

December 21, 2021
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:36 p.m. in the Kutztown Train Station, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, and the Mayor, Mr. James Schlegel. Councilwoman Arabel Elliott was present via telephone and Councilman Derek Mace was absent. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Police Chief Craig Summers; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Borough Planning Commission representatives Joel Seidel and Fred Engelhardt; Environmental Advisory Commission representatives Keith Leinbach and Todd Underwood; Kutztown Community Partnership and Kutztown Area Transport Services representative Allison Fuller; Berks Surveying representative Robert Hain; A.D. Moyer Lumber representative Steve Reinert; Shaynah Kinner Daycare representative Faith Wanner; and residents Shirley Leinbach and Eric Boyer were also present.

President Snyder noted the following vacancies:

Code Appeals Board:	Four Member Vacancies
	One Alternate Vacancy
Planning Commission:	One Member Vacancy
	Recording Secretary Vacancy
Zoning Hearing Board:	One Member Vacancy
	Two Alternate Vacancies
Housing License Appeals Board:	One Member Vacancy
	Three Alternate Vacancies
Environmental Advisory Commission	Three Member Vacancies
	One Student Member Vacancy
Telecommunications Advisory Commission:	Three Member Vacancies

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

Fred Englehardt stated that he was not speaking on behalf of the Planning Commission before requesting that the air pollution Ordinance be tabled since two Council members were not present to vote.

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

- Review and accept the Minutes of the November 16, 2021, Borough Council meeting.
- Review and accept the Borough Community Development Report for November 2021.
- 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 13, 2021, through December 17, 2021, as summarized below:

General Fund	\$137,360.78
Refuse and Recycling Fund	\$41,933.25
Water Fund	\$94,321.61
Electric Fund	\$292,189.90
Sewer Fund	\$131,254.24
Telecommunications Fund	\$40,812.61

Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To un-table the A.D. Moyer Proposed Store Building Plan. All those in favor, except for Mr. Kusterer who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To grant a waiver to A.D. Moyer from the formal subdivision and land development review

process, regarding its proposed store building located at 80 Willow Street in the Borough of Kutztown, as set forth in the sketch plan prepared by Berks Surveying and Engineering Company, bearing project No. 1869-29-21, conditioned upon:

1. Review and approval of the Plan by the Borough's engineer.
2. Compliance with all requirements of the Zoning Ordinance.
3. Compliance with the applicable development requirements of the Borough's Subdivision and Land Development Ordinance as determined by the Borough's Engineer.
4. Compliance with the Borough's applicable Stormwater Ordinances and Regulations.

Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To authorize the Borough Solicitor to put the proposed Outdoor Dining Facility Ordinance into proper form for discussion at the January 18, 2022, Council meeting. Passed by unanimous vote.

Under Environmental Advisory Commission, Mr. Underwood and Mr. Leinbach spoke in favor of the initial comment letter to the Department of Environmental Protection Bureau of Air Quality regarding McConway & Torley, LLC. After review and discussion, Council decided to not make any changes to the letter.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To send the initial comment letter to the Department of Environmental Protection Bureau of Air Quality. Passed by unanimous vote.

Under Community Development and Public Safety Committee, the Monthly Police Report for November 2021 was submitted.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	October 2021	\$5,040.76
Clerk of Common Pleas	October 2021	\$178.15

Secretary's Office
Parking Kiosk

November 2021	\$3,600.00
November 2021	\$385.00

A motion was made by Mr. Kusterer, To authorize advertisement of the proposed Ordinance for the prevention and control of air pollution: defining certain terms used herein; providing for regulations, abatement, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlawful conduct, public nuisances.

Ms. Ladd-Kidder requested to postpone the vote, until January, per Mr. Englehardt's request.

Mr. Kusterer rescinded his motion to authorize advertisement of the proposed Ordinance, and it was the consensus of Council to postpone the agenda item until January.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To authorize sending the proposed Ordinance amending parking regulations for certain uses in the commercial core to the County Planning Commission for review; and to authorize advertisement of said proposed Ordinance for enactment at the February 15, 2022, Borough Council meeting. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, 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. Snyder, seconded by Mr. Seyler, Resolved, To approve sending out for bid Option 1 (which includes reconstruction of Vine Lane), from the proposed 2022 Street and Storm Sewer

Improvements Project list, and Options A and C from the proposed Park Improvements Project list. Passed by unanimous vote.

A motion was made by Mr. Snyder, seconded by Mr. Kusterer, Resolved, To approve the proposed Veterans Way entrance sign for the park. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Shaynah Kinner Daycare's request to use the Band Shell on June 3 and 4, 2022, contingent upon working with John Schmoyer to determine what time they will need to vacate the Band Shell for the concert series. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve the request from Grace Church to have a Christmas Eve ceremony at the tree in the train station yard or at the brick pavilion in case of bad weather or if they can't use the train station. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve providing one refuse bill to the owner of 120 and 122 W. Main Street for 1.5-yard dumpster service to both properties. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Optimist Club to hold the Fools Run, on April 2, 2022, from 8:30 a.m. to 12 noon. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To reappoint Jeff Dietrich, as a member of the Housing License Appeals Board, whose term shall expire on January 1, 2023. Passed by unanimous vote.

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

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reappoint Robert Shade, as a member of the Kutztown Community Library Board of Directors, whose term shall expire on December 31, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To reappoint Harry Heffelfinger, Jr., as a member of the Kutztown Community Library Board of Directors, whose term shall expire on December 31, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To appoint Robert Weller, as a member of the Borough Planning Commission, whose term shall expire on January 1, 2024. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To ratify the transfer of Jared Babel from the Public Works Department to the Electric Department, as an Apprentice/Meter Reader, effective November 22, 2021. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To approve Sharon Dalickas enrolling in accounting classes toward the completion of her bachelor's degree, and for her to receive reimbursement, per Borough policy, at 50% (includes tuition and books only). Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To authorize the advertisement of the non-uniform pension plan Ordinance amendment. Passed by unanimous vote.

A motion was made by Ms. Elliott, seconded by Mr. Kusterer, Resolved, To approve the AFSCME contract. Passed by unanimous vote.

An Executive Session to discuss 2022 salaried employee increases was deferred

until the end of the meeting.

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

ORDINANCE NO. 6-2021

AN ORDINANCE OF THE BOROUGH OF
KUTZTOWN, COUNTY OF BERKS,
COMMONWEALTH OF PENNSYLVANIA
FIXING THE TAX RATE FOR THE YEAR 2022.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To the proposed budget for 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To enter into an agreement, with HRG, to provide grant administration/reimbursement requests related to the Multimodal Transportation Fund Infrastructure Improvement Project.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To enter into an agreement, with HRG, to provide engineering and related services related to the Multimodal Transportation Fund Infrastructure Improvement Project. 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 adopt the following Resolution:

RESOLUTION NO. 16-2021

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. 12-2019, ADOPTED ON DECEMBER 17, 2019, 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 12-2019 adopted on December 17, 2019, 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 Twenty Dollars and Fifty-Six Cents (\$20.56).

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

$$\text{EDU Charge} = \$7.89 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

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
\$8.07 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$8.19 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$8.32 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$8.47 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$8.62 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 Nineteen Dollars and Fifty-Nine Cents (\$19.59) 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:

$$\text{EDU Charge} = \$7.89 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

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
\$8.19 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$8.32 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$8.47 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$8.62 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$8.77 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, 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 21st day of December, 2021.

Passed by unanimous vote.

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

RESOLUTION NO. 17-2021

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. 13-2019, ADOPTED ON DECEMBER 17, 2019, 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 17, 2019, 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 Eleven and 96/100 Dollars (\$11.96).
 2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$\text{EDU Charge} = \$21.68 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$

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
\$6.83 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$7.48 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$8.77 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$11.37 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$16.56 per 1,000 gallons

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

(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 37/100 Dollars (\$11.37) 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 = \$21.68 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
\$7.13 per 1,000 gallons
 - B. The next 500,000 gallons or less per month
\$7.70 per 1,000 gallons
 - C. The next 1,000,000 gallons or less per month
\$8.95 per 1,000 gallons
 - D. The next 2,000,000 gallons or less per month
\$11.50 per 1,000 gallons
 - E. The next 4,000,000 gallons or less per month
\$16.64 per 1,000 gallons
4. A monthly charge of \$2.00 per water meter for the purpose of infrastructure will be billed per month. (or service if not served by KMA or Borough water).

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 21st day of December, 2021.

Passed by unanimous vote.

Mr. Seyler noted that PSI Pumping Solutions, Inc., will be handling the backflow repair work at various Borough owned buildings, with a quoted cost of \$24,320.00, which is covered under maintenance in the budget.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Mr. Kusterer Resolved, To accept and authorize advertisement of the proposed meeting schedule for 2022. Passed by unanimous vote.

President Snyder called for an Executive Session at 8:23 p.m. to discuss 2022 salaried employee increases.

The Executive Session ended, and the meeting reconvened at 8:34 p.m.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve the following increases for 2022: Administration Staff – 3.5%; Public Works

Superintendent – additional \$1,500.00; Wastewater, Electric and Water Superintendents – additional \$3,000.00 each; Finance Director – additional \$4,000.00; IT Director – additional \$1,000.00; Chief of Police – increase as listed in the Police Labor agreement; Confidential Employees – 4%; and Summer Employees – 5%. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:37 p.m.

Prepared by:

Gina M. Wiand
Borough Secretary

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 13, 2021, through December 17, 2021, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Andrea Rahn