793.20, as the water was not processed through the Sewer Treatment Plant. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve a sewer credit request for 445 Normal Avenue, in the amount of \$510.65, as the water was not processed through the Sewer Treatment Plant. Passed by unanimous vote.

Mr. Seyler noted that Ezra Border successfully passed and received his CDL Class "B" license.

Under Miscellaneous, President Snyder noted the following vacancies:

Code Appeals Board:	One Member Vacancy
	One Alternate Vacancy
Planning Commission	Two Member Vacancies
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies

Telecommunications Advisory Commission: One Member Vacancy

President Snyder called for an Executive Session at 8:16 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:40 p.m.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:40 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 18, 2017, through April 13, 2017, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand