A regular meeting of the Kutztown Borough Council was called to order at 7:40 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. James Schlegel, Ms. Rachael Birckbichler and Mr. Malcolm Eidle. Mr. Edwin Seyler arrived late. The Mayor, Ms. Sandra Green was absent. Mr. Keith Mooney, Borough Solicitor; Ms. Laura Eberly, representing the Borough’s planning and water/wastewater engineering firm of SSM Group, Inc.; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Andrea Rahn, Assistant Borough Secretary; Community Development Director Daniel Eslinger; Telecommunications Director Mark Arnold; Information Technology Director David Horvath; Reading Eagle representative Ron Devlin, Borough residents Suzy Barron, Edna Kramer, Kenneth Kern, Clair Kramer, Dennis Krumanocker and Tim Seyler were also present.

President Snyder noted that the January 6, 2014 reorganization meeting of Council will begin at 7:30 p.m. with the swearing-in of elected officials.

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

Dennis Krumanocker addressed council regarding the fact that the East Main Street Water Main Project and Curb Replacements never occurred and he asked if it will occur in the future. Mr. Khalife informed Mr. Krumanocker that the project is going out for bid and the delay was due to PennDOT permits and easements that were not anticipated. Mr. Khalife also stated that the Borough wanted to make sure that Borough
residents did not have to do more than necessary in regard to replacing their sidewalks and curbing.

Mr. Krumanocker also expressed his concerns regarding the current condition of the park and why no improvements have been made to the landscaping and restrooms. Mr. Khalife indicated that the project will go out for bid next year. Mr. Snyder stated that the project has been discussed at length within the Committees and that work will be completed. Mr. Snyder thanked Mr. Krumanocker for voicing his concerns.

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

- Review and accept the Minutes of the November 19, 2013 Borough Council meeting.
- Approve the request from the Dolphins Swim Team to open the pool late on Sunday, July 13, 2014, to host an invitational swim meet, from 8:00 a.m. until 2:00 p.m. Note: The pool will open at 2:30 p.m. that day.
- Approve the request from the Dolphins Swim Team to host a “2015 Silver Meet” for Berks County swimmers on Sunday, July 26, 2015, from 9:00 a.m. until 2:30 p.m. Note: The pool will open at 3:00 p.m. that day.
- Approve the request for the Kutztown Dolphins Swim Team coaches to be certified through the Red Cross by enrolling in the “Safety Training for Swim Coaches” class.
- Take action on the request from Life’s Choice for non-profit use of the Brick Pavilion and electricity, on April 26, 2014, for their “Celebrate Life” fundraiser, and for any associated fees to be waived.
- Take action to approve payment No. 4 to Land-Tech Enterprises, in the amount of $48,073.95, for work completed at North Park.
- Take action to approve payment No. 5 to Land-Tech Enterprises, in the amount of $31,022.03, for work completed at North Park.
• Take action to approve payment No. 14 to Wickersham Construction and Engineering, Inc., in the amount of $151,115.00, for work completed at the Wastewater Treatment Plant.

• Take action to approve payment No. 2 to Wexcon, Inc., in the amount of $97,638.75, for I&I work that was completed.

• Take action to approve payment No. 2 to Wickersham Construction and Engineering, Inc., in the amount of $270,949.00, for Nitrate Removal System work completed at the Water Treatment Plant.

• 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 8, 2013 to December 12, 2013.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$277,646.59</td>
</tr>
<tr>
<td>Refuse and Recycling Fund</td>
<td>$50,430.89</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$528,894.43</td>
</tr>
<tr>
<td>Electric Fund</td>
<td>$430,992.45</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>$661,175.77</td>
</tr>
<tr>
<td>Telecommunications Fund</td>
<td>$112,284.15</td>
</tr>
</tbody>
</table>

Passed by unanimous vote.

Under Borough Planning Commission, there was nothing to report.

Under Environmental Advisory Commission, there was nothing to report.


Mr. Mace reported the following fines were collected:

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Justice Greth</td>
<td>October, 2013</td>
<td>$12,290.49</td>
</tr>
<tr>
<td>Clerk of Common Pleas</td>
<td>October, 2013</td>
<td>$552.83</td>
</tr>
<tr>
<td>Secretary’s Office</td>
<td>November, 2013</td>
<td>$5,350.00</td>
</tr>
</tbody>
</table>

A motion was made by Mr. Mace, seconded by Mr. Schlegel, Resolved, To authorize advertisement of a proposed Resolution amending Chapter A231 of the Kutztown Borough Code so as to increase housing license fees, effective with the 2014-2015 Housing License year, which begins on August 1, 2014. Passed by unanimous vote.
Under Public Works Committee, a motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To authorize the appropriate Borough officials to apply for an Environmental Education Grant through DEP. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve the Proposed Pavilion Rental Agreement including all Park Rules. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Ms. Birckbichler, Resolved, To approve a new schedule for the Kutztown Pool, which will open, weather permitting, on the Saturday, Sunday and Monday of Memorial Day weekend, and then only open on weekends until the Kutztown Area School District closes for the summer. Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Eidle, Resolved, To approve payment No. 2 to Landis C. Deck and Sons, for work completed on the Street and Storm Sewer Improvements Project, in the amount of $143,537.83. Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Schlegel, Resolved, To execute the 2014 disposal contract with Delaware County Solid Waste Authority, pertaining to tipping by the Borough at Rolling Hills Landfill. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To approve a two percent pay increase for the following employees, effective January 1, 2014: Steven Diehl, Daniel Eslinger, Gina Wiand, Gabriel Khalife, Janet Yost, Carolann Moody, Andrea Rahn, Matthew Hafer, Jeri Carroll,
Calvin Fetherolf, Zachary Millroy, William Speth, Patricia Stark, John Schmoyer and Brian Bailey, as well as summer employees. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To approve the requests submitted by the Kutztown Community Library Board regarding their agreement with the Borough dated May 22, 2007. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Eidle, Resolved, To set the Chief of Police salary at $92,765.00, with 80 hours of additional vacation time; to allow for earning overtime on holidays when required to fill shifts (with pre-approval from the mayor); and to allow for earnings overtime when working on related grants with reimbursable overtime hours. Passed by unanimous vote.

Barbara Smith’s reappointment to the Vacancy Board was deferred until the reorganization meeting of Council in January.

A motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To reappoint David Remaley as a member of the Zoning Hearing Board, whose term shall expire on January 1, 2017. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Eidle, Resolved, To reappoint Lenore McGonigle as an alternate member of the Zoning Hearing Board, whose term shall expire on January 1, 2017. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To reappoint Jerry Hartle as a member of the Civil Service Commission, whose term shall expire on January 1, 2020. Passed by unanimous vote.
A motion was made by Ms. Birckbichler, seconded by Mr. Mace, Resolved, To reappoint Todd Underwood as a member of the Environmental Advisory Commission, whose term shall expire on January 1, 2017. Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, to reappoint Tara Erney as a member of the Environmental Advisory Commission, whose term shall expire on January 1, 2017. Passed by unanimous vote.

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

Under Finance and Electric Committee, a motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To adopt the 2014 budget. Passed by unanimous vote.

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

ORDINANCE NO. 4-2013


Passed by unanimous vote.

A motion was made by Mr. Eidle, seconded by Mr. Mace, Resolved, To authorize Berks County to bill the Borough of Kutztown for half the costs incurred for the tax billing and mailing process. Passed by unanimous vote.

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

RESOLUTION NO. 16-2013
A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER A231 OF THE CODE OF THE BOROUGH OF KUTZTOWN, SO AS TO AMEND SOLID WASTE DISPOSAL FEES.

WHEREAS, the Council of the Borough of Kutztown from time to time adopts Resolutions establishing the rates to be charged regarding solid waste disposal service furnished to consumers, by authority of the duly enacted ordinances of the Borough of Kutztown, Berks County, Pennsylvania; and

WHEREAS, Section 185-7 of Chapter 185 of the Code of the Borough of Kutztown sets forth that the fees for the availability and use of the Borough’s collection and disposal service for refuse shall be provided for from time to time by Resolution of Council; and

WHEREAS, Section A231-1.13 of Chapter A231 of the Code of the Borough of Kutztown sets forth the solid waste collection and disposal fees; and

WHEREAS, the Council of the Borough of Kutztown desires, by this Resolution, to amend said solid waste collection and disposal fees.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, and it is hereby adopted by the authority of the same, that Section 231-1.13 of Chapter A231 of the Code of the Borough of Kutztown be, and it is hereby, amended in its entirety so as to read:

A. Effective January 2014 (payment due and payable on and after February 25, 2014), the fees and charges for the collection and disposal of refuse or large items shall be as follows:
   (1) Except as hereinafter provided, per month per dwelling unit: $34.50.
   (2) Notwithstanding the provisions above, if any dwelling unit is occupied by any person or his or her spouse (if a member of the household) shall be 62 years of age or older, per month per such dwelling unit: $19.00.
   (3) Additional charge for collection of containers in excess of three per collection period, per additional container per collection: $2.00.
   (4) Additional charge for collection of refuse, large items or dumpsters not accessible during a scheduled collection where a return to the premises is required for the purpose of collecting same, per collection: as established in § A231-2 of Chapter A231.
   (5) Dumpsters.
      (a) From dumpsters rented from the Borough of Kutztown having a capacity of:

(b) From dumpsters not owned by the Borough of Kutztown or for pick-up in excess of the standard collection for dumpsters owned by the Borough Kutztown, per cubic yard per collection, based upon the entire capacity of the dumpster: $13.75.

B. Additional charge for the collection and disposal of large items, as follows:
   (1) Large stuffed chair or recliner, sofa or loveseat and/or large table: $20.60.
   (2) Large appliances such as refrigerator [with door off and chlorofluorocarbons (CFC's) removed by a person certified to do work], air conditioner (CFC's removed by a person certified to do work), stove, washer/dryer and/or electronic equipment, (excluding televisions which are not collected by the Borough): $30.00.
   (3) Please note the Borough does not collect any types of televisions, they must be taken to a recycling center by the owner.
   (4) Mattress, box spring, small table, kitchen chair (small): $7.00.
   (5) Rugs, any size (except nine by 12 and larger): $3.00.
   (6) Rugs, nine by 12 and larger: $6.50.
   (7) Any other large items not specified above, excluding tires: cost to be determined by the Borough

C. All fees charged shall be paid monthly.

D. Any item used herein that has been defined in Chapter 185 shall have the meaning applicable to such term in Chapter 185.

BE IT FURTHER RESOLVED, that any and all Resolutions and parts of Resolutions inconsistent with this Resolution are hereby retroactively superseded and that this Resolution shall remain in effect until superseded by a duly adopted Resolution of the Council of the Borough of Kutztown.

DULY ADOPTED AS A RESOLUTION this 17th day of December, 2013, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled.

Passed by unanimous vote.

Mr. Snyder presented Mr. Eidle with a plaque for his 27 years of dedicated service to the Borough and the community as a Borough Council member. Mr. Eidle thanked the Borough and read a retirement letter expressing his appreciation to the voters
in Kutztown for allowing him to serve them and he stated that it has been a tremendous learning experience.

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

RESOLUTION NO. 19-2013

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 2-2013 on January 15, 2013; and

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 2-2013 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</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Television</td>
<td>$22.00</td>
</tr>
<tr>
<td>Expanded Basic Television</td>
<td>$55.00</td>
</tr>
<tr>
<td>Premium 1 Tier</td>
<td>$21.50</td>
</tr>
<tr>
<td>Premium 2 Tier</td>
<td>$25.00</td>
</tr>
<tr>
<td>Expanded Basic + Premium 1 Tier</td>
<td>$76.50</td>
</tr>
<tr>
<td>Expanded Basic + Premium 2 Tier</td>
<td>$80.00</td>
</tr>
<tr>
<td>Expanded Basic + Premium 1 and Premium 2 Tiers</td>
<td>$101.50</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Service</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>$89.95</td>
</tr>
</tbody>
</table>

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 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® 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 $32.50
2. 3mb x 8mb $40.50
3. 4mb x 8mb $47.50
4. 6mb x 8mb $72.50
5. 8mb x 8mb $85.00

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. unatl. 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.

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 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.

Section 14. **Wireless Internet Access for Non-Telecommunications Customers.**

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 January 1, 2014.
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 17th day of December, 2013.

Passed by unanimous vote.

A motion was made by Ms. Birckbichler, seconded by Mr. Schlegel, Resolved, To enter into an agreement, with Jeffrey Tapler, to provide answering service support to the Borough, through his company, Digital Answering Service. Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adopt the following Resolution:

RESOLUTION NO. 17-2013

WHEREAS, the Borough of Kutztown (the “Borough”) is a Pennsylvania municipal corporation organized and existing pursuant to the Borough Code of the Commonwealth of Pennsylvania, as adopted on February 1, 1965, P.L. 1656, No. 581, as amended and supplemented from time to time; and

WHEREAS, the Borough owns and manages a water distribution system which provides potable water to the residents of the Borough of Kutztown; and

WHEREAS, the Borough has amended certain charges for the distribution and supply of water to its residents as previously set forth in Resolution 19-2012 adopted on December 18, 2012, by the Borough Council of the Borough of Kutztown.

NOW, THEREFORE, it is hereby resolved by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, as follows:

SECTION 1. The rates and charges associated with the distribution and supply of potable water to the residents and businesses of the Borough of Kutztown shall be as set forth below, until such time as further amended by Resolution of the Borough Council:

Section 1. The charge for the consumption of water provided by the Borough to its residents shall be a monthly charge for each calendar month, payable as hereinafter provided, computed as set forth in Section 1 (a) below:

(a) The monthly charge to each consumer account shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid monthly by each water customer account, in the amount of Fourteen Dollars and Seventy-Nine Cents ($14.79).

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

   \[
   \text{EDU Charge} = 5.67 \times \left( \frac{\text{Customer Usage}}{\text{Annualized Average System EDU Equivalent}} \right)
   \]

   where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:
A. The first 250,000 gallons or less per month
   $5.80 per 1,000 gallons

B. The next 500,000 gallons or less per month
   $5.90 per 1,000 gallons

C. The next 1,000,000 gallons or less per month
   $5.98 per 1,000 gallons

D. The next 2,000,000 gallons or less per month
   $6.10 per 1,000 gallons

E. The next 4,000,000 gallons or less per month
   $6.20 per 1,000 gallons

F. The water consumption shall be measured
   by a meter or meters installed by the
   Borough, and all bills shall be calculated
   upon the basis of the registration of such
   meter or meters. If a meter ceases to register
   or is found defective, the quantity of water
   consumed shall be determined by taking the
   average water consumption during the one
   year or lesser period if water service had not
   been furnished for a period of one year.

Section 2. The charge for the consumption of water provided by the Borough to
Kutztown Municipal Authority shall be a monthly charge for each calendar month,
payable as hereinafter provided, computed as set forth in Section 2 (a) below:

(a) The monthly charge to Kutztown Municipal
Authority shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid
   monthly to be calculated by multiplying the amount of $14.79 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:

   \[
   \text{EDU Charge} = 5.67 \times \left( \frac{\text{Customer Usage}}{\text{Annualized Average System EDU Equivalent}} \right)
   \]

   where “Customer Usage” shall be equal to the total metered number of gallons
   of water consumed by the account customer during the month and where the
   “Annualized Average System EDU Equivalent” for each month shall be a
   quantity expressed in gallons constituting the average of the System EDU
   Equivalent for the preceding calendar year. The “System EDU Equivalent” for
   the preceding calendar year shall be determined by dividing the total number of
   gallons of water consumed during the preceding calendar year by all residential
   water customers of the Borough of Kutztown and the Kutztown Municipal
   Authority by the total number of residential water customer accounts of the
   Borough of Kutztown and the Kutztown Municipal Authority during said year.
3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

   A. The first 250,000 gallons or less per month $5.90 per 1,000 gallons
   B. The next 500,000 gallons or less per month $5.98 per 1,000 gallons
   C. The next 1,000,000 gallons or less per month $6.08 per 1,000 gallons
   D. The next 2,000,000 gallons or less per month $6.20 per 1,000 gallons
   E. The next 4,000,000 gallons or less per month $6.31 per 1,000 gallons

   F. The water consumption shall be measured by a meter or meters installed by the Authority, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.

Section 3. Water Meter Test. In the event that any customer or resident of the Borough desires to have their water meter tested to determine the validity or accuracy of same the charges for such test shall be $50.00.

Section 4. Fire Hydrant Rental.

   (a) the fees for monthly rental shall be as set forth in Sections 4 (a) (1) and (2) below:

   1. A Rental of Thirty-nine and 60/100 Dollars ($39.60) per month is hereby imposed for each fire hydrant connected to the water distribution system of the Borough of Kutztown, whether such hydrant is located upon private property or located and placed along public streets and alleys, within the corporate boundary limits of the Borough of Kutztown.

   2. A rental of Forty and 25/100 Dollars ($40.25) is hereby imposed on the Kutztown Municipal Authority for each fire hydrant connected to the water distribution system of the Kutztown Municipal Authority and as to which the Borough of Kutztown furnishes the water capacity and supply.

Section 5. Sprinkler Systems.
1. The monthly charge for the furnishing of stand-by fire protection to a consumer’s property, served by means of sprinkler systems served by the Borough of Kutztown, in addition to any other charge imposed by these regulations, shall be as follows:

<table>
<thead>
<tr>
<th>Service Line Diameter</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch service line</td>
<td>$5.00</td>
</tr>
<tr>
<td>1 ½ inch service line</td>
<td>$7.50</td>
</tr>
<tr>
<td>2 inch service line</td>
<td>$11.25</td>
</tr>
<tr>
<td>3 inch service line</td>
<td>$16.85</td>
</tr>
<tr>
<td>4 inch service line</td>
<td>$25.25</td>
</tr>
<tr>
<td>6 inch service line</td>
<td>$37.85</td>
</tr>
<tr>
<td>8 inch service line</td>
<td>$56.75</td>
</tr>
<tr>
<td>10 inch service line</td>
<td>$85.15</td>
</tr>
<tr>
<td>12 inch service line</td>
<td>$127.75</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Service Line Diameter</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch service line</td>
<td>$5.50</td>
</tr>
<tr>
<td>1 ½ inch service line</td>
<td>$8.25</td>
</tr>
<tr>
<td>2 inch service line</td>
<td>$12.40</td>
</tr>
<tr>
<td>3 inch service line</td>
<td>$18.55</td>
</tr>
<tr>
<td>4 inch service line</td>
<td>$27.75</td>
</tr>
<tr>
<td>6 inch service line</td>
<td>$41.65</td>
</tr>
<tr>
<td>8 inch service line</td>
<td>$62.40</td>
</tr>
<tr>
<td>10 inch service line</td>
<td>$93.65</td>
</tr>
<tr>
<td>12 inch service line</td>
<td>$140.50</td>
</tr>
</tbody>
</table>

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, 2014, 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 17th day of December, 2013.

Passed by unanimous vote.

A motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To adopt the following Resolution:
RESOLUTION NO. 18-2013


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 20-2012, adopted on December 18, 2012, 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 Seven and 97/100 Dollars ($7.97).

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

   EDU Charge = $14.47 x (Customer Usage ÷ Annualized Average System EDU Equivalent)

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption/treatment” charge for sewage discharged by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

   A. The first 250,000 gallons or less per month
      $4.55 per 1,000 gallons

   B. The next 500,000 gallons or less per month
      $5.00 per 1,000 gallons

   C. The next 1,000,000 gallons or less per month
      $5.85 per 1,000 gallons

   D. The next 2,000,000 gallons or less per month
      $7.60 per 1,000 gallons

   E. The next 4,000,000 gallons or less per month
      $11.05 per 1,000 gallons

(b) The monthly charge to the Kutztown Municipal Authority shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid monthly to be calculated by multiplying the amount of Seven and 97/100 Dollars ($7.97) by the number of user accounts of the Kutztown Municipal Authority which 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 = $14.47 x (Customer Usage ÷ Annualized Average System EDU Equivalent)

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons.
constituting the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption/treatment” charge for sewage discharged based upon water consumption metered at the user’s unit or user’s premises, for each Kutztown Municipal Authority customer, to be calculated as follows:

   A. The first 250,000 gallons or less per month
      $4.75 per 1,000 gallons

   B. The next 500,000 gallons or less per month
      $5.15 per 1,000 gallons

   C. The next 1,000,000 gallons or less per month
      $5.98 per 1,000 gallons

   D. The next 2,000,000 gallons or less per month
      $7.67 per 1,000 gallons

   E. The next 4,000,000 gallons or less per month
      $11.11 per 1,000 gallons

SECTION 2. Reconnections.

   (a) In the event that sanitary sewer service to a consumer has been terminated, the fee for reconnection to the Borough’s sewer system shall be as follows and payable in full prior to reconnection:

   1. Reconnections performed during the normal workday hours of the Borough shall equal the sum total of the following:

      (a) Reconnection fee of $15.00.

      (b) Utilities Division labor: one-hour labor rate (as established by § A231-2, as amended from time to time by Resolution).

      (c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

      (d) The sum total of Subsection 2(a)(1) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

      (e) Plus delinquent bill (if any).

   2. Reconnections performed after the normal workday hours of the Borough shall equal the sum total of the following:

      (a) Reconnection fee of $35.00.
(b) Utilities Division labor: two-hour labor rate at the overtime rate (as established by § A231-2, as amended from time to time by Resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by Resolution).

(d) The sum total of Subsection 2(a)(2) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

SECTION 3. This Resolution and the rates set forth herein shall become effective commencing with all consumption and charges included in the monthly billing for the period commencing on January 1, 2014, 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 17th day of December, 2013.

Passed by unanimous vote.

Off of the agenda, a motion was made by Mr. Schlegel, seconded by Ms. Birckbichler, Resolved, To deny the Sewage Facilities Planning Module submitted by Advantage Point Apartments. Mr. Mooney stated the Planning Module submitted by the applicant was incomplete. Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Schlegel, seconded by Mr. Mace, Resolved, To approve advertisement of the proposed meeting schedule for 2014. Passed by unanimous vote.
President Snyder noted the following vacancies:

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

President Snyder called for an Executive Session at 8:16 p.m. to discuss personnel matters. The Executive Session ended and the meeting reconvened at 8:40 p.m. No action was taken.

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 8:41 p.m.

Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary

Kevin Snyder and Andrea Rahn hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from November 8, 2013 to December 12, 2013, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

_____________________________  _____________________________
Kevin Snyder     Andrea Rahn