

December 20, 2022  
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, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Corporal Mike Clery; Mr. Mark Arnold, Telecommunications Director; Mr. John Schmoyer, Seasonal Recreation Director; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Planning Commission representatives Bob Weller and Joel Seidel; Emergency Management and Kutztown Fire representative Todd Evans; and residents Dennis King, Eric Boyer and Marvin Unger were also present.

President Snyder noted the following vacancies:

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

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

Dennis King thanked the fire and police departments for the Santa fire truck that

went through town. He said he just moved here, and he thinks it's a great community.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To amend the agenda to include a vote upon authorizing Borough Officials to seek a COVID-19 ARPA PA Small Water, Storm and Sewer grant of \$150,000.00. NOTE: The Borough Solicitor has provided a written legal opinion that this amendment to the agenda is permissible pursuant to section 712.1 of the Sunshine Act. Passed by unanimous vote.

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

## RESOLUTION NO. 14-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A COVID-19 ARPA PA SMALL WATER, STORM AND SEWER GRANT OF \$150,000.00.

Be it RESOLVED, that the Borough of Kutztown of Berks County hereby request a COVID-19 ARPA PA Small Water, Storm and Sewer grant of \$150,000, from the Commonwealth Financing Authority to be used for Main Street Storm Sewer Replacement Project.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Gabriel Khalife, Borough Manager, and Gina Wiand, Borough Secretary, as the officials to execute all documents and agreements between the Borough of Kutztown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

DULY ADOPTED AS A RESOLUTION this 20<sup>th</sup> day of December, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

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

- Review and accept the Minutes of the November 15, 2022, Borough Council meeting.

- Review and accept the Borough Community Development Report for November 2022.
- Take action to approve the Flag Day Concert on June 13, 2023, at 7:30 p.m., in the Kutztown Park.
- 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 12, 2022, through December 16, 2022, as summarized below:

General Fund	\$205,541.48
Refuse and Recycling Fund	\$46,962.38
Water Fund	\$90,595.67
Electric Fund	\$272,196.50
Sewer Fund	\$296,785.33
Telecommunications Fund	\$28,622.78

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller announced that the Berks County Planning Commission will hold a meeting on February 22, 2023, at the middle school, regarding a potential Joint Comprehensive Plan.

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

## ORDINANCE NO. 9-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 225 ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF KUTZTOWN DEFINING TOBACCO/E-CIGARETTE RETAILERS AND CATEGORIZING TOBACCO/E-CIGARETTE RETAILERS AS PERMITTED USES IN THE INDUSTRIAL ZONE.

Keith Mooney noted that the Ordinance was properly advertised, and he asked if there were any questions from the public.

Dennis King asked for an explanation, and Mr. Mooney stated that the Ordinance would allow these types of shops to be located in the Industrial Zone. He noted that

existing businesses would not have to move to the Industrial Zone.

Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for November 2022.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	November 2022	\$2,516.61
Clerk of Common Pleas	November 2022	\$50.00
Secretary's Office	November 2022	\$975.00

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved,  
To adopt the following Resolution:

#### RESOLUTION NO. 15-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, RECOGNIZING AND COMMENDING OFFICER WILLIAM "BILL" WYANDT FOR HIS DEDICATION AND CONTRIBUTIONS TO THE BOROUGH OF KUTZTOWN POLICE DEPARTMENT FOR 38 YEARS.

WHEREAS Bill Wyandt joined the Borough of Kutztown Police Department, on October 21, 1985, as a Patrol Officer; and

WHEREAS Bill Wyandt is the longest tenured Officer in the history of the Borough of Kutztown Police Department; and

WHEREAS Bill Wyandt served as a Criminal Investigator and enforced public safety on bike patrol over the years; and

WHEREAS Bill Wyandt received Commendation, Life Saving, Exceptional Duty, and Distinguished Unit Citation awards during his time as an Officer.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Kutztown Borough Council, on behalf of all Borough employees, officials and citizens, recognize and commend Officer Bill Wyandt for his dedication and contributions to the Borough of Kutztown Police Department.

DULY ADOPTED AS A RESOLUTION this 20<sup>th</sup> day of December, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session

# 12446

duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Payment No. 3, in the amount of \$36,933.27, and Payment No. 4, in the amount of \$36,170.25, to Schlouch Incorporated, for the 2022 Street and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To authorize the Public Works Department to work with Kenny Gilmore, at no charge, to take the hockey rink down and have Mr. Gilmore take possession of the hockey rink at no cost to him. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To approve the request from the Kutztown Vietnam Veterans Breakfast Club and the Kutztown Community Partnership to host the traveling Vietnam Veterans Memorial, in the park, from September 19 through 24, 2023. Passed by unanimous vote.

Dennis King said that there is not enough information on the agenda about this item. President Snyder explained how items are vetted during Committee meetings, and he invited him to attend any meetings of interest to him.

Sandy Green explained that it's the traveling Wall of Healing and that it will be free to the public.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To ratify approval of the request from Pastor Kim Adamson to use the Brick Pavilion for a Christmas in the Park event on December 11, 2022. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To

approve having CMS readjust their cost to do the fire hydrant replacement and temporary pavement repairs now, and to replace the storm line once PennDOT approves that part of the project. Passed by unanimous vote.

Under Personnel Committee, an Executive Session to discuss personnel and legal matters was deferred until the end of the meeting.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Ezra Border to the position of Certified Sewage/Wastewater Treatment Plant Operator, contingent upon attaining all required certifications within the two-year period prescribed in order to remain in the said position, starting December 22, 2022, and to remain in his current payrate classification during the two-year period or until the certification is attained, whichever is sooner. Passed by unanimous vote.

An item to approve the three-year labor agreement with the Police Association, as negotiated, for 2023-2025 was deferred until the end of the meeting.

An item to approve the 2023 payrate increases for Administration, Confidential and Summer/Seasonal employees was deferred until the end of the meeting.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To appoint Martha Kuhns as a member of the Zoning Hearing Board, whose term shall expire on January 1, 2026. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To appoint Chet Reimer as a member of the Civil Service Commission, whose term shall expire on February 1, 2024. Passed by unanimous vote.

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

## ORDINANCE NO. 10-2022

AN ORDINANCE OF THE BOROUGH OF  
KUTZTOWN, COUNTY OF BERKS,  
COMMONWEALTH OF PENNSYLVANIA  
FIXING THE TAX RATE FOR THE YEAR 2023.

Passed by unanimous vote.

Mr. Khalife noted that there are no changes to last year's tax rates.

A motion was made by Mr. Mace, seconded by Mr. Kusterer, Resolved, To  
approve the proposed budget for 2023. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To approve  
the revised PMRS 2023 MMO increase to \$428,899.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To accept  
the flat rate tax payment, in the amount of \$1,461.76, for the 2021 real estate taxes for 26  
S. Whiteoak Street. 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 adopt the following Resolution:

## RESOLUTION NO. 16-2022

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. 16-2021, ADOPTED ON DECEMBER 21, 2021,  
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 Borough of Kutztown; and

WHEREAS, the Borough has amended certain charges for the distribution and supply of water as previously set forth in Resolution 16-2021 adopted on December 21, 2021, 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 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 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-Two Dollars and Zero Cents (\$22.00).
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 water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of 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:

**Tier:**

- A. The first 0 - 30,000 gallons per month  
\$8.07 per 1,000 gallons
- B. The next 30,001-100,000 gallons per month  
\$8.13 per 1,000 gallons
- C. The next 100,001 – 500,000 gallons per month \$8.19  
per 1,000 gallons

- D. The next 500,001 – 1,000,000 per month \$8.25 per 1,000 gallons
- E. The next 1,000,001 – 2,000,000 per month \$8.32 per 1,000 gallons
- F. The next 2,000,001 – 3,000,000 per month \$8.40 per 1,000 gallons
- G. The next 3,000,001 or more per month \$8.62 per 1,000 gallons
- H. 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 Twenty Four Dollars and Zero Cents (\$24.00) 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 Water

customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of 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:

Tier:

- A. The first 0 - 30,000 gallons per month  
\$8.19 per 1,000 gallons
- B. The next 30,001-100,000 gallons per month  
\$8.25 per 1,000 gallons
- C. The next 100,001 – 500,000 gallons per month \$8.32  
per 1,000 gallons
- D. The next 500,001 – 1,000,000 per month \$8.40 per  
1,000 gallons
- E. The next 1,000,001 – 2,000,000per month \$8.47 per  
1,000 gallons
- F. The next 2,000,001 – 3,000,000 per month \$8.58 per  
1,000 gallons
- G. The next 3,000,001 or more per month \$8.77 per  
1,000 gallons
- H. 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 3. Water Meter Test. In the event that any customer 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, 2023, 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 20<sup>th</sup> day of December, 2022.

Passed by unanimous vote.

Mr. Seyler noted that this is a restructuring of the tier rate schedule, but not a

rate increase.

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

## RESOLUTION NO. 17-2022

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. 17-2021, ADOPTED ON DECEMBER 21, 2021, 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 17-2021, adopted on December 21, 2021, 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 Twelve and 81/100 Dollars (\$12.81).

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 water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of 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:

Tier:

- A. The first 0 - 30,000 gallons per month  
\$6.83 per 1,000 gallons
- B. The next 30,001-100,000 gallons per month  
\$7.00 per 1,000 gallons
- C. The next 100,001 – 500,000 gallons per month \$7.25  
per 1,000 gallons
- D. The next 500,001 – 1,000,000 gallons per  
month \$7.48 per 1,000 gallons
- E. The next 1,000,001 – 2,000,000 gallons per  
month \$9.00 per 1,000 gallons
- F. The next 2,000,001 – 3,000,000 gallons per month  
\$11.50 per 1,000 gallons
- G. The next 3,000,001 gallons or more per  
month \$15.50 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 Thirteen and 40/100 Dollars (\$13.40) 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 water customers the Borough of Kutztown and the Kutztown Municipal Authority by the total number of 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 0 - 30,000 gallons per month  
\$7.13 per 1,000 gallons
- B. The next 30,001-100,000 gallons per month  
\$7.55 per 1,000 gallons
- C. The next 100,001 – 500,000 gallons per month \$7.70  
per 1,000 gallons
- D. The next 500,001 – 1,000,000 gallons per  
month \$8.95 per 1,000 gallons
- E. The next 1,000,001 – 2,000,000 gallons per  
month \$9.50 per 1,000 gallons
- F. The next 2,000,001 – 3,000,000 gallons per month  
\$12.20 per 1,000 gallons
- G. The next 3,000,001 gallons or more 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. (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, 2023, 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 20<sup>th</sup> day of December, 2022.

Passed by unanimous vote.

Mr. Seyler noted that this is a restructuring of the tier rate schedule, but not a rate increase.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To

# 12458

enact and ordain the following Ordinance:

## ORDINANCE NO. 11-2022

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 177 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "SEWER", BY AMENDING: SECTION 177-2 TO INCLUDE ADDITIONAL DEFINITIONS; SECTION 177-3.C. TO REQUIRE NON-RESIDENTIAL USERS SUBMITTING APPLICATIONS FOR SERVICE OR REPAIR TO SUBMIT WASTEWATER QUESTIONNAIRES; SECTION 177-5 BY PROVIDING THAT WASTEWATER QUESTIONNAIRES WILL BE COMPLETED BY ALL APPLICANTS FOR INDUSTRIAL CONNECTIONS; SECTION 177-6 BY ADDING REGULATIONS FOR THE DISCHARGE OF FATS, OIL AND GREASE INTO THE SEWER SYSTEM; SECTION 177-7 TO PROVIDE THAT ALL NEW CONNECTIONS WILL BE IN CONFORMITY WITH THE UNIFORM CONSTRUCTION CODE AND BOROUGH DESIGN SPECIFICATION; SECTION 177-9 TO PROVIDE ADDITIONAL SAMPLING REGULATIONS; SECTION 177-10 TO PROVIDE ADDITIONAL INSPECTION REGULATIONS; SECTION 177-12 TO PROVIDE A TIME FRAME FOR COMPLIANCE WITH A NOTICE OF VIOLATION AND SECTION 177-17 TO PROVIDE FOR ADDITIONAL PENALTIES FOR VIOLATION OF THE SEWER USE ORDINANCE.

Passed by unanimous vote.

Mr. Mooney noted that this is an overhaul of the Sewer Ordinance.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the allocation of .57 EDUs of water to KMA to serve the Kutztown University Poplar House project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the allocation of 57 EDUs of water to KMA to continue to serve 15132 Kutztown Road, and if the parcel is subdivided, the EDUs assigned to each subdivided parcel will stay with each parcel. Passed by unanimous vote.

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

## RESOLUTION NO. 18-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A COVID-19 ARPA PA SMALL WATER AND SEWER PROGRAM GRANT OF \$423,759 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR THE SOLIDS HANDLING IMPROVEMENT PROJECTS.

Be it RESOLVED, that the Borough of Kutztown (Applicant) of Berks County hereby requests a COVID-19 ARPA PA Small Water and Sewer Program grant of \$423,759 from the Commonwealth Financing Authority to be used for the Solids Handling Improvement Projects.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Kevin J. Snyder, Council President and Gabriel Khalife, Borough Manager/Treasurer as the official(s) to execute all documents and agreements between the Borough of Kutztown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

DULY ADOPTED AS A RESOLUTION this 20<sup>th</sup> day of December, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

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

## RESOLUTION NO. 19-2022

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A COVID-19 ARPA PA SMALL WATER AND SEWER PROGRAM GRANT OF \$388,904.00 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR THE WENTZ STREET WATER IMPROVEMENT PROJECT.

Be it RESOLVED, that the Borough of Kutztown (Applicant) of Berks County hereby requests a COVID-19 ARPA PA Small Water and Sewer Program grant of \$388,904.00 from the Commonwealth Financing Authority to be used for the Wentz Street Water Improvement Project.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Kevin J. Snyder, Council President and Gabriel Khalife, Borough Manager/Treasurer as the official(s) to execute all documents and agreements between the Borough of Kutztown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

DULY ADOPTED AS A RESOLUTION this 20<sup>th</sup> day of December, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a sewer credit to the Kutztown Area High School in the amount of \$1,614.39. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize HRG to prepare and submit the Borough's Chapter 94 report. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To accept and authorize advertisement of the proposed meeting schedule for 2023. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To introduce and advertise the proposed Resolution establishing a schedule of fees, charges and expenses for professional consultants and engineers. Passed by unanimous vote.

President Snyder called for an Executive Session, to discuss personnel and legal matters, at 8:13 p.m. The Executive Session ended, and the meeting reconvened at 9:00 p.m.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the three-year labor agreement with the Police Association, as negotiated, for 2023-2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the 2023 pay rate increases for the Administrative staff, for 2023, by 3%, except

for Michael Miller, who was recently appointed to his position, and additionally, the Public Works Superintendent, Water Plant Manager and the Electric Superintendent to each receive an additional \$1,500.00; the Finance Director and IT Director to each receive an additional \$1,000.00; the Chief of Police and Borough Manager to each receive 4%; the Confidential Employees' rate increase of 4%, plus an increase in their longevity pay maximum to \$750.00; and the Pool Manager to be paid \$16,000.00, and to adopt the Lifeguard, Summer and Seasonal Laborer pay rate schedule as presented.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:02 p.m. Passed by unanimous vote.

Prepared and attested by:     Gina M. Wiand  
Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 12, 2022, through December 16, 2022, 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