

September 19, 2017
Kutztown, PA

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. Derek Mace, Mr. Edwin Seyler, Ms. Peggy Devlin, Mr. Richard Diehm, Mr. Scott Piscitelli, and the Mayor, Ms. Sandra Green. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Mr. Craig Summers, Kutztown Borough Police Chief; Mr. John Schmoyer, Seasonal Recreation Director; Maxatawny Township representative Steve Wilson; Kutztown Planning Commission representative Lisa Ladd-Kidder; Kutztown pool employees Patrick Eigenbrod and Lisa Reilly; Borough Emergency Management representative Todd Evans; Kutztown Area Transport Services representative Rodney Freeman; and residents Allison Fuller and Martin Yourkavitch were also present.

Mayor Green read aloud the Resolution recognizing and commending Lisa Reilly for her fast acting contributions in saving a life at the Kutztown Swimming Pool.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 12-2017

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING LISA REILLY FOR HER FAST ACTING CONTRIBUTIONS IN SAVING A LIFE AT THE KUTZTOWN SWIMMING POOL.

WHEREAS Lisa Reilly is a Borough of Kutztown Swimming Pool Co-Manager;
and

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WHEREAS Lisa Reilly was on duty the day of August 26, 2017, when a life-threatening incident involving a young child occurred; and

WHEREAS Lisa Reilly immediately aided the unresponsive child, with the help of the Head Lifeguard, by applying chest compressions, while the Head Lifeguard administered rescue breaths until the child was revived.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Borough of Kutztown recognize and commend Lisa Reilly for her fast acting contributions in saving a life at the Kutztown Swimming Pool.

DULY ADOPTED AS A RESOLUTION this 19th day of September, 2017, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Mayor Green read aloud the Resolution recognizing and commending Patrick Eigenbrod for his fast acting contributions in saving a life at the Kutztown Swimming Pool.

A motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To adopt the following Resolution:

RESOLUTION NO. 13-2017

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING PATRICK EIGENBROD FOR HIS FAST ACTING CONTRIBUTIONS IN SAVING A LIFE AT THE KUTZTOWN SWIMMING POOL.

WHEREAS Patrick Eigenbrod is the Borough of Kutztown Swimming Pool Head Lifeguard; and

WHEREAS Patrick Eigenbrod was on duty the day of August 26, 2017, when a life-threatening incident involving a young child occurred; and

WHEREAS Patrick Eigenbrod immediately aided the unresponsive child, with the help of a Co-Manager, by administering rescue breaths, while the Co-Manager applied chest compressions until the child was revived.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Borough of Kutztown recognize and commend Patrick Eigenbrod for his fast acting contributions in saving a life at the Kutztown Swimming Pool.

DULY ADOPTED AS A RESOLUTION this 19th day of September, 2017, 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. John Schmoyer reiterated that Lisa Reilly and Patrick Eigenbrod should be commended for saving a life at the pool.

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

-) Review and accept the Minutes of the August 15, 2017 Borough Council meeting.
-) Review and accept the Borough Community Development Report for August, 2017.
-) 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 12, 2017, through September 15, 2017, as summarized below:

General Fund	\$245,142.77
Refuse and Recycling Fund	\$44,436.10
Fire Protection Tax Fun	\$116.97
Recreation Tax Fund	\$186.93
Road Tax Fund	\$468.24
Water Fund	\$59,049.73
Electric Fund	\$314,226.31
Sewer Fund	\$78,092.66
Telecommunications Fund	\$81,236.50
KMA	\$198.40
KTA	\$160.45

Passed by unanimous vote.

Under Borough Planning Commission, Lisa Ladd-Kidder asked to have the

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Wireless Communications Facilities Ordinance advertised and adopted at the October Council meeting. Mr. Mooney explained that it has gone through the proper channels and it will be on the agenda for Council's consideration in October.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for August, 2017 was submitted.

The following fines were collected:

District Justice Greth	July, 2017	\$3,427.94
Clerk of Common Pleas	July, 2017	\$450.12
Secretary's Office	August, 2017	\$850.00

A motion was made by Mr. Piscitelli, seconded by Ms. Devlin, Resolved, To execute an agreement with the Animal Rescue League of Berks County and provide them with a \$500.00 donation. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To sign a Communities Joint Letter, from the Coalition Against Bigger Trucks, asserting that "Congress should oppose a federal mandate to place bigger and heavier trucks on our roads, which USDOT found would do billions of additional dollars in damage to local roads, bridges and infrastructure." Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the Allentown and Auburn Railroad's 2018 schedule. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To approve the parade permit application for Downtown Trick-or-Treat Night on October 25, 2017 (rain date October 27, 2017). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the 2018 Refuse and Recycling Collection Schedule. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To approve May 5 and September 22, 2018, as the RRS Electronics Recycling event dates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the purchase of 1,000 new recycling containers, from Busch Systems, based on the quoted price of \$6,850.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To introduce and authorize advertisement of the proposed Resolution amending refuse rates by adding a dumpster purchase fee. Passed by unanimous vote.

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

RESOLUTION NO. 15-2017

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE DONATION OF A SURPLUS POOL COVER TO KERRY ECKERT.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall donate a surplus pool cover, which is valued at less than \$5.00, to Kerry Eckert.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 19th day of

September, 2017.

Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Seyler, Resolved, To award the online bids received for the 1995 Tarco Model TT-1-PP Tow Behind Leaf Vacuum with In-Bed Collection Box, to Robby Moffett, in the amount of \$1,900.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To approve the request from the Rotary Club to use of the lower part of the Park, including the Brick Pavilion, for the 5k run during the Taste of Kutztown, on June 9, 2018. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To adopt the following Resolution:

RESOLUTION NO. 16-2017

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, DECLARING THAT FIVE PERCENT CONTRIBUTION IS REQUIRED BY EACH FULL-TIME POLICE OFFICER OF THE BOROUGH OF KUTZTOWN, NOW OR HEREAFTER ELIGIBLE FOR PARTICIPATION IN THE POLICE PENSION PLAN, INTO THE POLICE PENSION FUND FOR THE CALENDAR YEAR 2018.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 19, 2017, of the 2018 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2018 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 2018.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2018, 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 2018, 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 19th day of September, 2017.

Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To accept the resignation of Officer Jacob Auman. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To hire Donna Herr, as a Community Service Officer II, contingent upon passing all required background checks. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To enter in to an Internship Agreement with Kutztown University. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To reappoint Erma Bond as a member of the Housing License Appeals Board, whose term shall expire October 1, 2018. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To reappoint David Bullock as a member of the Telecommunications Advisory Commission, whose term shall expire October 1, 2019. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To reappoint Patricia McCloskey as a member of the Telecommunications Advisory Commission, whose term shall expire October 1, 2019. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Diehm, Resolved, To

reappoint Nathan Lewis as a member of the Environmental Advisory Commission, whose term shall expire on October 1, 2020. Passed by unanimous vote.

Ms. Devlin noted that the 2018 Uniformed Pension MMO will be \$84,887.00 and the Non-Uniform MMO is \$330,960.00.

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

Under Finance and Electric Committee, off of the agenda, a motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To adopt the following Resolution:

RESOLUTION NO. 17-2017

RESOLUTION AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE 2018-2022 NON-POOL ENERGY PURCHASE SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")

WHEREAS, the Borough of Kutztown, Pennsylvania (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the State of Pennsylvania, which owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers;

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased energy arranged by AMP;

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers;

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, Municipality entered into a 2018-2022 Non-Pool Energy Purchase Schedule with American Municipal Power Inc. (“AMP”) (AMP Contract No. 2015-001781-SCHED) in order to purchase energy from AMP (“2018-2022 Non-Pool Energy Purchase Schedule”);

WHEREAS, the Parties desire to execute an amendment to the 2018-2022 Non-Pool Energy Purchase Schedule for AMP to sell and Municipality to purchase additional energy under terms and conditions similar to those in the 2018-2022 Non-Pool Energy Purchase Schedule for an extended term with delivery beginning in 2023 and ending no later than December 31, 2027;

WHEREAS, the Parties desire for Municipality to sell and AMP to purchase energy under terms and conditions described herein for a term ending no later than December 31, 2021; and,

WHEREAS, AMP has provided appropriate personnel and information regarding the First Amendment of the 2018-2022 Non-Pool Energy Purchase Schedule to enable Municipality to evaluate the benefits and risks of the additional power purchases authorized by the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule and to determine the same are in the public interest;

WHEREAS, AMP has prepared and delivered to the Municipality the form of a First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, pursuant to which the Municipality may purchase electric energy; and

WHEREAS, in recognition of the unique nature of the Purchases described herein, competitive bidding is not required on the Municipality’s purchase of energy, through the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any energy through the execution of the Remaining Requirements Energy Supply Schedule authorized by this resolution, should be waived.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, PENNSYLVANIA.

SECTION 1. That the form of the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Borough Manager or his or her designee is hereby authorized to execute the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule and to acquire the Municipality's energy from Long Term Energy Purchase(s), with a term beginning on January 1, 2023 and ending no later than December 31, 2027, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$59.00 per MWh, to sell energy under terms and conditions in the First Amendment for a term ending no later than December 31, 2021, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein, as set forth in the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force

and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. Pursuant to 53 P.S. § 47402-A and 53. P.S. § 47505-A, competitive bidding is not required on the Municipality's purchase of power and energy, through the Schedule.

SECTION 7. That this resolution shall take effect at the earliest date allowed by law.

DULY ADOPTED as a Resolution this 19th day of September, 2017, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Mr. Diehm, seconded by Mr. Piscitelli, Resolved, To execute the Dark Fiber License Agreement between the Borough of Kutztown and A.D. Moyer Lumber, Inc. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To approve the sewer credit request, for 44 S. Baldy Street, in the amount of \$45.06. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To send a letter to Kutztown Group Holdings, regarding their past due invoice for legal and engineering services for their proposed storage facility, asserting legal action if the bill is not paid within 30 days of the date of the letter. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To award the online bids received for the 2002 Chevy Silverado 2500HD, to Green Valley

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Landscaping, in the amount of \$5,400.00. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 7:56 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:10 p.m.

Off of the agenda, a motion was made by Ms. Devlin, seconded by Mr. Piscitelli, Resolved, To enter into a three-year labor agreement, with AFSCME, based on the terms agreed upon during negotiations. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Piscitelli, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:12 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 August 12, 2017, through September 15, 2017, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand