A regular meeting of the Kutztown Borough Council was called to order at 7:35 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. Arabel Elliott, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, and the Mayor, Mr. James Schlegel. Mr. Charles Haws, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Craig Summers; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown Community Partnership/Kutztown University representative Amanda Garcia; Kutztown Community Partnership representative Allison Fuller; Borough Planning Commission representative Fred Engelhardt; Allentown & Auburn Railroad representative Frank Lorah; Kutztown University Foundation representative Cheryl Lord; and Kutztown Strong representative Kelley Neyhart were also present.

President Snyder noted the following vacancies:

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

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved,

To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the January 18, 2022, Borough Council meeting.
- Review and accept the Borough Community Development Report for January 2022.
- Take action on the request from the Optimist Club to use the tennis court, hockey rink, Brick Pavilion, bathrooms and park area, as well as the use of barricades, on April 16, 2022, from 9:00a.m. until 2:00 p.m., rain or shine, for their Annual Easter Egg Hunt, and to waive any associated fees. Note: The egg hunt could be traditional or a drive-through, depending on COVID status at that time.
- Take action on the request from the American Legion Post No. 480 to hold its annual Memorial Day Parade on May 30, 2022, and to waive any associated fees.
- Take action to approve the request from the Kutztown Community Choir to use the Band Shell on June 4, 2022, at 7:30 p.m., for their Flag Day Concert, and to waive the rental fee and insurance requirements.
- 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 January 15, 2022, through February 11, 2022, as summarized below:

General Fund	\$158,754.02
Refuse and Recycling Fund	\$208,177.74
Water Fund	\$149,428.40
Electric Fund	\$316,854.92
Sewer Fund	\$110,661.31
<b>Telecommunications Fund</b>	\$27,717.04

Passed by unanimous vote.

Ms. Ladd-Kidder asked to correct something that was misspoken at the January

Council meeting regarding splitting the cost of trees, for the Environmental Advisory

Commission's 2022 tree planting project if they do not receive the Giant Food Grant.

When asked what the cost would be, Ms. Ladd-Kidder responded that it would cost

\$1,500.00 each. The clarification is that it was a \$1,400.00 grant request, so if they do not

receive the grant, it would cost \$700.00 each for EAC and the Borough.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, President Snyder noted that the

Environmental Advisory Commission submitted their 2021 Annual Report to Council.

Under Community Development and Public Safety Committee, the Monthly

Police Report for January 2022 was submitted.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	December 2021	\$5,546.06
Clerk of Common Pleas	December 2021	\$74.63
Secretary's Office	January 2022	\$1,125.00

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved,

To enact and ordain the following Ordinance:

### ORDINANCE NO. 3-2022

### AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING ARTICLE V OF CHAPTER 225 OF THE KUTZTOWN CODE BY AMENDING §225-29 ENTITLED "PARKING AND TRUCK LOADING/UNLOADING REQUIREMENTS", TO ELIMINATE OFF-STREET PARKING REQUIREMENTS IN THE CC-BUSINESS COMMERCIAL CENTRAL ZONING DISTRICT AND THE C-1 BUSINESS COMMERCIAL ZONING DISTRICT FOR THE FOLLOWING USES: RETAIL SALES AND RETAIL SERVICE ESTABLISHMENTS, EXCEPT GASOLINE SERVICE STATIONS AND ANY OTHER GASOLINE SALES OPERATION; BUSINESS, PROFESSIONAL OR GOVERNMENT OFFICES AND OFFICE BUILDINGS; BANKS AND SAVINGS AND LOAN ASSOCIATIONS; RESTAURANTS, TAVERNS OR OTHER PLACES SERVING FOOD AND BEVERAGES, EXCEPT DRIVE-IN ESTABLISHMENTS; THEATERS OR MOTION PICTURE THEATERS, EXCEPT DRIVE-INS AND NO-IMPACT HOME-BASED BUSINESS.

Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve the parade permit application request from the Kutztown Community Partnership, for the KU Senior Send-Off, to be held on May 7, 2022 (no rain date). Note: An estimate of fees will be provided.

Mr. Mace asked to discuss fee waiving.

President Snyder said that the Committee conversations centered around charging real costs and not estimated costs. The estimated real costs for this event are: Public Works fees – \$,3034.00, and Police fees – \$983.00.

Amanda Garcia noted that it is a parade, down Main Street, and tables and chairs set up for outdoor dining.

Mr. Khalife cautioned Council that some organizations cannot cover the Borough's costs, which could hinder these types of events.

Ms. Garcia agreed and said that KCP, a non-profit organization, cannot do it without fees being waived.

Mayor Schlegel and Ms. Ladd-Kidder both opined that a fair and clear policy must be developed.

Mr. Mace suggested asking for KU's financial assistance, and Ms. Elliott agreed.

Ms. Garcia said that she planned to ask KU for help, but she needed an estimated cost first, and that she also planned to ask for the use of KU's tables and chairs.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To amend the motion still on the floor, To approve the parade permit application request

from the Kutztown Community Partnership, for the KU Senior Send-Off, to be held on May 7, 2022 (no rain date), and to discuss the finances later.

Ms. Garcia said that she needed an answer on finances so she could request funds from KU, and Mr. Mace said that the estimated amount is \$4,027.00.

Sandy Green said that KCP would not be able to go through with it, as it is not a money-making event, but rather a feel-good event.

Mr. Khalife noted that the Finance Committee should decide what to waive, and that it will likely be lower than the estimate. He also noted that different events have different purposes, so the Committee needs to weigh those when deciding on what fees to charge and what fees to waive.

President Snyder called for the question. All those in favor of approving the parade permit application request from the Kutztown Community Partnership, for the KU Senior Send-Off, to be held on May 7, 2022 (no rain date), and to discuss the finances later, except Mr. Mace who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To approve the parade permit application request from the Kutztown Community Partnership, for Dinner on Main, to be held on August 5, 2022, with a rain date of August 6, 2022, and to waive associated fees, which are estimated at \$4,500.00. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To approve the revised Rules and Regulations of the Borough of Kutztown's Civil Service Commission. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To approve the request from Kutztown Strong to hold the Kutztown Kruizz, on July 30, 2022, on West Main Street, from 9:30 a.m. until 4:30 p.m., contingent upon filling out a parade permit application and getting permission from PennDOT.

Mayor Schlegel asked about the fees, and Mr. Seyler said that they would be considered with the KU Senior Send-Off fees.

Kelley Neyhart told Council that the Kruizz Committee cannot wait a month to start planning.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To amend the motion still on the floor, To approve the request from Kutztown Strong to hold the Kutztown Kruizz, on July 30, 2022, on West Main Street, from 9:30 a.m. until 4:30 p.m., contingent upon filling out a parade permit application and getting permission from PennDOT, and to waive associated fees.

Mr. Mace stated that if Council waives the fees for the Kruizz, they will need to revisit waiving the fees for the KU Senior Send-Off.

President Snyder called for the question. All those in favor of approving the request from Kutztown Strong to hold the Kutztown Kruizz, on July 30, 2022, on West Main Street, from 9:30 a.m. until 4:30 p.m., contingent upon filling out a parade permit application and getting permission from PennDOT, and to waive associated fees. Passed by unanimous vote.

Returning to the Kutztown Community Partnership's KU Senior Send-Off request, a motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To waive the associated fees for the KU Senior Send-Off. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Kutztown Thriving to add a split rail fence to the Greenwich Street mini park's garden, and to redo part of the garden, with the Borough paying \$300.00 to \$500.00 for the fencing. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown University Foundation, to hold their Jamming with Golden Bears event in the Band Shell, Scooter Building and Ceres Pavilion on August 20, 2022, and to waive the rental fees but not police fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Allentown and Auburn Railroad to use the Train Station for their schedule of 2022 train rides. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To execute the Winter Season Rock Salt Sales Agreement, with the Kutztown Area School District, for the 2021-2022 snow season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the First Amendment to Sanitary Sewer Easement and Maintenance Agreement with The Edge.

Ms. Ladd-Kidder made a suggested edit to the agreement, under paragraph three, Agreement.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To amend their previous motion and seconding of the motion to approve the First Amendment to Sanitary Sewer Easement and Maintenance Agreement with The Edge, with the proposed change to paragraph three, Agreement. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the 2022 pool rates as revised. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To the approve request from the Healthy Kids Running Series to use the grass areas in the park, around the hockey rink, from 11:00 a.m. until 1:00 p.m. on the following dates: April 3, 10 and 24; and May 1 and 8, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the 2022 Concert series. Note: The Borough budgeted \$4,000.00 toward the concert series and an additional \$4,100.00 toward the cost of Kutztown Day concerts. Any remainder will go toward Kutztown Day fireworks costs. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize advertising for new pool staff and to send out the employment application packets to past pool staff for the 2022 season. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To appoint Cheyenne Friscia, as a student member of the Environmental Advisory Commission, whose term shall expire on March 1, 2025. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To appoint Steve Fenstermacher, as a member of the Borough Planning Commission, whose term shall expire on March 1, 2026. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To reappoint Jeffrey DeTurk, as a member of the Civil Service Commission, whose term shall expire on March 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To

reappoint Randy Jay Haydt, as a member of the Telecommunications Advisory

Commission, whose term shall expire on February 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To

reappoint David Slabonik, as a member of the Telecommunications Advisory

Commission, whose term shall expire on February 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To

reappoint Steven Fritz, as a member of the Telecommunications Advisory Commission,

whose term shall expire on March 1, 2024. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace,

seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

#### **RESOLUTION NO. 2-2022**

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 2-2021 OF THE BOROUGH OF KUTZTOWN AND §A231-2 OF CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, ENTITLED "BOROUGH LABOR AND EQUIPMENT RATES," FIXING THE BILLING RATES FOR BOROUGH OF KUTZTOWN LABOR AND EQUIPMENT.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania as follows:

SECTION 1 - The Borough of Kutztown shall charge the following billing rates for Borough labor and equipment:

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<u>Charge</u>
5

Water Division Hourly Personnel	\$25.00	\$49.75	\$74.75
Wastewater Division Hourly Personnel	\$24.75	\$49.50	\$74.25
Telecom Division Hourly Personnel	\$24.75	\$49.50	\$74.25
Public Works Division Hourly Personnel	\$23.75	\$47.50	\$71.25
Clerical Hourly Personnel	\$20.50	\$41.00	\$61.50
Administrative Personnel	\$32.00	\$63.75	N/A
Public Safety Division Police	\$52.00	\$104.25	N/A
Community Service Officers Billing Notes:	\$13.50	\$27.00	\$40.

- 1. The billing of straight-time rates or overtime rates will be determined in accordance with the actual application of pay required from the Borough of Kutztown (Employer) to the Borough employee(s).
- 2. A minimum of one-half (1/2) hour shall be billed for work performed while the employee(s) are receiving straight-time compensation, and to the nearest quarter hour from the total thereafter.
- 3. A two (2) hour minimum of overtime shall be billed for special call-outs when the employee is entitled to overtime and two (2) hour minimum compensation, and to the nearest quarter hour from the total thereafter.
- 4. Administration classification includes Code Inspector and Planning & Code Office Administrator.
- 5. A flat fee of \$10.00 will be charged for special pick up of discarded Christmas trees as per policy adopted by Kutztown Borough Council.

SECTION 3 - Equipment Rates (THESE RATES DO NOT INCLUDE LABOR/OPERATOR RATES)

NOTE: ALL EQUIPMENT MUST BE OPERATED BY A BOROUGH EMPLOYEE UNLESS OTHERWISE AUTHORIZED BY A BOROUGH SUPERINTENDENT.

Bobcat	\$45.00 per hour
Accessories: Pavement breaker Broom	\$30.00 per hour \$26.00 per hour
Paint Sprayer (line striping)	\$18.00 per hour
Pressure Washer	\$18.00 per hour
Snow Blower	\$11.00 per hour
Bucket Truck	\$50.00 per hour

Roller		\$28.00 per hour
Tamper - Jumping Jack		\$13.00 per hour
Generator (large trailer-moun	nted)	\$65.00 per day + fuel used
Welder		\$22.00 per hour
Air Compressor		\$80.00 per day + fuel used
Accessories: Jackhammer		\$18.00 per day
Accesso	ories: 1 - ea. Pavement Breaker - Hand Held 1 - ea. Asphalt Cutter - 5" 1 - ea. Moll Point	\$8.00 per day \$8.00 per day \$8.00 per day
Pick-up Truck		\$25.00 per hour
Dump Truck		\$50.00 per hour
Line Truck		\$55.00 per hour
John Deere Backhoe Garbage Packer Truck		\$78.00 per hour \$55.00 per hour
Forklift		\$30.00 per hour
Salter/Truck		\$55.00 per hour plus cost of salt
Snow Loader (Belt)		\$78.00 per hour
4 Wheel Rubber Tire Loader	(VOLVO)	\$99.00 per hour
Ditch Witch Trencher Street Sweeping (Municipalit	ties only)	\$21.00 per hour \$50.00 per hour plus cost of labor (except Maxatawny Township for college area and surrounding areas only (College Blvd., etc.))
Tamper – Vibratory plate		\$10.00 per hour
2" Pump Accessories:		\$10.00 per hour
Accessories: Suction Hose Per Discharge Hose		\$1.60 per day \$1.05 per day
3" Pump Accessories:		\$12.00 per hour
Accessories: Suction Hose Per Discharge Hose		\$2.05 per day \$1.60 per day
Breaker for Boom Mounting		\$37.00 per hour

\$7.50 per day

\$53.50

Crimping Tool - Pilot Tool \$8.00 per day \$38.90 per TAP Tapping Machine (DO NOT LOAN OUT) + Pick-Up Truck \$16.00 per hour Concrete Saw \$11.25 per hour + blade charge (\$30 minimum blade charge; \$138.80 per 1/32 blade use) Pipe Cutter- Ductile Iron or Cast Iron \$22.50 per day Pipe Trailer \$7.20 per day Hand Tamper \$4.00 per day Pipe Locator - Underground Electric Line Locator \$8.00 per hour Pipe Locator - Water Line \$8.00 per hour Leak Detector (Water) \$8.00 per hour \$10.00 per hour Fire Hydrant De-Chlor Equipment (plus de-chlor tablets, \$0.85 @) Sewer Line Video Camera \$40.00 per hour Cable Fault Locator (Electric) \$8.00 per hour #18 Tractor - mowing, etc. \$30.00 per hour Brush Chipper \$50.00 per hour Photocopying \$.25 per side of sheet of paper Laminating \$.75 per page Borough Meeting DVD \$25.00 each Cones: \$1.00 per cone, per day Cost per each cone for replacement \$17.95 Cone Cross-walk sign \$25.50 Sign Stands: \$1.00 per sign, per day Cost per each stand for replacement \$20.00 No Parking Signs Up to 5 free annually; more than 5: \$1.00 per sign Barricades\*: Cost per each barricade Replacement Rental Class I Wooden (no lights) \$175.00 \$3.00 per day

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Class II Non-metallic (w/lights)

	—		
	Class III Metallic (w/lights)	\$251.00	\$15.00 per day
Steel Plates (for securing excavations)		Replacement \$1,000.00	Rental \$15.00 each per day
Flashers*		-	1 2
	for replacement of Flashers if lost or stolen	<b>.</b>	
or dai	naged (includes batteries)	\$18	.25 each
	er emergency situation only, Borough can loan out barri es, plus labor for set-up and removal.	cades/flashers	to contractors at the
SECTION 4 - In addition to labor and equipment charges, administrative expenses and overhead costs will be applied and billed for reimbursement to the Borough, with the amount and/or method of charge to be determined by the Borough Manager.			
SECTION 5 - The above listed fees shall become effective February 16, 2021, through adoption of this Resolution and shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.			
SECTION 6 - All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.			
DULY ADOPTED AS A RESOLUTION by the Council of the Borough of			
Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this February			
15, 2022.			
Passed by unanimous vote.			
Mr. Mace noted that the Electric Department will be purchasing a Fault Wizard II,			
which locates underground electric faults, at a cost of \$10,970.00 (from the capital			
budget).			
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 Ms. Ladd-Kidder, Resolved, To authorize HRG to draft a Commonwealth

Financing Authority (CFA) grant application, at a cost of \$3,000.00, and for awarded

grant money to be used for the Wentz Street water project; and to adopt the following

Resolution; and to designate Kevin Snyder and Gabriel Khalife to execute all documents and agreements:

### **RESOLUTION 3-2022**

### A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A STATEWIDE LOCAL SHARE ASSESSMENT GRANT OF \$371,465.77, FROM THE COMMONWEALTH FINANCING AUTHORITY.

BE IT RESOLVED, that the Kutztown Borough Council, of Berks County,

Pennsylvania, hereby requests a Statewide Local Share Assessment grant of \$371,465.77, from the Commonwealth Financing Authority, to be used for the installation of approximately 990 L.F. of 8" diameter ductile iron water main along Wentz Street from Greenwich Street to North Whiteoak Street and two spot repairs of a 12" diameter sanitary sewer main on Greenwich Street as part of the Wentz Street and Greenwich Street Utilities Improvements project.

BE IT FURTHER RESOLVED, that the Borough of Kutztown does hereby designate Kevin J. Snyder, Council President, and Gabriel Khalife, Borough Manager, as the official(s) to execute all documents and agreements between Kutztown Borough and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

DULY ADOPTED AS A RESOLUTION this 15th day of February, 2022, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute the HRG Retainer Agreement, for water distribution and sanitary sewer systems along

Wentz and Greenwich Streets, at a cost of \$29,900.00, with the condition that the water portion of the project does not begin until any CFA grant money is received. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a \$500.00 donation to the Eastern Pennsylvania Water Pollution Control Operators Association (EPWPCOA) scholarship fund. Passed by unanimous vote.

Mr. Seyler noted that the Sewer Department will be conducting cured in place pipe (CIPP) point repairs on Greenwich Street as part of their I&I improvements and maintenance work. The cost of \$16,500.00 is covered under I&I in the capital budget.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr.

Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous

vote. The meeting ended at 8:47 p.m.

Prepared and attested by: Gina M. Wiand Borough Secretary

Kevin Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from January 15, 2022, through February 11, 2022, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand