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. Malcolm Eidle,
Mr. Edwin Seyler, Mr. Derek Mace, Ms. Rachael Birckbichler and the Mayor, Ms.
 Sandra Green. 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. Andrea Rahn, Assistant Borough
Secretary; Mr. Frank Caruso, Information Technologies Director; Mr. Walter J. Hess,
Superintendent of Water and Wastewater; Mr. Daniel Eslinger, Director of Community
Development/Zoning Officer; Police Chief Craig Summers; Mr. Steve Diehl, Interim
Electric Superintendent; Kutztown Planning Commission representatives Andrew
Arnold, Karen Feridun and Lisa Ladd-Kidder; Kutztown Community Library
representative Mara Rockliff; Kutztown Lions Club representative Bob Watrous; Long
Barrell representative Jack Long; and residents Pat Stark, Dennis Krumanoeker and Eric
Boyer were also present.

Jack Long, from Long Barrell, presented Council with the 2011 audit report.

There were no questions or comments.

On behalf of the Kutztown Community Library, Inc., Mara Rockliff presented
Council with the Library’s 2011 annual report. She reported that the Library had nearly
70,000 visits and that computer and Internet access increased by 24% in 2011. Ms.
Rockliff also reported that despite increased use as well as the Library’s children’s
programs, collection of books and e-books, and a successful passport program, state funding continues to decrease. She thanked the Friends of the Library for their fundraising efforts and the Borough for their support, specifically for the new directional signs that were put up in town.

Mr. Mace asked if the Library Board has considered offering other government services similar to the passport program. Ms. Rockliff said that nothing is being considered at this time, but that she will bring it to the attention of the Board.

President Snyder noted that Downtown Trick-or-Treat Night is scheduled for Wednesday, October 24, from 6:00 p.m. to 8:00 p.m., and Borough Trick-or-Treat Night is scheduled for Thursday, October 25, from 6:00 p.m. to 9:00 p.m.

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

Dennis Krumanocker addressed Council regarding his feeling that the permanent residents of Kutztown have been adversely affected by the return of Kutztown University students. He sited underage drinking, poor driving habits and disrespect as a few of the unacceptable behaviors that he has witnessed since the start of the fall semester, and he stated that he does not feel it is safe to travel the streets in town at certain times of the day and night. Mr. Krumanocker urged Council to consider new laws for student housing, more police presence throughout the week, loitering laws, a head tax on students living in the Borough, a temporary midnight curfew for people under 21 (until things are under control), a crackdown on underage drinking and on the people who sell the alcohol, and to attach substantial fines to DCRs.

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

- Review and accept the Minutes of the August 21, 2012 Borough Council meeting.

- Review and accept the Borough Community Development Report for August, 2012.

- 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 August 17, 2012 to September 13, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$204,671.57</td>
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<tr>
<td>Refuse and Recycling Fund</td>
<td>$49,063.96</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$33.66</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$53.80</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$134.74</td>
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<tr>
<td>Water Fund</td>
<td>$148,694.29</td>
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<tr>
<td>Electric Fund</td>
<td>$446,446.88</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$122,770.18</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$84,016.45</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun reported on the Planning Commission’s recommendation to approve the proposed BYOB Ordinance and zoning amendment.

Under Environmental Advisory Commission, Karen Feridun reported that Steve and Lisa Schnell were awarded the Environmental Achievement Award for their work on the garden at the Kutztown Elementary School.

Under Community Development and Public Safety Committee, Mr. Mace addressed the concerns raised by Dennis Krumanocker. He stated that the Committee frequently discusses student activities and that, in addition to the BYOB Ordinances, they are considering increasing patrols and officers, limiting the gathering of non-related people after a certain hour and imposing fines. Additionally, Mr. Mace asserted that
Council realizes that the quality of life for residents is dependant upon the Borough having proper restrictions in place.


Mr. Mace reported the following fines were collected:

- District Justice Greth    July, 2012   $4,508.33
- Clerk of Common Pleas    July, 2012   $186.78
- Secretary’s Office       August, 2012 $2,350.00

A motion was made by Mr. Mace, To approve the request from the Kutztown Community Partnership (KCP) to increase the Borough’s annual contribution to $15,000 in 2013 and to $20,000 in 2014 and 2015, and to enter into a three-year financial commitment with KCP. After some discussion, the motion died for lack of a second.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize the Borough Manager to draft a letter to the Liquor Control Board outlining the Borough’s concerns regarding the liquor license being transferred to an establishment on Main Street. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Eidle, Resolved, To release $4,132.75 in financial security to Eagle Point Property Management for work related to the townhouse development project at 274-306 Greenwich Street. Note: because additional work needs to be done on the water meter, associated escrow was not recommended for release. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To designate a two-hour parking restriction and permit parking for the 300 and 400 blocks of Fairview Drive and the section of Spruce Street that connects Wentz Street and Fairview Drive. Passed by unanimous vote.
A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To authorize the appropriate Borough officials to draft an Ordinance amending Chapter 212 of the Kutztown Code to accommodate the proposed parking restrictions for Fairview Drive and Spruce Street. Passed by unanimous vote.

Off of the agenda, Mr. Mace recognized the Lions Club for adding the Pennsylvania Dutch dialect to all of the welcome signs in the Borough. Lions Club members Jim Schlegel, Ed Seyler and Bob Watrous were present.

Mr. Seyler questioned if the Borough received a price for the traffic study at the intersection of Wentz Street and College Boulevard. Per Chief Summers, that was referred to the Public Works Committee.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To ratify the request from Kutztown Area High School to hold a bonfire on September 13, 2012, on the high school grounds. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To authorize the appropriate Borough officials to execute the two-year traffic signal maintenance contract with Signal Service, Inc., effective October 1, 2012. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To remove and replace the large Norway Spruce tree across from Borough Hall. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To reappoint Lisa Ladd-Kidder as a member of the Borough Planning Commission, whose term shall expire October 1, 2016. Passed by unanimous vote.
A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To reappoint Erma Bond as a member of the Housing License Appeals Board, whose term shall expire October 1, 2013. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the resignation of part-time Youth Services Librarian Kathleen Murray. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the Side Letter of Agreement, with AFSCME, for the donation of sick leave to Catharine Runkle. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify the Side Letter of Agreement, with AFSCME, to hire Kerry Eckert as a Second Class Lineman at a consolidated pay scale. Mr. Eckert’s anticipated start date is September 24, 2012. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To authorize hiring a full-time police officer in anticipation of potential upcoming retirements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize hiring one or two part-time police officers in anticipation of potential upcoming retirements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To approve the following Resolution:
RESOLUTION NO. 15-2012


WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 18, 2012 of the 2013 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2013 Minimum Municipal Obligation for the Borough of Kutztown Police Pension Plan requires that each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan, contribute into the Police Pension Fund during the calendar year of 2013.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2013, by each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan for the calendar year of 2013, as provided for in §33-8, of the Code of the Borough of Kutztown, Berks County, Pennsylvania.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 18th day of September 2012.

Passed by unanimous vote.

Mr. Seyler noted that the 2013 Minimum Municipal Obligation (MMO) for Non-uniformed and Uniformed employee pension plans has been distributed to Council.

Mr. Seyler asked if Council was prepared to approve the consolidated pay scale for Shelley Grim as a part-time office assistant in the Community Development Office.

Mr. Khalife explained that the Side Letter of Agreement, with AFSCME, is needed to proceed.

Under Finance and Electric Committee, Mr. Eidle tabled the item to adopt the proposed Resolution approving the funding of the Other Post-Employment Benefits
(OPEB) Liability.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To purchase an electric bucket truck. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve a water credit, in the amount of $4,959.83, and a sewer credit, in the amount of $5,593.38, for 420 College Boulevard. Passed by unanimous vote.

Off of the agenda, Mr. Schlegel recognized the Sewer Crew for repairing a grinder, in-house, which saved the Borough $10,000.

Under Telecommunications and Information Technologies Committee, Ms. Birckbichler had nothing to report.

Mr. Khalife presented Borough Council with a 2012 year-to-date budget review, which included an analysis of projects and capital. In addition, he previewed the draft 2013 budget.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To advertise an Administrative Retreat to be held on Tuesday, October 23, 2012, at 6:00 p.m., at the Kutztown Community Library. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

- **Code Appeals Board:** One Member Vacancy
- **Code Appeals Board:** One Alternate Vacancy
- **Housing License Appeals Board:** Three Alternate Vacancies
- **Zoning Hearing Board:** Two Alternate Vacancies
- **Environmental Advisory Commission:** Two Member Vacancies
- **Telecommunications Advisory Commission:** Two Member Vacancy

Off of the agenda, Mayor Green noted that on Friday, September 21, 2012, at 6:30 p.m., the Little League Field in the park will be dedicated and renamed the Grant
"Gitch" Bleiler Memorial Field.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved,

To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:10 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Attested by: Andrea Rahn
Assistant 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 August 17, 2012 to September 13, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin Snyder  Gina M. Wiand