A regular meeting of the Kutztown Borough Council was called to order at 7:34 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 Birckbichler and Mr. Malcolm Eidle. Councilman Mr. Derek Mace and the Mayor, Ms. Sandra Green were absent. Mr. Keith Mooney, Borough Solicitor; Ms. Laura Eberly, representing the Borough’s planning and wastewater engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Mr. Daniel Eslinger, Director of Community Development/Zoning Officer; Mr. Raymond Austin, Finance Director/Assistant Treasurer; Interim Telecommunications Director, Mark Arnold; Fair Board representatives Robert Geist and Chris Manwiller; Optimist Club representatives Andy Schlegel, Hugh Smith, Chuck Altenderfer, Don Sechler, Ken Remick, Andy Schlegel and Stephen Hoare; Action Track USA representative Doug Rose; Boy Scout Troop 101 representatives Jerry Geist and Cody Geist; residents Andrew Vogel, Shane Kern, Beth Kern, Jeff Dengler, Ann Keiser, Sam Keiser, Ricky Salafia, Susan West, Steve Fritz, Janelle Stump, Mike Shaw and Russell Coffin were 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 Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the June 18, 2013 Borough Council meeting.
- Review and accept the Borough Community Development Report for June, 2013.

- 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 June 14, 2013 to July 11, 2013, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$165,569.95</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$84,574.73</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$66,479.23</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$398,481.80</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$1,221,036.44</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$117,623.27</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.


Mr. Seyler reported the following fines were collected:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>$10,569.90</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>$724.03</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>$1,850.00</td>
</tr>
</tbody>
</table>

A lengthy conversation with “Kutztown Neighbors and Friends” regarding the race track took place. Borough residents Mike Shaw, Sam Keiser and Andrew Vogel spoke to express concerns regarding the number of races, track expansion, dust and noise levels, and quality of life issues. They asked Borough Council for a clearer definition of an event. Mr. Mooney clarified that the Kutztown Fair is considered one primary event out of the 12 total events. Mr. Mooney stated the number of races cannot be increased or decreased unless approved by Borough Council.

Action Track USA representative Doug Rose stated that on
www.actiontrack.com there is a full list of the racing schedules and he indicated all of the “events” were being monitored by Borough officials. Doug Rose also informed Borough Council that he does not have any intention, at this point, to expand the track and he stated that the quality of life concerns do not reflect everyone’s perspective.

Mr. Seyler stated that the race track has not been expanded and any expansion would require approval from Borough Council. Citizen Russell Coffin spoke on behalf of the race track stating that Kutztown has always been known as a racing community, listing names of drivers that were from Kutztown, and he stated that racing teaches mechanics and good work ethic.

Mr. Snyder asked to proceed with the meeting if there was no new business.

Under Public Works Committee, Council discussed the option for a Guest/Senior/Nanny pool pass. Mr. Snyder postponed discussion of this topic until next year.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify the request from the Dolphins Swim Team to open the pool late on Sunday, July 14, 2013, because they are hosting an invitational swim meet, from 8:00 a.m. until 2:00 p.m. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize two change order requests recommended by YSM regarding construction at North Park. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the employment of Raymond Austin,
Finance Director/Assistant Treasurer, at an annual salary of $50,000.00, and to prorate his personal days for 2013, both effective as of July 1, 2013. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Carolyn Wasser, as a part-time Library Clerk at the Kutztown Community Library, at an hourly rate of $9.76. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To rescind the employment offer to hire Natalie Cascino as a lifeguard for the 2013 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To reappoint Dorothy Fox as a member of the Housing License Appeals Board, whose term shall expire August 1, 2014. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To authorize Kyle Hess to “shadow” the Public Works Crew for the Emmaus High School “Shadowing Experience” graduation requirement. Passed by unanimous vote.

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. Schlegel, Resolved, To approve the proposed renewal of the Borough’s insurance policy. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the Additional Software License Agreement, with New World Systems, for software that will link the Borough’s time keeping system with its payroll system, at
an estimated cost of $10,200.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To authorize Accounts Advocate Agency, Inc., Wyomissing, PA, to collect on all outstanding balances as requested by the Borough. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To grant an exemption from Per Capita Tax to anyone with less than a $5,000.00 income. Passed by unanimous vote.

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

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve payment #9 to Wickersham Construction and Engineering, Inc., for work completed at the Wastewater Treatment Plant, in the amount of $488,611.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To award the contract for the Nitrate Removal System and Water Treatment Plant Building Expansion Project to Wickersham Construction and Engineering, Inc., for a bid price of $3,292,400.00, contingent upon receipt of the NPDES permit. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize Mr. Mooney to intervene and represent the Borough regarding a contested zoning application in the court of common pleas. Passed by unanimous vote.

President Snyder noted the following vacancies:
President Snyder called for an Executive Session at 8:30 p.m. to discuss personnel matters.

The Executive Session ended and the meeting reconvened at 9:19 p.m.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Holsten & Associates to represent the Borough in the Gilmore lawsuit. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint David Horvath as the Director of Information Technology at an annual salary of $67,000.00, effective July 1, 2013. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the Borough Manager to make employment offers to Mark Arnold as Director of Telecommunications; Dale Kramer as Water Plant Manager and Jarrad Burkert as Wastewater Plant Manager, and if accepted, ratify effective July 1, 2013. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To disqualify Brice Excavating, LLC, from the Drainage Area 3 Sanitary Sewer Replacement Project as recommended by SSM Group, Inc. Passed by unanimous vote.
Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To award the Drainage Area 3 Sanitary Sewer Replacement Project to Wexcon, Inc., in the amount of $436,459.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To award the Drainage Area 3 Sanitary Sewer Lining Project to Mr. Rehab, Inc., in the amount of $42,389.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:24 p.m.

Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from June 14, 2013 to July 11, 2013, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  __________________________
Kevin Snyder               Andrea Rahn