

December 17, 2019
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:34 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, Mr. Richard Diehm, Mr. Scott Piscitelli, Ms. Arabel Elliott, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Eagle Point Management representative Pete Smith; CROWW representative Warren Shaub; and resident Keith Leinbach, were also present.

President Snyder wished everyone a Merry Christmas and he noted the following vacancies:

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

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

Warren Shaub asked Council members if the Public Comments section could be moved to the end of the agenda to allow people, who might otherwise leave after Public Comments, to learn what happens during the meeting. Mr. Shaub also asked who is allowed to speak during Public Comments, and he suggested that a time limit be

implemented. After some discussion, Mr. Mooney stated that he does not agree with holding Public Comments at the end of a meeting because it does not give the public a chance to voice their opinions or concerns prior to voting. Mr. Mooney also stated that residents and tax payers should be the only people allowed to speak during Public Comments. Mr. Khalife offered to request Public Comments information, from other municipalities, for Council to review.

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

- Review and accept the Minutes of the November 19, 2019 Borough Council meeting.
- Review and accept the Borough Community Development Report for November, 2019.
- Take action on the request from the Kutztown Community Choir for the use of the Band Shell, for its annual "Flag Day Concert" on June 16, 2020, at 7:30 p.m., and to waive the associated rental fees 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 November 16, 2019, through December 13, 2019, as summarized below:

General Fund	\$454,977.91
Refuse and Recycling Fund	\$64,851.71
Water Fund	\$132,777.04
Electric Fund	\$343,483.36
Sewer Fund	\$112,720.95
Telecommunications Fund	\$56,337.91

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

12080

Police Report for November, 2019 was submitted.

The following fines were collected:

District Justice Greth	October, 2019	\$4,952.51
Clerk of Common Pleas	October, 2019	\$69.83
Secretary's Office	November, 2019	\$5,325.00

A motion was made by Mr. Piscitelli, seconded by Mr. Mace, Resolved, To approve "Sketch Plan-26 South Whiteoak Street Minor Subdivision Plan-Herring Alley/Stimmel Alley Parking Areas Annexation," contingent upon the applicant completing all requirements from the Berks County Planning Commission, the Kutztown Planning Commission, and HRG's Engineers. Passed by unanimous vote.

Mr. Piscitelli raised discussion about the possibility of investigating signage stating that no weapons are allowed in or on any Borough occupied building or property. Mr. Mooney stated that it is not legal to prohibit firearms in municipal buildings.

A motion was made by Mr. Piscitelli, seconded by Mr. Mace, Resolved, To approve a \$1,000.00 donation to Zoe's House, Inc., a no-kill animal shelter in Sinking Spring, PA, and to approve paying the shelter \$250.00, per dog, if they rescue more than four dogs within a year. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To adopt the following Resolution:

RESOLUTION NO. 11-2019

A RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF KUTZTOWN, BERKS COUNTY,
PENNSYLVANIA, AMENDING CHAPTER A231 OF
THE CODE OF THE BOROUGH OF KUTZTOWN, SO
AS TO AMEND SOLID WASTE DISPOSAL FEES.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts Resolutions establishing the rates to be charged regarding solid waste disposal service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania; and

WHEREAS, Section 185-7 of Chapter 185 of the Code of the Borough of Kutztown sets forth that the fees for the availability and use of the Borough's collection and disposal service for refuse shall be provided for from time to time by Resolution of Council; and

WHEREAS, Section A231-1.13 of Chapter A231 of the Code of the Borough of Kutztown sets forth the solid waste collection and disposal fees; and

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said solid waste collection and disposal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Section 231-1.13 of Chapter A231 of the Code of the Borough of Kutztown be, and it is hereby, amended in its entirety so as to read:

- A. Effective January 2020 (payment due and payable on and after February 25, 2020), the fees and charges for the collection and disposal of refuse or large items shall be as follows:
 - (1) Except as hereinafter provided, per month per dwelling unit: \$38.50.
 - (2) Notwithstanding the provisions above, if any dwelling unit is occupied by any person or his or her spouse (if a member of the household) shall be 62 years of age or older, per month per such dwelling unit: \$21.00.
 - (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: \$2.50
 - (4) Additional charge for collection of refuse, large items or dumpsters not accessible during a scheduled collection where a return to the premises is required for the purpose of collecting same, per collection: as established in § A231-2 of Chapter A231.
 - (5) Dumpsters.
 - (a) From dumpsters rented from the Borough of Kutztown having a capacity of:
 - [1] One-and-one-half cubic yards, per month: \$200.00.
 - [2] Two cubic yards, per month: \$239.00.
 - [3] Four cubic yards, per month: \$359.00.
 - [4] Six cubic yards, per month: \$516.00
 - (b) To purchase a dumpster from the Borough of Kutztown: Borough cost plus \$60.00.
 - (c) From dumpsters not owned by the Borough of Kutztown or for pick-up in excess of the standard collection for dumpsters owned by the Borough

12082

Kutztown, per cubic yard per collection, based upon the entire capacity of the dumpster: \$15.00.

Additional charge for the collection and disposal of large items, as follows:

- (1) Large stuffed chair or recliner, sofa or loveseat and/or large table: \$30.00.

NOTE: Sectional sofas will be charged per piece.

B.

- (2) Large appliances such as refrigerator [with door off and chlorofluorocarbons (CFC's) removed by a person certified to do work], air conditioner (CFC's removed by a person certified to do work), stove, washer/dryer and/or electronic equipment, (excluding televisions): \$30.00.

- (3) Televisions: \$50.00.

- (4) Mattress, box spring, small table, kitchen chair (small): \$7.00.

- (5) Rugs, any size (except 9x12 and larger): \$3.00.

- (6) Rugs, 9x12 and larger: \$6.50.

- (7) Christmas trees: \$10.00.

- (8) Any other large items not specified above, excluding tires: cost to be determined by the Borough

C. All fees charged shall be paid monthly.

D. Any item used herein that has been defined in Chapter 185 shall have the meaning applicable to such term in Chapter 185.

BE IT FURTHER RESOLVED, that any and all Resolutions and parts of Resolutions inconsistent with this Resolution are hereby retroactively superseded and that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 17th day of December, 2019, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve the request from the KYAA, to use the Scooter Building during Opening Day, which is April 25, 2020; and during their baseball tournament, which is June 5 through 7, 2020; and to waive associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request from the KYAA, to place yard signs in the grass near the sidewalk,

alongside the park, to advertise their spring baseball program; starting as soon as possible until January 15, 2020. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To authorize M&A Excavating to perform repair work, at the Borough Farm, for a quoted price of \$10,600.00, and to perform storm basin repair for a quoted price of \$1,445.00. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To extend the Kutztown Community Partnership's agreement, for the pool snack stand, for the 2020 season. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the parade permit application for the Kutztown Rotary Club's Taste of Kutztown event, on June 13, 2020, from 11:30 a.m. until 5:30 p.m. Passed by unanimous vote.

Mr. Piscitelli suggested that the Taste of Kutztown Committee can afford to pay the Borough more; however, President Snyder stated that the amount was already approved by the Public Works Committee.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To authorize Public Works Superintendent Brian Bailey to move forward with tree removal work, along the Sacony Creek Trail, after receiving three quotes; one of which must not exceed \$20,000.00. Passed by unanimous vote.

Mr. Piscitelli asked if there were any grants for tree removal, and Mr. Khalife responded that since the trees were purchased with grant money, it would not be appropriate to request grant money for removal.

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

approve the request from Elizabeth ImBrahm to rent the Train Station on a weeknight to be determined in January or February, for a book signing, provided that the book does not contain offensive material and the building is available on the requested day. Ms. Elliott questioned who would determine the offensiveness of the literature. Mr. Khalife suggested that the book title be submitted for review at Council's reorganization meeting in January.

Mr. Seyler withdrew his motion, and Mr. Piscitelli withdrew his seconding of the motion to approve the request from Elizabeth ImBrahm to rent the Train Station on a weeknight to be determined in January or February, for a book signing, provided that the book does not contain offensive material and the building is available on the requested day. Passed by unanimous vote.

It was the consensus of Council to table the request from Elizabeth ImBrahm until the reorganization meeting of Council in January.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To authorize Great Valley Consultants to prepare the vacation paperwork and plans for Baldy Alley; and to perform the individual property surveys, at the Borough's expense, for affected residents to prepare for their deed consolidation to be completed and submitted for recording, at the Berks County Recorder of Deeds, at each property owner's expense; and for Mr. Rogosky to prepare the paperwork to vacate and Mr. Mooney to prepare and advertise the Ordinance. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To accept the resignation of Amanda Raudenbush, as a member of the Zoning Hearing Board, effective December 31, 2019. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Mace, Resolved, To appoint Dick Diehm, as a member of the Zoning Hearing Board, whose term shall expire on January 1, 2021. Note: This term shall become effective on January 6, 2020. All those in favor, except for Mr. Diehm, who abstained from the vote. There being a majority in favor, the motion passed.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To appoint Jeff Dietrich, as a member of the Housing License Appeals Board, whose term shall expire on January 1, 2021. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To reappoint Jacob Sewall, as a member of the Zoning Hearing Board, whose term shall expire on January 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Mr. Mace, Resolved, To reappoint Todd Underwood, as a member of the Environmental Advisory Commission, whose term shall expire on January 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Keith Leinbach, as a member of the Environmental Advisory Commission, whose term shall expire on January 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Barbara Coffin, as a member of the Kutztown Community Library Board of Directors, whose term shall expire on January 1, 2023. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Lucy Muth, as a member of the Kutztown Community Library Board of Directors, whose term shall expire on January 1, 2023. Passed by unanimous vote.

12086

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Linda Foulke, as a member of the Kutztown Community Library Board of Directors, whose term shall expire on January 1, 2023. Passed by unanimous vote.

An Executive Session requested 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 introduce and authorize advertisement of the proposed Ordinance amending Chapter 107 of the Kutztown Code, entitled "Electrical Standards," by amending Article I, Section 107-10.A., "Facilities Supplied by the Borough," by providing for the installation of Automated Read Electrical Meters and for a waiver of installation of an Automated Read Electrical Meter by customers with associated fees. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To introduce and authorize advertisement of the proposed Resolution amending § A231-1.5 of Chapter A231, of the Kutztown Code, entitled "Enumeration of Fees," so as to establish a one-time manual meter setup fee and a recurring monthly manual meter fee. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the proposed budget for 2020. Passed by unanimous vote.

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

ORDINANCE NO. 4-2019

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2020.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enter into a Master Service Agreement, with AMP, for Safety and Training Programs. 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 approve a sewer credit, for 320 N. Kemp Street, in the amount of \$430.91, as the water was not processed through the Borough's Wastewater Treatment Plant. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To enter into an agreement with Aramark for work clothing/garment services. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Elliott, Resolved, To adopt the following Resolution:

RESOLUTION NO. 12-2019

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPERSEDING THE CHARGES FOR THE DISTRIBUTION AND SUPPLY OF WATER AS CURRENTLY SET FORTH IN RESOLUTION NO. 19-2018, ADOPTED ON DECEMBER 18, 2018, BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN.

WHEREAS, the Borough of Kutztown (the "Borough") is a Pennsylvania municipal corporation organized and existing pursuant to the Borough Code of the Commonwealth of Pennsylvania, as adopted on February 1, 1965, P.L. 1656, No. 581, as amended and supplemented from time to time; and

WHEREAS, the Borough owns and manages a water distribution system which provides potable water to the residents of the Borough of Kutztown; and

12088

WHEREAS, the Borough has amended certain charges for the distribution and supply of water to its residents as previously set forth in Resolution 22-2017 adopted on December 19, 2017, by the Borough Council of the Borough of Kutztown.

NOW, THEREFORE, it is hereby resolved by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, as follows:

SECTION 1. The rates and charges associated with the distribution and supply of potable water to the residents and businesses of the Borough of Kutztown shall be as set forth below, until such time as further amended by Resolution of the Borough Council:

Section 1. The charge for the consumption of water provided by the Borough to its residents shall be a monthly charge for each calendar month, payable as hereinafter provided, computed as set forth in Section 1 (a) below:

(a) The monthly charge to each consumer account shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid monthly by each water customer account, in the amount of Nineteen Dollars and Fifty-Eight Cents (\$19.58).

2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$7.51 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

- A. The first 250,000 gallons or less per month
\$7.69 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$7.80 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$7.92 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$8.07 per 1,000 gallons

- E. The next 4,000,000 gallons or less per month
\$8.21 per 1,000 gallons
 - F. The water consumption shall be measured by a meter or meters installed by the Borough, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.
4. A monthly charge of \$2.00 per water meter for the purpose of infrastructure will be billed.

Section 2. The charge for the consumption of water provided by the Borough to Kutztown Municipal Authority shall be a monthly charge for each calendar month, payable as hereinafter provided, computed as set forth in Section 2 (a) below:

- (a) The monthly charge to Kutztown Municipal Authority shall be the sum of the following charges:
 - 1. A “ready to serve” flat charge to be paid monthly to be calculated by multiplying the amount of Eighteen Dollars and Sixty-Six Cents (\$18.66) by the number of customer water accounts of the Kutztown Municipal Authority utilizing Borough of Kutztown Water Capacity.
 - 2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$7.51 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

- 3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:
 - A. The first 250,000 gallons or less per month
\$7.80 per 1,000 gallons
 - B. The next 500,000 gallons or less per month
\$7.92 per 1,000 gallons

- C. The next 1,000,000 gallons or less per month
\$8.07 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$8.21 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$8.35 per 1,000 gallons
- F. The water consumption shall be measured
by a meter or meters installed by the
Authority, and all bills shall be calculated
upon the basis of the registration of such
meter or meters. If a meter ceases to register
or is found defective, the quantity of water
consumed shall be determined by taking the
average water consumption during the one
year or lesser period if water service had not
been furnished for a period of one year.

4. A monthly charge of \$2.00 per water meter for
the purpose of infrastructure will be billed.

Section 3. Water Meter Test. In the event that any customer or
resident of the Borough desires to have their water meter tested to determine the validity
or accuracy of same the charges for such test shall be \$50.00.

Section 4. Fire Hydrant Rental.

(a) the fees for monthly rental shall be as set
forth in Sections 4 (a) (1) and (2) below:

1. A Rental of Thirty-nine and 60/100 Dollars
(\$39.60) per month is hereby imposed for each fire hydrant
connected to the water distribution system of the Borough of
Kutztown, whether such hydrant is located upon private
property or located and placed along public streets and alleys,
within the corporate boundary limits of the Borough of
Kutztown.

2. A rental of Forty and 25/100 Dollars
(\$40.25) is hereby imposed on the Kutztown Municipal
Authority for each fire hydrant connected to the water
distribution system of the Kutztown Municipal Authority and
as to which the Borough of Kutztown furnishes the water
capacity and supply.

Section 5. Sprinkler Systems.

1. The monthly charge for the furnishing of
stand-by fire protection to a consumer's property, served by means of
sprinkler systems served by the Borough of Kutztown, in addition to
any other charge imposed by these regulations, shall be as follows:

1 inch service line	\$5.00
1 ½ inch service line	\$7.50
2 inch service line	\$11.25

3 inch service line	\$16.85
4 inch service line	\$25.25
6 inch service line	\$37.85
8 inch service line	\$56.75
10 inch service line	\$85.15
12 inch service line	\$127.75

2. The monthly charge to be imposed upon the Kutztown Municipal Authority for furnishing of stand-by fire protection to a consumer's property, by means of sprinkler systems served by the Kutztown Municipal Authority, in addition to any other charge (including those for consumption) imposed by these regulations, shall be as follows:

1 inch service line	\$5.50
1 ½ inch service line	\$8.25
2 inch service line	\$12.40
3 inch service line	\$18.55
4 inch service line	\$27.75
6 inch service line	\$41.65
8 inch service line	\$62.40
10 inch service line	\$93.65
12 inch service line	\$140.50

Section 6. Reconnections.

(a) In the event that water service to a consumer has been terminated, the fee for reconnection to the Borough's water system shall be as follows and payable in full prior to reconnection:

1. Reconnections performed during the normal workday hours of the Borough shall equal the sum total of the following:

- (a) Reconnection fee of \$15.00.
- (b) Utilities Division labor: one-hour labor rate (as established by § A231-2, as amended from time to time by Resolution).
- (c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

(d) The sum total of Subsection 6(a)(1) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

2. Reconnections performed after the normal workday hours of the Borough shall equal the sum total of the following:

- (a) Reconnection fee of \$35.00.
- (b) Utilities Division labor: two-hour labor rate at the overtime rate (as established by § A231-2, as amended from time to time by Resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

(d) The sum total of Subsection 6 (a)(2) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

SECTION 2. This Resolution and the rates set forth herein shall become effective commencing with all consumption and charges included in the monthly billing for the period commencing on January 1, 2020, and for each calendar month thereafter. The Borough Council shall have the right, however, to make such changes from time to time as in the opinion of the Borough Council may be desirable or beneficial and the Borough Council shall have the right to amend this Resolution or change the rates of charge in such manner and at such times as in the opinion of the Borough Council may be desirable.

SECTION 3. If any of the provisions, sections, sentences, clauses or parts of this Resolution or the application of any provision hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of this Resolution, it being the intention of the Borough Council that such remainder shall be and remain in full force and effect.

SECTION 4. All Resolutions or parts of Resolutions inconsistent herewith are expressly repealed.

DULY ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 17th day of December, 2019.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To adopt the following Resolution:

RESOLUTION NO. 13-2019

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPERSEDING THE CHARGES FOR THE COLLECTION AND TREATMENT OF DOMESTIC SEWAGE AND INDUSTRIAL SEWAGE AS CURRENTLY SET FORTH IN RESOLUTION NO. 20-2018, ADOPTED ON DECEMBER 18, 2018, BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN.

WHEREAS, the Borough of Kutztown (the "Borough") is a Pennsylvania municipal corporation organized and existing pursuant to the Borough Code of the Commonwealth of Pennsylvania, as adopted on February 1, 1965, P.L. 1656, No. 581, as amended and supplemented from time to time; and

WHEREAS, the Borough owns and manages a sanitary sewer collection and treatment system which collects and treats wastewater produced by the residents and businesses within the Borough of Kutztown; and

WHEREAS, the Borough has amended the service rates and fees associated with the collection and treatment of domestic sewage and industrial sewage collected within its sewer system and treated on behalf of its customers as previously set forth in Resolution 23-2017, adopted on December 19, 2017, by the Borough Council of the Borough of Kutztown; and

WHEREAS, the Borough desires to further amend the service rates and fees associated with the collection and treatment of domestic sewage and industrial sewage collected within its sewer system and treated on behalf of its customers by altering the definition of Average System EDU Equivalent by expressing it as a definitive twelve (12) month period, rather than a rolling twelve (12) month period.

NOW, THEREFORE, it is hereby resolved by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, as follows:

SECTION 1. The charges for the collection and treatment of sewer and wastewater in the Borough of Kutztown shall be as set forth below, until such time as amended by Resolution by the Borough Council:

SECTION 1
CHARGES FOR DOMESTIC SEWAGE

The charge for collection and treatment of Domestic Sewage and Industrial Sewage discharged into the Sewer System shall be a monthly charge for each calendar month, payable as hereinafter provided, computed as set forth in Section 1 (a), (b), (c) and (d) below.

(a) The monthly charge to each consumer account shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid monthly by each sewer customer account, in the amount of Ten and 87/100 Dollars (\$10.87).

2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$19.71 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption/treatment” charge for sewage discharged by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

A. The first 250,000 gallons or less per month
\$6.21 per 1,000 gallons

B. The next 500,000 gallons or less per month

\$6.80 per 1,000 gallons

- C. The next 1,000,000 gallons or less per month
\$7.97 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$10.34 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$15.05 per 1,000 gallons

4. A monthly charge of \$2.00 per water meter for the purpose of infrastructure will be billed.

(b) The monthly charge to the Kutztown Municipal Authority shall be the sum of the following charges:

- 1. A “ready to serve” flat charge to be paid monthly to be calculated by multiplying the amount of Eleven and 31/100 Dollars (\$11.31) by the number of user accounts of the Kutztown Municipal Authority which are served by discharging to the Borough of Kutztown sewage system.
- 2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

EDU Charge = \$19.71 x (Customer Usage ÷ Annualized Average System EDU Equivalent)

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption/treatment” charge for sewage discharged based upon water consumption metered at the user’s unit or user’s premises, for each Kutztown Municipal Authority customer, to be calculated as follows:

- A. The first 250,000 gallons or less per month
\$6.48 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$7.00 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$8.14 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$10.45 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month

\$15.13 per 1,000 gallons

4. A monthly charge of \$2.00 per water meter for the purpose of infrastructure will be billed.

SECTION 2. Reconnections.

(a) In the event that sanitary sewer service to a consumer has been terminated, the fee for reconnection to the Borough's sewer system shall be as follows and payable in full prior to reconnection:

1. Reconnections performed during the normal workday hours of the Borough shall equal the sum total of the following:

(a) Reconnection fee of \$15.00.

(b) Utilities Division labor: one-hour labor rate (as established by § A231-2, as amended from time to time by Resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

(d) The sum total of Subsection 2(a)(1) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

2. Reconnections performed after the normal workday hours of the Borough shall equal the sum total of the following:

(a) Reconnection fee of \$35.00.

(b) Utilities Division labor: two-hour labor rate at the overtime rate (as established by § A231-2, as amended from time to time by Resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

(d) The sum total of Subsection 2(a)(2) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

SECTION 3. This Resolution and the rates set forth herein shall become effective commencing with all consumption and charges included in the monthly billing for the period commencing on January 1, 2020, and for each calendar month thereafter. The Borough Council shall have the right, however, to make such changes from time to time as in the opinion of the Borough Council may be desirable or beneficial and the Borough Council shall have the right to amend this Resolution or change the rates of charge in such manner and at such times as in the opinion of the Borough Council may be desirable.

SECTION 4. If any of the provisions, sections, sentences, clauses or parts of this Resolution or the application of any provision hereof shall be held invalid, such invalidity shall not affect or impair any of

12096

the remainder of this Resolution, it being the intention of the Borough Council that such remainder shall be and remain in full force and effect.

SECTION 5. All Resolutions or parts of Resolutions inconsistent herewith are expressly repealed.

DULY ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 17th day of December, 2019.

Passed by unanimous vote.

Mr. Seyler noted that beginning January 1, 2020, the water and sewer rates will each include a monthly \$2.00 per meter charge for an Infrastructure Improvements Fund.

Mr. Diehm noted that the meter change-out crew was very polite.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To thank Mr. Diehm and Mr. Piscitelli for their service to Council. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To accept and authorize advertisement of the proposed meeting schedule for 2020. Passed by unanimous vote.

President Snyder called for an Executive Session at 8:37 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:57 p.m.

A motion was made by Mr. Diehm, seconded by Mr. Seyler, Resolved, To approve the following increases for 2020: confidential employees, 3%; life guards and seasonal employees, 2.5%; and administrative salaries as listed. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To settle the training pay grievance as discussed. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Diehm, Resolved, To

adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:03 p.m.

Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 16, 2019, through December 13, 2019, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn