A regular meeting of the Kutztown Borough Council was called to order at
7:30 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; Mr. Mark Arnold,
Telecommunications Director; Maxatawny Township representative Steve Wilson;
representative from Gary Day’s office, Tom Creighton; Tompkins Insurance
representative Sam Harter; Kutztown University representative David Johnson; Business
Link representative Jeremy Foose; Assistant Emergency Management Coordinator Todd
Evans; Kutztown Area Transport Services representative Rodney Freeman; Kutztown
Municipal Authority representative Don Sechler; Borough employee Therese Mertz;
residents Walter Hess, Jacqueline Bridges, Peter and Ellen Overcast, Mac Eidle, Craig
Koller, Deborah Clauss, Carl Mantz and Michele Moyer; visitor Kathy Widdows; and
reporter for the Reading Eagle, Mr. Ron Devlin, was also present.

On behalf of State Representative Gary Day, Tom Creighton presented Mayor
Green and Bicentennial Committee Chairman Craig Koller with a citation recognizing
the Borough’s Bicentennial.

Tompkins Insurance representative Sam Harter presented Council with proposed
policy renewals for 2015-2016.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the 2015-2016 insurance policies. Passed by unanimous vote.

Off of the agenda, Mr. Seyler read the following statement:

“Borough Council recognizes Mac Eidle for his commitment and dedication to preserve the fabric of Kutztown Borough’s natural resources and infrastructure. Mac has served the Borough for over 25 years. The Borough Council hereby resolves to name the Borough’s Water Treatment Plant the Malcolm ‘Mac’ Eidle Water Treatment Plant.”

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To name the Borough’s Water Treatment Plant the “Malcolm ‘Mac’ Eidle Water Treatment Plant.” Passed by unanimous vote.

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

Sylvia Wolff addressed Council with two complaints about her neighbor, Mr. Ewing. The first complaint was that Mr. Ewing supposedly pointed a gun in the direction of her daughter and her daughter’s dog. Per Chief Summers, the Kutztown Police Department responded to the complaint and did not file charges because Mr. Ewing was cleared of any wrongdoing.

Ms. Wolff’s second complaint was regarding what she perceived to be an unsafe retaining wall on Mr. Ewing’s property. She expressed her concern for the safety of children who play there. Mr. Eslinger said that that wall is not a structure, so no permits are required, but that Mr. Ewing does need a permit for his split rail fence.
David Johnson, from Kutztown University, requested permission to use Borough property, adjacent to the University, for a fireworks show on Saturday, October 3, 2015, with a rain date of Friday, October 23, 2015.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize Kutztown University to use Borough property for a fireworks show on Saturday, October 3, 2015, with a rain date of Friday, October 23, 2015, contingent upon all regulations and insurance requirements being met. Passed by unanimous vote.

Deborah Clauss asked Council for more information regarding a law suit against the Borough. Mr. Mooney explained that the complaint was dismissed on June 30, 2015, and the complainant re-filed the same complaint on July 17, 2015. Ms. Clauss asked for more information on the law suit to be made available on the Borough’s Web site. Mr. Seyler informed her of what was already available.

Ms. Clauss also expressed her concern for the Borough turning down revenue making opportunities, such as the “Silk Mill Project.” She also suggested that the “life beat” of the community is the University and that Council should stop fighting it. Mayor Green stated that she believes there is a real opportunity for positive town and gown relations with the new Kutztown University president. She asked Ms. Clauss to join the new Town and Gown Committee.

Craig Koller thanked the Borough for all of the help and support provided for the Bicentennial celebration, and he announced that Bicentennial week starts on Saturday, July 25, with the Kutztown Kruizz, and goes all week, culminating with the parade on Saturday, August 1. Mayor Green thanked Mr. Koller for agreeing to chair the
Committee and she commended him on a job well done.

Steve Wilson, KMA customer and Maxatawny Municipal Authority member, stated his confusion over Mr. Mooney’s previous statement that the lawsuit against the Borough was dismissed. Mr. Mooney explained again that the complaint was dismissed on June 30, 2015, and the complainant re-filed the same complaint on July 17, 2015.

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

- Review and accept the Minutes of the June 16, 2015 Borough Council meeting.
- Review and accept the Borough Community Development Report for June 2015.
- Ratify approval for the Kutztown Community Library, Inc. to use the Band Shell on July 16, 2015 and to waive any associated fees.
- 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 12, 2015 through July 16, 2015, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$238,132.02</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$62,313.85</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$78,547.69</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$426,501.06</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$80,876.40</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$94,357.58</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To approve changing the Planning Commission’s meeting time to 7:00 p.m. in 2016. Passed by unanimous vote.

A motion was made by Devlin, seconded by Ms. Martin, Resolved, To deny Zoning Appeal No. Z-15-02 regarding 428 E. Walnut Street. All in favor except for Mr.
Seyler and Mr. Schlegel who both voted Nay. There being a majority in favor, the motion passed.

A motion was made by Devlin, seconded by Ms. Martin, Resolved, To deny Zoning Appeal No. Z-15-03 regarding 206 Highland Avenue. All in favor except for Mr. Seyler and Mr. Schlegel who both voted Nay. There being a majority in favor, the motion passed.

Under Environmental Advisory Commission, there was nothing to report.

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

The following fines were collected:

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>May, 2015</td>
<td>$3,088.34</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>May, 2015</td>
<td>$50.58</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>June, 2015</td>
<td>$1,400.00</td>
</tr>
</tbody>
</table>

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the new Standard Operating Procedure: Domestic Abuse Incidents and Protection Orders. Passed by unanimous vote.

Under Public Works Committee, no action was taken on the bids received for the 2015 Street Improvements Project because no bids were received. Mr. Khalife noted that we will try to rebid some of the project later this year and the rest next year.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request for the use of the Scooter Building on September 26, 2015 (name withheld because it is a surprise party). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the request from Ron Reinhard to use the Scooter Building on September 6,
2015 and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the request from Donna Meals to use the Scooter Building on August 16, 2015. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve the request from Donna Meals to use the Scooter Building on August 16, 2015. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve Change Order #1 for the Kutztown Park – Phase 2 (playground project), in the amount of $1,975.00, regarding changes in the playground area layout to save a tree that was not on the survey. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To approve Change Order #1 for the Kutztown Park – Phase 2 (playground project), in the amount of $1,975.00, regarding changes in the playground area layout to save a tree that was not on the survey. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Martin, Resolved, To approve Change Order #2 for the Kutztown Park – Phase 2 (playground project), in the amount of $20,500.00, for placing safety surface mulch at the four playground areas. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve Change Order #2 for the Kutztown Park – Phase 2 (playground project), in the amount of $20,500.00, for placing safety surface mulch at the four playground areas. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve Payment #1 for the Kutztown Park – Phase 2 (playground project), in the amount of $54,117.00. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To renew the Borough’s Winter Municipal Agreement with PennDOT and to adopt the accompanying Resolution authorizing execution of the agreement.

RESOLUTION 12-2015


BE IT RESOLVED, by authority of the Council of the Borough of Kutztown,
County of Berks, Commonwealth of Pennsylvania, and it is hereby resolved by authority of the same, that the Council President of the Borough of Kutztown be authorized and directed to sign the attached Agreement on its behalf.

DULY ADOPTED AS A RESOLUTION this 21st day of July, 2015, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Ms. Martin, Resolved, To approve the Application and Certification for Payment #2, in the amount of $86,499.00, for Kutztown Park – Phase 2. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To hire Ashley Landis as a lifeguard at a rate of $7.89 per hour. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To hire Elizabeth Del Rio as a lifeguard at a rate of $8.16 per hour. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To accord regular full time employment to Susan Johnston, Finance Director, who has successfully completed her probationary period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To accord regular full time employment to Chad Gechter, Apprentice/Meter Reader, who has successfully completed his probationary period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To reappoint Dorothy Fox as a member of the Housing License Appeals Board, whose term

July 21, 2015 Council Meeting Minutes
shall expire August 1, 2016. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To appoint Joseph Sebzda as a member of the Environmental Advisory Commission, whose term shall expire January 1, 2016. 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 execute the Service Agreement with Payment Service Network, Inc. Passed by unanimous vote.

Off of the agenda, Mr. Khalife presented Borough Council with a 2015 year-to-date budget report, including the following topics: Salaries, Overtime and Benefits; Service/Utility Performance; General Fund; “Life After the Foundry” – no electric rate increase since 2012; Service Electric rate card comparison; Grant Funds; Reflection – Bicentennial and history; Forward Looking; and Goals.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Martin, seconded by Ms. Devlin, Resolved, To approve the proposed letter to the Federal Communications Commission regarding competitive pricing. Passed by unanimous vote.

A motion was made by Ms. Martin, seconded by Mr. Schlegel, Resolved, To approve the increase of Expanded Basic TV and associated TiVo Bundle offerings by $1.50 each. Ms. Martin noted that the increase is due to the increased cost of programming. Passed by unanimous vote.

A motion was made by Ms. Martin, seconded by Mr. Schlegel, Resolved, To
approve the Calix purchase order for an Internet upgrade. Passed by unanimous vote.

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

Mr. Schlegel noted that Dennis Hassler passed his Water Plant Certification exam and has obtained a Class "B" CDL.

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

- Telecommunications Advisory Commission: Two Member Vacancies

Mr. Mooney informed Council that the County never recorded the amended and restated Easement Agreement for the emergency radio tower on the Borough Farm.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To authorize execution of the amended and restated Easement Agreement with the County of Berks for the emergency radio tower on the Borough Farm. Passed by unanimous vote.

President Snyder called for an Executive Session at 9:15 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 9:32 p.m. No action was taken.

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 9:32 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 June 12, 2015 through July 16, 2015, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin J. Snyder    Gina M. Wiand