A regular meeting of the Kutztown Borough Council was called to order at
7:31 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, Mr. Derek
Mace, Ms. Rachael Martin, Ms. Peggy Devlin, and the Mayor, Ms. Sandra Green. Mr.
Keith Mooney, Borough Solicitor; Mr. Darryl Jenkins, 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; Mr. Daniel Eslinger, Community
Development Director/Zoning Officer; Police Chief Craig Summers; Planning
Commission representative Lisa Ladd-Kidder; Student Ambassador to Council, Dan
Noon; Student Ambassador to the Mayor, Christopher Kril; Site Manager for the
Pennsylvania Cultural Heritage Center at Kutztown University, Patrick Donmoyer;
Kutztown Community Library representatives Joanne Yoder, Michele Zimmerman, Sandi
Fisher and Janet Yost; Kutztown University students representing Theta Phi Alpha,
Melissa Moser and Allyson Nomer; Maxatawny Township representative Steve Wilson;
residents Michael Russo and George Kusterer; visitor Doug Demchyk; and Mr. Steve
DeLucas, reporter for the Reading Eagle were also present.

Patrick Donmoyer, Site Manager for the Pennsylvania Cultural Heritage Center at
Kutztown University, gave an update on the proposed Hex sign intersection project. He
explained that the project would be done at the intersection of Main and Whiteoak
Streets, and that thermoplastic paint would be the preferable material to use.
Mr. Snyder noted that the project has already been accepted by both the Public Works and Community Development and Public Safety Committees. Ms. Martin expressed her concerns about the wear and tear on the paint. Mr. Donmoyer suggested incorporating the initial painting and upkeep painting with the annual Block Party, in May, and recruiting volunteer artists to assist with the project. He also noted that the initial project can be achieved for under $500.00.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To approve and support closing the intersection of Main and Whiteoak Streets to complete the Hex sign painting project. Passed by unanimous vote.

Kutztown Community Library representatives Joanne Yoder, Sandi Fisher and Michele Zimmerman presented their annual report to Council. They thanked Council for their continued support and highlighted many of the activities that the library provides such as the Summer Reading Program, educational workshops for kids of all ages and family movie nights.

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. Schlegel, seconded by Mr. Mace, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the October 21, 2014 Borough Council meeting.
- Review and accept the Borough Community Development Report for October, 2014.
- Take action to approve the 2015 refuse and recycling schedule.
- Take action to approve payment #5 to Joao & Bradley Construction Co., Inc., in the amount of $106,344.12 for work completed on the Water Line Project.
Take action to approve Change Order #1 from Joao & Bradley Construction Co., Inc., for the Water Line Project.

Take action to approve payment #13 to Wickersham Construction and Engineering, Inc., in the amount of $72,832.00, for work completed at the Water Plant.

Take action to approve the final payment, #23, to Wickersham Construction and Engineering, Inc., in the amount of $134,212.00, for work completed at the Wastewater Treatment Plant, to be released in two phases:

- Phase 1 – $100,000.00 immediate payment upon Council approval.
- Phase 2 – $34,212.00 to be issued upon the resolution of issues with Enaqua UV.

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 October 16, 2014 through November 13, 2014, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$182,158.36</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$45,111.42</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$200,061.05</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$97.55</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$244.33</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$283,014.13</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$380,210.97</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$86,378.04</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$77,608.17</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Lisa Ladd-Kidder read aloud the Planning Commission’s recommendation to grant the Variance at 54 South Maple Street, with written approval from the neighbor, and with the condition that if the deck is ever deconstructed and rebuilt it needs to conform to Borough standards.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To grant the Variance at 54 South Maple Street, with written approval from the neighbor,
and with the condition that if the deck is ever deconstructed and rebuilt it needs to conform to Borough standards. Passed by unanimous vote.

Ms. Ladd-Kidder read aloud the Planning Commission’s recommendation to deny the requested Use Variance at 50 Apple Alley and to send the solicitor to the hearing on December 22.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To deny the requested Use Variance at 50 Apple Alley and not to send the solicitor to the hearing on December 22. Passed by unanimous vote with Ms. Martin recusing herself from the vote for professional reasons.

Ms. Ladd-Kidder read aloud the Planning Commission’s recommendation to approve the five waivers requested (per SSM’s letter of 10/6/2014), and with the condition of satisfactory resolution of all SSM comments, approve the Preliminary/Final Land Development Plan for 245 Grimley Street.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve the five waivers requested (per SSM’s letter of 10/6/2014), and with the condition of satisfactory resolution of all SSM comments, approve the Preliminary/Final Land Development Plan for 245 Grimley Street. Passed by unanimous vote with Ms. Martin recusing herself from the vote for professional reasons.

After the vote was taken, Mr. Mooney indicated that the previous motion should have been made into two separate motions.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve the five waivers requested (per SSM’s letter of 10/6/2014). Passed by unanimous vote with Ms. Martin recusing herself from the vote for professional reasons.
A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Preliminary/Final Land Development Plan for 245 Grimley Street subject to satisfactory resolution of all SSM comments in their November 3, 2014 review letter. Passed by unanimous vote with Ms. Martin recusing herself from the vote for professional reasons.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for October 2014 was submitted.

The following fines were collected:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>September, 2014</td>
<td>$9,186.80</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>September, 2014</td>
<td>$361.49</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>October, 2014</td>
<td>$6,375.00</td>
</tr>
</tbody>
</table>

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To execute the agreement with the Animal Rescue League of Berks County. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To approve payment #1 to Spotts Brothers, Inc. for the work completed on the Kutztown Park bathroom. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To approve payment #1 to Reading Materials for the paving project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a $500.00 donation to the Berks County Solid Waste Authority. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To ratify approval of the request from Kutztown Strong to have a “Capture the Flag” event in the Kutztown Park Brick Pavilion on November 15, 2014, from 2:00 p.m. until 8:00 p.m., and to waive any associated fees. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To authorize Rachael Martin to lead a commission to decide what type of playground equipment the Borough should request for the bid process. Passed by unanimous vote.

A motion was made by Ms. Martin, seconded by Mr. Mace, Resolved, To reject the bids received for janitorial services and to advertise the bid again. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To award the bid for yard waste and dumpster service to Quality Disposal contingent upon meeting all requirements. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve Change Order #1 from Spotts Brothers, Inc., for Kutztown Park Phase 1. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Martin, Resolved, To accord regular full time employment to Public Works Laborer I, Travis Diehl, who has successfully completed his probationary period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Tom Stauffer to the position of Public Works Laborer II on probationary status. Passed by unanimous vote.
A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To adopt the following Resolution:

RESOLUTION NO. 11-2014

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, APPOINTING MICHAEL RUSSO AS EMERGENCY MANAGEMENT COORDINATOR FOR THE BOROUGH OF KUTZTOWN PURSUANT TO THE PENNSYLVANIA EMERGENCY MANAGEMENT SERVICES CODE

WHEREAS, Section 7502 of the Pennsylvania Emergency Management Services Code (35 Pa. C.S.A. § 7101, et. seq.) mandates that municipalities appoint an Emergency Management Coordinator who is responsible for the planning, administration and operation of the municipality during the course of an emergency, subject to the direction and control of the governing body; and

WHEREAS, Section 3502 of the Pennsylvania Emergency Management Services Code requires that the municipality nominate an individual to serve as its Emergency Management Coordinator, with said nomination taking effect upon appointment by the Governor of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough Council of the Borough of Kutztown desires to nominate and appoint Michael Russo as its Emergency Management Coordinator, subject to confirmation of the appointment by the Governor of the Commonwealth of Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, that Michael Russo is hereby nominated and appointed, subject to confirmation by the Governor of the Commonwealth of Pennsylvania, as the Emergency Management Coordinator for the Borough of Kutztown pursuant to the Pennsylvania Emergency Management Services Code.

DULY ADOPTED as a Resolution this 18th day of November, 2014, 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 Ms. Martin, Resolved, To reappoint Sheila Fulton as a member of the Kutztown Municipal Authority, whose term...
shall expire on December 1, 2019. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Keith Wuchter as a member of the Kutztown Transportation Authority, whose term shall expire on December 1, 2019. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint William Fox as a member of the Kutztown Municipal Authority, whose term shall expire on December 1, 2019. 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, Mr. Khalife introduced and reviewed the proposed budget for 2015, which includes a real estate tax increase of 0.75 mils and a 10% increase to water and sewer rates.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To authorize advertisement that the proposed budget for 2015 is available for public inspection. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Ms. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2015 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To enter into a Letter of Engagement with Long Barrell to perform the 2014 audit at a cost not to exceed $29,900. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To execute the updated Agreement for Electric Service, with Allegheny Electric Cooperative, for
NYPA Niagara and St. Lawrence power and energy. Passed by unanimous vote.

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

ORDINANCE NO. 1-2014


Passed by unanimous vote.

Mr. Mace tabled the item regarding the proposed Resolution approving of the Plan of Merger between the Berks County Tax Collection Committee and the Berks County Earned Income Tax Collection Bureau.

Mr. Mace tabled the item regarding the proposed Resolution designating delegates who will serve on the TCC Executive Committee as the primary and alternate delegates for all municipalities that lie within the same school district as this municipality.

Off of the agenda, Mr. Mace reported that according to Electric Superintendent Steve Diehl, the LED lights on Main Street are saving the Borough $3,150.00 annually.

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

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve HRG Engineering, Inc., for additional engineering and RPR services, not to exceed $6,900.00, for the ESD Piping and Heat Trace Replacement project. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To execute the Instrument for the Declaration of Restrictions and Covenants regarding a parcel of land in Maxatawny Township that is owned by the Borough. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To void the Water Department service call invoice, in the amount of $127.58, sent to 258 E. Walnut Street. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Resolution amending water rates. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Resolution amending sewer rates. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:36 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
November 18, 2014 Council Meeting Minutes

ended at 9:32 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 October 16, 2014 through November 13, 2014, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand