

January 17, 2023  
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. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Craig Summers; Police Corporal Mike Clery; Planning Commission representative Bob Weller; HRG representative Ryan Hostetter; Berks Surveying and Engineering representative Robert Hain; Timmothy, Lizabeth Melcher, the Melcher children; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; Kutztown University Stair Party representative Tiberius Shaub; Emergency Management and Kutztown Fire representative Todd Evans; visitors Ken, Jane and Chris Ritter; and residents Sharon and Larry Seaman were also present.

President Snyder noted that Borough Council met in Executive Session on January 10, 2023, for police candidate interviews, and on January 17, 2023, to discuss promoting an officer to the rank of sergeant.

Mayor Schlegel read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Civilian Service Award to Timmothy Melcher.

Mayor Schlegel read aloud the proposed Resolution to affirm the recommendation of the Awards Review Board to award the Life Saving Award to Kutztown Borough

Police Department Patrol Officer Karl J. Schemberg, Jr.

Mayor Schlegel read aloud the proposed Resolution recognizing and commending Police Sergeant Raymond “Ray” Schell for his dedication and contributions to the Borough of Kutztown Police Department for 26 years.

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

## RESOLUTION NO. 1-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE CIVILIAN SERVICE AWARD TO TIMMOTHY MELCHER.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Civilians who aid the police and render aid to another person who is in danger; and

WHEREAS, the recognition of Civilians is done by awards; and

WHEREAS, Standard Operating Procedure 2011-04 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that civilian Timothy Melcher be awarded the CIVILAN SERVICE AWARD for actions on December 27, 2022. Timothy Melcher found an unresponsive person in below freezing temperatures, he provided first aid, and called for Emergency Medical Services. Timothy Melcher’s actions likely saved the life of the person. Timothy Melcher exhibited commendable and outstanding actions in providing emergency care for a victim of a life-threatening situation.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the CIVILAN SERVICE AWARD to Timothy Melcher.

This Resolution shall become effective on January 17, 2023.

DULY ADOPTED AS A RESOLUTION this 17<sup>th</sup> day of January 2023 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

## RESOLUTION NO. 2-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA TO AFFIRM THE RECOMMENDATION OF THE AWARDS REVIEW BOARD TO AWARD THE LIFE SAVING AWARD TO KUTZTOWN BOROUGH POLICE DEPARTMENT PATROL OFFICER KARL J. SCHEMBERG, JR.

WHEREAS, Kutztown Borough Police Department Standard Operating Procedure 2011-04 provides for the recognition of Police Officers who perform their duties in a manner beyond that which is normally expected; and

WHEREAS, the recognition of Police Officers is done by awards; and

WHEREAS, Standard Operating Procedure 2011-4 requires that the Council of the Borough of Kutztown affirm by resolution a recommendation by the Awards Review Board; and

WHEREAS, the Awards Review Board has recommended that Kutztown Borough Police Department Patrol Officer Karl J. Schemberg, Jr. be awarded the LIFE SAVING AWARD for performing an act in the line of duty. On December 14, 2022, at 5:10 PM Officer Schemberg was dispatched to an unconscious male in a garage. Through prompt and alert actions, Officer Schemberg quickly determined the male did not have a pulse and was not breathing. Officer Schemberg proceeded to perform CPR on the subject for several minutes until advanced life support arrived, thereby saving the life of this individual.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown to award the LIFE SAVING AWARD to Kutztown Borough Police Department Patrol Officer Karl J. Schemberg, Jr.

This Resolution shall become effective on January 17, 2023.

DULY ADOPTED AS A RESOLUTION this 17th day of January 2023 by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

## RESOLUTION NO. 3-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING POLICE SERGEANT RAYMOND "RAY" SCHELL FOR HIS DEDICATION AND CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN POLICE DEPARTMENT FOR 26 YEARS.

WHEREAS Ray Schell joined the Borough of Kutztown Police Department, on October 26, 1997, as a Patrol Officer; and

WHEREAS Ray Schell was promoted to Police Sergeant on May 24, 2004; and

WHEREAS Ray Schell served as Acting Police Chief from October 2008 to March 2009; and

WHEREAS Ray Schell received a Meritorious Service Award and two Distinguished Unit Citation awards during his tenure.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Police Sergeant Ray Schell for his dedication and contributions to the Borough of Kutztown Police Department.

DULY ADOPTED AS A RESOLUTION this 17th day of January, 2023, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Ryan Hostetter, from HRG, presented an update regarding Supplement No. 1 of the Multimodal Transportation Grant Agreement. He noted that PennDOT is asking to review the proposed ADA ramps, detailed designs for the new sidewalk that connects to Main Street, and that they want the signal permit plans sent as AutoCAD files. The additional work will cost approximately \$17,400.00.

Mr. Mace asked what would be lost in paying for those additional requests, and Mr. Khalife responded that the bollards would probably be eliminated.

Ms. Ladd-Kidder asked if the Borough Council will have choices regarding future changes within the project, and Mr. Hostetter responded that they will.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute Supplemental Agreement No. 1, with HRG, for the Multimodal Transportation Grant.

Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board:

Four Member Vacancies

Planning Commission:	One Alternate Vacancy
Zoning Hearing Board:	Recording Secretary Vacancy
Housing License Appeals Board:	Two Alternate Vacancies
	One Member Vacancy
Environmental Advisory Commission	Three Alternate Vacancies
Telecommunications Advisory Commission:	Three Member Vacancies
	Four Member Vacancies

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were none.

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

- Review and accept the Minutes of the December 20, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for December 2022.
- 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 December 17, 2022, through January 13, 2023, as summarized below:

General Fund	\$302,510.33
Refuse and Recycling Fund	\$30,941.73
Water Fund	\$61,498.57
Electric Fund	\$265,425.57
Sewer Fund	\$70,033.23
Telecommunications Fund	\$18,502.16

Passed by unanimous vote.

Under Borough Planning Commission, the 2022 Annual Report was submitted to Council. Bob Weller asked if there were any questions, and there were none.

Mr. Engelhardt asked if there was a report regarding the proposed Joint Comprehensive Plan, and Mr. Weller responded that there will be a meeting on February 22.

Under Environmental Advisory Commission, Todd Underwood told Council that he supports Randall Wert's application to join the EAC, but because he does not live in the Borough, he wanted to know if there was a possible way for him to join. In addition, he stated that a current EAC member is moving out of the Borough but would still like to serve.

Keith Mooney stated that the Environmental Advisory Commission Ordinance would need to be amended to accommodate these changes.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To amend the Environmental Advisory Commission Ordinance to include the following: a majority of members to be residents, a resident or non-resident student member, and two non-resident members with significant ties to the Borough. Passed by unanimous vote.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for December 2022.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	December 2022	\$1,699.66
Clerk of Common Pleas	December 2022	\$167.17
Secretary's Office	December 2022	\$500.00

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the Police Standard Operating Procedure for License Plate Readers. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the Police Standard Operating Procedure for Vehicle Accident Investigations. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve the time extension for the review of the Apartments on Elm Land Development Plan and grant conditional final plan approval of the Apartments on Elm Land Development Plan.

Mr. Mooney clarified that if the Council grants final approval, they do not need to approve a time extension.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To amend the motion still on the floor, regarding the Apartments on Elm Land Development Plan, to grant conditional final plan approval of the Apartments on Elm Land Development Plan contingent upon engineer review letters, the Storm Water Improvements Agreement and the Municipal Improvements Agreement.

Ms. Ladd-Kidder motioned to table the item regarding the Apartments on Elm Land Development Plan, due to a lack of information.

Mr. Mooney explained that they do have all of the information needed, and Ms. Ladd-Kidder withdrew her tabling of the motion.

President Snyder called for the question regarding the Apartments on Elm Land Development Plan. All those in favor, except Ms. Ladd-Kidder, who abstained. There being a majority in favor, the motion passed.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To authorize Rettew to perform the inspections needed for the North Park Bridge. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Payment No. 2, to Descco for the North Park Bridge Project, in the amount of

\$95,215.90. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve Payment No. 5, to Schlouch Incorporated for the 2022 Street and Storm Sewer Improvements Project, in the amount of \$9,093.75. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Change Order No. 1, from Descoco for the North Park Bridge Project, in the amount of \$80,568.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Change Order No. 2, from Descoco for the North Park Bridge Project, in the amount of \$331,657.20. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To execute the contract with Construction Masters Services, LLC, regarding fire hydrant replacement and the water leak on West Main Street. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To promote Mike Clery to the rank of sergeant. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Police Officer Joseph James O'Keefe contingent upon completion and passing of all required background checks. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Police Officer Brayden Quinn Lewis contingent upon completion and passing of all required background checks. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, To



appoint Barbara Smith to the Vacancy Board for 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Jeffrey Dietrich, as a member of the Housing License Appeals Board, whose term shall expire on February 1, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, To reappoint John Fry, as a member of the Telecommunications Advisory Commission, whose term shall expire on February 1, 2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To reappoint Jacob Sewall, as a member of the Zoning Hearing Board, whose term shall expire on February 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Todd Underwood, as a member of the Environmental Advisory Commission, whose term shall expire on February 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Keith Leinbach, as a member of the Environmental Advisory Commission, whose term shall expire on February 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Andrew Schlegel, as a member of the Kutztown Transportation Authority, whose term shall expire on February 1, 2028. Passed by unanimous vote.

An Executive Session to discuss personnel and legal matters was not needed.

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and authorize advertisement of the proposed Resolution amending labor and equipment rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enter into a Confidentiality, Non-Disclosure and Non-Use Agreement with Kutztown Area Transport Service, Inc. Passed by unanimous vote.

Ms. Ladd-Kidder asked for the purpose of this agreement, and Mr. Khalife stated that KATS has asked for financial assistance, so the Borough needs to review its financial history.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enter into the North Park Bridge Contribution Agreement with Berks County. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request, from Kutztown Fire & Rescue, to release \$150,000.00 from the Brough's Fire Tax Account to be used toward the final purchase of the new engine tanker and rescue engine, as well as the installation and mounting of equipment. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, there was nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the \$15,640.00 proposal and enter into a 12-month agreement, with 120 Water, to conduct services related to the lead and copper service line inventory. Note: This inventory is required by DEP to be submitted by October 2024. Passed by unanimous vote.

Mr. Seyler noted that the Construction Masters Services, LLC Main Street Repair Project quote (under Public Works) includes \$5,600.00 for the contractor to complete

repairs to a leaking service line which fed the old hydrant on the corner at Betty's on Main Street.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To adopt the following Resolution:

## RESOLUTION NO. 4-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING A SCHEDULE OF FEES, CHARGES AND EXPENSES FOR PROFESSIONAL CONSULTANTS AND ENGINEERS UTILIZED BY THE BOROUGH OF KUTZTOWN FOR THE REVIEW AND REPORT OF SUBDIVISION AND LAND DEVELOPMENT SUBMITTALS, OF STORMWATER MANAGEMENT AND FLOODPLAIN REGULATIONS, AND OF PUBLIC UTILITY SERVICE REQUESTS FOR PROPERTIES BOTH WITHIN AND OUTSIDE THE BOROUGH OF KUTZTOWN.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, in conformity with the Pennsylvania Municipalities Planning Code, as from time to time amended, Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management", Chapter 123 "Floodplain Management", Chapter 177 "Sewers", Chapter 185 "Solid Waste", and Chapter 217 "Water" of the Code of the Borough of Kutztown to adopt the following schedule of fees, charges and expenses incurred by the Borough of Kutztown for the review and report of Subdivision and Land Development Plans, of Stormwater and Floodplain Management Regulations, and of provision of Public Utilities, including but not limited to Water and Sewer, for properties both within and outside the Borough of Kutztown, which shall be chargeable to Developers/Applicants, as follows:

### SECTION 1 - Legal Consultants

Hourly rates shall be as listed below:

#### 1. General Municipal Law Services (all matters not described in II below)

Solicitor and Solicitor's Partners	\$200.00
Associates in Solicitor's Office	\$190.00
Paralegals in Solicitor's Office	\$105.00

#### Other Legal Consultants

Such fees, charges and expenses shall be the same as the charges incurred by the Borough for such Legal Consultants.

## 2. Specialized Services (travel time to be charged only from Reading office)

	Partner	Associate	Paralegal
Telecommunications	\$245.00	\$220.00	\$115.00
Labor/Employment/Benefits	\$245.00	\$220.00	\$115.00
Environmental	\$245.00	\$220.00	\$115.00
Litigation (excluding (i) code enforcement; (ii) zoning; and (iii) minor collection/eviction matters, in each case not involving other issues, claims or counterclaims)	\$245.00	\$220.00	\$115.00
Municipal Finance (bonds)	Fees negotiated per transaction		

## 3. Legal Services for the Kutztown Zoning Hearing Board, Code Appeals Board, Housing License Appeals Board and the Civil Service Commission

Legal Services to the Zoning Hearing Board	\$175.00
Legal Services to the Civil Service Commission	\$175.00
Retainer for the Code Appeals Board	\$1,800.00 (annual fee)
Retainer for the Housing License Appeals Board	\$1,800.00 (annual fee)

## SECTION 2 - Engineering Consultants

Hourly rates shall be as listed below:

### 1. Borough Water/Wastewater and Planning/Zoning Engineer and Staff

Administration I	\$55.00 - \$70.00
Administration II	\$70.00 - \$85.00
Environmental Scientist I	\$85.00 - \$110.00
Environmental Scientist II	\$110.00 - \$135.00
Senior Environmental Scientist	\$135.00 - \$145.00
Planner I	\$85.00 - \$105.00
Planner II	\$105.00 - \$130.00

Senior Planner	\$130.00 - \$145.00
Landscape Architect I	\$85.00 - \$110.00
Landscape Architect II	\$110.00 - \$130.00
Senior Landscape Architect	\$130.00 - \$145.00
Surveyor I	\$70.00 - \$95.00
Surveyor II	\$95.00 - \$125.00
Senior Surveyor	\$125.00 - \$145.00
GIS Professional I	\$85.00 - \$115.00
GIS Professional II	\$115.00 - \$135.00
Senior GIS Professional	\$135.00 - \$155.00
Resident Project Representative I	\$70.00 - \$105.00
Resident Project Representative II	\$105.00 - \$125.00
Senior Resident Project Representative	\$125.00 - \$145.00
Junior Technician	\$60.00 - \$70.00
Technician I	\$85.00 - \$110.00
Technician II	\$110.00 - \$135.00
Senior Technician	\$135.00 - \$150.00
Financial Services Professional I	\$105.00 - \$130.00
Financial Services Professional II	\$130.00 - \$140.00
Senior Financial Services Professional	\$140.00 - \$155.00
Engineering Professional I	\$110.00 - \$130.00
Engineering Professional II	\$130.00 - \$150.00
Project Engineer	\$150.00 - \$160.00
Senior Project Engineer	\$160.00 - \$175.00
Assistant Project Manager	\$125.00 - \$150.00

Project Manager	\$150.00 - \$165.00
Senior Project Manager	\$165.00 - \$175.00
Operations Manager/Senior Technical Leader	\$160.00 - \$190.00
Principal	\$175.00 - \$190.00
Billable Expenses	
Absorbent Sock - Small Size/Large Size	\$3.50/\$5.00/Each
All Terrain Vehicle	\$100.00/Day
Boilers	\$8.50/Each
Copies/Prints	
Color Copies – 11” x 17	\$.60/Copy
Color Copies – 8.5” x 14”	\$.48/Copy
Color Copies – 8.5” x 11”	\$.40/Copy
Photocopies	\$.15/Copy
Wide Format Printing/Copying	\$.50/Square Foot
Concrete Monuments	\$30.00/Each
Hydrographic System	\$100.00/Day
Instrumentation/Meters	
Mini-Monsoon Sampling System	\$60.00/Day
Oil/Wafer Interface Probe	\$60.00/Day
Photoionization Detector	\$100.00/Day, \$250.00/Weekly
Water Level Indicator— Solinst	\$28.00/Day. \$14.00/Half Day
Water Level Indicator 200’ – Heron	\$30.00/Day
Lodging	At Cost
Maps, Permits, Licenses	At Cost
Meals	At Cost

# 12476

Mileage	IRS Allowable
Miscellaneous Charges	At Cost
Pocket Colorimeter	\$50.00/Day
Postage	As Weighed
Pumps	
Peristaltic Pump	\$40.00/Day
Whale Pump	\$30.00/Day
Rotary Hammer Drill Kit	\$100.00/Day, \$50.00/Half Day
Slam Bar/Bucket Auger	\$10.00/Day
Sub-Surface Inspection Pole Camera	\$75.00/Day
Technology Equipment Charge	\$100.00/Day
Traffic Counters	\$25.00/Day
Tubing	
1/4" Tubing	\$.13/Foot
1/2" Tubing	\$.25/Foot
3/16" x 3/8" Silicone Tubing	\$1 .85/Foot

All expenses are subject to a 10% markup, including, but not limited to travel, printing, postage, survey supplies, etc.

## 2. Borough Electrical Engineering Consultants

Principal	\$110.00
Senior Professional	\$110.00
Project Manager	\$110.00
Engineer	\$70.00
Designer	\$65.00
CADD Operator	\$65.00
Support Staff	\$35.00

Review of Customer Generation Application	\$220.00
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### 3. Borough Transportation Engineering Consultants

Rod Person; Engineering Aide	\$36.00-\$40.00
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Administrative Assistant	\$56.00-\$64.00
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Instrument Person; Survey Party Chief	\$67.00-\$70.00
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Registered Surveyor	\$92.00-\$100.00
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Design Drafter/Design Technician	\$84.00-\$90.00
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Senior Technician	\$88.00-\$92.00
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Construction Observer; Code Officer	\$75.00-\$82.00
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Engineer/Designer	\$90.00-\$96.00
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Senior Designer; Project Engineer; Project Manager; Senior Construction Observer	\$105.00-\$110.00
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Senior Project Engineer; Senior Planner; Senior Project Manager; Senior Architect; Technical Manager; Principal	\$115.00-124.00
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Travel – Mileage Rate	\$.625 per mile*
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(\*The rate established by the IRS changes periodically, and the actual travel rate will be the rate allowed by the IRS.)

### 4. Other Engineering Consultants

Such fees, charges and expenses shall be at cost plus 10% as received from such Consultants.

### SECTION 3 - Other Consultants

Such fees, charges and expenses shall be the same as the charges incurred by the Borough of Kutztown for such Consultants.

### SECTION 4 - Miscellaneous Charges and Disbursement Expenses

Miscellaneous charges and disbursement expenses incurred by the Borough for the services of the above-noted Consultants in the performance of the reviews and reports required by Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management" and Chapter 123



# 12478

"Floodplain Regulations" of The Code of the Borough of Kutztown shall be charged to the Developer/Applicant at the same rate as charged to the Borough for such expenses.

SECTION 5 - Such fees, charges and expenses as herein listed shall be the same as would be charged to the Borough when such fees, charges and expenses are not reimbursable.

Such fees, charges and expenses as herein listed shall be on file and available upon request to the Developer/Applicant for review.

SECTION 6 - The Borough of Kutztown reserves the right to adopt additional fees, charges and expenses, and to modify the fees, charges and expenses listed herein.

Upon adoption or modification of this Resolution, any and all Developers and/or Applicants currently being charged for such services, as allowed by the Pennsylvania Municipalities Planning Code, as from time to time amended, shall be notified of such within ten (10) days of adoption.

SECTION 7 - Capitalized terms used herein without definition shall have the meanings attributed thereto by the Pennsylvania Municipalities Planning Code and/or Chapter 195 "Subdivision and Land Development", Chapter 189 "Stormwater Management" and Chapter 123 "Floodplain Regulations" of The Code of the Borough of Kutztown, as appropriate.

SECTION 8 - All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 17<sup>th</sup> day of January, 2023.

Passed by unanimous vote.

Mr. Khalife noted that he sent out the term dates for those up for re-election.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:40 p.m. Passed by unanimous vote.

Prepared and attested by: Gina M. Wiand  
Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from December 17, 2022, through January 13, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand