A regular meeting of the Kutztown Borough Council was called to order at 7:31 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. Derek Mace, Ms. Rachael Birckbichler and the Mayor, Ms. Sandra Green. Mr. James Schlegel arrived at 7:42 p.m. 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. Daniel Eslinger, Director of Community Development/Zoning Officer; Borough employee Mark Arnold; Planning Commission representative Lisa Ladd-Kidder; Optimist Club representative Don Sechler; Quality of Life Committee representative Brendan Strasser; BET Investments representatives Mike Markman and Vance Yacomes; residents Carl Ziegler, Ann and Same Keiser, Robert Ziegler, Gavin Robinson, David Miller, Joanne Lapic, Rachel Lambdin, Susan West and Flora Maranga; and Mr. Ron Devlin, reporter for the Reading Eagle were also present.

Don Sechler proposed a project for the Optimist Club to refurbish the benches surrounding the Little League Field and the Senior Girls Softball Field in the park.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To authorize the Optimist Club to refurbish the benches surrounding the Little League Field and the Senior Girls Softball Field in the park. Passed by unanimous vote.

Mr. Sechler thanked Borough Council for their continued support of the annual...
BET Investments representatives Mike Markman and Vance Yacomes introduced plans to build new housing in the Borough, including amenities to be shared by the buildings that currently comprise The Edge.

Ms. Birckbichler expressed her concerns about the proposed housing increasing already heavy traffic patterns.

Mr. Mace questioned Kutztown University’s position on the proposed plan. Mr. Markman stated that he believes that Kutztown University supports the plan because it has significantly fewer beds than another proposed building plan.

Mr. Eslinger explained that this plan would need a variance because it would be in a student separation zone and because of its proximity to a cell phone tower.

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 Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the April 16, 2013 Borough Council meeting.

- Review and accept the Borough Community Development Report for April, 2013.

- Conditionally hire the following 2013 seasonal pool employees, contingent upon meeting all pre-employment requirements: Patrick Brown, lifeguard, $8.84 per hour; Alexis Cascino, lifeguard, $8.84 per hour; Andrea Cascino, lifeguard, $8.84 per hour; Christopher Collier, lifeguard, $8.00 per hour; Alexandra Garrett, lifeguard, $7.74 per hour; Christian Kanaskie, lifeguard, $8.00 per hour; Trevor Kanaskie, lifeguard, $8.84 per hour; Nicholas Lowry, lifeguard, $9.84 per hour; Kennedy Miller, lifeguard, $7.74 per hour; Brock Rabenold, lifeguard, $7.74 per hour; Tammy Touhsaent, lifeguard, $8.38 per hour; Tyler Williams, lifeguard, $7.74 per hour; Hannah Fritz, office clerk, $7.55 per hour; Emily Miller, office clerk, $7.55 per hour; Sarah Miller, office clerk, $7.55 per hour; Amy Mucelli, office clerk, $7.55 per hour; Gwendolyn Dietrich, head swim coach, $1,600 for...
the season; Steve Fowler, assistant swim coach, $900 for the season; and Trevor Kanaskie, assistant swim coach, $500 for the season.

- 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 13, 2013 to May 16, 2013, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$245,614.46</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$50,605.19</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$39.22</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$62.62</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$156.86</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$114,854.73</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$473,477.79</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$82,881.03</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$67,287.21</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.


Under Environmental Advisory Commission, there was nothing to report.


Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th>Source</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>March, 2013</td>
<td>$5,849.11</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>March, 2013</td>
<td>$558.11</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>April, 2013</td>
<td>$5,900.00</td>
</tr>
</tbody>
</table>

The discussion regarding the possibility of waiving permit fees for residents on East Main Street needing curb and sidewalk replacement was tabled so the Public Works Committee can discuss a timeline for the project.

Off of the agenda, a lengthy conversation regarding the race track took place.

Mr. Mace started the conversation by reviewing a list of topics that had been discussed at
the recent Community Development and Public Safety Committee meeting:

1. Because of the set number of “12 events” that are allowed to be held yearly at the race track, Mr. Mooney suggested that the Borough prepare an injunction to prevent a thirteenth event from taking place.

    A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the Borough Solicitor to prepare an injunction against the race track as we approach the twelfth race. Passed by unanimous vote.

    Mr. Seyler asked if the race track operators would be apprised of the situation. Mr. Eslinger stated that he will keep them informed.

2. The Environmental Advisory Commission is working on recommendations regarding odor and noise issues.

3. If the Borough wants to regulate the use of fireworks, an Ordinance will need to be adopted. The Community Development and Public Safety Committee will address developing an Ordinance at their July meeting.

4. If residents see or hear anything related to crime or violations of Borough Ordinances, they should contact Chief Summers or Mr. Eslinger, respectively.

    Borough residents Mike Shaw, Gavin Robinson and Carl Ziegler spoke about the negative impact that the races have in the Borough. They also expressed disagreement with the current definition of “event.” In addition, the residents suggested that the Borough Council needs to change the decision that allows the racing events to take place.
Mr. Mooney clarified that it was a court decision, and therefore the Borough cannot change it.

Ms. Birckbichler suggested that the Fair Board needs to be involved.

Richard Smith noted that if the Fairgrounds fails, it will be sold, and there is likely to be even more noise on a more frequent basis.

President Snyder asked what the residents would like the Borough to do about the race track. It was suggest that the Borough take an active role in defining “event” and that the Borough Council address the Fair Board.

Mr. Mace noted that it is imperative for Borough Council to take action on which they are authorized and that they can defend.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To ratify the request from the Kutztown Community Partnership’s Clean and Green Committee for the Borough to provide a dumpster behind the Community Development Office on May 19, 2013, for the Community Clean Up from 11:00 a.m. until 2:00 p.m., and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from Melanie Vallone to use the Scooter Building for a family event on Sunday, June 9, 2013, starting at 11:00 a.m. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the proposed electronics recycling events to be held July 20, 2013 and September 7, 2013. Note: there will be a charge of $30.00 per set for standard TVs and TVs and $40.00 per set for TVs in wooden cabinets. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To
ratify the execution of the North Park Bridge Road Use and Improvements Agreement with Berks County. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To award the bid for the 2013 Street and Storm Sewer Improvements Project to Reading Materials, Inc., for the base bid in the amount of $195,452.50. Passed by unanimous vote.

Mr. Snyder announced that the pool opening will be delayed until June 15, 2013, due to maintenance and repairs.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve the request from Bob Houck to use the Pomone Pavillion, May 24 through 27, 2013, for a Junior Legion Baseball Tournament, and to waive any associated fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Dale Kramer as the Interim Water Plant Manager. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Jarrad Burkert as the Interim Wastewater Plant Manager. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint Mark Arnold as the Interim Telecommunications Director. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint David Horvath as the Interim Director of Information Technology. Passed by unanimous vote.
A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint Tom Stauffer as a Public Works Laborer II. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To authorize the Borough Manager to create a new full-time position in the Wastewater Department, Uncertified Maintenance Mechanic/Operator, at a rate of $19.25 per hour, and to post and advertise the position as required. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Dennis Follweiler as a seasonal part-time employee to assist with GIS mapping at an hourly rate of $27.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, 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 Mr. Eidle, Resolved, To appoint Allan Oberholtzer as a member of the Borough Planning Commission, whose term shall expire May 1, 2017. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint Becky Weller as a member of the Environmental Advisory Commission, whose term shall expire May 1, 2016. Passed by unanimous vote.

Mr. Seyler noted that Officer Charles Lawson has successfully completed his probation period.

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

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

RESOLUTION NO. 11-2013

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER A231-1, SECTION 107-7, OF THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING THE RATES FOR THE RELIABILITY PRICING MODEL SUPPLY CAPACITY CHARGE IN CONNECTION WITH LARGE GENERAL SERVICE ELECTRIC SERVICE FURNISHED TO CONSUMERS EFFECTIVE JUNE 1, 2013, WITH SAID RATES TO REMAIN IN EFFECT UNTIL CHANGED BY RESOLUTION, AND SUPERSEDING ANY AND ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts Resolutions establishing the rates to be charged for electrical service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania as follows:

Section 1 - Section A231-1, Chapter 107 of the Code of the Borough of Kutztown is hereby amended by repealing the Reliability Pricing Model Supply Capacity Charge, applicable to large general service customers being served by available 3-phase lines of 69,000 volts or higher as set forth in Resolution 20-2011, as amended by Resolution 11-2012, and amending it to read as follows:

RELIABILITY PRICING MODEL SUPPLY CAPACITY CHARGE

In addition to the other charges, a supply capacity charge shall apply to rate schedule KF. The charge shall be based on the customer’s peak load contribution to the Borough’s PJM planning year peak load determinant for PJM Reliability Pricing Model Capacity charges. The charge shall be the product of the customer’s fixed peak load contribution, as determined by the Borough, and the Borough’s Reliability Pricing Model Capacity Charge, incurred by the Borough, expressed in dollars per kilowatt-month.

The customer’s fixed peak load contribution shall be determined using load data from the previous planning year. In the event the load data is not available, the Borough will estimate the customer fixed peak load contribution.

For June 1, 2013, through May 31, 2014, the Reliability Pricing Model Capacity Charge shall be $6.88 per KW-Month and the fixed peak load contribution shall be 1,443 KW.
The Pennsylvania state tax is applied as required by the Pennsylvania Department of Revenue.

SECTION 2 – All other rate schedules set forth in Chapter A-231 of the Code of the Borough of Kutztown shall remain unchanged and in full force and effect.

SECTION 3 – All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

DULY ADOPTED AS A RESOLUTION this 23rd day of May, 2013, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled to be effective beginning June 1, 2013 and applicable to all electric bills issued on or after July 1, 2013, until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

Passed by unanimous vote.

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

RESOLUTION NO. 12-2013


WHEREAS, the Borough of Kutztown desires to use the market value of assets as the actuarial value of assets effective with the January 1, 2013 actuarial valuation report.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED, by the Council of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania, that the market value of assets be used as the actuarial value of assets for the Plan, effective with the January 1, 2013 actuarial valuation report.

I do hereby certify the foregoing to be a true and correct excerpt from the minutes of the meeting of the Council of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania, held on May 23, 2013.
DULY ADOPTED AS A RESOLUTION this 23rd day of May, 2013, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Mr. Khalife presented Borough Council with a 2013 year-to-date budget report, including the following topics: Projects, Salaries, Benefits, Utility Performance, Taxes, Change of Mentality, Staff in Transition, Focus on Infrastructure, Educating the Public and Efficiency of Operations.

Mr. Schlegel stated that he would like the Foundry to put their intentions in writing regarding their building in the Borough. Mr. Khalife said that the building will be guarded 24 hours per day, seven days per week, but that he would reach out to the Foundry.

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 approve payment #7 to Wickersham Construction and Engineering, Inc., for work completed at the Wastewater Treatment Plant, in the amount of $296,113.00. Passed by unanimous vote.

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

RESOLUTION NO. 13-2013

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO ADOPT THE HAZARD VULNERABILITY ASSESSMENT AND MITIGATION PLAN UPDATE FOR THE BOROUGH OF KUTZTOWN.
WHEREAS, the County Commissioners of Berks County authorized the preparation of a Hazard Vulnerability Assessment and Mitigation Plan Update (“Hazard Plan Update”) on behalf of the County’s municipalities; and

WHEREAS, Skelly and Loy, Inc., was selected as the consultant to assist the County in the preparation of the Hazard Plan Update; and

WHEREAS, a Steering Committee held public meetings to consider the draft Hazard Plan Update on May 1, 2012 and November 15, 2012; and

WHEREAS, the Steering Committee and the Berks County Department of Emergency Services recommended that the County Commissioners and each municipality in Berks County adopt the Hazard Plan Update; and

WHEREAS, the Council of the Borough of Kutztown, Berks County, Pennsylvania, recognizes that the Hazard Plan Update is a non-binding, policy-oriented guidance document for the management of natural hazards in the municipality and therefore desires to adopt the Hazard Plan Update prepared by Berks County as their municipal Hazard Plan Update.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, as follows:

Section 1: The Governing Body adopts the Hazard Plan Update entitled “Berks County Hazard Vulnerability Assessment and Mitigation Plan Update” hereinafter referred to as the “Hazard Plan Update”, together with its appendices, prepared by Skelly and Loy, Inc., in the form and content presented at a duly advertised public meeting, as the municipal Hazard Plan Update for the Borough of Kutztown.

Section 2: The Hazard Plan Update as adopted by the Council of the Borough of Kutztown, Berks County, Pennsylvania, shall include the following chapters and all charts, tables, diagrams, appendices, figures and textual matter contained therein:

Introduction
Hazard Identification and Risk Assessment
Hazard Mitigation Goals
Capability Assessment
Hazard Mitigation Strategy
Plan Maintenance Procedures

Section 3: The Hazard Plan Update shall include the maps entitled:

Location Map
Flooding Hazards
Flooding Hazards Comparison
Geologic Hazards
Wildfire Hazards
Hopewell Wildfire Location Map
Density of Repetitive Loss Properties by Municipality
Regional Growth Areas Impacted by 100-year Floodplains

Section 4: This Resolution shall become effective and be in force immediately.

DULY ADOPTED this 23rd day of May, 2013, by the Council of the Borough of
Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board: One Member Vacancy
One Alternate Vacancy

Housing License Appeals Board: One Member Vacancy
Three Alternate Vacancies

Zoning Hearing Board Two Alternate Vacancies

Environmental Advisory Commission: Two Member Vacancies

Telecommunications Advisory Commission: Two Member Vacancies

Mr. Mace announced that the June 11, 2013 Community Development and Public
Safety Committee meeting is cancelled.

President Snyder called for an Executive Session at 9:23 p.m. to discuss
personnel matters. The Executive Session ended and the meeting reconvened at
10:03 p.m.

Mr. Schlegel noted that the Memorial Day parade will take place on Monday,
May 27, 2013.

Mr. Mace noted that pool passes will be discounted through June 14, 2013.

A motion was made by Ms. Birckbichler, seconded by Mr. Eidle, Resolved,
To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting
ended at 10:04 p.m.
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 13, 2013 to May 16, 2013, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand