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. Edwin Seyler, Ms.
Rachael Martin, Ms. Peggy Devlin, and the Mayor, Ms. Sandra Green. Mr. Derek Mace
was absent. Mr. Keith Mooney Borough Solicitor; 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/Director of Marketing Communications and Customer Relations; Mr. Daniel
Eslinger, Community Development Director/Zoning Officer; Borough employees Eric
Boyer and Therese Mertz; Borough Emergency Management Coordinator Mike Russo;
Kutztown Area Transport Services representative Becky Rakowiecki; Maxatawny
Township representative Steve Wilson; and resident Allison Fuller was also present.

President Snyder asked if there was anyone who wished to address Council before
proceeding with the agenda. There were no public comments.

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

- Review and accept the Minutes of the April 21, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for April 2015.
- Take action on the proposed Resolution recognizing and commending Edna A.
  Kramer for her contributions to the Borough of Kutztown’s Emergency
  Management Center:
RESOLUTION NO. 9-2015

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING EDNA A. KRAMER FOR HER CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN’S EMERGENCY MANAGEMENT CENTER.

WHEREAS Edna A. Kramer was the Administrative Assistant for the Borough of Kutztown’s Emergency Management Center and she retired effective January 20, 2015; and

WHEREAS Edna A. Kramer faithfully served as a volunteer for the Emergency Management Center for over 20 years; and

WHEREAS Edna A. Kramer proudly and unselfishly assisted the Emergency Management Coordinator and performed all duties ably and effectively, including maintaining internal records and any emergency correspondence that was required for the County.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Edna A. Kramer for her dedicated volunteer service to the Borough of Kutztown and wish her well upon her retirement.

DULY ADOPTED AS A RESOLUTION this 20th day of May, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

- Take action to approve payment #17 to Wickersham Construction and Engineering, Inc., in the amount of $48,687.00, for work completed at the Water Plant.

- 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 April 17, 2015 through May 14, 2015, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$166,258.32</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$45,354.89</td>
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<tr>
<td>Fire Protection Tax Fund</td>
<td>$114.38</td>
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<tr>
<td>Recreation Tax Fund</td>
<td>$182.74</td>
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<tr>
<td>Road Tax Fund</td>
<td>$458.01</td>
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<tr>
<td>Water Fund</td>
<td>$128,529.75</td>
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<tr>
<td>Electric Fund</td>
<td>$450,271.12</td>
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<tr>
<td>Sewer Fund</td>
<td>$65,083.70</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$70,880.70</td>
</tr>
</tbody>
</table>
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 April 2015 was submitted.

The following fines were collected:

- District Justice Greth March, 2015 $8,385.63
- Clerk of Common Pleas March, 2015 $663.60
- Secretary’s Office April, 2015 $6,775.00

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the request from the property owner of 130 Carriage Court for a waiver from the current Storm Water Management chapter of the Kutztown Borough Code. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the Bicentennial Committee Parade Permit application. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To have Keith Mooney represent the Borough at the Zoning Hearing Board meeting on June 23, 2015, regarding the variance request for 447 W. Walnut Street. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 10-2015

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF A SURPLUS CORRUGATED
METAL PIPE, TO MARK ARNOLD, FOR $25.00.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall sell a surplus corrugated metal pipe, having a total estimated sale value of Twenty-Five Dollars ($25.00), to Mark Arnold.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 20th day of May, 2015.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve Change Order #1 granting a 30 day extension to the contractor for the delivery of stall partitions for the Kutztown Park bathrooms. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To authorize the County and their representatives to access Borough property during construction of the Normal Avenue Bridge “Superstructure Replacement Project.” Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the application and certification for Payment #3 – Contract Nos. 1, 2 and 3, in the amount of $24,787.19, to Spotts Brothers, Inc. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the revised 2015 “Concerts in the Park” schedule and associated costs. Passed by unanimous vote.
A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To offer free family season pool passes to Borough employees and their immediate families for the 2015 season. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To provide 20 vouchers, to the Kutztown Fire Company, for free family pool passes to be distributed to active members by the Kutztown Fire Chief. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To issue free adult passes to the St. John’s and Shaynah Kinner daycare employees, for the 2015 pool season, which are only to be used when the employees are working. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the Bicentennial Committee Parade route contingent upon PennDOT’s approval of the detour route. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the request from Kutztown Strong to use the Brick Pavilion for meetings on June 16 and July 20, 2015, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To ratify approval of the request from Kutztown Strong to hold a “Play Day in the Park” on May 20, 2015, including use of the Brick Pavilion, volleyball courts, hockey rink and multi-purpose field, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Ms. Martin, Resolved, To authorize the drafting and advertisement of a proposed Ordinance regarding the four-way stop at Baldy Street and Trexler Avenue. Passed by unanimous vote.
Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the request from the Bicentennial Committee to use the Band Shell on Sunday, July 26, 2015, for the Bicentennial Community Church Service, from 12 noon until 4:00 p.m., and to waive any associated fees. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from the Bicentennial Committee to use the Band Shell on Saturday, August 1, 2015, for the Bicentennial Parade trophy presentations, from 8:30 p.m. until 10:00 p.m., and to waive any associated fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve the Contract for Professional Services, with Sheila Sacks, for graphic design services. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To appoint Todd Evans as the Assistant Emergency Management Coordinator. 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. Seyler, seconded by Mr. Schlegel, Resolved, To amend the agreement between American Municipal Power, Inc. and the Borough of Kutztown regarding the non-pool energy purchase schedule. Passed by unanimous vote.

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

RESOLUTION NO. 11-2015
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 energy for a term of five years, which will provide an economical source of electric energy (herein “Long Term Energy 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 energy available from these Long Term Energy Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, or AMP service fees) not to exceed $57.00 per MWh; and

WHEREAS, AMP, has prepared and delivered to the Municipality the form of a 2018-2022 Non-Pool Energy Purchase Schedule, pursuant to which the Municipality may purchase electric energy; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long Term Energy 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 Energy 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 energy, through the 2018-2022 Non-Pool Energy Purchase Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any power and energy through the execution of the 2018-2022 Non-Pool Energy Purchase 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 2018-2022 Non-Pool Energy Purchase 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 Council President or the Borough Council President’s designee are hereby authorized to execute the 2018-2022 Non-Pool Energy Purchase Schedule and to acquire the Municipality’s energy from Long Term Energy Purchase, with a term of five years, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, or AMP service fees) not to exceed $57.00 per MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein for a term of five years, as set forth in the 2018-2022 Non-Pool Energy Purchase Schedule.

SECTION 3. That competitive bidding is not required on the Municipality’s acquisition of its right to secure energy under the 2018-2022 Non-Pool Energy Purchase 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 20th day of May, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To reject the bid for the Egg Shaped Digester shell rehab project and to approve HRG Engineering to rebid the project. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Mayor Green as the official voting delegate to represent the Borough of Kutztown at the 2015 PML 116th Annual Convention in Allentown, PA, from June 23-25, 2015. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To appoint Kevin Snyder as an alternate voting delegate to possibly represent the Borough of Kutztown at the 2015 PML 116th Annual Convention in Allentown, PA, from June 23-25, 2015. Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board: One Member Vacancy
One Alternate Vacancy
Zoning Hearing Board: Two Alternate Vacancies
Housing License Appeals Board: One Member Vacancy
Three Alternate Vacancies
Environmental Advisory Commission: One Member Vacancy
Telecommunications Advisory Commission: Two Member Vacancies
President Snyder called for an Executive Session at 7:56 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:23 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the submission of the Borough engineer’s and solicitor’s comments regarding Maxatawny Township’s Area “A” Sewage Facilities Planning Module for the proposed 9,000ft. sanitary sewer force main from the Koffee Lane sewage pump station to the influent pump station that serves the Saucony Creek treatment facility. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:24 p.m.

Prepared 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 April 17, 2015 through May 14, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin J. Snyder    Gina M. Wiand