

February 21, 2023
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:32 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 Sergeant Mike Clery; Planning Commission representatives Bob Weller and Joel Seidel; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Borough Parks and Recreation Director John Schmoyer; Maxatawny Township representative Mike Berger; and resident Dennis King were also present.

Mayor Schlegel swore in Officer Brayden Lewis.

Kutztown Vietnam Veterans Breakfast Club representative Eddie Gehringer provided Council with an update on the different projects the club has undertaken.

He reported that 344 Hometown Heroes banners have been sold and that The Wall that Heals will come into Kutztown, on September 19, 2023, with an escort parade. The wall will be set up on September 20 by Kutztown University student athletes, and it will open to the public on September 21. There will be tours for which volunteers will be needed. He announced that there will be a volunteer night, on April 17, at 6:00 p.m, at the middle school, to watch training via Zoom. He gave credit to the Kutztown Community Partnership, Sandy Green and the Breakfast Club for all of their efforts.

After Mr. Gehringer's presentation, President Snyder presented Mr. Gehringer with the Borough's 2022 Volunteer of the Year Award.

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	Three 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.

Sandy Green announced that the Kutztown Community Partnership bought the Strand Theater.

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 17, 2023, Borough Council meeting.
- Review and accept the Borough Community Development Report for January 2023.
- 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 8, 2023, from 9:00 a.m. until 2:00 p.m., rain or shine, for their Annual Easter Egg Hunt, and to waive any associated fees.
- Take action to approve the request from the Kutztown Area School District to use the Park ball fields, for their 2023 spring season, and to place portable toilets in the Park from March 6 through April 30, 2023.
- Take action to approve the 2023 summer playground program contract with the Tri-Valley YMCA.

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- 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 14, 2023, through February 17, 2023, as summarized below:

General Fund	\$443,859.02
Refuse and Recycling Fund	\$47,259.58
Water Fund	\$189,014.14
Electric Fund	\$395,505.70
Sewer Fund	\$145,245.17
Telecommunications Fund	\$63,472.23

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted that they have started looking into blighted properties, and they are working with the Community Development Office and the County on it.

He also announced that February 22 is the information meeting regarding the proposed Joint Comprehensive Plan.

Miss Ladd-Kidder asked if the meeting not being public is a violation. Mr. Mooney replied that since it is an informative seminar, it is legal, and the County does this often and knows the protocols.

Under Environmental Advisory Commission, President Snyder noted that the Environmental Advisory Commission submitted their 2022 Annual Report to Council.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for January 2023.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	January 2023	\$2,319.32
Clerk of Common Pleas	January 2023	\$157.73
Secretary's Office	January 2023	\$389.83

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, To approve the Police Standard Operating Procedure for Body Worn/In-Car Camera Systems. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the retainage amount of \$14,087.23, to be held, and to approve Payment No.3, in the amount of \$213,157.21, to Descco for the North Park Bridge Project. NOTE: There is a \$30,000.00 credit to come later. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To draft a contract with Katie Miller to run a tennis program in the Park, and to have Brian Bailey and John Schmoyer work out the details of the contract and advertising for the spring tennis session. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve a lease agreement, with Pam Unger and Tracy Ream, for the 2023 and 2024 pool concession stand. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve a lease agreement, with Sacony Café, for the 2023 and 2024 Park concession stand. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Community Partnership to hold Dinner on Main, on August 4, 2023, from 4:00 p.m. to 10:00 p.m., with no rain date, and to waive the associated fees. Passed by unanimous vote.

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

waiving the Band Shell rental fee for the Kutztown Community Library reptile show on July 20, 2023. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request, from the KYAA, for four loads of infield mix at an approximate cost between \$5,300.00 and \$5,500.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve spending between \$5,000.00 and \$10,00.00 on various pool repairs as needed. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Matthew Christman to the position of Certified Sewage/Wastewater Treatment Plant Operator, contingent upon attaining all required certifications within the two-year period prescribed in order to remain in the position, (continued employment in the position or elsewhere with Borough is not guaranteed as a result of failure to attain the required certifications), and to classify his pay rate as “Uncertified Operator” during the two-year period or until the certification is attained, beginning February 27, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Joshua Young to the position of Code Enforcement Officer, at a salary of \$50,000 annually, contingent upon passing all required background checks and clearances. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To enter into a Memorandum of Agreement to renew the Police Physical Fitness Incentive Program. Passed by unanimous vote.

A motion was made by President Snyder, seconded by Mr. Mace, Resolved, To appoint Fred Engelhardt as the Kutztown Community Library Board Representative.

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

RESOLUTION NO. 5-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 2-2022 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	\$25.50	\$51.00	\$76.50
Water Division Hourly Personnel	\$25.50	\$51.00	\$76.50
Wastewater Division Hourly Personnel	\$25.50	\$51.00	\$76.50
Telecom Division Hourly Personnel	\$25.50	\$51.00	\$76.50
Public Works Division Hourly Personnel	\$24.50	\$49.00	\$73.50
Clerical Hourly Personnel	\$21.00	\$42.00	\$63.00

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Administrative Personnel	\$32.00	\$65.75	N/A
Public Safety Division Police	\$52.00	\$108.50	N/A
Community Service Officers	\$14.00	\$28.00	\$42.00

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
Gator UTV	\$20.00 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	\$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)	\$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)

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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
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 21, 2023, 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 21, 2023.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Solar Interconnection Agreement with the owner of 24 N. Cedar Street. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To amend the Telecommunications Advisory Commission Ordinance to mirror the proposed changes to the Environmental Advisory Commission Ordinance. Passed by unanimous vote.

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To add an item to the agenda regarding approval to send a follow-up letter of opposition to the proposed trucking hub/warehouse development project, to the Maxatawny Township Planning Commission. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved, To approve sending a follow-up letter of opposition, regarding the proposed trucking

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hub/warehouse development project, to the Maxatawny Township Planning Commission.

Passed by unanimous vote.

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 8:12 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 January 14, 2023, through February 17, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand