

December 18, 2018  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 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. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Craig Summers; Planning Commission representatives Lisa Ladd-Kidder and Karen Feridun; Environmental Advisory Commission representatives Jeri Sievert and Todd Underwood; Kutztown Community Partnership representatives Sandy Green and Jerry Schearer; Kutztown Area Transport Service representative Rodney Freeman; Allentown & Auburn Railroad representative Mike Bast; residents Phila Back, Gene Mosca and Warren Shaub; visitor Frank Lorah; and Ron Devlin, reporter for the Reading Eagle, were also present.

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

In regard to the recent complaints against the Allentown & Auburn Railroad, Gene Mosca commented that he feels the focus should be more on global issues than local issues.

Mike Bast, from the Allentown & Auburn Railroad noted that a complaint was levied with the Federal Railroad Administration, but no action is being taken because the Railroad was found to be compliant and following regulations.

Mr. Bast voiced his concern that these complaints are the result of a malicious vendetta that is turning in to harassment.

Warren Shaub advised Council to be proactive about transportation in and out of the Borough, and said that he would like to see a more public discussion about it.

Mr. Mace told Mr. Shaub that Council is cognizant of the issue and that PennDOT has been contacted. He noted that while some conversations are underway, there is nothing to report at this time.

Kutztown Community Partnership (KCP) representatives Sandy Green and Jerry Schearer presented Council with KCP's annual report.

Mr. Schearer began by thanking Borough Council and the staff for their continued support. He recited KCP's mission statement and expounded on the following events: Block Party, Kruizz, Dinner on Main, and Christmas in Kutztown; as well as the following initiatives: Peace.Love.Kutztown., Safe Clean and Green, KUBoK, Kutztown Thriving, Sunday Cleanups; working with businesses and landlords on new programs, such as Perch'n, and events like Small Business Saturday.

Ms. Green reported on the success of the Mobile App and noted that the Borough's listing continuously gets the most hits on the app. Ms. Elliott suggested pushing out school closings, from the app, and Ms. Green said that she is already in talks with the school district about that.

She also elaborated on the following topics: the development of Pocket Parks to make alleys pedestrian friendly and the award of an AARP grant for \$2,500.00 to assist with implementation; the award of a \$25,000.00 grant, from BB&T Bank, to compliment the Borough's planning grant from the Department of Community and Economic

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Development; the submission of a proposal to Leadership Berks, to create an Arts and Innovative Center, which was selected, and professionals are currently gathering information to see what people think is needed in town.

In addition, Ms. Green reported that KCP is forging large partnerships, through its Economic Vitality Committee, such as with the Greater Reading Chamber Alliance.

President Snyder commended KCP for being a driving force for the community.

Mr. Mace noted that Disruptive Conduct Reports are down, in the Borough, and asked if the Kutztown University campus was experiencing a similar decline. Mr. Schearer responded that while there has not been a decline, the types of misconduct have changed.

President Snyder asked why KUBoK has cut its Thursday hours, and Mr. Schearer replied that it was a combination of a lack of activity and volunteers.

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

- ) Review and accept the Minutes of the November 20, 2018 Borough Council meeting.
- ) Review and accept the Borough Community Development Report for November, 2018.
- ) 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 11, 2019, 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 17, 2018, through December 14, 2018, as summarized below.

General Fund	\$374,618.86
Refuse and Recycling Fund	\$43,100.80
Water Fund	\$72,200.08
Electric Fund	\$284,876.36
Sewer Fund	\$74,857.80
Telecommunications Fund	\$35,054.44

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, Jeri Sievert presented Lisa Ladd-Kidder with the Environmental Advisory Commission Stewardship Award.

Under Community Development and Public Safety Committee, the Monthly Police Report for November, 2018 was submitted.

The following fines were collected:

District Justice Greth	October, 2018	\$8,807.10
Clerk of Common Pleas	October, 2018	\$166.85
Secretary's Office	November, 2018	\$4,850.00

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 approve the following Resolution:

## RESOLUTION NO. 18-2018

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

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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 2019 (payment due and payable on and after February 25, 2019), 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: \$35.00.
  - (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: \$19.25.
  - (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: \$2.25.
  - (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: \$181.50.
      - [2] Two cubic yards, per month: \$217.04.
      - [3] Four cubic yards, per month: \$326.36.
      - [4] Six cubic yards, per month: \$469.22.
    - (b) To purchase a dumpster from the Borough of Kutztown: Borough cost plus \$55.00.
    - (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: \$13.75.

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 18<sup>th</sup> day of December, 2018, 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 Kutztown Community Library, to use the Band Shell on August 15, 2019, for an event, and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To approve the request from the Kutztown Optimist Club to hold their annual Fools Run, on March 30, 2019, from 8:30 a.m., until noon, and to approve their litter cleanup, prior to

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the Fools Run, on March 16, 2019, with a rain date of March 23, 2019. Passed by unanimous vote.

A motion was made by Mr. Piscitelli, seconded by Mr. Seyler, Resolved, To approve payment #3 to Landis C. Deck & Sons, in the amount of \$43,652.12, contingent upon the Borough receiving a draft of the bill and a decrease of the overall project retainage to 5%. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Piscitelli, Resolved, To extend the Kutztown Community Partnership's agreement, for the pool snack stand, for the 2019 season. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To extend the probation period, for Officer Robert C. Hriczko, Jr., for an additional six months (to July 3, 2019). Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To reappoint Jeri Sievert as a member of the Environmental Advisory Commission, whose term shall expire January 1, 2022. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Robert Shade as a member of the Kutztown Community Library, Inc. Board of Directors, whose term shall expire January 1, 2022. Passed by unanimous vote.

A motion was made by Mr. Diehm, seconded by Ms. Elliott, Resolved, To appoint Harry Heffelfinger, Jr., as a member of the Kutztown Community Library, Inc. Board of Directors, whose term shall expire January 1, 2022. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve the proposed budget for 2019. 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. 6-2018

AN ORDINANCE OF THE BOROUGH OF  
KUTZTOWN, COUNTY OF BERKS,  
COMMONWEALTH OF PENNSYLVANIA  
FIXING THE TAX RATE FOR THE YEAR 2019.

Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To purchase a Hubbell Power Systems 15 KV Pad Mount Switch in the amount of \$14,677.00 or less. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Ed, Resolved, To authorize drafting an agreement, with Maxatawny Township, and to draft a Resolution, if needed, to form a joint tax collection district for 2019. 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 pursuing a U.S. Department of Agriculture grant/loan, to fund various Water and Wastewater projects. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the water capacity of 13,000 GPD to be provided to the Kutztown Municipal Authority, for the East Penn Manufacturing project, with the condition that any engineering



evaluation, booster station and/or chlorination station be paid for by the developer or the Maxatawny Township Municipal Authority.

Mr. Mooney noted that the Borough would be “supplying and not maintaining.”  
Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the water capacity of 250 GPD to be provided to the Kutztown Municipal Authority, to service Kutztown University, and to approve the sewer capacity of 250 GPD through the Borough, to service Kutztown University, for their Keystone Field/new toilet room project. Passed by unanimous vote.

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

## RESOLUTION NO. 19-2018

**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. 22-2017, ADOPTED ON DECEMBER 19, 2017, 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

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 Eighteen Dollars and Sixty-Five Cents (\$18.65).

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

$$\text{EDU Charge} = \$7.15 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

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  
\$7.32 per 1,000 gallons
- B. The next 500,000 gallons or less per month  
\$7.43 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month  
\$7.54 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month  
\$7.69 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month  
\$7.82 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.

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 Seventeen Dollars and Seventy-Seven Cents (\$17.77) 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:

$$\text{EDU Charge} = \$7.15 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

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  
\$7.43 per 1,000 gallons
- B. The next 500,000 gallons or less per month  
\$7.54 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month  
\$7.69 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month  
\$7.82 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month  
\$7.95 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.

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, 2019, 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 18<sup>th</sup> day of December, 2018.

Passed by unanimous vote.

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

## RESOLUTION NO. 20-2018

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. 23-2017, ADOPTED ON DECEMBER 19, 2017, 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 35/100 Dollars (\$10.35).

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

EDU Charge = \$18.77 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 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  
\$5.91 per 1,000 gallons
- B. The next 500,000 gallons or less per month  
\$6.48 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month  
\$7.59 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month  
\$9.85 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month  
\$14.33 per 1,000 gallons

(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 Ten and 97/100 Dollars (\$10.77) 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 = \$18.77 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  
\$6.17 per 1,000 gallons
- B. The next 500,000 gallons or less per month  
\$6.67 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month  
\$7.75 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month  
\$9.95 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month  
\$14.41 per 1,000 gallons

## 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, 2019, 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 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 18<sup>th</sup> day of December, 2018.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Diehm, Resolved, To accept and authorize advertisement of the proposed meeting schedule for 2019 as written. Passed by unanimous vote.

President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:32 p.m. to discuss personnel and legal matters. The Executive Session ended and the meeting reconvened at 8:58 p.m. No action was taken.

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 8:58 p.m.

Prepared and Attested by: Gina M. Wiand  
Borough Secretary

Kevin Snyder and Gina Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 17, 2018, through December 14, 2018, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand