

February 20, 2024
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; Mr. John Schmoyer, Seasonal Recreation Director; Planning Commission representative Bob Weller; and Kutztown Fire and Rescue representative Todd Evans were also present.

Mr. Kusterer opened the meeting with a prayer.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	Recording Secretary Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission:	Two Member Vacancies
Telecommunications Advisory Commission:	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. Kusterer, seconded by Mr. Seyler, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the January 16, 2024, Borough Council meeting.

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- Review and accept the Borough Community Development Report for January 2024.
- Take action on the request from the American Legion Post No. 480 to hold its annual Memorial Day Parade on May 27, 2024, 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 13, 2024, through February 16, 2024.

General Fund	\$305,576.08
Refuse and Recycling Fund	\$30,431.92
Water Fund	\$136,152.78
Electric Fund	\$253,936.81
Sewer Fund	\$115,196.20
Telecommunications Fund	\$27,666.19

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted that the February 26 workshop will go on as scheduled.

Under Environmental Advisory Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To send a letter to request an update on what the DEP has learned about PCE contamination in the monitoring wells at the NESL quarry, and to change the date of 12-21-13 to 12-21-23. Note: A letter was previously written to DEP about this issue and a reply was received from them in July 2022, but EAC has not heard anything further since then. Passed by unanimous vote.

Ms. Ladd Kidder noted that the Environmental Advisory Commission submitted their 2023 Annual Report to Council.

Under Community Development and Public Safety Committee, the Monthly Police Report for January 2024 was submitted.

The following fines were collected:

District Justice Greth	January 2024	\$1,420.33
Clerk of Common Pleas	December 2023	\$925.85
	January 2024	\$100.00
Secretary's Office	January 2024	\$1,575.00

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Community Library to approve their use of the Band Shell on June 13, 2024, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Grace Church to use the Park multipurpose field and its bleachers for an Easter Sunrise Service, from 6:30 a.m. until 7:30 a.m., on March 31, 2024. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from the Brandywine Heights Area School District to plan a year-end pool event at the Kutztown Pool, provided the Pool Manager, Seasonal Recreation Director and the Public Works Superintendent all agree that it can be done, and that the event be handled in the same manner as the Kutztown Strong pool event, like not paying per student or for an on-site officer, per Mr. Schmoyer's request. Passed by unanimous vote.

Mr. Mace asked Mr. Schmoyer to remind attendees about pool memberships. 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 Historical Society to approve waiving the permit fees associated with the placement of a Pennsylvania historical marker on its grounds. Passed by unanimous vote.

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

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approve the request from Nate Herrlin to approve use of the Band Shell on May 5, 2024, as a backup location for a community worship, and on June 23 and August 25, 2024, for a few community churches to have a joint service, with the possibility of a BBQ fundraiser on August 25, 2024, provided they meet all insurance and food regulations. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from Tina Bertha to place a memorial bench by the tennis courts in the park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the 2024 YMCA Park playground contract. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from John Schmoyer to approve a band using the Scooter Building on August 16, 2024, and to waive the rental fee as part of the 2024 concert series. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the agreement with the KASD to use the Park ballfields for the 2024 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To authorize John Schmoyer to draft a rental agreement with Saucony Cafe to run the snack stand at the Babe Ruth Field for 2024.

Mr. Mace asked Mr. Schmoyer to send Council an E-mail regarding the refurbishment investment in the snack stands.

Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Jeffrey DeTurk as a member of the Civil Service Commission whose term shall expire on March 1, 2030. Passed by unanimous vote.

A motion to appoint Criminal Investigator Charles Lawson, as a member of the Police Pension Advisory Commission, whose term shall expire on December 1, 2025, was not needed.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To afford full-time employment, to Patrol Officer Brayden Lewis, who successfully completed his probation period on February 13, 2024. Passed by unanimous vote.

An Executive Session to discuss personnel and legal matters was deferred until the end of the meeting.

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

RESOLUTION NO. 2-2024

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 5-2023 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</u> <u>1/2 hr. Min Charge</u>	<u>Straight Time</u> <u>Hourly Charge</u>	<u>Overtime</u> <u>Hourly Charge</u>
Electric Division Hourly Personnel	\$26.50	\$52.75	\$79.00

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Water Division Hourly Personnel	\$26.50	\$52.75	\$79.00
Wastewater Division Hourly Personnel	\$26.50	\$52.75	\$79.00
Telecom Division Hourly Personnel	\$26.50	\$52.75	\$79.00
Public Works Division Hourly Personnel	\$25.50	\$50.75	\$76.00
Clerical Hourly Personnel	\$21.75	\$43.50	\$65.25
Administrative Personnel	\$34.25	\$68.50	N/A
Public Safety Division Police	\$56.25	\$112.50	N/A
Community Service Officers	\$14.50	\$29.00	\$43.50

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
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

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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	\$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.

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 20, 2024, 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 20, 2024.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To approve the AMP and PMEA Member Training Agreement. 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, for their wellhead protection work. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve contract extension for Millers Sanitary Service for sludge hauling at .087 cents per gallon. Passed by unanimous vote.

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A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To award the bid for the Wentz Street Water Main Looping Project, to Allgyer Enterprises, LLC, in the amount of \$132,340.00. Passed by unanimous vote.

Mr. Seyler noted that the information regarding the Saucony Creek Watershed has been provided to all of Council for review.

President Snyder called for an Executive Session to discuss personnel and legal matters at 7:54 p.m.

The Executive Session ended and the meeting reconvened at 8:33 p.m. No action was taken.

Under Miscellaneous, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:34 p.m.

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 January 13, 2024, through February 16, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand