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. James Schlegel, Mr. Malcolm Eidle,
Mr. Edwin Seyler, Ms. Rachael Birckbichler and the Mayor, Ms. Sandra Green. Mr.
Derek Mace was present via telephone conference call. Mr. Keith Mooney, Borough
Solicitor; Mr. Darryl Jenkins, representing the Borough’s planning and water/wastewater
engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer;
Ms. Gina M. Wiand, Borough Secretary/Director of Marketing Communications and
Customer Relations; Mr. David Horvath, Information Technologies Coordinator; Mr.
Walter J. Hess, Superintendent of Water and Wastewater; Mr. Daniel Eslinger, Director
of Community Development/Zoning Officer; Police Chief Craig Summers; Emergency
Management Coordinator Kenneth Kern; Kutztown Planning Commission representative
Karen Feridun; Kutztown Fire Company representatives Troy Arndt and Dale Rothermel;
McConway and & Torley representatives Randy Schudalla and David Yopconka;
residents Eric Boyer and Donald Schmoyer; and Mr. Val Lacis, reporter for the Reading
Eagle were also present.

    Fire Chief Troy Arndt presented the Kutztown Fire Company 2011 Annual
Report to Council. He pointed out that the Fire Company responded to 418 fire and
emergency calls in 2011. He also reported on statistics such as the number of emergency
responses per month, day of the week and time of day. In addition, he provided data
regarding emergency responses by municipality, response percentage by municipality,
types of emergency incidents, total hours of service, average firefighters per call and action items completed in 2011.

Mr. Eidle expressed the Borough’s appreciation for the services provided by the Fire Company, and Chief Arndt thanked Borough Council for their continued support.

Ken Kern announced his retirement as the Borough’s Emergency Management Coordinator, after 18 years of service, and he recommended Mac Eidle as his replacement. President Snyder thanked Mr. Kern for his service, and in turn, Mr. Kern thanked Borough Council and staff for all of the support that he and his staff have received through the years.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To appoint Malcolm Eidle as the Borough’s Emergency Management Coordinator. All in favor except for Mr. Eidle, who abstained from the vote.

Mr. Eidle noted that although he accepts the appointment, he would like the Borough to keep looking for a more long term replacement.

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

Donald Schmoyer asked Council what they plan to do about the problems with the Sacony Creek. Mr. Eidle provided a brief history and he said that the Borough has done and still is doing everything that they can legally do about the problems with the creek. He also noted that the Borough works closely with the Berks County Conservancy to preserve the creek. Ms. Birckichler reminded Mr. Schmoyer that the Borough does not own the Sacony Creek, so Council cannot make decisions about it on their own.

Randy Schudalla, from McConway and Torley, expressed his concerns about the
rising cost of electricity and the impact that it is having on the Foundry, and he asked to have a serious discussion with Council regarding their proposal. President Snyder directed Mr. Khalife to set up a meeting with the Foundry before the September Finance and Electric Committee meeting.

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

- Review and accept the Minutes of the July 17, 2012 Borough Council meeting.
- Approve the request from the Kutztown Cougar Youth Football and Cheerleading Association for use of the park multipurpose field, and enter into a lease agreement for the Babe Ruth concession stand.
- 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 July 13, 2012 to August 16, 2012, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$580,605.00</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$123,263.87</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$17.90</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$71.60</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$71.60</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$437,896.72</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$480,296.97</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$419,985.98</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$75,311.74</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, Karen Feridun reported that no one from the public showed up to the Planning Commission meeting to voice concerns or opinions regarding the proposed Kutztown Comprehensive Plan.

A motion was made by Ms. Birckbichler, seconded by Mr. Seyler, Resolved, To hold the required public hearing regarding the proposed Kutztown Comprehensive Plan.
on September 18, 2012, at 7:00 p.m., before the regularly scheduled Borough Council meeting. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

President Snyder noted that a meeting was held, with YSM, to field view the concerns raised by the Environmental Advisory Commission at the North Park site.


Mr. Schlegel reported the following fines were collected:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>June, 2012</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>June, 2012</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>July, 2012</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To execute the one-year rental agreement, for 324 W. Main Street, in the amount of $1,150 per month. All in favor except for Ms. Birckbichler, who voted Nay because she would prefer a three-year rental agreement. Mr. Mace noted that he would like to revisit the possibility of a three-year rental agreement as well. Mr. Khalife said that he would look at the original lease agreement to see what could be done to accommodate a longer agreement.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To participate in the Berks County Solid Waste Authority Pharmaceutical Drop Box Initiative by placing a pharmaceutical drop box in Borough Hall. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To introduce and authorize advertisement of the proposed Ordinance enacting and adopting
Article III of Chapter 62 of the Code of the Borough of Kutztown entitled “Alcoholic Beverages” which shall provide for regulation and licensing of BYOB Clubs within the Borough. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Article II of Chapter 225 of the Code of the Borough of Kutztown so as to add the definition of “Bottle Club” to Section 225-5 and to amend Article IV of Chapter 225, Section 225-17, to provide for the locating of “BYOB Clubs” in C-C Business Commercial Central Zoning District. Passed by unanimous vote.

Off of the agenda, Mr. Seyler asked Mr. Mace if, per the request letter sent to him from the Community Development Office, he has put an action plan together regarding his chickens. Mr. Mace stated that he would respond accordingly once he reads the letter.

Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Community Partnership to change the 2012 date for Downtown Trick-or-Treat night from October 31 to October 24. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To hold Borough neighborhood Trick-or-Treat night on Thursday, October 25. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To approve payment #1 from EJB Paving and Materials Co., in the amount of $187,171.27, for work completed on the 2012 Street and Storm Sewer Improvements Project. Passed by unanimous vote.
A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To authorize Great Valley Consultants to proceed with design specifications for a temporary storage facility, as described in their Facility Study dated August 3, 2012, at a cost not to exceed $6,000. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To approve the request from Meghan Fridirici to hold free yoga classes in the Roller Rink, on Tuesday evenings, from 6:30 p.m. to 8:00 p.m., for a period of four to six weeks, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To approve the request from the Alzheimer’s Association to use one of the metal park pavilions, for the Walk to End Alzheimer’s, on October 6, 2012, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To approve the request from Fleetwood Bank to hold the Fourth Annual Paw Prints to a Cure Dog Walk, in the Brick Pavilion, on September 29, 2012, and to waive any associated rental fees. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To ratify the request from the Kutztown Community Library to host their Summer Reading Finale in the Band Shell, on August 15, 2012, and to waive any associated rental fees. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To hire Kathleen Murray, as the part-time Youth Services Librarian at the Kutztown Community Library, at an hourly rate of $18.50, effective
August 21, 2012 Council Meeting Minutes

An Executive Session to discuss a personnel matter was deferred until the end of the meeting.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the service agreement for the 2012 Borough employee flu clinic. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To accept the Conrad Siegel Actuarial Valuation report as of January 12, 2012, for the Borough of Kutztown Postemployment Benefits Plan, for purposes of GASB-45 Financial Statement Reporting. Passed by unanimous vote.

After review and discussion regarding funding the Borough of Kutztown Postemployment Benefit Plan Liability: Annual Required Contribution (ARC) $72,577 or 2.56% of applicable payroll (ref. Section 1-4 of 6 of report), Mr. Seyler suggested referring this issue back to the Finance and Electric Committee for further review and discussion. It was the consensus of Council to do so.

A motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To authorize the appropriate Borough officials to execute the Lease and Postage Meter Agreement with Neopost Leasing, for the lease and maintenance of a new postage meter. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To adopt the following Resolution:
RESOLUTION NO. 13-2012

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE FEES ASSOCIATED WITH THE BOROUGH'S PROVISION OF VIDEO, TELEVISION, INTERNET AND TELEPHONE SERVICES AS PROVIDED FOR IN CHAPTER 110 OF THE CODE 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 fiber optic network which provides video, television, Internet and telephone services to the residents of the Borough of Kutztown and other customers of the aforementioned services; and

WHEREAS, Chapter 110 of the Code of the Borough of Kutztown provides that a description of the Services to be made available through the Borough’s fiber optic communications Network and the rates to be charged for such Services shall be established from time to time by a Resolution of the Borough Council adopting a Schedule of Rates and Services to be kept on file in the office of the Borough Secretary; and

WHEREAS, the Borough of Kutztown most recently amended the schedule of rates and services related to the Borough’s telecommunications services by adoption of Resolution 17-2011 on November 15, 2011; and

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 17-2011 in order to provide rates and fees for additional services offered by the Borough.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, pursuant to the authority contained in Chapter 110 of the Code of the Borough of Kutztown, as follows:

SECTION 1. The rates and charges associated with the provision of Fiber Optic Communications Services to the customers of the Borough of Kutztown’s video, television, Internet and telephone services shall be as set forth below, until such time as further amended by Resolution of the Borough Council:

Section 1. Video/Television Services and Channel Guide.

A. STANDARD CUSTOMER RATES:

1. Basic Television $22.00
2. Expanded Basic Television $55.00
3. Premium 1 Tier $21.50
4. Premium 2 Tier $21.50
5. Expanded Basic + 1 Premium $76.50
6. Expanded Basic + 2 Premiums $98.00
7. Discounts for Multiple Services

(a) Customers receiving 2 services receive a 2.5% discount off telecommunications services only (any combination).

(b) Customers receiving 3 services receive a 5% discount off telecommunications services only (TV, Internet, Phone).

B. SERVICE BUNDLE RATES – A broadband Internet connection is required for TiVo® Premiere DVR service.

1. Basic Television, Internet (up to 8mb) and TiVo® Premiere DVR $59.95
2. Expanded Basic Television, Internet (up to 8mb) and TiVo® Premiere DVR $89.95
3. Service Bundle Rates which were previously offered as “Package Customer Rates” shall be offered to customers currently subscribing to those packages until the package term expires.

C. BULK CUSTOMER RATES

1. Definition of Bulk Customer Definitions.

(a) Bulk Property - shall mean (i) any multiple unit residential building where all dwelling units receive the service (“MDU”) or (ii) any nonresidential property (including but not limited to bars, restaurants, hotels, motels, hospitals or offices).

(b) Bulk Customer - shall mean any Bulk Property (a) that is charged a different rate charged by such system for non-bulk residential customers receiving the same level of service received by such bulk property and (b) where such rate charged to such bulk property is not reduced as an incentive to encourage the purchase of other products or services, as determined by the Borough Manager or his/her designee.

2. Bulk Customer Rates.
(a) Bulk customers are contractual customers. Per room, per connection charges are calculated based on the bulk formula. The Borough Manager, at his/her discretion can negotiate the price per connection based on the current situation presented.

(b) The formula utilized to determine bulk rates unless another rate is negotiated shall be the following: Total monthly rate charged by the Borough’s System for the pertinent bulk customer for that level of service on which the service is received divided by the monthly rate charged by the Borough’s System for its non-bulk residential subscribers for that same level of cable television service received by that bulk customer.

(c) In order to qualify for the receipt of bulk service, the landlord or business owner must have a minimum of six units connected to the Borough’s Service or six connections to the Borough’s Service.

D. TiVo® PREMIERE DVR UNIT RENTAL FEES:

1. The Borough reserves the right to require a $100.00 deposit per unit, per household, based upon the following criteria:

(a) New customer (homeowner):
   – no deposit required

(b) New customer (renter):
   – deposit required

(c) All current customers who have paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period:
   – no deposit required

(d) All current customers who have paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period:
   – deposit required

(e) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period on their account (data must exist in the Borough’s billing system):
   – no deposit required

August 21, 2012 Council Meeting Minutes
(f) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period on their account:
   – deposit required

2. A broadband Internet connection is required for TiVo® Premiere DVR service.

3. Initial TiVo® Premiere DVR unit per household (with Bundle):
   See Bundle Rates

4. Each additional TiVo® Premiere DVR unit per household (with Bundle): $15.00

5. Initial TiVo® Premiere DVR unit per household (without Bundle): $19.99

6. Each additional TiVo® Premiere DVR unit per household (without Bundle): $19.99

7. The Borough reserves the right to require a one-time $25.00 Activation Fee (per unit).

8. The Borough reserves the right to require a $25.00 Configuration and Additional Programming Fee (per unit).

9. The Borough reserves the right to charge the current market price for the replacement of lost/stolen TiVo® Premiere DVR unit or remote control.

E. TiVo® PREMIERE Q DVR UNIT RENTAL FEES:

1. The Borough reserves the right to require a $100.00 deposit per unit, per household, based on the following criteria:

   (a) New customer (homeowner):
       – no deposit required

   (b) New customer (renter):
       – deposit required

   (c) All current customers who have paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period:
       – no deposit required
(d) All current customers who have paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period:
   – deposit required

(e) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period on their account (data must exist in the Borough’s billing system):
   – no deposit required

(f) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period on their account:
   – deposit required

2. A broadband Internet connection is required for TiVo® Premiere Q DVR service.

3. Initial TiVo® Premiere Q DVR unit per household (with Bundle): See Bundle Rates

4. Each additional TiVo® Premiere Q DVR unit per household (with Bundle): $15.00

5. Initial TiVo® Premiere Q DVR unit per household (without Bundle): $19.99

6. Each additional TiVo® Premiere Q DVR unit per household (without Bundle): $19.99

7. The Borough reserves the right to require a one-time $25.00 Activation Fee (per unit).

8. The Borough reserves the right to require a $25.00 Configuration and Additional Programming Fee (per unit).

9. The Borough reserves the right to charge the current market price for the replacement of lost/stolen TiVo® Premiere Q DVR unit or remote control.

F. TiVo® PREVIEW UNIT RENTAL FEES:

1. The Borough reserves the right to require a $100.00 deposit per unit, per household, based upon the following criteria:
(a) New customer (homeowner):
   – no deposit required

(b) New customer (renter):
   – deposit required

(c) All current customers who have paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period:
   – no deposit required

(d) All current customers who have paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period:
   – deposit required

(e) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills on time, at least five times, within the most recent six-month period on their account (data must exist in the Borough’s billing system):
   – no deposit required

(f) All previous customers, with existing accounts, who paid their Borough utility/telecommunications bills late, at least two times, within the most recent six-month period on their account:
   – deposit required

2. A broadband Internet connection is required for TiVo® Preview.

3. TiVo® Preview, per unit, per household $10.00

4. The Borough reserves the right to require a one-time $25.00 Activation Fee (per unit).

5. The Borough reserves the right to require a $25.00 Configuration and Additional Programming Fee (per unit).

6. The Borough reserves the right to charge the current market price for the replacement of lost/stolen TiVo® Premiere Q DVR unit or remote control.

Section 2. Data/Internet Services.

A. Commercial Bulk Bandwidth

1. Internal use rate: $80.00 per mb
2. Retail (resell) rate: $90.00 per mb

B. Static IP address/Email address

1. $10 per month per IP address
2. Additional email address after the first two: $1.50 each address, per month

C. Residential Rates

1. 2mb x 8mb $27.50
2. 3mb x 8mb $35.50
3. 4mb x 8mb $42.50
4. 6mb x 8mb $67.50
5. 8mb x 8mb $80.00

D. Data/Internet services offered by the customer for resale

1. Fees shall be negotiated as part of an agreement with the data/Internet customer.
2. Business class data/Internet services. Business class services are offered to customers that require multiple static IP addresses, priority bandwidth or other special data/Internet service which are not included in the Borough’s regular offerings.
3. Fees shall be negotiated as part of an agreement with the Business class data/Internet customer.

E. Point-to-Point Virtual Private Network Service. In the event that a customer requests a virtual private network path, which utilizes the Borough’s fiber optic communications network to make a point-to-point connection to another specific network, the charge shall be as follows:

1. $150.00 per point-to-point connection, per month

F. Above fees apply to each data port.

G. Digital Phone Service – Borough Internet service required.

1. Residential Rate Per Month: $28.65
2. Additional fees and surcharges are not included.
3. International phone calls will be billed at market rate, plus fifteen percent, based upon a schedule of rates, which will be kept on file in the Borough’s administrative office.

4. Commercial Digital Telephone Rates:

   A. Office Voice
      i. Office Voice Unlimited $35.00/mo.
      ii. Fax/Lobby Line Unlimited $18.50/mo.
      iii. Auto Attendant (incl. unl. line) $50.00/mo.
      iv. Activation $22.00

   B. Integrated Voice
      i. Trunk Rate (all outbound) $13.95/mo. ($0.03 per min.)
      ii. Trunk Rate (outbound domestic ltd.) $19.50/mo. ($0.03 per min.)
      iii. DID (ratio 10:1) $0.30 per min. (over billed at $0.70 per min.)
      iv. Activation Fee (per Trunk) $22.00

   C. Hosted Voice
      i. Unlimited Seat $13.50/mo.
      ii. Extension Only $12.00/mo.
      iii. Call Path (5,000 min. outbound, pooled) $16.50/mo.
      iv. Fax/Lobby Line (incl. 200 min.) $16.50/mo. ($0.03 after 200 min.)
      v. Music on Hold (per location) $5.75/mo.
      vi. Instant Call Group $6.00/mo.
      vii. Auto Attendant (includes call path) $39.95/mo.
      viii. Activation (per line/seat) $22.00

   D. Other Items
      i. Toll free (business only) $6.00/mo. ($0.065/min.)
      ii. Account Codes $6.00/mo.

   E. Per Call Charges
      i. Operator Assisted $3.75/mo.
      ii. Directory Assisted $1.25/mo.

5. Additional fees and surcharges are not included.

6. International phone calls will be billed at market rate, plus fifteen percent, based upon a schedule of rates, which will be kept on file in the Borough’s administrative office.
Section 3. Voice Tariff.

A tariff is hereby established, in the form, at the rates and on the conditions as set forth in the agreement between the voice carrier and the Borough.

Section 4. Installation, Service and Repair Rates.

As established from time to time by Resolution of the Borough Council.

Section 5. Miscellaneous Fees, Charges and Services.

A. Charge for Cost of Reconnection of Customer for any reason: $35.00

B. Fees for Maxatawny Township customers

1. A regulatory fee of $5.00 a month shall be charged to all service subscribers residing in Maxatawny Township.

2. A franchise fee of 3% of the total monthly cable bill shall be charged to all service subscribers residing in Maxatawny Township.

C. Hardware Charges

1. Customers of the Borough’s Video/Television, Internet and other Fiber Optic services may desire or require additional hardware from time to time to facilitate their needs and such hardware shall be sold to the customer at a rate to be determined by the Borough depending on the nature of the hardware.


Customers may make an unlimited number of service upgrade or downgrade changes and may upgrade or downgrade their service selections at any time. A proration of service fees and charges reflecting any upgrade or downgrade will appear on the next monthly bill.

Section 7. Customer Technical Quality Complaint Resolution.

A. As an additional benefit to Customers of Video/Television Services, and in compliance with any applicable Federal regulations, the Borough
establishes the following procedures to insure that any technical quality complaints are addressed:

1. All complaints concerning the technical quality of the Video/Television signals provided to Customers by the Borough shall be put in writing to the Borough Manager. Alternatively, the Customers may call the Network office at 610.683.5722 and speak directly with a Customer Service representative during normal business hours.

2. On the day of receipt, complaints received will be recorded with the time, nature of the complaint and the name, address and telephone number of the complaining Customer.

3. During normal business hours, a field technician will analyze the complaint and make an initial assessment concerning its probable cause. In most cases, complaints related to the technical quality of Video/Television Service signals will be investigated by a field technician within forty-eight (48) hours of receipt, consistent with the Borough’s ability to access Customer premises, if such access is deemed necessary to resolve the complaint. If the problem can be resolved without a service call to the Customer’s premises, Customer will be advised of this immediately and the resolution of the complaint will be noted in the log book which is maintained by the Borough Manager.

4. All efforts will be made by Borough field technicians and other employees or consultants or contractors to promptly resolve any complaints concerning the technical quality of Video/Television Service. If the Borough’s field technician fails to correct the problem after the Customer has notified the Network office, the Customer may contact the Borough Manager in writing to review the complaint and the corrective action taken. If no further action to correct the problem is possible, the Customer will be promptly informed of this determination and the reasons. If the Customer believes the Borough’s investigation and handling of a complaint is deficient in some manner, the Customer may appeal in accordance with Chapter 12 of the Code of the Borough of Kutztown.

Section 8. Billing Disputes.

If a Customer believes a bill is in error or has a billing complaint, the Customer shall contact a Borough Network Service representative at the Borough Municipal Building, 45 Railroad Street, Kutztown, PA 19530 or telephone the representative at
610.683.5722. If the dispute is not resolved to the Customer’s satisfaction, the Customer may appeal in accordance with Chapter 12 of the Code of the Borough of Kutztown.

Section 9. **Third Party Billing Services.**

In those instances where a third party is engaged in the billing of customers for services, including, without limitation, installation charges, the Borough reserves the right to regulate the billing practices of such third parties regarding the services.

Section 10. **Video Advertising Rates.**

Television advertising rates are as follows: $5.00 per week for a maximum of two slides and $2.50 per week for each slide over two slides of advertising.

Section 11. **Web Hosting and Training Sessions.**

In the event that a Customer requests the Borough host Web site services, and from time to time schedules internal training programs, the Borough agrees to do so as long as the Customer is an active customer of Internet Services. The charges therefore shall be as follows:

A. Set-up and configuration of Web-service folders, directory and security access.

   1. A one-time setup fee of $15.00 per domain (Web site) (applies to Basic, Expanded 25, Expanded 50).
   
   2. Monthly fee based on selected package.
      
      (a) Basic Package: 10mb of storage space; one FTP user account; 24/7 technical support; daily backup: $15.00 per month
      
      (b) Expanded 25 Basic Package: 25mb of storage space; one FTP user account; 24/7 technical support; daily backup: $20.00 per month.
      
      (c) Expanded 50 Basic Package: 50mb of storage space; one FTP user account; 24/7 technical support; daily backup: $25.00 per month.

B. Web site design, personal Web page development.

   1. The cost of the personal Web page and class is $35.00.
   
   2. Free up to one MB personal HTML page.
Section 12. Additional Ethernet Data Port.

In the event that a Customer requests a telecommunication service from the Borough that requires an additional Ethernet data port be installed, the Borough of Kutztown shall purchase and install the additional port. Once installed, the port shall become the property of the customer. The charges therefore shall be as follows:

A. A one-time purchase fee of $20.00 (in addition to the regular monthly service fees).


In the event that a Customer requests access to the Borough’s Internet service by wireless access, the Borough will provide access, provided the Customer is an active Internet Customer. There shall be different classes of wireless customers as follows:

A. Bulk Wireless Customers - these customers are provided access to the Borough’s wireless Internet service for use by a third party.

1. Fee shall be negotiated as part of an agreement with the bulk wireless customer.

B. Wireless Customers - these customers are current telecommunications customers, who are purchasing at least one telecommunications service from the Borough of Kutztown, and are provided access to the Borough’s wireless Internet service as part of their service subscription.

1. Fee reserved.


A. Pay-As-You-Go Users:

1. One day 24-hour service $6.00
2. Seven day service $15.00
3. Fourteen day service $25.00
4. Thirty day service $35.00

SECTION 2. The Service rates as set forth herein shall become effective on August 21, 2012.

SECTION 3. If any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Borough Council of the Borough of Kutztown that this Resolution would have been adopted had such
unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

SECTION 4. The rates and services, as set forth herein shall become effective as noted above. All such rates and services shall thereafter continue in effect until the same are changed by action of the Council of the Borough of Kutztown.

SECTION 5. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

SECTION 6. Capitalized terms used in this Resolution without definition shall have the meanings ascribed thereto in Chapter 110 of the Code of the Borough of Kutztown.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 21st day of August, 2012.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To award the Wastewater Treatment Plant Improvements Project to Wickersham Construction and Engineering, Inc., Lancaster, PA.

Passed by unanimous vote.

Darryl Jenkins reviewed the 2012 Wastewater Treatment Plant Improvements Project construction schedule and project sequence of construction.

A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To reimburse the additional costs, in the amount of $1,972.63, incurred by Entech for completing the 2011 Pennsylvania Department of Environmental Protection Chapter 94 Report regarding the Wastewater Treatment Plant. Passed by unanimous vote.

Mr. Mace disconnected from the telephone call at 9:09 p.m. because his cell phone was losing power.

Off of the agenda, a motion was made by Mr. Eidle, seconded by Mr. Seyler, Resolved, To install a permanent insert valve, at a cost of $4,785.00, to run a line from
W. Main Street to the Giant Food Store. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted that Council members were copied on the Compliance Audit Report of the Kutztown Volunteer Firefighters’ Relief Association.

President Snyder noted that the Borough has found three volunteers to serve on the Sacony Creek Regional Authority.

A motion was made by Mr. Seyler, seconded by Ms. Birckbichler, Resolved, To appoint Malcolm Eidle to one one-year term, James Schlegel to one two-year term and Derek Mace to one three-year term. Passed by unanimous vote.

Karen Feridun offered to serve an additional term on the Sacony Creek Regional Authority if necessary.

President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 9:17 p.m. to discuss a personnel matter. The Executive Session ended and the meeting reconvened at 10:13 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Eidle, Resolved, To appoint Steve Diehl as the interim Electric Superintendent, at an additional wage of $3,000 per year while serving that role. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting
ended at 10:14 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 July 13, 2012 to August 16, 2012, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand