

January 16, 2007  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Municipal Building by the President, Mr. Malcolm A. Eidle, with other members of Borough Council present: Mr. Edwin K. Seyler, Mr. Brendan D. Strasser, Mr. James F. Schlegel, Mr. Mark R. Gangewere, Mr. Kevin J. Snyder and the Mayor, Ms. Sandra Green. Mr. Keith Mooney, Borough Solicitor; Mr. Dale Kratzer, representing the Borough's planning and water/wastewater engineering firm of Spotts, Stevens, & McCoy, Inc.; Mr. Jaymes Vettraino, Borough Manager/Treasurer; Mr. Norman A. Milnes, Superintendent of Public Works; Mr. Theodore R. Cole, Chief of Police; Mr. Richard J. Diehm, Director of Planning and Zoning; Mr. Frank P. Caruso, Director of Information Technology; Mrs. Gina M. Wiand, Director of Marketing Communications and Customer Relations/Assistant Borough Secretary; Ms. Rachael Birckbichler, Director of Community Development; Ms. Carmen Bloom, Student Ambassador to Council; Mr. Stephen Kenney, Student Ambassador to the Mayor; Mr. Robert Watrous, Dean of Student Services and Campus Life at Kutztown University; Samuel Summer, Zachary Wilson, Joel Leibensperger, Bradley Schappell, Derek Acker, Sawyer Herbine, Austin Fritz, Alex Diltz, Aaron Snyder, Joe Brattin, Zach Edwards, Scott Fields, George Fields, Mary Edwards, Steve Fritz, Kyle Acker and Patrick Eigenhard, representatives from Boy Scout Troop 101; Resident Carl Lobb; Dave Remaley, Kutztown Zoning Hearing Board; Milton Kern, Borough Planning Commission; and Mr. Matt Anderson, reporter for the Reading Eagle/Reading Times were also present.

President Eidle welcomed the representatives from Boy Scout Troop 101 and explained that they are working on earning their merit badge.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To appoint Barbara Smith to the Vacancy Board for 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint the law firm of Barley Snyder, LLC, as the Borough Solicitor for 2007, at the rates proposed by the firm. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To appoint Steven H. Price and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Code Appeals Board for 2007. Passed by unanimous vote.

A motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To appoint Steven H. Price and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Housing License Appeals Board for 2007. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To appoint Steven H. Price and the firm of Mogel, Speidel, Bobb & Kershner as solicitor for the Zoning Hearing Board for 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Snyder, Resolved, To appoint Spotts, Stevens, and McCoy, Inc. as the Borough water/wastewater consulting engineer for 2007; to appoint Great Valley Consultants as the Borough Public Works consulting engineer for 2007; and to appoint Quad Three Group, Inc. as the Borough electrical consulting engineer for 2007. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To appoint Richard Kanaskie and Sean Corey, both of Spotts, Stevens & McCoy, Inc., as

# 17373

Sewage Enforcement Officers of the Borough for 2007. Passed by unanimous vote.

President Eidle 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. Snyder, seconded by Mr. Schlegel, Resolved, To approve the following Consent Agenda:

Review and accept the Minutes of the December 19, 2006 Council Meeting.

Review and accept the Community Development Office Report for December, 2006.

Review and accept the Community Development Quarterly Comparison of Fees Report for Fourth Quarters of 2005 and 2006.

Review and accept the Community Development Office 2006 Summary Report.

Ratify the execution of the Konica Minolta Maintenance Agreement for the copier in the Community Development Office for the period from January 13, 2007 to January 12, 2008, at an annual fee of \$480.00.

Approve the request from J. Richard Wagner dated January 9, 2007 to use the Kutztown Park bandshell for the annual Flag Day Concert on June 12, 2007 at 7:30 p.m. and to waive the associated rental fees.

Ratify an electric bill credit for Account No. 15420 in the amount of \$100.00.

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 December 16, 2006, to January 12, 2007, as summarized below:

General Fund	\$ 158,093.63
Refuse and Recycling Fund	\$ 84,141.54
Fire Protection Tax Fund	\$ 15.91
Recreation Tax Fund	\$ 42.26
Road Tax Fund	\$ 51.60
Water Fund	\$ 169,179.09

Electric Fund	\$ 192,094.54
Sewer Fund	\$ 141,553.01
Telecommunications Fund	\$ 63,024.17

Passed by unanimous vote.

Under Borough Planning Commission, Mr. Kern expressed his concerns about the length of public comments at Planning Commission meetings. Mr. Seyler asked if Mr. Kern intended to eliminate public comment at the meetings, and Mr. Kern stated that he does not wish to eliminate public comment, but he feels that comments should only be taken when appropriate.

Under Community Development and Public Safety Committee, a motion was made by Mr. Strasser, seconded by Mr. Snyder, Resolved, To table the request of citizens to change Sacony Alley from a two-way to a one-way street running west to east from College Boulevard to North Whiteoak Street for a period of one year and to include the collection of traffic count and speed measurement data for future evaluation. Council would like to further discuss this once data is collected. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Schlegel, Resolved, To accept, with regret, the resignation of Kim Davis, Recording Secretary for the Borough Planning Commission, effective January 31, 2007. Passed by unanimous vote.

A motion was made by Mr. Strasser, seconded by Mr. Seyler, Resolved, To advertise for a new Borough Planning Commission Recording Secretary. Passed by unanimous vote.

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

## ORDINANCE NO. 1-2007

# 17375

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA REPEALING AND RE-ENACTING CHAPTER 20, ENTITLED "JOINT APPEALS BOARD" OF THE CODE OF THE BOROUGH OF KUTZTOWN, BY AUTHORIZING THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, TO JOIN WITH OTHER PARTICIPATING MUNICIPALITIES TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH THE BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS IN COOPERATION WITH THE COUNTY OF BERKS.

Passed by unanimous vote.

Off of the agenda, Mr. Strasser announced that Town and Gown meetings are scheduled for February 13, 2007, at Kutztown University, in room 301 of the Stratton Administration Building, and April 5, 2007, at the Kutztown Municipal Building. Both meetings will be held at 7:00 p.m.

Under Police Committee, Mayor Green submitted the 2006 Preliminary Annual Police Report and Police Report for December, 2006.

Mayor Green reported the following fines were collected:

District Justice Greth	November, 2006	\$7,567.33
Clerk of Common Pleas	November, 2006	\$291.91
Secretary's Office	December, 2006	\$6,290.00
Commonwealth of Pa	July-December, 2006	\$2,284.94

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

## RESOLUTION NO. 1-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO APPROVE AND ADOPT THE KUTZTOWN BOROUGH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE 2007-01, DATED JANUARY 16, 2007, ENTITLED "OFFICER EVALUATIONS," IN FORM AS ATTACHED, AND BE IT FURTHER RESOLVED TO RESCIND STANDARD OPERATING PROCEDURE 1994-05, ENTITLED "OFFICER EVALUATIONS."

WHEREAS, Resolution No. 37-1994 of the Borough of Kutztown, Berks County, Pennsylvania provides for the police regarding approval, authority, and responsibilities over the contents of the Departmental Manual for the Kutztown Police Department; and

WHEREAS, any and all proposed changes, modifications, additions and/or deletions to the contents of the Departmental Manual for the Kutztown Police Department must be brought before the Council of the Borough during a lawful Council meeting for consideration of Council action, by the Chief of Police or the Mayor of Kutztown; and

WHEREAS, the Borough recognizes the need to establish fundamental standards for the Kutztown Police Department in order to provide direction for the members of that Department and to signify the Borough's commitment to the Kutztown community; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to approve and adopt the Kutztown Borough Police Department Standard Operating Procedure 2007-01, dated January 16, 2007, entitled "OFFICER EVALUATIONS," in form as attached, and be it further resolved to rescind Standard Operating Procedure 1994-05, entitled "OFFICER EVALUATIONS".

This Resolution shall become effective on January 16, 2007.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of January, 2007 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Snyder, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 2-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA RESCINDING BOROUGH OF KUTZTOWN RESOLUTION 28-2006.

WHEREAS, the Council of the Borough of Kutztown adopted Resolution 28-2006 on October 17, 2006 authorizing and directing the Borough Solicitor to take any and all legal action necessary to acquire a temporary access easement, perpetual right-of-way and easements across the lands of Michael L. Dengler and Marcella A. Ettinger,

# 17377

located at 764 East Walnut Street, Kutztown, Pennsylvania and a perpetual right-of-way and easements across the lands of Jeffrey P. Martin located along East Kutztown Road, Maxatawny Township, to facilitate the installation of a water line extension from Highland Avenue to Kutztown Road; and

WHEREAS, the installation of a water line extension from Highland Avenue to Kutztown Road will serve customers of the Kutztown Municipal Authority; and

WHEREAS, the Borough of Kutztown will manage the project of the water line extension from Highland Avenue to Kutztown Road for Kutztown Municipal Authority; and

WHEREAS, the Kutztown Municipal Authority will fund and own the water line extension from Highland Avenue to Kutztown Road; and

WHEREAS, The Kutztown Municipal Authority is the appropriate entity to take action necessary to acquire a temporary access easement, perpetual right-of-way and easements across the appropriate land for the installation of a water line extension from Highland Avenue to Kutztown Road.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, that it hereby, rescinds Borough of Kutztown Resolution 28-2006.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of January, 2007, 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. Snyder, seconded by Mr. Schlegel, Resolved, To advertise for Requests for Proposals for the preparation of a Master Site Park Plan.

Passed by unanimous vote.

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

## RESOLUTION NO. 3-2007

A RESOLUTION OF THE COUNCIL OF THE  
BOROUGH OF KUTZTOWN, BERKS COUNTY,

PENNSYLVANIA AMENDING CHAPTER A231 OF  
THE CODE OF THE BOROUGH OF KUTZTOWN SO  
AS TO AMEND SOLID WASTE DISPOSAL FEES.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts resolutions establishing the rates to be charged regarding solid waste disposal service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania; and

WHEREAS, Section 185-7 of Chapter 185 of the Code of the Borough of Kutztown sets forth that the fees for the availability and use of the Borough's collection and disposal service for refuse shall be provided for from time to time by resolution of Council; and

WHEREAS, Section A231-1.13 of Chapter A231 of the Code of the Borough of Kutztown sets forth the solid waste collection and disposal fees; and

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said solid waste collection and disposal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Section 231-1.13 of Chapter A231 of the Code of the Borough of Kutztown be, and it is hereby, amended in its entirety so as to read:

- A. Effective February 2007 (payment due with the electric bills due and payable on and after March 25, 2007), the fees and charges for the collection and disposal of refuse or large items shall be as follows:
  - (1) Except as hereinafter provided, per month per dwelling unit: \$25.00.
  - (2) Notwithstanding the provisions above, if any dwelling unit is occupied by any person or his or her spouse (if a member of the household) shall be 62 years of age or older, per month per such dwelling unit: \$15.00.
  - (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: \$1.45.
  - (4) Additional charge for collection of refuse, large items or dumpsters not accessible during a scheduled collection where a return to the premises is required for the purpose of collecting same, per collection: as established in § A231-2 of Chapter A231.
  - (5) Dumpsters.

# 17379

- (a) From dumpsters rented from the Borough of Kutztown having a capacity of:
    - [1] One-and-one-half cubic yards, per month: \$132.
    - [2] Two cubic yards, per month: \$157.85.
    - [3] Four cubic yards, per month: \$237.35.
    - [4] Six cubic yards, per month: \$341.25.
  - (b) From dumpsters not owned by the Borough of Kutztown or for pick-up in excess of the standard collection for dumpsters owned by the Borough Kutztown, per cubic yard per collection, based upon the entire capacity of the dumpster: \$10.00.
- B. Additional charge for the collection and disposal of large items, as follows:
- (1) Large stuffed chair or recliner, sofa or loveseat and/or large table: \$15.00.
  - (2) Large appliances such as refrigerator [with door off and chlorofluorocarbons (CFC's) removed by a person certified to do work], air conditioner (CFC's removed by a person certified to do work), stove, washer/dryer and/or electronic equipment, such as, but not limited to, console TV or large portable TV: \$20.00.
  - (3) Small portable TV: \$7.00.
  - (4) Mattress, box spring, small table, kitchen chair (small): \$5.00.
  - (5) Rugs, any size (except nine by 12 and larger): \$2.00.
  - (6) Rugs, nine by 12 and larger: \$5.00.
  - (7) Any other large items not specified above, excluding tires: cost to be determined by the Borough
- C. All fees charged shall be paid monthly.
- D. Any item used herein that has been defined in Chapter 185 shall have the meaning applicable to such term in Chapter 185.

BE IT FURTHER RESOLVED, that any and all resolutions and parts of resolutions inconsistent with this Resolution are hereby retroactively superseded and that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of January, 2007, 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. Snyder, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Resolution amending §A231-1.13(A)(2) of the Kutztown Code. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Strasser, Resolved, To authorize the Borough Manager to hire Jennifer Malafarina for an unpaid student internship. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Gangewere, Resolved, To adopt the Nepotism Policy. A lengthy discussion ensued and the motion was not put to vote.

A motion was made by Mr. Gangewere, seconded by Mr. Strasser, Resolved, To send the Nepotism Policy back to the Personnel Committee for review. Passed by unanimous vote.

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

ORDINANCE NO. 2-2007

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 33-5, ENTITLED "ESTABLISHMENT OF PLAN," OF CHAPTER 33, ENTITLED "PENSIONS," OF THE CODE OF THE BOROUGH OF KUTZTOWN, AS AUTHORIZED BY SECTION 9.2 OF THE BOROUGH OF KUTZTOWN POLICE PENSION PLAN ("PLAN") AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2001, BY AMENDING THE PLAN TO CHANGE THE DEFINITION OF COMPENSATION TO COMPLY WITH THE PROVISIONS OF AN ACT 111 ARBITRATION AWARD FOR THE PERIOD JANUARY 1, 2005 THROUGH DECEMBER 31, 2007.

Passed by unanimous vote.

# 17381

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To accept, with regret, the resignation of Andrew Laudenslager, Community Service Officer, effective Friday, February 2, 2007. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To ratify the probationary employment of Carol Fegely as a Community Service Officer Coordinator, effective January 22, 2007, contingent upon successful completion of all post-offer employment tests. Passed by unanimous vote.

Under Electric and Telecom Committee, a motion was made by Mr. Gangewere, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 4-2007

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 107, SECTION 107-7, OF SECTION A-231-1 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN SO AS TO ADOPT THE RATES FOR ELECTRIC SERVICE FURNISHED TO CONSUMERS EFFECTIVE WITH THE ELECTRIC BILLS DUE AND PAYABLE ON AND AFTER FEBRUARY 25, 2007, SAID RATES TO REMAIN IN EFFECT UNTIL CHANGED BY RESOLUTION, AND SUPERSEDING ANY AND ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts resolutions establishing the rates to be charged for electrical service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Section 107-7 of Chapter 107 of Section A-231-1 of Chapter A231 of the Code of the Borough of Kutztown be, and it is hereby, amended and restated in full and shall henceforth read as follows:

## RATE SCHEDULE RG GENERAL RESIDENTIAL SERVICE

### APPLICATION:

This rate schedule is for single phase residential service in accordance with the APPLICATION PROVISIONS hereof.

### NET MONTHLY RATE:

\$7.46 per month plus  
13.59 cts. per KWH for the first 200 KWH.  
11.06 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The Net Monthly Rate Minimum is \$7.46.

### WATER HEATING SERVICE:

When a customer has an electric water heater which meets all the requirements of this provision, a block of 400 KWH is billed at 11.06 cts. per KWH after the first 200 KWH is billed. All additional KWH are billed at 10.73 cts. per KWH.

### APPLICATION PROVISIONS:

(1) This rate schedule is for single phase electric service for:

- (a) A single family dwelling and appurtenant detached buildings.
- (b) A separate dwelling unit in an apartment house.
- (c) A single farm dwelling and general farm uses.

(2) This rate schedule does not apply to:

Residential service that includes more than 2,000 watts of connected load attributable to commercial or professional use exclusive of space heating and air conditioning in common with the residence.

Residential service combined with any commercial or professional use outside the residence or in a section of a multi-use building that is separate from the dwelling unit.

Service which includes common use for halls, basement, or other portions of an apartment building.

Establishments recognized by name, notice or advertisement, such as hotels, clubs, fraternities, boarding houses, institutions, orphanages, rest homes, tourist homes and rooming houses with more than 3 rooms available for such use and rectories and convents with accommodations for more than 5 adults.

# 17383

Where any use of service at a residence is not eligible for the application of this rate schedule, customer has the option to provide separate circuits so that the portion that is applicable can be metered and billed separately hereunder and the remaining portion can be billed under the applicable general service rate schedule. When separate circuits are not provided, the entire service is billed under the applicable general service rate schedule.

Water heaters shall be automatic with a tank capacity of 30 gallons or more, equipped with noninductive heating elements, each thermostatically controlled and so connected that not over 5,000 Watts can operate at one time. The water heater shall be the exclusive source of hot water at all times. The Borough may check the installation if and when it deems necessary.

## RATE SCHEDULE RH RESIDENTIAL SERVICE WITH ALL ELECTRIC HOUSE HEATING

### APPLICATION OF SCHEDULE:

This rate schedule is for single phase residential service in accordance with the APPLICATION PROVISIONS, hereof, when electricity is the sole source of energy for space heating, cooking and water heating.

### NET MONTHLY RATE:

\$7.46 per month plus  
13.58 cts. per KWH for the first 200 KWH.  
11.06 cts. per KWH for the next 400 KWH.  
10.17 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The Net Monthly Rate minimum is \$7.46.

### SPACE HEATING REQUIREMENTS:

Electric space heating units and/or electrically operated central year round air conditioning equipment shall be permanently installed and shall be the sole means of heating the dwelling unit. Fireplaces are the only supplementary heating source permitted in conjunction with electric heating.

### WATER HEATING REQUIREMENTS:

Water heaters shall be automatic with a tank capacity of 30 gallons or more, equipped with noninductive heating elements, each thermostatically controlled and so connected that not over 5,000 Watts can operate at one time. The water heater shall be the exclusive source of hot water at all times. The Borough may check the installation if and when it deems necessary.

## LEVELIZED BUDGET BILLING:

Levelized Budget Billing is available at the option of the customer. When a customer elects budget billing, the Borough will bill the customer each month an amount approximately equal to one eleventh of the estimated annual billing with appropriate periodic adjustments made, and a twelfth month payment sufficient to cover the balance owing for a full year so the total for each twelve-month billing cycle will equal the actual charges under the rate for the same twelve-month billing period.

## APPLICATION PROVISIONS:

- (1) This rate schedule is for single phase electric service for:
  - (a) A single family dwelling and appurtenant detached building.
  - (b) A separate dwelling unit in an apartment house.
  - (c) A single farm dwelling and general farm use.
  
- (2) This rate schedule does not apply to:
  - (a) Residential service that includes more than 2,000 watts of connected load attributable to commercial or professional use exclusive of space heating and air conditioning in common with the residence.
  - (b) Residential service combined with any commercial or professional use outside the residence or in a section of a multi-use building that is separate from the dwelling unit.
  - (c) Service which includes common use for halls, basement, or other portions of an apartment building.
  - (d) Establishments recognized by name, notice or advertisement, such as hotels, clubs, fraternities, boarding houses, institutions, orphanages, rest homes, tourist homes and rooming houses with more than 3 rooms available for such use and rectories and convents with accommodations for more than 5 adults.

Where any use of service at a residence is not eligible for the application of this rate schedule, customer has the option to provide separate circuits so that the portion that is applicable can be metered and billed separately hereunder and the remaining portion can be billed under the applicable general service rate schedule. When separate circuits are not provided, the entire service is billed under the applicable general service rate schedule.

RATE SCHEDULE CD  
SMALL GENERAL SERVICE  
AT SECONDARY VOLTAGE OR HIGHER

## APPLICATION OF RATE SCHEDULE CD:

# 17385

This rate schedule is for small general service at secondary voltage or at a higher available voltage at the option of the Borough. The billing demand is limited to 3 KW for churches where no portion of the building is rented or leased for non-church sponsored activities.

## NET MONTHLY RATE:

Demand \$1.56 per kilowatt for all Billing KW.

KWH Charge 16.63 cts. per KWH for the first 100 KWH per kilowatt of the Billing KW  
11.77 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW  
10.35 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The Net Monthly Rate Minimum is \$2.70 per kilowatt of the minimum billing demand of 3 KW.

Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

## BILLING KW:

Where no demand meter is installed, Billing KW is 3 KW.

The Borough installs a demand meter when it estimates that the demand exceeds 3 KW. The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period taken to the nearest ½ kilowatt, but not less than 3 KW.

## RATE SCHEDULE IG GENERAL INDUSTRIAL SERVICE AT SECONDARY VOLTAGE OR HIGHER

## APPLICATION RATE SCHEDULE IG:

This rate schedule is for general industrial service, served at a secondary voltage, or at a higher available voltage at the option of the Borough. Where necessary, the Borough furnishes and maintains one transformation from line voltage to a lower Borough standard service voltage.

## NET MONTHLY RATE:

Demand \$11.30 per kilowatt for the first 125 kilowatts of the Billing KW.

\$9.33 per kilowatt for all additional kilowatts of the Billing KW.

KWH Charge 8.91 cts. per KWH for the first 150 KWH per kilowatt of the Billing KW.  
7.56 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW.

6.50 cts. per KWH for the next 50 KWH per kilowatt of the Billing KW.  
 5.90 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The minimum monthly billing demand is 25 KW.

The Net Monthly Rate Minimum is \$11.30 per KW per the Minimum Billing Demand of 25 KW.

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

**BILLING KW:**

The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period.

**RATE SCHEDULE IS  
 INSTITUTIONAL SERVICE RATE**

**APPLICATION OF SCHEDULE**

This rate schedule is for three-phase service for a load in excess of 50 KW serving an institution of public, charitable or educational character, excluding industrial and commercial facilities.

**TWO RATES**

The "all electric" rate applies to those facilities where electricity is the sole source of energy for space heating, ventilating, air conditioning, cooking, water heating, lighting and power requirements. The "not all electric" rate applies to those facilities where only a portion of the energy needs are supplied by electrical energy.

**MONTHLY RATE**

<u>Monthly Consumption KWH</u>	<u>All Electric Rate (¢/KWH)</u>	<u>Not All Electric Rate (¢/KWH)</u>
15,000 & Less	11.09	12.50
30,000	10.96	12.38
45,000	10.83	12.25
60,000	10.70	12.12
75,000	10.57	11.86
90,000	10.44	11.73
105,000	10.19	11.60
120,000	10.06	11.47
135,000	9.93	11.35

# 17387

150,000	9.80	11.22
165,000	9.67	11.09
180,000 & More	9.54	10.96

## MINIMUM CHARGE

\$249.44

## RATE SCHEDULE IP-H LARGE GENERAL SERVICE AT 13,800 VOLTS OR HIGHER

### APPLICATION RATE SCHEDULE:

This rate schedule is for large general service supplied from available lines of 13,800 volts or higher when customer furnishes and maintains all equipment necessary to transform the energy from line voltage and when electricity is the principal source of all the customer's energy requirements, including space heating in accordance with the applications provisions hereof.

Electric space heating facilities shall be permanently installed and operated for personal comfort.

### NET MONTHLY RATE:

Demand \$10.63 per kilowatt for the first 125 kilowatts of the Billing KW.

\$9.53 per kilowatt for all additional kilowatts of the Billing KW.

KWH Charge 8.48 cts. per KWH for the first 150 KWH per kilowatt of the Billing KW.

7.49 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW.

6.40 cts. per KWH for the next 50 KWH per kilowatt of the Billing KW.

5.90 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate

The Minimum Billing Demand is 25 KW.

The Net Monthly Rate Minimum is \$10.63 per KW per the Minimum Billing Demand of 25 KW.

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

### BILLING KW:

The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period.

### APPLICATION PROVISIONS:

This rate schedule applies to single meter service for all of customer's energy requirements, under the following conditions:

- (a) The facilities for electric space heating are, in Borough's judgment, a significant and integral portion of customer's total energy requirement to be supplied hereunder.
  - (b) Service supplied hereunder includes all energy requirements on customer's premises in a building.
  - (c) All service in one building is supplied at one voltage from one service connection.
  - (d) Another form of energy may be used for emergency lighting generators and, upon Borough approval, for other similar uses.
  - (e) When customer occupies an entire building, service hereunder may include uses of service outside the building only when they are directly incident to the principal use of service in the building.
- (2) Supplemental use of renewable energy sources such as wood, solar, wind and water is permitted in conjunction with service supplied hereunder without violating the total electric energy requirement of the rate. Any customer system of this type that produces electric energy may not be operated concurrently with service supplied by the Borough except under written agreement setting forth the conditions of such operation.

**RATE SCHEDULE KF  
KF-LARGE GENERAL SERVICE AT 69,000 VOLTS OR HIGHER**

**APPLICATION OF RATE SCHEDULE KF:**

This rate schedule is for large general service supplied from available 3-phase lines of 69,000 volts or higher, with the customer furnishing and maintaining all equipment necessary to transform the energy from the line voltage.

**NET MONTHLY RATE:**

The KF rate shall be a block rate consisting of three (3) rate levels:

- Level I: 6.18 cents per KWH
- Level II: 6.69 cents per KWH
- Level III: 9.35 cents per KWH

# 17389

The rate levels shall be applied as follows:

The numbers listed with the Schedules are time and based on a twenty-four (24) hour clock.

Schedule A: Monday through Friday, during the months of April, May, June, July, August, September and October:

Level I rate shall apply: 23:00:00 through 6:59:59

Level II rate shall apply: 7:00:00 through 10:59:59 and 19:00:00 through 22:59:59

Level III rate shall apply: 11:00:00 through 18:59:59

Schedule B: For Monday through Friday, during the months of January, February, March, November and December:

Level I rate shall apply: 23:00:00 through 6:59:59

Level II rate shall apply: 12:00:00 through 16:59:59 and 20:00:00 through 22:59:59

Level III rate shall apply: 7:00:00 through 11:59:59 and 17:00:00 through 19:59:59

Schedule C: For all Saturdays and Sundays and the holidays of: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day:

Level I rate shall apply: 0:00:00-24:00:00

Or alternatively at the Borough's sole discretion the Borough may charge a blended rate of 7.28 cents per KWH for all KWH energy charge. The blended rate energy charge would apply to all KWH supplied under this rate.

The monthly rate minimum is \$3,165.00.

The Pennsylvania state tax is applied as required by the Pennsylvania Department of Revenue.

## ADVANCED METER MONITORING SERVICE FEE:

If the Borough offers and the customer subscribes to an advanced meter monitoring service, the fee shall be \$75.00 per month.

## RATE SCHEDULE DD PRIVATE AREA LIGHTING SERVICE

## APPLICATION OF RATE SCHEDULE DD:

This rate schedule is for the lighting of yards, private roadways, alleys and other areas supplied from existing overhead secondary distribution.

NET MONTHLY RATE:

Per light:

175 watt mercury vapor	\$ 11.63
150 watt high pressure sodium	\$ 11.63
250 watt high pressure sodium	\$ 19.81

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

EQUIPMENT AND SERVICE:

Borough installs and maintains the bracket, luminaire, lamp and photoelectric control on a Borough-owned wood pole. Lamp is lighted from dusk to dawn or for approximately 4,300 hours per annum.

A mercury vapor lamp of a nominal, 6,650 lumens (175 watts), a high pressure sodium lamp of a nominal 16,000 lumens (150 watts) or a high pressure sodium lamp of a nominal 25,500 lumens (250 watts) is installed in a luminaire on a bracket. Lamp replacements are normally made on the first working day after outage notification by the customer to the Borough office. There is no credit for outages.

Borough installs up to one span of secondary not exceeding 150 feet from an existing secondary voltage supply and one pole for each lamp provided the location of the pole is accessible by a service truck for the installation and maintenance of the lamp and provided the Borough is furnished a suitable right of way.

Upon request and at the Borough's discretion, the Borough may install an area light fixture on a suitable customer-owned support.

Where a secondary supply is not available at the desired lamp location and/or where the distance is more than one span, the Borough may furnish the service providing the customer reimburses Borough for the Borough's estimated added investment required to supply the service in each case.

**PAYMENT SCHEDULE AND CONTRACT PERIOD FOR ALL RATE SCHEDULES**

PAYMENT:

The above net rates apply when bills are paid on or before the due date specified on the bill. After the due date, the Borough may initiate collection procedures. A late payment charge of 10% will be applied on the unpaid balance of the current monthly bill if payment is not received on or before the due date.

# 17391

## CONTRACT PERIOD:

Not less than one year.

BE IT FURTHER RESOLVED, (1) that any and all resolutions and parts of resolutions inconsistent with this Resolution are hereby superseded, (2) with respect to the rate schedules set forth hereinabove, the effectiveness thereof shall apply to electric bills due and payable on and after February 25, 2006, and (3) that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 16<sup>th</sup> day of January, 2007, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To authorize the advertisement for bids to haul sludge. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Snyder, Resolved, To execute a service agreement with Ehrlich for monthly treatment service at the Water Treatment Plant. Passed by unanimous vote.

Under Finance and Technology Committee, President Eidle noted that the County of Berks is printing the real estate tax bills for 2007.

President Eidle called for an Executive Session at 7:56 p.m. to discuss pending litigation. The Executive Session ended, and the meeting reconvened at 8:25 p.m.

A motion was made by Mr. Schlegel, seconded by Mr. Gangewere, Resolved, To adjourn the Council Meeting upon vote. Passed by unanimous vote. The meeting ended at 8:25 p.m.

Prepared and Attested by: Gina M. Wiand  
Assistant Borough Secretary

Malcolm Eidle and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates December 16, 2006, to January 12, 2007, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

\_\_\_\_\_  
Malcolm A. Eidle

\_\_\_\_\_  
Gina M. Wiand