A regular meeting of the Community Development and Public Safety Committee was held on Tuesday, January 12, 2021 via Zoom Video Communications, hosted by Ms. Judith Danko, Director of Community Development.

The meeting was called to order at 7:30 p.m. by Ms. Amanda Raudenbush, Chairperson. Members present were Ms. Amanda Raudenbush, Dr. Derek Mace and Ms. Arabel Elliott. Also present: Mr. James Schlegel, Mayor; Ms. Judith Danko, Director of Community Development; Mr. Craig Summers, Chief of Police; and, Ms. Carolann Moody, Recording Secretary. Public Attendance: Ms. Sandra Green representing Kutztown Community Partnership; Ms. Lisa Ladd-Kidder representing Kutztown Borough Planning Commission; Mr. Rodney Freeman, representing Kutztown Area Transport Service; Mr. Michael Russo representing Kutztown Fire Company; Mr. Andrew Vogel, Mr. Warren Shaub, Mr. Frederick Engelhardt, Mr. Eric Boyer and Ms. Denise Bosler, Borough Residents.

PUBLIC COMMENTS:
Mr. Warren Shaub mentioned that the progress made by the Community Development Office and the Kutztown Police Department recently is greatly appreciated.

FIRE COMPANY:
Mr. Michael Russo introduced himself as the new fire chief and reviewed with committee members the other officers for this year.

Mr. Russo stated that the Kutztown Fire Company went on 32 calls in December, adding that for all of 2020 they went on 538 calls.

Mr. Russo mentioned that they applied for a State grant as well as a Federal grant to be used for heating and building repairs, adding that the current boiler needs to be replaced.

Mr. Russo gave an update to committee members regarding the status of the separation of the social quarters and firefighting entities, adding that the firefighting side does have an entity known as Kutztown Fire & Rescue, Inc. He said Kutztown Fire & Rescue, Inc. does exist on paper; they do have an EIN and are waiting for the 501(c) 3 from the IRS.

Following a brief discussion regarding allowable expenses for the Fire Tax money, Ms. Raudenbush suggested Mr. Russo speak with Mr. Gabriel Khalife, Borough Manager.
REVIEW AND ACCEPT THE MINUTES:
Members reviewed the December 8, 2020 Committee meeting minutes. Motion by Ms. Elliott and seconded by Dr. Mace to approve the December 8, 2020 minutes as written. The motion passed by unanimous vote.

PLANNING AND ZONING:
• Report on Status of 401 W Main Street
Ms. Danko mentioned that a letter was mailed to the property owners of 401 W Main Street regarding the condominium conversion that had taken place.

• Discuss Racetrack/Fairgrounds Dust & Noise Research
Ms. Danko reviewed the findings from the research that her office completed regarding language in ordinances that address dust and noise in other municipalities that have racetracks in their community. She mentioned that while some of the boroughs/townships do have noise ordinances, none has any that can be applied to noise from a racetrack. She added that she spoke with a code enforcement officer from a borough where there are houses directly behind the dirt track and although the homes are covered with dust/dirt after a race, the code enforcement officer has never received any complaints about noise or dust/dirt.

Ms. Danko mentioned that Mr. Engelhardt also did some research regarding noise or dust/dirt ordinances; however, none of those racetracks were in Pennsylvania.

Ms. Danko also reviewed the Borough of Kutztown Noise Control Ordinance that was brought before Kutztown Borough Council in 2014; however, it was never adopted. She added that this ordinance would be reviewed and discussed at a future Planning Commission meeting. Mayor Schlegel stated that the Noise Control Ordinance was not adopted because it was deemed unenforceable; the Borough would have had to purchase expensive decibel readers, including the inability to monitor the noise levels on Main Street. Chief Summers stated that the Borough would have to purchase decibel readers, the officers would have to be trained and certified and they need to be approved by the Pennsylvania Bulletin, adding that the Noise Control Ordinance is very detailed, lists specific prohibited acts including time restrictions. He mentioned that the current Noise Ordinance is more restrictive as it does not have specific time restrictions.

Dr. Mace stated that he is in favor of the Planning Commission reviewing this item, adding that he endorses any way to improve the quality of life for Kutztown residents. Mayor Schlegel pointed out that in Section 7: Exemptions in the proposed Noise Control Ordinance, races are exempt. He added that there is also a section regarding industry noise, mentioning that once the foundry is fully up and running, they are going to make noise.

Mr. Warren Shaub mentioned that the dust issued needs to be addressed by collecting and testing to be able to prove where the dust came from and what is in it. He added that it is clear this is an unwanted substance being deposited on surfaces in the Borough and he believes this should be considered littering and be covered under dust mitigation.
Mayor Schlegel mentioned that he was informed today that Action Tract USA is enlarging the racetrack because they plan on racing higher horse powered cars, which would be louder. He added that this should be looked into.

Mr. Engelhardt mentioned that the noise should be addressed, adding that the dust is a significant issue. He said that the Planning Commission will review the proposed Noise Control Ordinance and asked what would be the recommendation from Community Development/Public Safety Committee regarding the dust ordinance, adding that he did provide information on a model dust ordinance. Ms. Raudenbush said that she would like to have the Borough Solicitor, Ms. Danko and Chief Summers review the information to determine enforceability and move forward from there.

Mr. Andrew Vogel mentioned that noise and dust are both quantifiable, stating that he met with members of the Fair Association, including Mr. Mike Rose and during that meeting were able to use their phones to measure sound. He added that the subject of installing mufflers on the vehicles was also discussed at that meeting.

Ms. Lisa Ladd-Kidder mentioned that if Mr. Rose is planning to have higher horse powered cars, she believes someone from the Borough should follow up on that. She added that she also believes it is important to find out what is in the dust.

Dr. Mace stated that since other communities do not have legislation regarding noise/dust from racetracks, he would like Ms. Danko to come up with enforceable legislation that Kutztown can put in place regarding dirt/dust/noise.

Ms. Danko mentioned that she would follow through with the committee member’s request. She stated that she has experience with noise ordinances and while working at another municipality, borrowed a decibel meter to monitor the main street noise and found that the main street noise was louder than the offensive noise that residents were complaining about. She said that she just became aware of a course in writing noise ordinances, adding that she will look into that course. Ms. Danko mentioned that she would like to set up a meeting with herself, borough representatives, fairgrounds representatives as well as Action Track USA representatives to discuss concerns and hopefully work something out that is agreeable with everyone.

**CODE ENFORCEMENT:**
- **DCR Report - December 2020**
  Ms. Danko reviewed the report. There were no questions or comments.
- **Report on 326 W Walnut Street/Housing License Status**
  Ms. Danko mentioned that the owner of this property was sent a certified letter regarding the revocation of the housing license. She reviewed with committee members the process for the property owner to apply for a new housing license in July 2021.
COMMUNITY DEVELOPMENT:

- **Monthly Report – December 2020**
  Ms. Danko reviewed the report. There were no questions or comments.
- **Update Regarding Review of Ordinances per Hailstone Plan**
  Ms. Danko reviewed the Kutztown Implementation Update with committee members.
- **Budget Report – 4th Quarter 2020**
  Ms. Danko reviewed the report. There were no questions or comments.

KCP/MAIN STREET:

- **Mural Update**
  Ms. Green mentioned that the Keith Haring mural will be on the wall of Young Ones rather than on the wall behind the Bagel Bar, adding that work on the design has been started.
- **Discuss Pretzel-Bretzel Mural Art in Kutztown**
  Ms. Green reviewed the information on the Pretzel-Bretzel Mural Art, stating that Kutztown has been chosen to display some of the murals. Ms. Green stated that she will be walking on January 18, 2021 with the mural artist looking for locations to put the murals and invited any member of council to join them.
- **Kutztown Community Partnership Annual Meeting**
  Ms. Green stated that the KCP annual meeting would be held via zoom on February 2, 2021 at 6:00 p.m.
- **KCP Board Update**
  Ms. Green mentioned that Jeremy Curry is the new President of the KCP Board. She added that the new Office Manager, Doug Wunder, starts tomorrow.

Regarding the mural approval process, Ms. Danko mentioned that once the current sign application is revised, there would be a section to select “mural.” Once the application is complete, it will be brought to the Community Development Office for review. It will then to the Community Development/Public Safety Committee for approval, then to Borough Council for final approval.

POLICE:

- **Offenses Reported – January thru December 2020**
  Chief Summers reviewed the report. There were no questions or comments.
- **Arrest Report – January thru December 2020**
  Chief Summers reviewed the report. There were no questions or comments.
- **Offenses/Arrests Reported – December 2020**
  Chief Summers reviewed the report. There were no questions or comments.
- **Budget Report – 4th Quarter 2020**
  Chief Summers reviewed the report. There were no questions or comments.
- **SOP / Use of Force**
  Chief Summers reviewed the Use of Force Standard Operating Procedure. There were no questions of comments.
Chief Summers reviewed the Reporting Use of Force Standard Operating Procedure. There were no questions or comments.

Chief Summers reviewed the Equipment Issue, Usage and Control Standard Operating Procedure. There were no questions or comments.

Chief Summers reviewed the Authorized Devices and Ammunition Standard Operating Procedure / Appendage A. There were no questions or comments.

Chief Summers reminded committee members of the service fee increase request he presented at the December committee meeting. Following a brief discussion, Dr. Mace recommended Chief Summers have this item placed on the agenda for the Finance and Electric Committee meeting and it will be forwarded to Borough Council for approval.

There was a brief discussion regarding the COVID vaccine and the employers who do and who do not mandate their employees getting the vaccine as well as the concerns employees have regarding the possible long-term effects of the vaccine. Mr. Rodney Freeman and Mr. Michael Russo reviewed with committee members the policies of Kutztown Area Transport Services and Kutztown Fire Company concerning the COVID vaccine.

Mayor Schlegel mentioned that the temporary emergency ordinance will expire on January 31, 2021 and he recommends not renewing the ordinance.

Mayor Schlegel stated there are three council members, including himself who are up for re-election in the fall. He added that they have until the end of February to have their petitions signed.

Mayor Schlegel mentioned that the Kutztown Community Library started the International Pen Pal Program with Kutztown’s twining city, Altrip, Germany, adding that it is very successful.

Mayor Schlegel stated that he had a meeting with Chief Summers, and Chief Dillon from Kutztown University regarding preparation for Kutz Patty’s day; however, they are still unsure if it will or when it may happen.

Mayor Schlegel asked Mr. Russo if he intends to stay on as the Borough of Kutztown Emergency Management Director. Mr. Russo stated that he does intend to stay on, adding that he is also the Emergency Management Director for Greenwich Twp., and Maxatawny Twp. recently asked him to take over for their Twp. as well. He mentioned that once everything is final with Maxatawny, he would like to discuss merging just EMA to have an area regional EMA. Following a brief discussion, committee members stated they would be in favor of an area regional EMA.
Mayor Schlegel stated that when flood happened in Kutztown, Mr. Russo did a super job and Ms. Raudenbush thanked Mr. Russo for brightening everyone’s day by having Santa drive around the Borough.

**MISCELLANEOUS:**
- **Community Development Office Building Update**
  Ms. Danko mentioned that since the roof was replaced about a month ago, the office has been dry. She added that she is still looking for another location, as they are running out of room at the current location.

Ms. Danko stated that if the committee would like a mass email sent to property owners about Kutz Patty’s Day, she would be happy to follow through with that again.

**OFF AGENDA:**
There was nothing to discuss Off Agenda

**ADJOURNMENT:**
With no further business to discuss, a motion was made by Dr. Mace and seconded by Ms. Elliott to adjourn the meeting. The motion carried and the meeting adjourned at 9:25 p.m.