



BOROUGH OF KUTZTOWN

*A Community Committed to Tradition and Progress
Incorporated ~ 1815*



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45 Railroad Street * Kutztown, PA 19530-1112 * Phone: 610-683-6131 * Fax: 610-683-6729 * E-mail: admin@kutztownboro.org

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Press Release

FOR IMMEDIATE RELEASE, July 15, 2016

Contact: Gabriel Khalife, Borough Manager, 610-683-6131

Dispute Between: Kutztown and Maxatawny

This is an update to the public on the status of the dispute between the Borough of Kutztown and Maxatawny Township relative to the Saucony Creek Regional Authority.

Kutztown has filed our request for remedies and damages following the decision of the arbitration panel that the Township does not have a valid defense to the Borough's claims. A copy of our remedy request is attached.

Decisions about this matter are difficult. We want to do what is best for the residents of the Borough of Kutztown, while being fair to the residents of Maxatawny Township.

Up to this point, we have simply sought to have our existing agreements with the Township enforced. Since the Township decision to breach those agreements was done in secret meetings with no subsequent coherent public explanation, we do not know why our neighboring government has caused all of this difficulty, after we provided assistance to them at their request. People living in the Kutztown area recognize that the Township's conduct is not "neighborly".

The recent proposal by Maxatawny to ban Kutztown police from enforcing the law on Borough-owned land in the Township has convinced us that the Township's chronic pettiness and irrationality will continue.

Keep in mind that the Borough land in the Township is not only parkland, but also an electric substation that services the entire Borough, a sewage treatment plant, and the wells and watershed that provide drinking water to the Borough, Kutztown University and parts of Maxatawny. Protection of these facilities in this day and age is extremely important.

The fact that the Township government apparently cannot understand this obvious public safety imperative suggests they have lost their way as guardians of the public interest.

Kutztown has never threatened to restrict access to the "SCRA" sewage plant which the Township has refused to turn over to a joint authority.

However, Kutztown has stated that an intrusion by the Township to install more pipes on the Borough's long-standing sewage treatment plant property along Route 737 would be viewed as trespassing.

Continued legal efforts to enforce existing agreements in the face of such obstinate obstruction will likely fail in the real world.

Thus, the Borough will not ask the arbitrators to enforce the existing 2006 and 2010 agreements.

Instead, the Borough will seek to obtain the documents escrowed in 2010 – the outcome previously agreed to by Maxatawny. This will return ownership of our land, pipes, and other rights to the Borough, together with the SCRA treatment plant, in the hope that we may then be able to bring about some rational sewage treatment arrangements and other changes. We will also seek damages for the harms and losses we have suffered as a result of Maxatawny's conduct.

We remind everyone that the Borough always believed the Township would comply with the agreements because the release of the escrowed documents would pose serious consequences to the Township. That was the point. We are astonished that the Township chose this path, which we never expected. This decision is necessary, but not taken lightly.

The Township will retain its customers and, therefore, the means to pay its loans and the costs of sewage treatment.

We sincerely hope that, after the remedies have been decided and accomplished, everyone can turn their attention to matters more likely to improve the lives of our residents.

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