

December 17, 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 Pro Tem, Ms. Lisa Ladd-Kidder, with other members of Borough Council present: Mr. Edwin Seyler, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Council President Kevin Snyder and Council Vice President Derek Mace were absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Ms. Jill Remick, Assistant Borough Secretary; Kutztown Police Chief Mike Clery; Mr. John Schmoyer, Seasonal Recreation Director; Kutztown Planning Commission representative Bob Weller; attorney Alex Elliker; and residents Dennis DeTurk, Jeff Zimmerman, and Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Mayor Schlegel swore in Police Officer Avery Gordon.

President Pro Tem Ladd-Kidder 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

Mayor Schlegel read aloud a citation, from Pennsylvania State Representative Jamie Barton, recognizing the Kutztown Borough Police Department for 100 years of

service.

President Pro Tem Ladd-Kidder asked if there was anyone who wished to address Council before proceeding with the agenda.

Dennis DeTurk, representing the Kutztown Historical Society, requested Borough Council to waive the \$359.00 permit fee, to have a light installed outside of the Historical Society building, which has already been paid.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to refund the \$359.00 fee to the Historical Society. Passed by unanimous vote.

Alex Elliker, the attorney representing 600 E. Main Street, spoke regarding his client's request to convert the garage into a second residential dwelling as a rental unit.

Discussion was delayed for the topic to be discussed on the regular agenda.

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

- Review and accept the Minutes of the November 19, 2024, Borough Council meeting.
- Review and accept the Borough Community Development Report for November 2024.
- Take action to approve the Flag Day Concert on June 17, 2025, at 7:30 p.m., in the Kutztown Park, and to waive the associated 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, 2024, through December 13, 2024.

General Fund	\$634,356.26
Refuse and Recycling Fund	\$46,196.43
Water Fund	\$66,129.20
Electric Fund	\$265,883.15

Sewer Fund	\$68,080.71
Telecommunications Fund	\$32,690.75

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted he had previously distributed the 2024 Annual Report to Borough Council members.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to grant a waiver of the requirement of Chapter 195 (SALDO), pursuant to Section 195-44, regarding the new Public Works building. Passed by unanimous vote.

Alex Elliker, the lawyer representing 600 E. Main Street, reiterated his client's request to convert a detached garage into a separate residential dwelling unit as a rental unit. Mr. Weller noted that the Planning Commission does not oppose the project.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve having Mr. Mooney attend the Zoning Hearings on behalf of the Borough.

Further discussion followed and President Pro Tem Ladd-Kidder recommended Council separate the two properties for Zoning Hearings and make two separate motions.

Mr. Seyler withdrew his motion, and Mr. Kusterer withdrew his seconding of the motion, and it was the consensus of Council.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to send the Borough Solicitor to the Zoning Hearing regarding 600 E. Main Street and not oppose the project on behalf of the Borough. Passed by unanimous vote.

Council members then discussed the project for 601 E. Main Street. Mr. Weller noted that the Planning Commission was unable to come to a unanimous decision regarding the four requested variances. Council members discussed various concerns, including outdoor lighting, sign lighting, and noise.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to send the Borough Solicitor to the Zoning Hearing regarding 601 E. Main Street on behalf of the Borough. 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 November 2024 was submitted.

The following fines were collected:

District Justice Greth	November 2024	\$2,186.51
Clerk of Common Pleas	November 2024	\$11.17
Secretary's Office	November 2024	\$1,300.00

Mr. Kusterer commended the Police Department on their work and noted the recent "Cocoa with Cops" program.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 2-2024

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REPEALING AND REENACTING SECTION §A231-1.15.B OF THE CODE OF THE BOROUGH OR KUTZTOWN, ENTITLED "STREETS AND SIDEWALKS", TO AMEND THE SCHEDULE OF FEES AND CHARGES ASSOCIATED WITH STREET CUTS AND TO INCREASE THE BONDING AMOUNT FOR PUBLIC UTILITIES ENGAGING IN STREET OPENINGS, AS PROVIDED FOR IN THE CODE OF THE BOROUGH OF KUTZTOWN.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, to approve Payment Application No. 1 (final payment) to H&K

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Group, Inc., in the amount of \$216,562.77, for the 2024 Paving Contract.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve Payment Application No. 5 to LB Construction Enterprises, Inc., in the amount of \$157,014.08, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the CFA-MTF reimbursement for Application No. 6 to the Borough, in the amount of \$157,014.08, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the purchase and installation of lighting for the pickleball courts in the Park, at an estimated cost of \$8,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request, from Shena Hesselbein, for Kutztown Pack 101 to use the Scooter Building and the Band Shell for their graduation ceremony on June 1, 2025, and to waive the associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request, from Shena Hesselbein, for Kutztown Pack 101 to hold their annual Cub Mobile Race on April 12, 2025, from 10:00 a.m. until 1:00 p.m.; to close Constitution Boulevard, between Trexler Avenue and Diesher Lane; to have a rain date of April 13, 2025, from 1:00 p.m. until 4:00 p.m.; and to waive the associated fees. Passed by unanimous vote.

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

approve the request from the Optimist Club to hold the annual Fools Run on March 29, 2025, with limited access to roads from 8:30 a.m. until 12:00 noon, and to waive the associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To authorize John Schmoyer to execute the contracts and payments for the 2025 Summer Concert Series. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Denise Bosler to the Borough Planning Commission, whose term shall end on December 1, 2028. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Barbara Smith to the Vacancy Board, whose term shall end on January 1, 2026. Passed by unanimous vote.

Mr. Engelhardt stated an Executive Session was not needed.

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 3-2024

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2025.

Passed by unanimous vote.

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

ORDINANCE NO. 4-2024

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 33, ARTICLE III, § 17 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED “ACCEPTANCE OF CONTRACT AND OBLIGATIONS”, BY ACCEPTING THE PROVISIONS OF THE CONTRACT ENTERED INTO BETWEEN THE BOROUGH OF KUTZTOWN AND THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM WHICH BECAME EFFECTIVE ON SEPTEMBER 1, 2020.

The following vote was cast: Mr. Seyler, Aye; Ms. Ladd-Kidder, Aye; Mr. Kusterer, Aye; and Mr. Engelhardt, Aye. There being a majority in favor, the motion passed.

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

RESOLUTION NO. 13-2024

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 2025 (payment due and payable on and after February 25, 2025), 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: \$42.05.
- (2) Notwithstanding the provisions above, if any dwelling unit is occupied by any person or his or her partner (if a member of the household) shall be 62 years of age or older, per month per such dwelling unit: \$23.00.
- (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: \$2.75
- (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: \$220.00.
 - [2] Two cubic yards, per month: \$261.00.
 - [3] Four cubic yards, per month: \$392.00.
 - [4] Six cubic yards, per month: \$563.50
 - (b) To purchase a dumpster from the Borough of Kutztown: Borough cost plus \$65.00.
 - (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 Kutztown, per cubic yard per collection, based upon the entire capacity of the dumpster: \$25.00.

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: \$35.00.
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): \$40.00.
 - (3) Televisions: \$50.00.
 - (4) Mattress, box spring, small table, kitchen chair (small): \$8.00.
 - (5) Rugs, any size (except 9x12 and larger): \$3.50.
 - (6) Rugs, 9x12 and larger: \$7.00.
 - (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 2024, 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. Seyler, seconded by Mr. Kusterer, Resolved, To adopt the following Resolution:

RESOLUTION NO. 14-2024

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER A231-1SECTION 107-7, OF THE CODE OF THE BOROUGH OF KUTZTOWN SO AS TO ADOPT THE RATES FOR ELECTRIC SERVICE FURNISHED TO CONSUMERS EFFECTIVE JANUARY 1, 2025, WITH THE ELECTRIC BILLS DUE AND PAYABLE ON AND AFTER FEBRUARY 1, 2025, SAID RATES TO REMAIN IN EFFECT UNTIL CHANGED BY RESOLUTION, AND SUPERSEDING ANY AND ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts resolutions establishing the rates to be charged for electrical service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania as follows:

Section 1 - Section A231-1, Chapter 107 of the Code of the Borough of Kutztown is hereby repealed and reenacted to read as follows:

RATE SCHEDULE RGMS
Customer Generated Net Electricity
Purchase Buyback Rate

APPLICATION:

This rate schedule is for purchase by the Borough of net customer generated electricity at month end when customer generated kilowatt hours exceed the kilowatt hours of electricity supplied by the Borough.

NET MONTHLY BUYBACK RATE:

4.061 cts. per KWH for each KWH.

APPLICATION PROVISIONS:

- (1) This rate schedule applies to all customer classes.

RATE SCHEDULE RG
GENERAL RESIDENTIAL SERVICE

APPLICATION:

This rate schedule is for single phase residential service in accordance with the APPLICATION PROVISIONS hereof.

NET MONTHLY RATE:

\$10.38 per month plus
18.94 cts. per KWH for the first 200 KWH.
15.41 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The Net Monthly Rate Minimum is \$10.38.

WATER HEATING SERVICE:

When a customer has an electric water heater which meets all the requirements of this provision, a block of 400 KWH is billed at 15.41 cts. per KWH after the first 200 KWH is billed. All additional KWH are billed at 14.95 cts. per KWH.

LEVELIZED BUDGET BILLING:

Levelized Budget Billing is available at the option of the customer. When a customer elects budget billing, the Borough will bill the customer each month an amount approximately equal to one eleventh of the estimated annual billing with appropriate periodic adjustments made, and a twelfth month payment sufficient to cover the balance owing for a full year so the total for each twelve-month billing cycle will equal the actual charges under the rate for the same twelve-month billing period. In order to qualify for Levelized Budget Billing the customer must have a twelve month billing history at the same service location with the Borough. At the discretion of the Borough Manager, if customers are late or delinquent in paying bills or are determined to be a credit risk, customers may be removed or denied the option of Levelized Budget Billing.

APPLICATION PROVISIONS:

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- (1) This rate schedule is for single phase electric service for:
 - (a) A single family dwelling and appurtenant detached buildings.
 - (b) A separate dwelling unit in an apartment house.
 - (c) A single farm dwelling and general farm uses.
- (2) This rate schedule does not apply to:
 - (a) Residential service that includes more than 2,000 watts of connected load attributable to commercial or professional use exclusive of space heating and air conditioning in common with the residence.
 - (b) Residential service combined with any commercial or professional use outside the residence or in a section of a multi-use building that is separate from the dwelling unit.
 - (c) Service which includes common use for halls, basement, or other portions of an apartment building.
 - (d) Establishments recognized by name, notice or advertisement, such as hotels, clubs, fraternities, boarding houses, institutions, orphanages, rest homes, tourist homes and rooming houses with more than 3 rooms available for such use and rectories and convents with accommodations for more than 5 adults.
- (3) Where any use of service at a residence is not eligible for the application of this rate schedule, customer has the option to provide separate circuits so that the portion that is applicable can be metered and billed separately hereunder and the remaining portion can be billed under the applicable general service rate schedule. When separate circuits are not provided, the entire service is billed under the applicable general service rate schedule.
- (4) Water heaters shall be automatic with a tank capacity of 30 gallons or more, equipped with noninductive heating elements, each thermostatically controlled and so connected that not over 5,000 Watts can operate at one time. The water heater shall be the exclusive source of hot water at all times. The Borough may check the installation if and when it deems necessary.

RATE SCHEDULE RH RESIDENTIAL SERVICE WITH ALL ELECTRIC HOUSE HEATING

APPLICATION OF SCHEDULE:

This rate schedule is for single phase residential service in accordance with the APPLICATION PROVISIONS, hereof, when electricity is the sole source of energy for space heating, cooking and water heating.

NET MONTHLY RATE:

\$10.38 per month plus
18.94 cts. per KWH for the first 200 KWH.
15.41 cts. per KWH for the next 400 KWH.
14.17 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.
The Net Monthly Rate minimum is \$10.38.

SPACE HEATING REQUIREMENTS:

Electric space heating units and/or electrically operated central year round air conditioning equipment shall be permanently installed and shall be the sole means of heating the dwelling unit. Fireplaces are the only supplementary heating source permitted in conjunction with electric heating.

WATER HEATING REQUIREMENTS:

Water heaters shall be automatic with a tank capacity of 30 gallons or more, equipped with noninductive heating elements, each thermostatically controlled and so connected that not over 5,000 Watts can operate at one time. The water heater shall be the exclusive source of hot water at all times. The Borough may check the installation if and when it deems necessary.

LEVELIZED BUDGET BILLING:

Levelized Budget Billing is available at the option of the customer. When a customer elects budget billing, the Borough will bill the customer each month an amount approximately equal to one eleventh of the estimated annual billing with appropriate periodic adjustments made, and a twelfth month payment sufficient to cover the balance owing for a full year so the total for each twelve-month billing cycle will equal the actual charges under the rate for the same twelve-month billing period. In order to qualify for Levelized Budget Billing the customer must have a twelve month billing history at the same service location with the Borough. At the discretion of the Borough Manager, if customers are late or delinquent in paying bills or are determined to be a credit risk, customers may be removed or denied the option of Levelized Budget Billing.

APPLICATION PROVISIONS:

- (1) This rate schedule is for single phase electric service for:
 - (a) A single family dwelling and appurtenant detached building.
 - (b) A separate dwelling unit in an apartment house.
 - (c) A single farm dwelling and general farm use.
- (2) This rate schedule does not apply to:
 - (a) Residential service that includes more than 2,000 watts of connected load attributable to commercial or professional use exclusive of space heating and air conditioning in common with the residence.
 - (b) Residential service combined with any commercial or professional use outside the residence or in a section of a multi-use building that is separate from the dwelling unit.
 - (c) Service which includes common use for halls, basement, or other portions of an apartment building.
 - (d) Establishments recognized by name, notice or advertisement, such as hotels, clubs, fraternities, boarding houses, institutions, orphanages, rest homes, tourist homes and rooming houses with more than 3 rooms available for such use and rectories and convents with accommodations for more than 5 adults.
- (3) Where any use of service at a residence is not eligible for the application of this rate schedule, customer has the option to provide separate circuits so that the portion that is applicable can be metered and billed separately hereunder and the remaining portion can be billed under the applicable general service rate schedule. When separate circuits are not provided, the entire service is billed under the applicable general service rate schedule.

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RATE SCHEDULE CD
SMALL GENERAL SERVICE
AT SECONDARY VOLTAGE OR HIGHER

APPLICATION OF RATE SCHEDULE CD:

This rate schedule is for small general service at secondary voltage or at a higher available voltage at the option of the Borough. The billing demand is limited to 3 KW for non-profit entities where no portion of the building is rented or leased for activities not sponsored by the non-profit.

NET MONTHLY RATE:

Demand \$2.12 per kilowatt for all Billing KW.

KWH Charge 22.62 cts. per KWH for the first 100 KWH per kilowatt of the Billing KW
16.01 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW
13.54 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The Net Monthly Rate Minimum is \$3.67 per kilowatt of the minimum billing demand of 3 KW.

Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

BILLING KW:

Where no demand meter is installed, Billing KW is 3 KW.

The Borough installs a demand meter when it estimates that the demand exceeds 3 KW. The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period taken to the nearest ½ kilowatt, but not less than 3 KW.

RATE SCHEDULE IG
GENERAL INDUSTRIAL SERVICE
AT SECONDARY VOLTAGE OR HIGHER

APPLICATION RATE SCHEDULE IG:

This rate schedule is for general industrial service, served at a secondary voltage, or at a higher available voltage at the option of the Borough. Where necessary, the Borough furnishes and maintains one transformation from line voltage to a lower Borough standard service voltage.

NET MONTHLY RATE:

Demand \$15.36 per kilowatt for the first 125 kilowatts of the Billing KW.
\$12.68 per kilowatt for all additional kilowatts of the Billing KW.

KWH Charge 12.16 cts. per KWH for the first 150 KWH per kilowatt of the Billing KW.
10.29 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW.
8.83 cts. per KWH for the next 50 KWH per kilowatt of the Billing KW.
8.03 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate.

The minimum monthly billing demand is 25 KW.

The Net Monthly Rate Minimum is \$15.36 per KW per the Minimum Billing Demand of 25 KW.

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.
BILLING KW:

The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period.

RATE SCHEDULE IS INSTITUTIONAL SERVICE RATE

APPLICATION OF SCHEDULE

This rate schedule is for three-phase service for a load in excess of 50 KW serving an institution of public, charitable or educational character, excluding industrial and commercial facilities.

TWO RATES

The "all electric" rate applies to those facilities where electricity is the sole source of energy for space heating, ventilating, air conditioning, cooking, water heating, lighting and power requirements. The "not all electric" rate applies to those facilities where only a portion of the energy needs are supplied by electrical energy.

MONTHLY RATE		
Monthly Consumption KWH	All Electric Rate (¢/KWH)	Not All Electric Rate (¢/KWH)
15,000 & Less	15.08	17.00
30,000	14.89	16.83
45,000	14.72	16.65
60,000	14.54	16.47
75,000	14.36	16.13
90,000	14.20	15.95
105,000	13.84	15.78
120,000	12.63	15.60
135,000	13.49	15.42
150,000	13.32	15.26
165,000	13.15	15.08
180,000 & More	12.97	14.89

MINIMUM CHARGE

\$330.89

RATE SCHEDULE IP-H LARGE GENERAL SERVICE AT 13,800 VOLTS OR HIGHER

APPLICATION RATE SCHEDULE:

This rate schedule is for large general service supplied from available lines of 13,800 volts or higher when customer furnishes and maintains all equipment necessary to transform the energy from line voltage and when electricity is the principal source of all the customer's energy requirements, including space heating in accordance with the applications provisions hereof.

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Electric space heating facilities shall be permanently installed and operated for personal comfort.
NET MONTHLY RATE:

Demand \$14.46 per kilowatt for the first 125 kilowatts of the Billing KW.
\$12.96 per kilowatt for all additional kilowatts of the Billing KW.

KWH Charge 11.53 cts. per KWH for the first 150 KWH per kilowatt of the Billing KW.
10.18 cts. per KWH for the next 100 KWH per kilowatt of the Billing KW.
8.70 cts. per KWH for the next 50 KWH per kilowatt of the Billing KW.
8.03 cts. per KWH for all additional KWH.

The Energy Charge applies to all KWH supplied under this rate
The Minimum Billing Demand is 25 KW.

The Net Monthly Rate Minimum is \$14.46 per KW per the Minimum Billing Demand of 25 KW.

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

BILLING KW:

The Billing KW is the average number of kilowatts supplied during the 15-minute period of maximum use during the current billing period.

APPLICATION PROVISIONS:

- (1) This rate schedule applies to single meter service for all of customer's energy requirements, under the following conditions:
 - (a) The facilities for electric space heating are, in Borough's judgment, a significant and integral portion of customer's total energy requirement to be supplied hereunder.
 - (b) Service supplied hereunder includes all energy requirements on customer's premises in a building.
 - (c) All service in one building is supplied at one voltage from one service connection.
 - (d) Another form of energy may be used for emergency lighting generators and, upon Borough approval, for other similar uses.
 - (e) When customer occupies an entire building, service hereunder may include uses of service outside the building only when they are directly incident to the principal use of service in the building.
- (2) Supplemental use of renewable energy sources such as wood, solar, wind and water is permitted in conjunction with service supplied hereunder without violating the total electric energy requirement of the rate. Any customer system of this type that produces electric energy may not be operated concurrently with service supplied by the Borough except under written agreement setting forth the conditions of such operation.

RATE SCHEDULE KF KF-LARGE GENERAL SERVICE AT 69,000 VOLTS OR HIGHER

APPLICATION OF RATE SCHEDULE KF:

This rate schedule is for large general service supplied from available 3-phase lines of 69,000 volts or higher, with the customer furnishing and maintaining all equipment necessary to transform the energy from the line voltage.

NET MONTHLY RATE:

The KF energy rate shall be a block rate consisting of three (3) rate levels:

Level I: 8.20 cents per KWH
 Level II: 8.87 cents per KWH
 Level III: 12.39 cents per KWH

The rate levels shall be applied as follows:

The numbers listed with the Schedules are time and based on a twenty-four (24) hour clock.

Schedule A: Monday through Friday, during the months of April, May, June, July, August, September and October:

Level I rate shall apply: 23:00:00 through 6:59:59
 Level II rate shall apply: 7:00:00 through 10:59:59 and 19:00:00 through 22:59:59
 Level III rate shall apply: 11:00:00 through 18:59:59

Schedule B: For Monday through Friday, during the months of January, February, March, November and December:

Level I rate shall apply: 23:00:00 through 6:59:59
 Level II rate shall apply: 12:00:00 through 16:59:59 and 20:00:00 through 22:59:59
 Level III rate shall apply: 7:00:00 through 11:59:59 and 17:00:00 through 19:59:59

Schedule C: For all Saturdays and Sundays and the holidays of: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day:

Level I rate shall apply: 0:00:00-24:00:00

Or alternatively at the Borough's sole discretion the Borough may charge a blended rate of 11.00 cents per KWH for all KWH energy charge. The blended rate energy charge would apply to all KWH supplied under this rate.

The monthly rate minimum is \$4,197.44.

RELIABILITY PRICING MODEL SUPPLY CAPACITY CHARGE

In addition to the other charges, a supply capacity charge shall apply to rate schedule KF. The charge shall be based on the customer's peak load contribution to the Borough's PJM planning year peak load determinant for PJM Reliability Pricing Model Capacity charges. The charge shall be the product of the customer's fixed peak load contribution, as determined by the Borough, and the Borough's Reliability Pricing Model Capacity Charge, incurred by the Borough, expressed in dollars per kilowatt-month.

The customer's fixed peak load contribution shall be determined using load data from the previous planning year. In the event the load data is not available, the Borough will estimate the customer fixed peak load contribution.

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For July 1, 2011 through May 31, 2012, the Reliability Pricing Model Capacity Charge shall be \$4.35 per KW-Month and the fixed peak load contribution shall be estimated at 1,800 KW.

The Pennsylvania state tax is applied as required by the Pennsylvania Department of Revenue.

ADVANCED METER MONITORING SERVICE FEE:

If the Borough offers and the customer subscribes to an advanced meter monitoring service, the fee shall be \$78.00 per month.

RATE SCHEDULE DD PRIVATE AREA LIGHTING SERVICE

APPLICATION OF RATE SCHEDULE DD:

This rate schedule is for the lighting of yards, private roadways, alleys and other areas supplied from existing overhead secondary distribution.

NET MONTHLY RATE:

Per light:

175 watt mercury vapor \$ 15.82

150 watt high pressure sodium \$ 15.82

250 watt high pressure sodium \$ 26.93

The Pennsylvania State Sales Tax is applied as required by the Pennsylvania Department of Revenue.

EQUIPMENT AND SERVICE:

Borough installs and maintains the bracket, luminaire, lamp and photoelectric control on a Borough-owned wood pole. Lamp is lighted from dusk to dawn or for approximately 4,300 hours per annum.

A mercury vapor lamp of a nominal, 6,650 lumens (175 watts), a high pressure sodium lamp of a nominal 16,000 lumens (150 watts) or a high pressure sodium lamp of a nominal 25,500 lumens (250 watts) is installed in a luminaire on a bracket. Lamp replacements are normally made on the first working day after outage notification by the customer to the Borough office. There is no credit for outages.

Borough installs up to one span of secondary not exceeding 150 feet from an existing secondary voltage supply and one pole for each lamp provided the location of the pole is accessible by a service truck for the installation and maintenance of the lamp and provided the Borough is furnished a suitable right of way.

Upon request and at the Borough's discretion, the Borough may install an area light fixture on a suitable customer-owned support.

Where a secondary supply is not available at the desired lamp location and/or where the distance is more than one span, the Borough may furnish the service providing the customer reimburses Borough for the Borough's estimated added investment required to supply the service in each case.

PAYMENT SCHEDULE AND CONTRACT PERIOD FOR ALL RATE SCHEDULES

PAYMENT:

The above net rates apply when bills are paid on or before the due date specified on the bill. After the due date, the Borough may initiate collection procedures. A late payment charge of 10% will be applied on the unpaid balance of the current monthly bill if payment is not received on or before the due date.

CONTRACT PERIOD:

Not less than one year.

SECTION 2 – All other rate schedules set forth in Chapter A-231 of the Code of the Borough of Kutztown shall remain unchanged and in full force and effect.

SECTION 3 – All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

DULY ADOPTED AS A RESOLUTION this 17th day of December, 2024, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled to be effective beginning January 1, 2025, and applicable to all electric bills issued on or after February 1, 2025, until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the budget for 2025. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the purchase of a 2025 Freightliner Versalift bucket truck, through Costars, in the amount of \$364,810.00, to replace the Electric Department's 2006 International bucket truck. 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. Kusterer, Resolved, To approve the purchase of a new 2024 F-250 4x4 SD Crew Cab, through Costars, in the amount of \$51,995.00, to replace the Water Department's old truck #7. Passed by unanimous vote.

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

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approve the purchase of a snowplow, to fit the new 2024 F-250, in the amount of \$7,030.21. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the purchase of a new air conditioning/dehumidifier unit, through Costars, with a purchase price of \$81,575.00, to replace the Water Department's old unit. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve a \$61.04 water credit to the Maxatawny Township Municipal Authority. Passed by unanimous vote.

Under Miscellaneous a motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve all 2025 meeting dates, and to change all meetings scheduled for November 4, 2025, to November 5, 2025. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To ratify the agreement with ChannelBound, LLC, for ACA reporting. Pass by unanimous vote.

President Pro Tem Ladd-Kidder noted that it is anticipated that the Borough Solicitor will need to attend a Zoning Hearing on the Borough's behalf, regarding 154 W. Walnut Street, on either January 29, 30 or 31, 2025, and this will be authorized at the January meeting if needed.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:26 p.m.

Prepared and Attested by: Jill D. Remick
Assistant Borough Secretary

Prepared by:

Gina M. Wiand
Borough Secretary

Kevin J. Snyder and Jill D. Remick hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 16, 2024, through December 13, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Jill D. Remick