

October 17, 2023  
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:32 p.m. in the Kutztown Train Station, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Police Chief Mike Clery; Planning Commission representatives Bob Weller and Joel Seidel; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Kutztown Community Partnership representative Barbara Vogelgesang; Kutztown Community Library representatives Holly Hildenbrand, Kathy Landis and Rev. Dr. Harry Heffelfinger; Kutztown Fair representative Chris Manwiller; Kutztown Vietnam Veterans Breakfast Club representative Eddie Gehringer; Action Track representative Doug Rose; Topton Ambulance representatives Amy Evans and Mike Richards; visitors Kelly DelGuercio and Colleen McCaffrey; residents Denise Bosler, Amy Hubler, Johanna Esser, Eric Boyer and Todd Evans were also present.

Mr. Kusterer said a prayer.

President Snyder noted that Council met in Executive Session, at 7:00 p.m., to discuss Police Officer candidates.

President Snyder also noted that Borough Trick-or-Treat night is scheduled for Thursday, October 26, from 6:00 p.m. to 9:00 p.m.

Eddie Gehringer thanked the Borough for letting the Vietnam Veterans Breakfast

Club use the Park and employee labor for The Wall That Heals. He said it was a success and that between 8,000 and 9,000 people came to visit, while 674 people attended the candlelight vigil. In addition, 1,700 students came from different school districts.

Sandy Green introduced the new Kutztown Community Partnership Outreach Director Barbara Vogelgesang. Ms. Vogelgesang provided some background information on herself and said that she is excited to work in the Kutztown community.

Kutztown Community Library, Inc. representatives Kathy Landis and Holly Hildenbrand presented the Library's annual report and requested continuing support by funding \$1.00 per capita. Ms. Hildenbrand stated that they are running at a constant deficit, and they must replace computers, for about \$20,000.00, to communicate with the County system.

Mr. Mace thanked the Library and noted that the \$1.00 per capita contribution will be in the Borough's 2024 budget.

President Snyder noted the following vacancies:

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

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were no public comments.

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

# 12564

- Review and accept the Minutes of the September 19, 2023, Borough Council meeting.
- Review and accept the Minutes of the September 26, 2023, Special Borough Council meeting.
- Review and accept the Borough Community Development Report for September 2023.
- 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 16, 2023, through October 13, 2023.

General Fund	\$272,768.19
Refuse and Recycling Fund	\$102,888.77
Water Fund	\$150,534.22
Water Fund	\$73,737.53
Electric Fund	\$346,225.82
Sewer Fund	\$103,443.60
Telecommunications Fund	\$80,413.98

Ms. Ladd-Kidder removed the Minutes of the September 26, 2023, Special Borough Council meeting due to what she referred to as “incomplete” information regarding Topton Ambulance’s deductible policy, which can be found on their Web site.

Mr. Mooney explained that to add information to the Minutes, there would need to be a recollection of Council that it was discussed at the meeting. There was no consensus, among Council, regarding the deductible policy.

Mr. Engelhardt also asked for the minutes to be amended by rewording a sentence about Topton Ambulance memberships.

The motion still on the floor was amended to read To approve the Consent Agenda, without the Minutes of the September 26, 2023, Special Borough Council meeting. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, To reword

a sentence in the Minutes of the September 26, 2023, Special Borough Council meeting as follows:

*Change "... Mr. Engelhardt replied that no memberships will be needed because the services will be paid for through taxes."*

*To "...Mr. Engelhardt replied that memberships will be covered for residents through taxes."*

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller and Joel Seidel reviewed with Council the Noise Ordinance Proposal submitted by the Planning Commission, and Mr. Weller asked for suggestions or recommendations.

Ms. Ladd-Kidder submitted the following (paraphrased) questions and comments:

1. Why is it a different measurement of sound versus a customary decibel?  
**Mr. Seidel answered that they do not know, and they are working with the information they have.**
2. Has the Doylestown Ordinance been tested in the courts?  
**Mr. Engelhardt said that he believes it has been in place since the early 2000s, but he does not know if it has been tested in the courts.**
3. Reference to the distance attached to measurement of sound.  
**Mr. Seidel said they used the property lines of the Fairgrounds.**
4. Is this dealing with the Fairgrounds or the Borough?  
**Mr. Seidel stated that they are looking at Borough commercial zones.**
5. Nothing that speaks to racetrack activity.  
**Mr. Seidel referred to Item #12 under exemptions.**

Ms. Ladd-Kidder finally stated that the Fair Board has made an offer and Council should have a subcommittee to respond. She will volunteer.

# 12566

Mr. Engelhardt asked what Subcommittee she was referring to, and she said they would have to make one up.

Mr. Engelhardt asked how they came up with the decibel level and time frame. Mr. Seidel explained that it was hard to determine those things due to different cars and which way the wind blows. He noted that “Peace and good order” follows the times they used.

Mr. Seidel said that the Planning Commission agrees that they are done starting from scratch because there is nothing else to add and it’s been looked at in every way. He said that it is now a conversation piece, and they can address what they drafted, but they cannot start all over again.

Mr. Mace suggested striking 106-8 because it is “way too broad.”

Mr. Kusterer stated that a lot of work was put into the document, and he believes the whole thing stemmed from the racetrack, and that we shouldn’t make changes to affect everyone just because of that.

Chris Manwiller asked if the document is public, and Mr. Seidel said that it is not.

Mayor Schlegel asked Mr. Manwiller if the Fair Board is for-profit or non-profit, and he answered that it is for-profit.

A motion was made by Mr. Mace, Seconded by Ms. Ladd-Kidder, Resolved To send the draft to Community Development and Public Safety Committee to continue the conversation. Passed by unanimous vote.

Under Environmental Advisory Commission, Ms. Ladd-Kidder read aloud the following E-mail from Todd Underwood:

*“On Sunday, October 15, the EAC facilitated the planting of 100 trees and shrubs along the Sacony Trail. There was a total of 27 volunteers from many different groups.”*

Ms. Ladd-Kidder also noted that details and photos have been posted on EAC’s Facebook page.

Under Community Development and Public Safety Committee, Mr. Kusterer submitted the Monthly Police Report for September 2023.

Mr. Kusterer noted that the following fines were collected:

District Justice Greth	September 2023	\$3,300.79
Clerk of Common Pleas	September 2023	\$41.33
Secretary’s Office	September 2023	\$2,325.00

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

#### RESOLUTION NO. 15-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF FOUR OLD TASER X2s, TO THE FLEETWOOD POLICE DEPARTMENT, FOR \$25.00 EACH.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall sell four old Taser X2s, having a total estimated sale value of One-Hundred dollars or \$25.00 each, to the Fleetwood Police Department.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 17<sup>th</sup> day of October, 2023.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To enter into a Temporary Easement Agreement with Kutztown Area School District as part of the Multimodal Grant project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To execute the Grant Funding Agreement, with Berks County, for completion of the riparian buffer installation along the Sacony Creek Trail through the Imagine Berks Placemaking Fund.

Mr. Mooney noted that the Borough should ask the County to fix the page mentioning “501c3” to correct the designation of the Borough.

Mr. Seyler and Mr. Mace amended their motion to include asking the County to fix the page mentioning “501c3” to correct the designation of the Borough. Passed by unanimous vote.

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

## RESOLUTION NO. 16-2023

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, REQUESTING A STATEWIDE LOCAL SHARE ASSESSMENT GRANT, OF \$3,000.00, FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR COMPLETION OF THE RIPARIAN BUFFER INSTALLATION ALONG THE SACONY CREEK TRAIL.

Be it RESOLVED, that the Borough of Kutztown (Applicant) of Berks County hereby requests a Statewide Local Share Assessment Grant, of \$3,000.00, from the Commonwealth Financing Authority to be used for completion of the riparian buffer installation along the Sacony Creek Trail.

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

DULY ADOPTED AS A RESOLUTION this 17<sup>th</sup> day of October, 2023, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the 2024 Waste Disposal Agreement with the Delaware County Solid Waste Authority. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Payment No 2, in the amount of \$159,792.87, to Schlouch, Inc., for the 2023 Paving and Storm Sewer Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To ratify the request from Kutztown Elementary School to use the Ceres Pavilion, for a field trip, on October 6, 2023 (rain date October 11, 2023), and to waive the rental fee. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the 2023 leaf collection schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the 2024 refuse and recycling schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve May 4 and August 10 as the 2024 electronics recycling dates. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To approve reimbursement to Archer Scaffidi, for his lifeguard CPR and first aid certification fee in the amount of \$350.00. Passed by unanimous vote.

A motion was made by Mr. Mace, seconded by Mr. Engelhardt, Resolved, To



# 12570

approve the request from Dr. Todd Underwood to have his Animal Behavior class students conduct research projects at North Park, and for Dr. Christopher Sacchi to have a Plant Ecology class student measure trees in the Main Street Park as part of their class projects. Passed by unanimous vote.

President Snyder thanked Dr. Underwood and the EAC for their work.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To authorize the Environmental Advisory Commission payment to Octoraro Native Plant Nursery, Inc., in the amount of \$2,883.20. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from Grace Church to host a Christmas Eve service, next to the Train Station, on December 24, 2023. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To promote Jared Babel to Distribution Voltage Lineman, effective October 20, 2023. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To hire Danielle M. Martin, as a Library Part-Time Clerk, effective upon receiving required background checks and clearances. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To offer conditional employment to Liam Martin, contingent upon completion and passing of required testing. Passed by unanimous vote.

An Executive Session to discuss personnel and legal matters was not needed.

Under Finance and Electric Committee, a motion was made by Mr. Mace,

seconded by Mr. Kusterer, Resolved, To approve making a contribution to Topton Ambulance, in the amount of \$45,000.00, for August 1, 2023, through December 31, 2023, for ambulance services for the residents of the Borough of Kutztown. Passed by unanimous vote.

Mr. Mace noted that all residents will have a Topton Ambulance membership.

Mr. Mace also noted that with the completion of the 2022 audit, the Borough's accounting firm has upgraded the Borough's Moody Rating to A1. This is the second consecutive year that the Borough's rating has been upgraded. This rating will help decrease the Borough's costs when purchasing bonds and insurance.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved To, adopt the following Resolution:

#### RESOLUTION NO. 17-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING 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 2 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 10-2014 on October 21, 2014; and

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 10-2014 in order to provide rates for various Microsoft 365 Packages, remove the distinction between Residential and Business internet rates and provide for internet rates based on service speed and provide digital phone pricing regardless of the customers internet provider.

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   | \$80.00 |
| 3. | Premium 1 Tier  | \$18.00 |
| 4. | Premium 2 Tier  | \$23.50 |
| 5. | Discount for Multiple Services<br>Customers subscribing to at least two a la carte services will receive an increase in Internet speed one level above what is being purchased. |         |

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

- |    |  |         |
|----|--|---------|
| 1. | Basic Television, Internet (Internet Package 2) and TiVo® Premiere DVR | \$59.95 |
| 2. | Expanded Basic Television, Internet (Internet Package 2)               |         |

and TiVo® Premiere DVR \$114.95

3. Expanded Basic Television, Internet (Internet Package 2),  
Premium Tier 1 and TiVo® Premiere DVR \$131.95
4. Expanded Basic Television, Internet (Internet Package 2),  
Premium Tier 2 and TiVo® Premiere DVR \$137.75
5. Expanded Basic Television, Internet (Internet Package 2),  
Premium Tiers 1 and 2 and TiVo® Premiere DVR \$154.75

## 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 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 or damaged 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 or damaged 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 or damaged 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/Microsoft 365

1. \$10 per month per IP address
2. Additional email address after the first two: \$1.50 each address, per month
3. Microsoft 365 Business Basic \$11.00 per month
4. Microsoft 365 Apps for Business \$13.25 per month
5. Microsoft 365 Business Standard \$17.50 per month

### C. Internet Rates

1. 15mb x 15mb \$32.50 per month
2. 30mb x 30mb \$47.50 per month
3. 75mb x 75mb \$80.00 per month
4. 150mb x 150mb \$95.00 per month
5. 250mb x 250mb \$110.00 per month

6. 500mb x 500mb \$150.00 per month

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. Resale class data/Internet services. Resale 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 Resale 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

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, plus appropriate taxes 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.

## 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. Services terminated in the first 30 days of service will not be prorated.

## 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

- 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 November 1, 2023.

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 17<sup>th</sup> day of October, 2023.

Passed by unanimous vote.

Under Water and Wastewater Committee, Mr. Seyler announced that the leak percentage is down by 13%. Mr. Mace thanked the superintendents and President Snyder thanked the Committee.

Under Miscellaneous, Ms. Ladd-Kidder read aloud her E-mail suggesting to initiate the process of an annual summary for all Borough Boards, Commissions, Authorities and Committees, beginning with 2023:

*“It is my opinion that we could do a better job of informing our residents of what work is being done by the different committees/commissions of the Borough for the needs and well-being of our community. For example, every year the EAC submits an annual summary of its projects and accomplishments. The annual report is submitted to Council for its review and acceptance. The annual report then becomes part of the EAC’s historic record and residents can access the report on the Borough’s website. These annual summary reports are a quick source of interest,*

*information, and pride. I suggest that the same process of an annual summary be initiated for all Borough committees/ commissions beginning with 2023. In that way, there could be an historic record for each year of actions and accomplishments of the various working committees of the Borough and the information could be available to our residents in summary form on the Borough website. I believe that this annual summary process for the Borough committees and commissions could enhance communication and awareness.”*

President Snyder said that starting in November, each Committee will discuss this suggestion.

Mayor Schlegel thanked Sandy Green and Eddie Gehringer for their work bringing The Wall That Heals to Kutztown.

Mayor Schlegel announced that he went to Altrip, Germany, and received the key to the city.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:33 p.m. Passed by unanimous vote.

Prepared and attested by:      Gina M. Wiand  
Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from September 16, 2023, through October 13, 2023, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

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Kevin J. Snyder

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Gina M. Wiand