A regular meeting of the Kutztown Borough Council was called to order at 7:33 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; Mr. David Horvath, Information Technologies Coordinator; Mr. Walter J. Hess, Superintendent of Water and Wastewater; Mr. Daniel Eslinger, Director of Community Development/Zoning Officer; Police Chief Craig Summers; Kutztown Planning Commission representative Karen Feridun; residents Thomas Luckenbill and Brendan Strasser; Ms. Lisa Mitchell, reporter for the Kutztown Area Patriot; and Mr. Ron Devlin, reporter for the Reading Eagle were also present.

Mayor Green read aloud the Resolution commending the Borough staff for their efforts during hurricane Sandy.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To adopt the following Resolution:

RESOLUTION NO. 16-2012

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO RECOGNIZE AND COMMEND THE BOROUGH ELECTRIC, TELECOMMUNICATIONS, WATER, SEWER, REFUSE, PUBLIC WORKS AND POLICE DEPARTMENT EMPLOYEES, AS WELL AS THE
WHEREAS, the Borough of Kutztown (the "Borough") is a municipal corporation existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, it is the Borough's mission to improve the total quality of life for the residents of the Borough; and

WHEREAS, the Council of the Borough of Kutztown adopted the Borough of Kutztown Customer Bill of Rights and the Customer Service Policy Statement, both of which assert the Borough's commitment to providing high quality services; and

WHEREAS, on Monday, October 29, 2012, Hurricane Sandy swept through the Borough, downing trees and power lines throughout the Borough; and

WHEREAS, the Borough's Electric, Telecommunications, Water, Sewer, Refuse, Public Works and Police Department employees, as well as the Kutztown Emergency Management staff and the Kutztown Fire Company, responded immediately to the emergency, working diligently and swiftly around the clock to restore and maintain services and safety to the Borough residents.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to recognize and commend the Borough's Electric, Telecommunications, Water, Sewer, Refuse, Public Works and Police Department employees, as well as the Kutztown Emergency Management staff and the Kutztown Fire Company, for their exceptional performance during this emergency.

DULY ADOPTED AS A RESOLUTION this 20th day of November, 2012, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

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 Ms. Birckbichler, seconded by Mr. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

• Review and accept the Minutes of the October 16, 2012 public hearing.
• Review and accept the Minutes of the October 16, 2012 Borough Council meeting.

• Review and accept the Borough Community Development Report for October, 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 October 12, 2012 to November 8, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$171,460.94</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$51,098.18</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$391.30</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$391.30</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$978.25</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$316,964.89</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$485,357.29</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$110,935.56</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$177,801.08</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun had nothing to report.

Under Environmental Advisory Commission, Karen Feridun advised Council of a request from a sorority to clean up the Sacony Trail on December 6, from 3:00 p.m. until 6:00 p.m. Mayor Green said that she would respond to the request.


Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>$7,795.64</td>
<td>September, 2012</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>$1,326.88</td>
<td>September, 2012</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>$8,500.00</td>
<td>October, 2012</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve a letter to the Liquor Control Board requesting that the Kutztown Wine and Spirits Store reduce store hours to a 7:00 p.m. closing time. Passed by unanimous vote.
Mayor Green requested that Senator Judy Schwank be copied on the letter to the Liquor Control Board.

A motion was made by Mr. Mace, seconded by Ms. Birckbichler, Resolved, To establish a Citizens Quality of Life Advisory Committee, which will be an informal advisory group that reports to the Community Development and Public Safety Committee. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve payment #3 from EJB Paving and Materials Co., in the amount of $14,876.73, 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 request from Betty Kutz to place the Relay for Life sponsor signs on street poles in the Borough. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To approve the 2013 refuse and recycling collection schedule. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve the proposed 2012-2013 equipment rental schedule which pertains to the Borough’s snow program. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To award the bid for fuel oil to Automotive Service, Inc., for a total bid amount of $20,334.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To award the bid for gasoline and diesel fuel to Automotive Service, Inc., for a total bid
amount of $69,195.00. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To award the bid for yard waste and dumpster service to Quality Disposal, Inc., for a total bid amount of $16,460.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To authorize the appropriate Borough officials to auction off a refuse truck with a floor price of $20,000.00. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Great Valley Consultants to do a Traffic study at College Boulevard and Wentz Street. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Lisa Nuss, as the part-time Youth Services Librarian at the Kutztown Community Library, at an hourly rate of $18.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To reappoint Lee Erb as a member of the Kutztown Municipal Authority, whose term shall expire December 1, 2017. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To reappoint David Johnson as a member of the Zoning Hearing Board, whose term shall expire December 1, 2015. Passed by unanimous vote.

An Executive Session to discuss personnel matters was deferred until the end of the meeting.

Under Finance and Electric Committee, Mr. Khalife introduced and reviewed the
proposed budget for 2013.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To authorize advertisement that the proposed budget for 2013 is available for public inspection. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2013 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To introduce and authorize advertisement the proposed Earned Income Tax Ordinance. Passed by unanimous vote.

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

ORDINANCE NO. 6-2012

AN ORDINANCE INCREASING THE INDEBTEDNESS OF BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF ONE HUNDRED NINETY NINE THOUSAND SEVEN HUNDRED FORTY TWO DOLLARS AND 29 CENTS ($199,742.29) FOR PURPOSES OF (1) FINANCING CERTAIN CAPITAL PROJECTS, INCLUDING WITHOUT LIMITATION, FINANCING THE ACQUISITION OF CERTAIN RADIO EQUIPMENT, AND (2) PAYING THE COSTS AND EXPENSES RELATED TO THE ISSUANCE OF THE NOTE; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To adopt the following Resolution:
RESOLUTION NO. 17-2012

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN AUTHORIZING KUTZTOWN BOROUGH TO ENTER INTO A LOAN AGREEMENT WITH THE COUNTY OF BERKS

BE IT RESOLVED, by the authority of the Borough Council of the Borough of Kutztown, Berks County, and it is hereby resolved by authority of the same, that the Borough Council President of the Borough of Kutztown is hereby authorized and directed to sign the three attached Promissory Note agreements on its behalf and that the Borough Secretary is authorized and directed to attest the same.

Passed by unanimous vote.

Dan Eslinger asked Council if the proposed budget addresses any changes to salary or benefits for management and confidential employees. Council indicated that it does not.

A motion was made by Mr. Eidle, seconded by Mr. Seyler Resolved, To execute the amended and restated easement agreement with Berks County for the Emergency Radio Tower. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

RESOLUTION NO. 18-2012

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING AND DIRECTING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE THE LAND DEVELOPMENT PLAN OF THE COUNTY OF BERKS FOR THE CONSTRUCTION AND ERECTION OF AN EMERGENCY RADIO TOWER ON LAND OWNED BY THE BOROUGH OF KUTZTOWN LOCATED WITHIN MAXATAWNY TOWNSHIP BEARING TAX PARCEL NO. 630000000044.

WHEREAS, the Borough of Kutztown entered into a Lease Agreement with the County of Berks on or about June 30, 2011 to permit the County of Berks to construct, erect and operate an emergency radio tower on land owned by the Borough of Kutztown, located within Maxatawny Township, bearing Tax Parcel No. 6300000000044 (the “Leased Premises”); and
WHEREAS, the County of Berks was required to submit a Land Development Plan for the construction, development and erection of the emergency radio tower on the Leased Premises to Maxatawny Township for approval; and

WHEREAS, the Borough of Kutztown as the owner of the Leased Premises is being requested to execute the Land Development Plan for the emergency radio tower which was submitted to Maxatawny Township upon its approval by Maxatawny Township; and

WHEREAS, the Borough Council of the Borough of Kutztown desires to facilitate the recordation and approval of the Land Development Plan for the emergency radio tower upon the Leased Premises.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, that the appropriate officers and representatives of the Borough of Kutztown are hereby authorized and directed to execute the Land Development Plan of the County of Berks for the emergency radio tower to be erected and constructed upon the Leased Premises upon its approval by the Board of Supervisors of Maxatawny Township and prior to its recordation with the Recorder of Deeds in and for Berks County.

DULY ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 20th day of November, 2012.

Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel Resolved, To authorize the appropriate Borough officials to execute the Stormwater Management Agreement for the Berks County Land Development Plan for the Emergency Radio Tower. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel Resolved, To authorize the appropriate Borough officials to execute the Aclara Maintenance Agreement. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, Ms. Birckbichler tabled the item to introduce and authorize advertisement of the proposed
Resolution amending the fees associated with the Borough’s provision of video, television, Internet and telephone services as provided for in Chapter 110 of the Kutztown Code.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Eidle Resolved, To approve the application for payment #1, from Wickersham Construction and Engineering, Inc., for work completed at the Wastewater Treatment Plant in the amount of $189,857.00. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle Resolved, To approve the quote from Levan Pipe Services, Inc., in the amount of $8,032.00, for I&I work on the sewer collection system. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle 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. Eidle 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:

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

President Snyder called for an Executive Session at 8:23 p.m. to discuss
personnel matters. The Executive Session ended and the meeting reconvened at 9:20 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel Resolved, To authorize the Borough Manager to enter into a Memorandum of Understanding with the police union to extend their use of vacation, holiday and other leave another 90 days past their anniversary dates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler Resolved, To appoint Brian Bailey as the Interim Public Works Superintendent. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler Resolved, To award an annual increase of $2,000.00 to Brian Bailey’s base salary as he serves in the Interim Public Works Superintendent position, effective with the next pay period. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:22 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 12, 2012 to November 8, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand

November 20, 2012 Council Meeting Minutes