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. 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. Gina M. Wiand, Borough
Secretary/Director of Marketing Communications and Customer Relations; Ms. Andrea
Rahn, Assistant Borough Secretary; Mr. Daniel Eslinger, Director of Community
Development/Zoning Officer; Police Chief Craig Summers; Kutztown Planning
Commission representative Karen Feridun; KATCH representatives Nancy Brooks and
Jeffrey Jones; business owner Paula Lambert; resident P. Stark; Ms. Lisa Mitchell,
reporter for the Kutztown Area Patriot; and Mr. Ron Devlin, reporter for the Reading
Eagle were also present.

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

ORDINANCE NO. 4-2012

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY,
Pennsylvania, amending Article II of chapter 225 of the Kutztown code so as to add the definition of “BOTTLE CLUB” to
section 225-5 of the code of the borough of Kutztown and to amend article IV of chapter 225, section 225-17, to provide for
the locating of “BYOB CLUBS” in C-C Business Commercial
Central Zoning District.

Passed by unanimous vote.
A motion was made by Mr. Mace, seconded by Mr. Eidle, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 5-2012

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, ENACTING AND ADOPTING ARTICLE III OF CHAPTER 62 OF THE CODE OF THE BOROUGH OF KUTZTOWN ENTITLED “ALCOHOLIC BEVERAGES” WHICH SHALL PROVIDE FOR REGULATION AND LICENSING OF BYOB CLUBS WITHIN THE BOROUGH OF KUTZTOWN.

Passed by unanimous vote.

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. Mace, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the September 18, 2012 public hearing.
- Review and accept the Minutes of the September 18, 2012 Borough Council meeting.
- Review and accept the Borough Community Development Report for September, 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 September 14, 2012 to October 11, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$235,189.44</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$61,649.05</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$1.43</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$2.28</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$5.72</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$147,063.21</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$467,244.71</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$153,386.94</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$240,989.11</td>
</tr>
</tbody>
</table>
Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun briefed Council on the Draft Human Services Transportation Coordination Plan Update that was provided by the Berks County Planning Commission. She sited three areas of concern: the Kutztown University Shuttle Bus, the Mobility Needs Score by Municipality for Berks County, and the 222/662 Roundabout Project. It was the consensus of Council that Ms. Feridun should represent the Borough, regarding these concerns, at the upcoming Berks County Planning Commission meeting.

Under Environmental Advisory Commission, Karen Feridun advised Council that Jeri Carroll contacted the DEP regarding the recent air quality issue.

Ms. Feridun reported that the EAC would like to buy large recycling bins and distribute them in areas that do not recycle. She noted that Ms. Carroll provided bins to an area of Constitution Boulevard that was not recycling.

Ms. Feridun noted that Todd Underwood will take over, from Elaine Bartholomew, the communications and volunteer responsibilities for the Sacony Trail.

Ms. Feridun also noted that the EAC wants to hire Larry Lloyd to develop a management plan for the Sacony Trail. It was the consensus of Council to have Mr. Lloyd develop a plan and present it at a future Public Works Committee meeting.

Under Community Development and Public Safety Committee, a motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve the request from Kutztown Arts and Theatre for Children (KATCH) to use the Train Station for a performance on Saturday, December 1, 2012, and to waive the rental fee. Passed by unanimous vote.

Mr. Mace reported 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>August, 2012</td>
<td>$3,080.95</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>August, 2012</td>
<td>$367.85</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>September, 2012</td>
<td>$11,400.00</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Mace, seconded by Mr. Eidle, Resolved, To approve the Storage and Security of Property SOP for the Police Department. Passed by unanimous vote.

Off of the agenda, Mayor Green reported on a meeting that she attended at Kutztown University regarding alcohol-related issues in town. She plans to attend a future meeting on the issue and she is working with the Liquor Control Board on possible solutions to the issues.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve payment #2 from EJB Paving and Materials Co., in the amount of $95,486.60, for the completion of the 2012 Street and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve the establishment of a “dog park” in the area of the ice skating pond, in the Main Street Park, contingent upon all insurance requirements being met, including rules and regulations and insurance company approval. All opposed, therefore the motion was defeated and did not pass.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To send the “dog park” item back to the Committee. Passed by unanimous vote.

President Snyder tabled the item to donate two bench ends, additional fencing and...
materials that are no longer needed by the Borough, to Mark Garrett, for use at the dog park, and to direct the Public Works Department to handle the required PA One Call, prior to the installation of the fence, to repair the tops of the fence/posts and to monitor the construction/alteration of the fence, contingent upon all insurance requirements being met.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To ratify the Side Letter of Agreement, with AFSCME, to hire Shelley Grim as a part-time Office Assistant in the Community Development Office, at a condensed pay scale. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To re-hire Tina Ulaner as a Library Clerk Level I. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To terminate the part-time employment of Jason Ochoa. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To enter into a Letter of Engagement with Long Barrell to perform the 2012 audit at a cost of $29,900. Passed by unanimous vote.

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

Under Water and Wastewater Committee, Mr. Schlegel had nothing to report.

Under Miscellaneous, a motion was made by Mr. Eidle, seconded by Mr. Schlegel Resolved, To approve the NIMS Summary of Assessment Scores submitted by the Emergency Management staff. Passed by unanimous vote.

President Snyder noted the following vacancies:
<table>
<thead>
<tr>
<th>Board</th>
<th>Vacancy Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code Appeals Board</td>
<td>One Member Vacancy</td>
</tr>
<tr>
<td></td>
<td>One Alternate Vacancy</td>
</tr>
<tr>
<td>Housing License Appeals Board:</td>
<td>One Member Vacancy</td>
</tr>
<tr>
<td></td>
<td>Three Alternate Vacancies</td>
</tr>
<tr>
<td>Zoning Hearing Board:</td>
<td>Two Alternate Vacancies</td>
</tr>
<tr>
<td>Environmental Advisory Commission:</td>
<td>Two Member Vacancies</td>
</tr>
<tr>
<td>Telecommunications Advisory Commission:</td>
<td>Two Member Vacancy</td>
</tr>
</tbody>
</table>

Mr. Mace noted that there is also a vacancy on the Kutztown Community Library, Inc. Board.

Mr. Schlegel announced that there is a bin in the Train Station for people to donate used eyeglasses.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:21 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 September 14, 2012 to October 11, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin Snyder
Gina M. Wiand