

February 16, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m., via Zoom, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, and the Mayor, Mr. James Schlegel. Councilman Zebulon Hull was absent. 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; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Planning Commission representative Fred Englehardt; Environmental Advisory Commission representative Warren Shaub; Kutztown Area Transport Service (KATS) representative Rodney Freeman; Kutztown Fire Chief Mike Russo; Matt Volker, Allison Fuller, Tim Seyler and Lisa Mitchell were also present.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Civil Service Commission:	One Member Vacancy
Housing License Appeals Board:	Three Alternate Vacancies
Environmental Advisory Commission	Three Member Vacancies
Telecommunications Advisory Commission:	One Member Vacancy

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda.

Warren Shaub stated that there has been escalated violent student behavior on W. Walnut Street, and he thanked the Police Department and the Community Development

Office for their help in dealing with it.

Additionally, Mr. Shaub noted that he would like to see an updated landlord contact list.

Finally, regarding E-mail addresses for Borough Boards and Commissions, Mr. Shaub stated that he understands it will cost the Borough \$9.00 per month, per E-mail address, and he asked for clarification on why. Mr. Khalife said that he would ask David Horvath for detailed information about this. Ms. Wiand said that there is already an E-mail address distribution list set up for the Environmental Advisory Commission, and that she would check to make sure it is up-to-date.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the January 19, 2021 Borough Council meeting.
- Review and accept the Borough Community Development Report for January, 2021.
- 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 16, 2021, through February 12, 2021, as summarized below:

General Fund	\$143,605.40
Refuse and Recycling Fund	\$80,869.25
Water Fund	\$143,711.06
Electric Fund	\$326,127.60
Sewer Fund	\$161,893.37
Telecommunications Fund	\$22,292.17

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for January, 2021 was submitted.

Ms. Raudenbush noted that the following fines were collected:

District Justice Greth	December, 2020	\$2,959.41
Clerk of Common Pleas	December, 2020	\$5.13
Secretary's Office	January, 2021	\$1,675.00
Parking Kiosk	January, 2021	\$81.50

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

RESOLUTION NO. 1-2021

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, FORGING A RELATIONSHIP WITH ALTRIP, A MUNICIPALITY IN GERMANY, THROUGH PROGRAMMING TO EXCHANGE HISTORICAL AND CULTURAL INFORMATION IN AN EFFORT TO PARTICIPATE IN TOWN TWINNING.

WHEREAS Altrip is located in the Rhine River Valley of Germany, and is home to many long-time Kutztown residents' ancestors; and

WHEREAS both towns will explore, encourage, and promote opportunities for shared cultural exchanges, visits, and experiences between the two communities and their broader regions, to build understanding and nurture transatlantic friendship between the United States and Germany; and

WHEREAS both Altrip and Kutztown have strong histories and traditions that are celebrated at the annual Kutztown Folk Festival; and

WHEREAS a pen pal program was created by the Kutztown Community Library to help members of the two communities to get to know each other; and

WHEREAS the Kutztown University Pennsylvania German Cultural Heritage Center plays a large role in preserving and celebrating the history and cultural heritage that was brought to Kutztown from Altrip and the broader German Palatinate region; and

NOW, THEREFORE, BE IT RESOLVED that the municipality of Altrip, Germany, and the Borough of Kutztown, Pennsylvania, will participate in town twinning through programming to exchange historical and cultural information.

DULY ADOPTED AS A RESOLUTION this 16th day of February, 2021, by the

Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled. Passed by unanimous vote.

Mayor Schlegel noted that many people are taking advantage of the pen pal program with Altrip.

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To approve the proposed Exposure to Violent or Traumatic Incidents Standard Operating Procedure. Passed by unanimous vote.

Ms. Elliott thanked Chief Summers for his work updating the Standard Operating Procedures.

A motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To authorize the Borough Solicitor to attend the Housing License Appeals Board meeting, on behalf of the Borough, on March 17, 2021. Passed by unanimous vote.

A motion was made by Ms. Raudenbush, seconded by Mr. Mace, Resolved, To authorize the Borough Solicitor to draft an Ordinance related to Personal Delivery Devices. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Trinity Lutheran Church to use the Band Shell, on April 4, 2021, from 7:00 a.m., through 12:00 noon, for an Easter service, provided they follow all COVID guidelines in place at that time. All those in favor, except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Healthy Kids Running to use the Lower Park, from April 11, 2021,

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through May 9, 2021, provided they follow all COVID guidelines in place at that time.

All those in favor, except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from St. John's and Trinity churches to rent the Band Shell each Sunday, from June 7 through August 30, 2021, from 7:00 a.m. until 12:00 noon, provided that the dates are available, that they cannot use the Band Shell on Kutztown Day, and that they follow all COVID guidelines in place at that time. All those in favor, except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Optimist Club to use the Park for a socially distanced drive through Easter egg hunt, on April 3, 2021, excluding use of the Park bathrooms. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To approve the 2021 vegetation control program through NaturaLawn of America. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Raudenbush, Resolved, To authorize Brian Bailey to draft an amendment to the current yard waste dumpster Ordinance. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Area School District to use the ball fields in the Park for the 2021 season, provided they follow all COVID guidelines in place at that time, and to have John Schmoyer finalize the agreement with the School District. All those in favor,

except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Cub Scouts to hold their Cub Mobile Races on April 17, 2021, from 9:00 a.m. to 12:00 p.m., with a rain date of April 18, from 1:00 p.m. to 4:00 p.m.; to waive any associated fees; and to follow all COVID guidelines in place at that time. All those in favor, except for Ms. Raudenbush, who voted Nay. There being a majority in favor, the motion passed.

Off of the agenda, a motion was made by Ms. Raudenbush, seconded by Mr. Seyler, Resolved, To approve the placement of a concave mirror at the intersection of Noble Street and Sander Alley. After further discussion and hearing from Chief Summers that it is illegal to put the mirror in place, Mr. Seyler withdrew his seconding of the motion. The motion died for lack of a second.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Ms. Raudenbush to hire Heidi Hermany, as an Office Clerk, contingent upon completion of a pre-employment physical and other requirements. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Ms. Raudenbush, Resolved, To reclassify Karl Schemberg, voluntarily, from Corporal to Officer, effective February 6, 2021. 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. 2-2021

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY,

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PENNSYLVANIA, AMENDING RESOLUTION NO. 5-2020 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:

SECTION 2 - Labor Rates

	<u>Straight Time 1/2 hr. Min Charge</u>	<u>Straight Time Hourly Charge</u>	<u>Overtime Hourly Charge</u>
Electric Division Hourly Personnel	\$24.00	\$48.00	\$72.00
Water Division Hourly Personnel	\$24.00	\$48.00	\$72.00
Wastewater Division Hourly Personnel	\$24.00	\$47.75	\$71.75
Telecom Division Hourly Personnel	\$24.00	\$47.75	\$71.75
Public Works Division Hourly Personnel	\$23.00	\$45.75	\$68.75
Clerical Hourly Personnel	\$20.00	\$39.75	\$59.75
Administrative Personnel	\$30.75	\$61.50	N/A
Public Safety Division Police	\$50.50	\$101.00	N/A
Community Service Officers	\$13.00	\$26.00	\$39.00

Billing Notes:

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	\$30.00 per hour
Broom	\$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-mounted)	\$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
Accessories:	
1 - ea. Pavement Breaker - Hand Held	\$8.00 per day
1 - ea. Asphalt Cutter - 5"	\$8.00 per day
1 - ea. Moll Point	\$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	\$78.00 per hour
Garbage Packer Truck	\$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

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Ditch Witch Trencher	\$21.00 per hour
Street Sweeping (Municipalities only)	\$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	\$10.00 per hour
Accessories:	
Suction Hose Per 10’ Length	\$1.60 per day
Discharge Hose Per 10’ Length	\$1.05 per day
3” Pump	\$12.00 per hour
Accessories:	
Suction Hose Per 10’ Length	\$2.05 per day
Discharge Hose Per 10’ Length	\$1.60 per day
Breaker for Boom Mounting	\$37.00 per hour
Crimping Tool - Pilot Tool	\$8.00 per day
Tapping Machine (DO NOT LOAN OUT) + Pick-Up Truck	\$38.90 per TAP \$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
Fire Hydrant De-Chlor Equipment	\$10.00 per hour (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	
Cones:	\$1.00 per cone, per day	
Cost per each cone for replacement		
Cone	\$17.95	
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
Class II Non-metallic (w/lights)	\$53.50	\$7.50 per day
Class III Metallic (w/lights)	\$251.00	\$15.00 per day
Steel Plates (for securing excavations)	Replacement	Rental
	\$1,000.00	\$15.00 each per day
Flashers*:		
Cost for replacement of Flashers if lost or stolen or damaged (includes batteries)	\$18.25 each	

*NOTE: Under emergency situation only, Borough can loan out barricades/flashers to contractors at the above listed fees, plus labor for set-up and removal.

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 16, 2021.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To release \$39,027.46, from the Borough's fire tax fund, to be used toward the purchase and

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installation of heating units, in the fire station, to replace the boiler that is in disrepair.

Mr. Seyler asked Solicitor Mooney if this was a “valid use” for the money, and Mr.

Mooney responded that it is. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To release \$3,322.17, from the Borough’s fire tax fund, to be used toward the purchase and installation of an access control system to better secure the fire station from unauthorized entry. Mr. Seyler asked Solicitor Mooney if this was a “valid use” for the money, and Mr. Mooney responded that it is. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Right-of-Way Agreement for underground electric service, with Tim and Patricia Snyder, of 162 Alex Court. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, Ms. Raudenbush noted that the transition from Lumen to Cogent was underway.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To allocate \$3,000.00 to support and create a Kutztown Residential Native Tree Planting 50/50 Grant Project. Passed by unanimous vote.

Mr. Mace noted that Todd Underwood and Larry Lloyd agreed to work together on this project.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Kohl Bros., Inc. to replace Well Pump 3A, at the Water Treatment Plant, at a cost of \$21,000.00. Passed by unanimous vote.

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

the 2021-2023 Sludge Hauling contract to Miller's Sanitary Services, Inc. with a unit price of .0770 per gallon. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the sewer credit request for 321-351 E. Walnut Street, in the amount of \$1,392.55, since the water was not processed through the Sewer Treatment Plant. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the sewer credit request for 11 E. Main Street, in the amount of \$288.39, since the water was not processed through the Sewer Treatment Plant. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the College Garden/Briar Cliff Pump Station Project Base Bid Lump Sum amount, of \$263,840.04, to Descoco Design and Construction, Inc. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To reject the College Garden/Briar Cliff Pump Station Project Alternate Generator Bid amount, of \$48,443.04, from Descoco Design and Construction Inc. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Kutztown Municipal Authority request for an additional 3.275 EDUs of water to service the existing customer at 15305 Kutztown Road, with the condition that the EDUs be held for one year. NOTE: This is billed through the Kutztown Municipal Authority. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the Kutztown Municipal Authority request for 1 EDU of water to service a vacant lot on

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Commons Road, where the existing water line services other area homes, with the condition that the EDU be held for one year. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request for an additional 2.509 EDUs of sewer to service the existing customer at 15305 Kutztown Road, with the condition that the EDUs be held for one year.

NOTE: This is billed through the Borough. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a payment to Mr. Rehab, in the amount of \$168,489.27, for the CIIP Lining Project at the College Garden/Briar Cliff Pump Station. NOTE: This payment calculation is their invoice amount minus their retribution for costs incurred due to debris they had left in our system. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a \$900.00 stipend, to Anna Hull, for her internship work at the Sewer Treatment Plant. Passed by unanimous vote.

Under Miscellaneous, Mayor Schlegel noted that it has been almost one year since we have been able to meet in person, and he looks forward to being able to do so again soon.

A motion was made by Mr. Mace, seconded by Ms. Raudenbush, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:39 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 January 16, 2021, through February 12, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand