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. Edwin Seyler, Ms. Peggy Devlin, Mr. Richard Diehm, and Mr. Scott Piscitelli. Mr. Derek Mace, and the Mayor, Ms. Sandra Green, were absent. Mr. Keith Mooney and Mr. George Werner, Borough Solicitors; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Daniel Eslinger, Community Development Director/Zoning Officer; Police Chief Craig Summers; Mr. John Schmoyer, Seasonal Recreation Director; Maxatawny Township representative Steve Wilson; State Representative Gary Day, Intern for Representative Day, Wes Schlauch; Boy Scout Troop 101 members Aaron Collins, Mike Collins and Logan Boyer; Kutztown Area Transport Services representative Rodney Freeman; and Mr. Ron Devlin, reporter for the Reading Eagle, was also present.

President Snyder called for an Executive Session at 7:32 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:07 p.m. Mr. Snyder stated that SCRA arbitration was disused during the Executive Session. No action was taken.

President Snyder noted that on June 7, Mayor Green and Gina Wiand attended the Pennsylvania State Association of Boroughs awards luncheon, in Hershey, where the Borough was awarded second place for the Kutztonian News newsletter, and third place
for the Borough’s Web site, in the Borough News magazine newsletter and Web site contests. He thanked Ms. Wiand for her work on the newsletter and the Web site.

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

Wes Schlauch, an intern for State Representative Gary Day, addressed Council with recognition and appreciation for the Borough’s community engagement and leadership. He also presented the Borough with new American and Pennsylvania flags.

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

- Review and accept the Minutes of the May 17, 2016 Borough Council meeting.
- Review and accept the Borough Community Development Report for May, 2016.
- 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 14, 2016 through June 17, 2016, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$301,527.50</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$6.75</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$50,256.90</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$82,818.56</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$292,184.41</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$88,030.59</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$95,501.15</td>
</tr>
<tr>
<td>KTA</td>
<td>$5,450.00</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 May, 2016 was submitted.
The following fines were collected:

- District Justice Gretl April, 2016 $8,769.52
- Clerk of Common Pleas April, 2016 $519.60
- Secretary’s Office May, 2016 $5,350.00

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

**ORDINANCE NO. 2-2016**

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 158 OF THE CODE OF THE BOROUGH OF KUTZTOWN, WHICH CHAPTER IS ENTITLED "PEACE AND GOOD ORDER", BY AMENDING ARTICLE I: “DISORDERLY CONDUCT” BY MAKING UNAUTHORIZED ACCESS TO A ROOFTOP A SUMMARY OFFENSE.

Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To authorize the Borough Solicitor to draft and advertise an Ordinance to vacate Cherry Alley, between Vine Alley and Highland Avenue, contingent upon there being no conflict with Borough utilities. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To approve a Beer Garden, at the Valley Blues & BBQ Festival, to be held in the Kutztown Park on August 21, 2016, within a controlled and enclosed area.

During discussion, Mr. Seyler opposed the motion because he does not believe there should be alcohol in the park, especially since the event is not being held by a local organization and the Borough was not reimbursed for all of its related expenses last year.

Mr. Piscitelli noted that other events are approved to have alcohol in the park, and he does not think that this event should be treated differently. He also stated that Mayor
Green is in favor of it as well. Chief Summers concurred that the Mayor is in favor, but he noted that he has mixed feeling about it.

President Snyder explained that the organizer is on notice to give a substantial donation back to the Borough this year.

Mr. Schmoyer spoke in favor of it because he sees this as a positive event that will bring people to town.

Mr. Mooney offered the suggestion of holding the event with a stipulation that all beer sales stop when the last band takes the stage.

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To amend the motion still on the floor to approve a Beer Garden, at the Valley Blues & BBQ Festival, to be held in the Kutztown Park on August 21, 2016, within a controlled and enclosed area, and with the stipulation that beer sales are stopped 7:00 p.m. or when the last band takes the stage, whichever comes first. All in favor, except Mr. Seyler, who voted Nay. There being a majority in favor, the motion passed.

Under Public Works Committee, a motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the parade permit application for the Kutztown Kruizz to be held on July 30, 2016. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request of the Blandon Boy Scout Troop to camp at North Park and do their service project on September 23 and 24, 2016, and to waive associated rental fees. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the request from Nancy Kasting to use the Scooter Building on June 25, 2016,
from 11:00 a.m. until 4:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the request from Maria Asteriadou to use the Band Shell on July 29, 2016, for a piano concert, as part of Kutztown University’s Summer Chamber Music Festival, and to waive associated rental fees. Passed by unanimous vote.

Mr. Diehm noted that approval for the event request by Ms. Asteriadou includes the day before the event and the day after as well.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the request from Kutztown Strong to use the Brick Pavilion on June 21, 2016; July 21, 2016; and August 18, 2016, for their meetings, and to waive associated rental fees. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To authorize the Change Orders for the Main Street Improvements Project and to transfer $275,000.00 from the Electric Fund to pay the bill. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To reappoint Chris Habeck as a member of the Planning Commission, whose term shall expire on June 1, 2020. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To reappoint Craig Koller as a member of the Housing License Appeals Board, whose term shall expire on July 1, 2017. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To reappoint Andrew Arnold as a member of the Housing License Appeals Board, whose
term shall expire on July 1, 2017. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To hire Charles Himes, a Kutztown University summer intern, to work on the GIS project, at a rate of $10.00 per hour. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the purchase of 88 Phillips 72 watt LED cobra head street lights, from Rumsey Electric, through Costars, at a total cost of $18,990.40. Passed by unanimous vote.

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

Mr. Diehm noted that the staff is busy updating systems and that everything is running fine.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To award the bid submitted by Conrady Consultant Services, in the amount of $7,400.00, to inspect and video the interior and exterior of four water tanks and to submit a full report of the findings. Passed by unanimous vote.

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

RESOLUTION NO. 11-2016

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, OBJECTING TO MAXATAWNY’S PROPOSED INSTALLATION OF A NEW FORCEMAIN ON KUTZTOWN’S PROPERTY AND AUTHORIZING BARLEY SNYDER, LLP, THE BOROUGH SOLICITOR TO TAKE APPROPRIATE STEPS TO PROTECT AND PRESERVE KUTZTOWN’S RIGHTS AND
INTERESTS RELATIVE TO THE MAY 4, 2006 INTERMUNICIPAL AGREEMENT, AS AMENDED.

WHEREAS, on or about May 4, 2006, the Borough of Kutztown (the “Borough”), Maxatawny Township (the “Township”), Kutztown Municipal Authority (“KMA”) and the Maxatawny Township Municipal Authority (“MTMA”) (collectively the “Parties”) entered into an intermunicipal sanitary sewage service and treatment agreement, as amended by the first amendment to same executed on or about August 25, 2010 (the “Agreement”); and

WHEREAS, the Agreement incorporated a certain Grant of Right of Way and Easement for Force Main dated August 25, 2010 (hereinafter the “Easement”).

WHEREAS, the Easement authorized the installation of one (1) pipe line not exceeding 6” in diameter through which sanitary sewage was to be pumped a distance of 2900 feet from the flow splitting facility located on leased premises at the Borough Sewage Treatment plant to the SCRA Treatment Plant.

WHEREAS, the above referenced 6” pipe has been installed and is currently in use.

WHEREAS, Maxatawny applied for and the Department of Environmental Protection (hereinafter “Department”) on November 3, 2015 issued a Water Quality Management Permit (“Permit”), which authorizes the installation of a new forcemain.

WHEREAS, KUTZTOWN has appealed the issuance of the Permit which appeal is pending at EHB Docket 2015-189-L.

WHEREAS, the new forcemain is proposed to cross over the Borough’s property at its sewage treatment plant located along Route 737 and connect to the Influent Pump Station. In addition the proposed new forcemain is to be 8” in diameter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, that the Borough objects to Maxatawny’s proposed plan to install a new forcemain on the Borough’s property and hereby authorizes Barley Snyder, LLP, the Borough Solicitor, take appropriate steps to protect and preserve the Borough’s rights and interests relative to the May 4, 2006 Intermunicipal Agreement, including the August 25, 2010 Easement, and to prevent trespass upon the Borough’s land at the sewage treatment facility, including by initiating litigation and by providing statutory prior notice of defiant trespass.

DULY ADOPTED as a Resolution this 21st day of June, 2016, 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. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request from the Allentown & Auburn Railroad to access the fire hydrant on Pine Street, with the conditions that the hydrant will be metered and the normal water rate will be charged. Passed by unanimous vote.

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

RESOLUTION NO. 12-2016


WHEREAS, the Lancaster Industrial Development Authority (the "Authority") is a body politic and corporate incorporated pursuant to a Resolution of the Council of the City of Lancaster, governed by the provisions of the Pennsylvania Economic Development Financing Law, approved August 23, 1967, P.L. 251, as amended and supplemented (the "Act"); and

WHEREAS, Topwater Investments, Incorporated (the "Company") has requested that the Authority assist it in a project (the "Project") to finance, among other things, (1) the refunding of the outstanding Pennsylvania Economic Development Financing Authority ("PEDFA") Economic Development Revenue Bonds, 2007 Series B-1 (Topwater Investments Incorporated Project) (the “Bonds”), previously issued by PEDFA to finance a loan to the Company for the purpose of: (a) the acquisition and renovation by the Company of a 45,920 square foot building and related equipment and leased to and operated by Multicell Packaging, Inc. as a facility for the manufacturing of cardboard box partitions used to separate individual products and prevent damage during shipping and handling; and (b) to pay costs of issuance of the Bonds; and (2) the payment of costs of issuance.
WHEREAS, in order to assist it in financing the Project, the Company has requested that the Authority issue its tax exempt revenue note (the "Note"), the interest on which shall not be included in gross income for the holder under the Internal Revenue Code in an amount not to exceed $1,000,000.00; and

WHEREAS, pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), all bonds or notes issued by the Authority, such as the Note to be issued to finance the Project for the benefit of the Company, must be approved by the "applicable elected representative" of the governmental unit having jurisdiction over the area in which the Project is located after a public hearing following reasonable public notice; and

WHEREAS, pursuant to the Code, the term "applicable elected representative" means, among other things, the elected legislative body of the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, the Borough Council (the "Borough Council") of the Kutztown Borough (the “Borough”) is the "applicable elected representative" of the Borough within the meaning of the Code; and

WHEREAS, the Borough Council desires to authorize and direct its President, or in his absence any other member of the Borough Council, to act on its behalf as such "applicable elected representative."

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL AS FOLLOWS:

1. The Borough Council hereby empowers, authorizes and directs its President, or in his absence any of its members, to execute and deliver an "approval of applicable representative" in the form attached hereto; provided that such approval shall be delivered only following a public hearing conducted by the Authority, which has followed reasonable public notice, with respect to the Project. The Borough Council intends that this Resolution and the subsequent execution and delivery of the approval of "applicable elected representative" by any member of the Borough Council of the Borough shall constitute the "approval by a government unit" required by Section 147(f) of the Code.

2. This approval is given by the Borough Council as the host community of the Project, i.e. as the governmental unit which contains the site of the Project, and solely for the purposes of Section 147(f) of the Code. This approval has been given solely for that purpose and does not constitute approval of any requests which may arise with respect to zoning, subdivision or land development, construction or any other matters, and this approval does not limit the ability of the Borough to impose conditions upon any approval or to collect any fees, costs, taxes, or payments in lieu of taxes. The obligations to be issued shall not constitute a debt or obligation of the Borough, and the Borough hereby assumes no obligation whatsoever with respect to payment of the same.

June 21, 2016 Council Meeting Minutes
ADOPTED this 21st day of June, 2016, by the Borough 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
- 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: One Member Vacancy

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:41 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 May 14, 2016 through June 17, 2016, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _________________________
Kevin J. Snyder                  Gina M. Wiand