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. Edwin Seyler, Mr. Derek Mace, Ms. Rachael Martin, Ms. Peggy Devlin, and the Mayor, Ms. Sandra Green. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Director of Marketing Communications and Customer Relations; Mr. Daniel Eslinger, Community Development Director/Zoning Officer; Police Chief Craig Summers; Planning Commission/Kutztown Community Partnership representative Andrew Arnold; Student Ambassador to the Mayor, Christopher Kril; Kutztown University students representing Theta Phi Alpha, Aryn Pacana, Melissa Moser and Megan Willcox; Kutztown University students representing the Student Government Board, Justin Ehtlagg and Hunter Wuensche; Maxatawny Township representative Steve Wilson; business owners Paula and Andy Lambert; residents David Remaley, Donna Becker and Tyler Arnold; Mr. Joe Brown, reporter for the Kutztown Area Patriot; and Mr. Ron Devlin, reporter for the Reading Eagle were also present.

President Snyder noted that an Executive Session was held on October 8, 2014, at 7:30 p.m., to discuss a legal matter, and no action was taken.

President Snyder also noted that Downtown Trick-or-Treat Night is scheduled for Wednesday, October 29, from 6:00 p.m. to 8:00 p.m., and Borough Trick-or-Treat Night is scheduled for Thursday, October 30, from 6:00 p.m. to 9:00 p.m.
President Snyder presented David Remaley with a certificate of appreciation in recognition of his years of service on the Zoning Hearing Board. Mr. Remaley expressed his thanks for the recognition.

President Snyder called for an Executive Session at 7:33 p.m. to discuss legal and personnel matters. The Executive Session ended and the meeting reconvened at 8:00 p.m. No action was taken.

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

Tyler Arnold apologized for offending the Police Department with a Facebook post and asked what the plans are for enforcing speed between Rite Aid and Turkey Hill. Chief Summers offered several reasons why it is a difficult thing to enforce. Mr. Mace noted that there is legislation pending to provide radar to local officers.

Donna Becker questioned a bill she received for a call-out to her home regarding a water problem. Mr. Khalife stated that the office staff would look into it and get back to her.

Hunter Wuensche from Kutztown University’s Student Government Board requested permission to hang “Bears Care” awareness banners on the light poles on Main Street. He was referred to the Community Development and Public Safety Committee by Mayor Green.

Andy Lambert expressed his concern regarding the Advantage Point lawsuit against Borough and he wanted to know who was paying for it. Mr. Mooney explained that the Borough pays for some parts while insurance covers others. Many questions
were asked regarding the law suit, and Mr. Mooney continuously reiterated the fact that the pending litigation could not be discussed.

Dan Haggerty, representing Advantage Point, urged Council to “stop preventing the project from going forward,” because the project will benefit the Borough.

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

- Review and accept the Minutes of the September 16, 2014 Borough Council meeting.

- Review and accept the Borough Community Development Report for September, 2014.

- Take action to approve Change Orders #17 – 31, from Wickersham Construction and Engineering, Inc., for the Water Plant Project.

- Take action to approve payment #4 to Joao & Bradley Construction Co., Inc., in the amount of $209,813.41, for work completed at the Water Plant.

- Take action to approve payment #12 to Wickersham Construction and Engineering, Inc., in the amount of $247,460.00, for work completed at the Water Plant.

- Take action to execute the close-out documents for the Sanitary Sewer Replacement Project with Wexcon, Inc.

- 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 September 12, 2014 through October 16, 2014, as summarized below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$381,588.59</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$73,418.04</td>
</tr>
<tr>
<td>Fire Protection Tax Fund</td>
<td>$1.84</td>
</tr>
<tr>
<td>Recreation Tax Fund</td>
<td>$2.94</td>
</tr>
<tr>
<td>Road Tax Fund</td>
<td>$7.35</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$636,479.12</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$399,181.92</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$93,535.83</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$94,593.61</td>
</tr>
</tbody>
</table>
Passed by unanimous vote.

Under Borough Planning Commission, a motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To appoint Chris Habeck as a member of the Borough Planning Commission, whose term shall expire on June 1, 2016. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for September 2014 was submitted.

The following fines were collected:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>August, 2014</td>
<td>$5,158.32</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>August, 2014</td>
<td>$151.34</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>September, 2014</td>
<td>$8,175.00</td>
</tr>
</tbody>
</table>

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To renew the lease for the Community Development Office, from November 1, 2014, through November 1, 2015, in the amount of $1,225.00 per month. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To approve a $125.00 donation to Berks County Crime Alert. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To issue a prorated refund of $94.50 to Jo Stevens, for her 2014-2015 housing license, for 452 and 454 W. Main Street. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve drafting a Rooftop Ban Ordinance that includes the following language: “It is not permitted to occupy and/or use a roof or overhang of a building when such roof or overhang is not designed and permitted for such occupancy by the Borough Building

October 21, 2014 Council Meeting Minutes
Code except when performing repairs or maintenance of the roof or in emergency situations.” Passed by unanimous vote.

Mr. Eslinger noted that there is already a plan in place to notify landlords of the proposed Rooftop Ban Ordinance.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To approve Contract No. 1 – General Contract – Change Order No. 1, from Spotts Brothers, Inc., for changes to the restroom amenities in the Kutztown Park. Passed by unanimous vote.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To approve the request from the Kutztown Community Partnership to hold a “Christmas in Kutztown” event, on December 6, 2014, which includes a parade permit application to close the 200 block of W. Main Street, to use the Train Station, and to waive any associated fees. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve the request from Jamie Jackson to pay the regular rate to rent the Bandshell on October 31, 2015, from 10:00 a.m. until 10:00 p.m., for a wedding, and to set up the Bandshell on October 30, 2015, at no charge. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To execute the Service Agreement with Berkshire Systems Group, Inc., for fire and security monitoring. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To charge the Kutztown soccer and football clubs $18.00 per night for use of the ball field lights in the Kutztown Park. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Mr. Seyler, Resolved, To ratify approval of the request from Kutztown Strong to have a “Movie Under the Stars” night in the Kutztown Park on October 18, 2014, from 6:00 p.m. until 11:00 p.m., and to waive any associated fees. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To authorize the Borough Manager to sign the Berks County Co-op salt purchase agreement. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Ms. Devlin, Resolved, To authorize the Borough Manager to order a new leaf truck (to be reimbursed through a $200,000 recycling grant). Passed by unanimous vote.

Off of the agenda, a motion was made by Ms. Devlin, seconded by Mr. Mace, Resolved, To ratify the purchase of 21 Season's Greetings banners at a cost $1,491.00. Passed by unanimous vote.

It was noted that the banners will be placed on Main Street light poles, from Noble Street to Elm Street, that are not decorated with live Christmas trees. The Kutztown Community Partnership has already collected about $450.00 toward the purchase of the banners and they will continue to solicit donations to help offset the cost.

Mayor Green announced that the Borough received a $150,000.00 grant for playground equipment through the commonwealth’s Greenways, Trails and Recreation program.

Under Personnel Committee, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept, with regret, the retirement resignation of Cheryl Wiltrout,
effective January 9, 2015, after more than 25 years of service to the Borough. Passed by unanimous vote.

Mr. Seyler commented that Ms. Wiltrout will be greatly missed and Mr. Snyder added that she will be hard to replace.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept, with regret, the retirement resignation of Officer Robert Gately, effective October 17, 2014, after more than 34 years of service to the Borough. Passed by unanimous vote.

President Snyder commented that Officer Gately will be greatly missed.

A motion was made by Ms. Devlin, seconded by Mr. Schlegel, Resolved, To appoint Chad Gechter to the position of Apprentice in the Electric Department. Passed by unanimous vote.

An Executive Session to discuss personnel matters 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 hire James Blaukovitch, Jr., and Robert Rarick, III, as part-time Seasonal Laborers contingent upon passing all required clearances. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To accept the resignation of Emergency Management Coordinator Malcolm Eidle. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Mr. Mace, seconded by Ms. Devlin, Resolved, To authorize the Borough Manager to execute the revised Trust Agreement, with Susquehanna Municipal Trust, for workers’ compensation coverage. Passed by unanimous vote.
A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To award the high bid of $978.00, for the 1996 Ford Crown Victoria, to Tim Fuller. Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To approve the request from the Kutztown Fire Company to release $200,000.00 from the Fire Tax Fund to go toward a 2015 Sutphen/SVI rescue truck. Passed by unanimous vote.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Martin, seconded by Ms. Devlin, Resolved, To adopt the following Resolution:

RESOLUTION NO. 10-2014

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

October 21, 2014 Council Meeting Minutes
Resolution 19-2013 on December 17, 2013; and

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 19-2013 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:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Television</td>
<td>$22.00</td>
</tr>
<tr>
<td>Expanded Basic Television</td>
<td>$65.00</td>
</tr>
<tr>
<td>Premium 1 Tier</td>
<td>$18.00</td>
</tr>
<tr>
<td>Premium 2 Tier</td>
<td>$23.50</td>
</tr>
<tr>
<td>Discount for Multiple Services</td>
<td></td>
</tr>
<tr>
<td>Customers subscribing to at least two al a carte services will receive an increase in Internet speed one level above what is being purchased.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Television, Internet (up to 8mb) and TiVo® Premiere DVR</td>
<td>$59.95</td>
</tr>
<tr>
<td>Expanded Basic Television, Internet (up to 8mb) and TiVo® Premiere DVR</td>
<td>$99.95</td>
</tr>
<tr>
<td>Expanded Basic Television, Internet (Internet Package 2), Premium Tier 1 and TiVo® Premiere DVR</td>
<td>$116.95</td>
</tr>
<tr>
<td>Expanded Basic Television, Internet (Internet Package 2), Premium Tier 2 and TiVo® Premiere DVR</td>
<td>$122.75</td>
</tr>
<tr>
<td>Expanded Basic Television, Internet (Internet Package 2), Premium Tiers 1 and 2 and TiVo® Premiere DVR</td>
<td>$139.75</td>
</tr>
</tbody>
</table>
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 or his/her designee, at his/her discretion can negotiate the price per connection based on the current situation presented.

BULK PACKAGES

(a) Option 1: Includes Expanded Basic Television, Tier 1 Premium, Tier 2 Premium and Internet

(b) Option 2: Includes Expanded Basic Television, Tier 1 Premium and Internet

(c) Option 3: Includes Expanded Basic Television, Tier 2 Premium and Internet

(d) Option 4: Includes Expanded Basic Television and Internet

(e) Option 5: Includes Basic Television and Internet

(f) Option 6: Includes Internet only

(g) In order to qualify for the receipt of bulk service, the landlord or business owner must have a minimum of two
D. TiVo® PREMIERE DVR UNIT RENTAL FEES:

1. The Borough reserves the right to require a $100.00 deposit per unit for customers renting in the Borough. Deposits will be released, upon request, after 12 months. If not requested, deposits will be released when the customer cancels service and returns the TiVo unit and accessories as stated in the TiVo Service Agreement.

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 for customers renting in the Borough. Deposits will be released, upon request, after 12 months. If not requested, deposits will be released when the customer cancels service and returns the TiVo unit and accessories as stated in the TiVo Service Agreement.
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 for customers renting in the Borough. Deposits will be released, upon request, after 12 months. If not requested, deposits will be released when the customer cancels service and returns the TiVo unit and accessories as stated in the TiVo Service Agreement.

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® Preview 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 10mb (Package 1) $32.50
2. 3mb x 15mb $40.50
3. 4mb x 20mb $47.50
4. 6mb x 30mb $72.50
5. 10mb x 50mb $85.00

Business Class Rates

1. 50mb x 100mb (includes one static IP) $115.00
2. 100mb x 100mb (includes one static IP) $150.00

Business Class service includes priority bandwidth.

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.  
      $.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.

Section 6. **Customer Service Changes.**

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).

Section 13. **Wireless Internet Access for Telecommunications Customers.**

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 any level of Internet 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.

Section 14. **Wired or Wireless Internet Access for 30 Days or Less**

October 21, 2014 Council Meeting Minutes
A. Pay-As-You-Go Users:

1. One day 24-hour service     $8.00
2. Seven day service      $17.00
3. Ten day service      $22.00
4. Fourteen day service     $27.00
5. Thirty day service      $37.00
6. Static IP address available for $3.00 per day. Setup fee may apply.

SECTION 2. The Service rates as set forth herein shall become effective on January 1, 2015.

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 October, 2014.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To ratify approval of the engineering services quote, from HRG Engineering, for the Egg-Shaped Digester Rehab and Piping Project. Passed by unanimous vote.
A motion was made by Mr. Schlegel, seconded by Ms. Devlin, Resolved, To accept the proposal from Ronnie C. Folk Paving, Inc., for paving at the Water Treatment Plant. Passed by unanimous vote.

Under Miscellaneous, President Snyder noted the following vacancies:

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

Mr. Mace asked Mr. Mooney the following question: “Does the Borough approve projects in Maxatawny Township?” Mr. Mooney replied, “no.”

Mr. Mace then asked Mr. Mooney the following question: “Is the Advantage Point project in Maxatawny Township?” Mr. Mooney replied, “yes.”

President Snyder called for an Executive Session at 8:56 p.m. to discuss personnel matters. The Executive Session ended and the meeting reconvened at 9:39 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Schlegel, Resolved, To hire Susan Johnston as Finance Director/Assistant Treasurer, at a salary of $52,000.00 per year, contingent upon passing all clearances. Passed by unanimous vote.

Mr. Khalife presented Council with draft budgets for their review and he informed them that Ms. Wiand is researching ways to have paperless Council meeting agendas and packets in 2015.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting
ended at 9:46 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 September 12, 2014 through October 16, 2014, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Gina M. Wiand