

November 19, 2024
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Councilman Derek Mace was present via telephone. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Corporal Charles Lawson; Kutztown Planning Commission representative Bob Weller; Kutztown Community Partnership representatives Sandy Green, Barbara Vogelgesang and Ellen Overcast; Kutztown Community Library representative Kathryn Landis; Kutztown Fire and Rescue representative Todd Evans; Borough Parks and Recreation Director John Schmoyer; and Borough resident Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Kutztown Community Library representative Kathy Landis presented their annual report to Council and thanked them for their support and for participating in Library programs. She noted that the Library is facing a continued deficit, and she requested continued Borough support by funding \$1.00 per capita.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Mace, Resolved, To approve the \$1.00 per capita contribution. Passed by unanimous vote.

President Snyder thanked Ms. Landis for her work and report.

Kutztown Community Partnership (KCP) Outreach and Theater Director, Barbara

12700

Vogelgesang, presented their annual report to Council. She mentioned The Strand renovations and Small Business Saturday as two major KCP projects. President Snyder thanked her for her work and report.

On behalf of Kutztown Community Partnership, Sandy Green made an appeal to Council regarding the Strand Capital Campaign and naming rights for the theater at a cost of \$150,000.00.

President Snyder, Mr. Mace and Mr. Kusterer spoke in favor of the opportunity. Mr. Seyler, Mr. Engelhardt and Ms. Ladd-Kidder spoke against the opportunity due to the other Borough projects that require expensive funding.

Ms. Green clarified that this request is separate from KCP's annual donation request, that the naming rights would be in perpetuity, and that the money could be received over five years.

A motion was made by Mr. Kusterer, seconded by Mr. Mace, Resolved, To donate \$150,000.00 to the Kutztown Community Partnership for the naming rights of The Strand Theater. Mr. Seyler, Mr. Engelhardt and Ms. Ladd-Kidder voted Nay. There being a tie vote, the Mayor broke the tie by voting Nay, and the motion was defeated.

Ms. Green thanked Council for their ongoing support.

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:	Two Member Vacancies Three Alternate Vacancies
Environmental Advisory Commission:	One Member Vacancy

President Snyder asked if there was anyone who wished to address Council before

proceeding with the agenda.

On behalf of the Kutztown Optimist Club, John Schmoyer thanked Council for their support of trick-or-treat night.

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

- Review and accept the Minutes of the October 15, 2024, Borough Council meeting.
- Review and accept the Borough Community Development Report for October 2024.
- 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 October 12, 2024, through November 15, 2024.

General Fund	\$330,308.36
Refuse and Recycling Fund	\$40,892.64
Water Fund	\$81,843.39
Electric Fund	\$580,549.95
Sewer Fund	\$78,092.52
Telecommunications Fund	\$19,778.37

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller reported that Randy Marsteller is moving out of the Borough, so there will be a vacancy soon.

He also thanked Josh Young for pursuing the blighted property on E. Main Street.

Regarding a new request for the Zoning Hearing Board, Mr. Weller said that the Planning Commission suggests sending the Borough Solicitor to the hearing regarding 600 E. Main Street, on the Borough's behalf.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly

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Police Report for October 2024 was submitted.

The following fines were collected:

District Justice Greth	October 2024	\$2,415.93
Clerk of Common Pleas	October 2024	\$112.81
Secretary's Office	October 2024	\$1,450.00

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve sending the solicitor to the Zoning Hearing, requested by McDonald's, to either oppose the requested zoning relief or take no action regarding the requested zoning relief.

Mr. Weller noted that the Planning Commission will have recommendations before the hearing.

Ms. Ladd-Kidder stated that she thought the Planning Commission already opposed the request, and Mr. Weller replied that there are different requests that need to be discussed.

Passed by unanimous vote.

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

RESOLUTION NO. 11-2024

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, EXPRESSING OFFICIAL SUPPORT FOR THE STRAND THEATRE PROJECT AND ENDORSING THE APPLICATION FOR THE DISTRICT DEVELOPMENT GRANT THROUGH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED).

WHEREAS, the Borough of Kutztown recognizes the historic and cultural significance of the Strand Theatre as a vital landmark and an essential venue for cinema, live performances, community gatherings, and educational programs; and

WHEREAS, the Borough of Kutztown acknowledges the potential of the Strand Theatre restoration project to serve as a cornerstone for economic revitalization, increase tourism, and provide cultural enrichment within the community and surrounding regions; and

WHEREAS, the Northeast Berks Main Street Foundation, dba Kutztown Community Partnership (KCP), a 501(c)(3) organization, has committed to leading the efforts to restore and transform the Strand Theatre into a multi-use community hub that will engage local residents, students of Kutztown University, and K-12 students in arts and cultural programs; and

WHEREAS, the Kutztown Borough Council supports the application for the District Development Grant through the Pennsylvania Department of Community and Economic Development (DCED), which will help secure the necessary funds to restore and enhance the Strand Theatre and ensure it remains a safe and accessible space for all;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Kutztown, Berks County, Pennsylvania:

1. That the Borough of Kutztown officially endorses the Strand Theatre restoration project and recognizes its importance to the community's economic, social, and cultural well-being.
2. That the Borough Council authorizes and fully supports the Kutztown Community Partnership's application for the District Development Grant through DCED, which will provide essential funding to facilitate critical repairs and improvements to the Strand Theatre.
3. That this Resolution shall take effect immediately upon adoption.

DULY ADOPTED AS A RESOLUTION this 19th day of November, 2024, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify Change Order No.1, from H&K, in the amount of \$6,636.00 for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve Payment Application No. 4 to LB Construction Enterprises, Inc., in the amount of \$160,944.30, for the Pedestrian Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify the Environmental Advisory Commission's Greenways Grant Funding Agreement.

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Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To ratify Cider Mill Fence, LLC, to install a hitching post at North Park for a cost of \$925.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To authorize Mainline Commercial Pools to open the pool for the 2025 season, in the amount of \$4,961.26. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To reimburse Doug Grim, for Park snack stand food lost due to an outlet failure, in the amount of \$381.54. All in favor, except for Mr. Mace who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To allow the Kutztown Soccer Club to use the Park athletic fields and lights for their November practices. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Change Order No 2. from LB Construction Enterprises, Inc., for a time extension on the Pedestrian Improvements Project, provided that the work is completed in accordance with all weather-related installation requirements. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and authorize advertisement of the proposed Ordinance repealing and reenacting §A231-1.15.B. and Section §A231-1.15.B of the Code of the Borough of Kutztown, entitled “Streets and Sidewalks”, to amend the schedule of fees and charges associated with administration of the Pennsylvania Uniform Construction Code, as

provided for in the Code of the Borough of Kutztown. Passed by unanimous vote.

Under Personnel Committee, a motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Keith Wuchter to the Kutztown Transportation Authority, whose term shall end on December 1, 2029. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Walter Hess to the Kutztown Municipal Authority, whose term shall end on December 1, 2029. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint Sheila Fulton to the Kutztown Municipal Authority, whose term shall end on December 1, 2029. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To reappoint John Fry to the Housing License Appeals Board, whose term shall end on December 1, 2025. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To afford full-time employment, to Emily Rodriguez, effective November 13, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To accept the resignation of Library Clerk Danielle Martin, effective November 22, 2024. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, To approve the temporary hire of Andrew Khalife to assist the Finance Director with the year-end cancelled bank check reconciliation process for the 2024 year-end auditing, during mid-December 2024 through the first half of January 2025, for about six weeks at

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15-20 hours per week, at a rate of \$15.00 per hour. Passed by unanimous vote.

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

President Snyder announced that Council met in Executive Session, prior to this meeting, to discuss a personnel matter.

Under Finance and Electric Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and authorize advertisement of the proposed Ordinance to adopt the 2025 real estate tax rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Resolution to increase refuse and recycling rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To introduce and authorize advertisement of the proposed Resolution to increase electric rates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To introduce and authorize advertisement of the proposed Ordinance amending Chapter 33, Article III, §17 of the Code of the Borough of Kutztown, entitled “Acceptance of Contract and Obligations”, by accepting the provisions of the contract entered into between the Borough of Kutztown and the Pennsylvania Municipal Retirement System which became effective on September 1, 2020.

Mr. Mooney explained that although this contract is finished, a change in form, from Resolution to Ordinance needed to be made. Passed by unanimous vote.
Passed by unanimous vote.

Mr. Khalife reviewed the proposed 2025 budget with Council.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To authorize advertisement that the proposed budget for 2025 is available for public inspection. Passed by unanimous vote.

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

RESOLUTION NO. 12-2024

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

WHEREAS, the Borough of Kutztown most recently amended the schedule of rates and services related to the Borough's telecommunications services by adoption of Resolution 17-2023 on October 17, 2023; and

WHEREAS, the Borough desires to amend the schedule of rates adopted pursuant to Resolution 17-2023 in order to provide increased Internet speeds and to increase the rates for those Internet speeds.

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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
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:

- a. 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.

1. A broadband Internet connection is required for TiVo® Premiere Q DVR service.
2. Initial TiVo® Premiere Q DVR unit per household (with Bundle): See Bundle Rates
3. Each additional TiVo® Premiere Q DVR unit per household (with Bundle): \$15.00
4. Initial TiVo® Premiere Q DVR unit per household (without Bundle): \$19.99
5. Each additional TiVo® Premiere Q DVR unit per household (without Bundle): \$19.99
6. The Borough reserves the right to require a one-time \$25.00 Activation Fee (per unit).
7. The Borough reserves the right to require a \$25.00 Configuration and Additional Programming Fee (per unit).
8. 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. 150MB x 150MB \$47.50 per month
3. 300MB x 300MB \$57.50 per month
4. 750MB x 750MB \$82.50 per month
5. 1GB x 1GB \$99.50 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.
\$.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 January 1, 2025.

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 19th day of November, 2024.

Ms. Ladd-Kidder noted that the Internet speeds and fees changed.

Passed by unanimous vote.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler,

seconded by Mr. Mace, Resolved, To approve the annual donation to Berks Nature, in the amount of \$10,000.00, for their wellhead protection work. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the purchase of a security camera for the Water Treatment Plan at a cost of \$8,917.17. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Mace, Resolved, To approve a \$394.85 water credit to the Maxatawny Township Municipal Authority. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the quote from Mr. Rehab, LLC, for CIPP lining on Highland Avenue, at a cost of \$168,187.50. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the quote from Allgyer Enterprises, LLC, for excavation and manhole repairs on Highland Avenue, at a cost of \$36,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To advertise for a sludge hauling bid contract, beginning March 20, 2025, and ending March 21, 2026, including options for a second one-year term and a third one-year term. Passed by unanimous vote.

Under Miscellaneous, President Snyder called for an Executive Session to discuss personnel and legal matters at 8:40 p.m.

The Executive Session ended, and the meeting reconvened at 8:56 p.m.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To make a conditional offer to police officer candidate Avery Gordon, contingent on

passing all requirements and certifications. Passed by unanimous vote with Mr. Mace abstaining because he could not hear adequately during the Executive Session.

A motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, To approve the following 2025 pay increases for Administration, Confidential and Seasonal employees:

- A 4% increase for the Administrative Staff.
- A 4.25% increase for the Confidential Staff.
- A 3% increase for the Borough Manager.
- A 3.5% increase for the Police Chief.
- An additional \$3,000.00 for the Finance Director.
- An additional \$2,500.00 for the Wastewater Plant Manager.
- An additional \$1,000.00 for the Water Plant Manager.
- An additional \$5,000.00 for the Electric Superintendent.
- The Confidential Staff's Longevity Scale will now be the same as set forth in the AFSCME contract.
- An increase for Seasonal help as set forth in the proposed rate schedule.

Passed by unanimous vote with Mr. Mace abstaining because he could not hear adequately during the Executive Session.

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 8:59 p.m.

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 October 12, 2024, through November 15, 2024, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand