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. 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. 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; Police Chief Craig Summers; Northeastern Berks EMS representative Doug Demchyk; Kutztown Area Transport Services representatives Becky Rakowiecki and Rodney Freeman; Planning Commission representative Andy Arnold; Kutztown University students Ian Chideckel, Phabion Davis and Cameron Mafetz; Maxatawny Township representative Steve Wilson; residents Steve Curry and Gene Mosca; Ms. Laura Dillon, reporter for the Kutztown Area Patriot; and Ms. Rose Hogan, representing Kutztown University journalism were also present.

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

Gene Mosca expressed his displeasure about the customer-generator buy-back rate not being enough to justify his investment in solar panels, and he said that the policy needs to be changed. He also asked Council to encourage other people to put solar panels on their homes and buildings to cut down on greenhouse gases and to reduce global warming. Mr. Mooney stated that the Borough uses the same “formula” that other power
companies in the state use to calculate customer-generator net sales of electricity, and that the Borough doesn’t need to buy back power at all, because it is not regulated by the Public Utility Commission.

Steve Curry told Council that he would like to see only pneumatic tires allowed in the Borough, especially before the roads are replaced again.

Mr. Curry also complained about the “herds” of students on Main Street on Thursday and Friday nights during the school year. He suggested that more officers patrol the area or to possibly work something out with the University.

Ian Chideckel reported that although he and his roommates broke the lease they had with their landlord, they are still receiving Borough bills. When asked if they called the Borough to stop services, he did not recall. Mr. Khalife took Mr. Chideckel’s phone number and said that he would look into it and get back to him.

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

- Review and accept the Minutes of the May 20, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for May 2015.
- 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 May 15, 2015 through June 11, 2015, as summarized below:

  General Fund $246,995.25  
  Refuse and Recycling Fund $40,242.49  
  Water Fund $150,133.14  
  Electric Fund $410,048.80  
  Sewer Fund $98,097.56  
  Telecommunications Fund $73,869.59  
  KTA $196.75

Passed by unanimous vote.
Under Borough Planning Commission, Andy Arnold addressed the recommendation from the Planning Commission to deny the variance requested at 447 West Walnut Street due to the following concerns: lack of a hardship; desire to maintain the integrity of the student separation zone and the Borough Zoning Ordinance; and the desire to not set a legal precedent undermining the student separation zone and the Borough Zoning Ordinance. Mr. Mooney noted that since Council previously took action to send him to the hearing, no action was needed.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve the five waivers and the final preliminary plan, for Kutztown Self Storage, with the conditions outlined in the SSM Group, Inc. letter dated June 1, 2015, in addition to the satisfaction of the engineer’s approval for access to the fire hydrant. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 4-2015

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING ARTICLE VI OF CHAPTER 225 OF THE CODE OF THE BOROUGH OF KUTZTOWN BY REPEALING AND REENACTING SECTION 225-37 B. AND 225-38D., BY PERMITTING THE RECONSTRUCTION OF NONCONFORMING BUILDINGS AND STRUCTURES WHICH ARE DAMAGED OR DESTROYED BY FIRE, EXPLOSION, ACTS OF GOD OR ACT OF THE PUBLIC ENEMY.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the execution of a Storm Water Management Agreement with the property owner of 144 W. Main Street. Passed by unanimous vote.
Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for May 2015 was submitted.

The following fines were collected:

<table>
<thead>
<tr>
<th></th>
<th>April, 2015</th>
<th>$4,777.98</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>April, 2015</td>
<td>$553.04</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>May, 2015</td>
<td>$4,500.00</td>
</tr>
</tbody>
</table>

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To waive the requirement and fee for the street opening permit for the East Main Street Project only. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To enact and ordain the following Ordinance:

**ORDINANCE NO. 5-2015**

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN, BY ADDING A PROVISION TO SECTION 212-66 ENTITLED “STOP INTERSECTIONS,” BY PROVIDING FOR THE CREATION OF ONE (1) STOP INTERSECTION AT THE INTERSECTION OF BALDY STREET AND SOUTH CAMPUS DRIVE/TREXLER AVENUE AND REPEALING INCONSISTENT PROVISIONS.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve the request from the Allentown & Auburn Railroad to approve the 2015 train ride schedule and use of the Train Station on those dates, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve the proposed upgrade to the pool pass system for the 2016 season. Passed by
unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from the Cornerstone Community Church to use the Band Shell and the Scooter Building for a church service, on July 26, 2015, 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 quote from Martin Roofing, in the amount of $1,400.00, to repair the Shoe Building roof. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve the quote for materials only, from Sanders Masonry, for block repairs to the Shoe Building. Mr. Seyler and Mr. Khalife both noted that the repair cost could be significant, and that the contractor will not know until he starts the project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve the quote from Sanders Masonry, in the amount of $4,500.00, to repair the Borough Hall sign and the memorial wall veterans plaque in the park. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the request from the Quad County Optimist Baseball League to use the Legion Field for their league games and to waive any associated fees. Note: A certificate of insurance has already been provided. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the quote to replace the privacy fence in the park. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve the request from Kutztown Strong to hold a meeting in the Brick Pavilion on August 18, 2015, and to waive any associated fees. Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Martin, seconded by Mr. Schlegel, Resolved, To approve the parade permit application for “Dinner on Main” on July 31, 2015, contingent upon review by the Police Chief any PennDOT requirements. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To reappoint Andrew Arnold as a member of the Housing License Appeals Board, whose term shall expire July 1, 2016. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To reappoint Craig Koller as a member of the Housing License Appeals Board, whose term shall expire July 1, 2016. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Jeff Slostad as a member of the Code Appeals Board, whose term shall expire July 1, 2020. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To hire Patrick Eigenbrod as a lifeguard at a rate of $9.02 per hour. 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, there was nothing to report.

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

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, 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 8:24 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:44 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the Borough Solicitor to file an appeal of the Maxatawny Township Act 537 Plan Revision. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:45 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 May 15, 2015 through June 11, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder                   Gina M. Wiand