

February 18, 2025
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 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 Mike Clery; Kutztown Planning Commission representative Bob Weller; Borough Parks and Recreation Director John Schmoyer; and Kutztown University student Samantha Kurtas were also present.

Mr. Kusterer opened the meeting with a prayer.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To declare a disaster emergency regarding the regionwide road salt shortage. Passed by unanimous vote.

Mr. Khalife stated that he does not want to advertise the declaration; however, Mr. Mooney explained that to effectuate the declaration, it must be advertised.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To advertise the declaration for a disaster emergency regarding the regionwide road salt shortage. Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board:

Four Member Vacancies
One Alternate Vacancy

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

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

Kutztown University student, Samantha Kurtas, from the Phi Sigma Sigma sorority, asked for permission to have a grilled cheese sale, on March 7, 2025, from 8:00 p.m. until midnight. She noted that they already received permission from the landlords whose buildings they would be in front of, and that proceeds would benefit Perry Elementary School.

Ms. Ladd-Kidder asked if the sorority would need a permit, and Chief Clery responded that they do not because it is for charity.

Mr. Mace commented that he would vote “no” if it was happening on KutzPatty’s Day, which it is not.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the Phi Sigma Sigma grilled cheese sale, on March 7, 2025, from 8:00 p.m. until midnight. Passed by unanimous vote.

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

- Review and accept the Minutes of the January 21, 2025, Borough Council meeting.
- Review and accept the Borough Community Development Report for January 2025.

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- Take action on the request from the American Legion Post No. 480 to hold its annual Memorial Day Parade on May 26, 2025, and to waive any associated fees.
- 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 18, 2025, through February 14, 2025.

General Fund	\$66,361.55
Refuse and Recycling Fund	\$53,799.42
Water Fund	\$101,025.09
Electric Fund	\$284,017.83
Sewer Fund	\$95,203.74
Telecommunications Fund	\$11,564.42

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To not send the Borough Solicitor to the Zoning Hearing, regarding 310 Noble Street, on March 3, 2025. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for January 2025 was submitted.

The following fines were collected:

District Justice Greth	January 2025	\$1,537.41
Clerk of Common Pleas	January 2025	\$99.20
Secretary's Office	January 2025	\$1,775.00

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

ORDINANCE NO. 1-2025

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 62 OF THE CODE OF THE BOROUGH OF KUTZTOWN

ENTITLED “ALCOHOLIC BEVERAGES” TO INCREASE THE BYOB LICENSE FEE.

Passed by unanimous vote.

Mr. Kusterer noted that Council recognizes Josh Young’s PEMA G235
Emergency Planning Certification.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by
Mr. Mace, Resolved, To approve rebuilding Constitution Boulevard, from Normal
Avenue to Trexler Avenue, as well as miscellaneous patching and crack seal work for the
2025 Paving Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To
approve Payment Application No. 6 to LB Construction Enterprises, Inc., in the amount
of \$24,684.99, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To
approve Change Order No. 3 to LB Construction Enterprises, Inc., in the amount of
\$8,850.20, to reconcile the final contract amount for the Pedestrian Improvements
Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To
approve donating a 2025 family pool pass to the Brandywine Heights Parent Teacher
Club for their fundraiser on March 8, 2025. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To
approve extending the Sacony Trail, south, and adding a meadow for a cost of \$1,850.00.
Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To
approve updating the easement agreement, with the Kutztown Area School District, for

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extending the Sacony Trail, south, and adding a meadow. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Cornerstone Church to rent the Band Shell on June 29, 2025, and August 10, 2025, for community worship services with other local churches. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace Resolved, To approve the 2025 YMCA Park playground contract. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the annual sponsor request from the Berks County Solid Waste Authority, in the amount of \$500.00, to help support the County Recycling Program. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Area School District to use the Park baseball and softball fields, and to place port-a-potties at the fields for their 2025 spring season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Kutztown Community Library to use the Band Shell on June 12, 2025, from 5:00 p.m. to around 8:00 p.m., for an event featuring the PA Shakespeare Festival; on July 10, 2025, from roughly 10:00 a.m. through 11:15 a.m., for a reptile show; and on August 7, 2025, from roughly 10:00 a.m. through 11:30 a.m., for a magic show; and to waive all associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve paying ACELA \$24,000.00 for late changes made to the proposed Public Works

Facility design. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Denise Keim to post Relay for Life signs around town beginning April 26, 2025, and ending by May 31, 2025. Passed by unanimous vote

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve providing free season pool passes, for the 2025 season, for the following people/organizations: family passes for all full-time and part-time Borough employees; 15 family pass vouchers to the Kutztown Fire Company for the Chief to distribute to active members at his discretion; 5 family passes for the Dolphin Swim Team Coaches; 2 family pool passes for the 2025 Friend, Inc., Community Services Benefit Auction; and adult passes to the St. John's and Shaynah Kinner Daycare employees, which are only to be used when the employees are working. Passed by unanimous vote

Under Personnel Committee, Mr. Engelhardt deferred an Executive Session to discuss personnel and legal matters until the end of the meeting.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Sharon Dalickas as Finance Director/Acting Assistant Borough Manager with a salary increase of \$8,500.00, effective February 24, 2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Mace, Resolved, To hire Tim Mertz, as a Seasonal Park employee, contingent upon passing all clearances. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, To hire Nicholas Hofke, as a Community Service Officer II, contingent upon passing all clearances. Passed by unanimous vote.

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A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To increase the pay rate, for Community Service Officer IIs, to \$20.00 per hour. Passed by unanimous vote.

A motion to consider the acceptance of a worker's compensation settlement and related agreement was deferred until after the Executive Session.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 1-2025

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 2-2024 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	\$30.00	\$59.75	\$89.75
Water Division Hourly Personnel	\$27.00	\$54.00	\$81.00
Wastewater Division Hourly Personnel	\$27.00	\$54.00	\$81.00
Telecom Division Hourly Personnel	\$27.00	\$54.00	\$81.00
Public Works Division Hourly Personnel	\$25.50	\$52.00	\$78.00
Clerical Hourly Personnel	\$21.75	\$44.75	\$67.00
Administrative			

Personnel	\$34.25	\$71.00	N/A
Public Safety Division			
Police	\$56.25	\$116.50	N/A
Community Service Officers	\$14.50	\$30.00	\$45.00

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	\$60.00 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	\$15.00 per hour
Bucket Truck	\$60.00 per hour
Roller	\$30.00 per hour
Tamper - Jumping Jack	\$15.00 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

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Pick-up Truck	\$30.00 per hour
Dump Truck	\$50.00 per hour
Line Truck	\$60.00 per hour
John Deere Backhoe	\$80.00 per hour
Garbage Packer Truck	\$60.00 per hour
Forklift	\$40.00 per hour
Gator UTV	\$25.00 per hour
Salter/Truck	\$60.00 per hour plus cost of salt
Snow Loader (Belt)	\$85.00 per hour
4 Wheel Rubber Tire Loader (VOLVO)	\$99.00 per hour
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	\$20.00 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)	\$38.90 per TAP
+ 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	
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	\$70.00 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		
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.

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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 18, 2025, 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 18, 2025.

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 execute the agreement with Berks Nature, and approve a \$10,000.00 donation, for their Well Head Protection Projects. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the 2025 Sludge Hauling contract to Miller's Sanitary Services, Inc. with a unit price of .08 per gallon. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit, in the amount of \$338.89, due to a basement cracked pipe. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize HRG to complete the 2024 Chapter 94 Report, at an estimated cost of \$5,000.00. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted that the Borough Code is in the process of being updated, with Supplement No. 29, and the cost range is between

