

August 19, 2025
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:30 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Mr. George Kusterer, Mr. Frederick Engelhardt, Ms. Lisa Ladd-Kidder, Dr. Derek Mace, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Mr. Gabriel Khalife, Borough Manager/Treasurer; Mrs. Sharon Dalickas, Finance Director/Assistant Treasurer/Acting Assistant Borough Manager; Ms. Carolann Bartik and Ms. Andrea Rahn, Assistant Borough Secretaries; Kutztown Police Chief Mike Clery; Kutztown Planning Commission representatives Bob Weller and Joel Seidel; Kutztown Community Partnership Representative Sandy Green; and Borough residents Jeff Dietrich, Richard Munson, Andrew Vogel, Stacey Mertz, Dale Kramer, Ginger Schappell, Michael Strain, Karlene Britzenhoff, Martha Kuhns, Lucy Keim, Eric Boyer, Jason Stauffer, Dick Salafia, Randy Kunkle, Jarid Kunkle, and Leigh Kane were also present.

Mr. Kusterer opened the meeting with a prayer.

President Snyder noted the following vacancies:

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

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:

- Review and accept the Minutes of the July 15, 2025, Borough Council meeting.
- Review and accept the Borough Community Development Report for July 2025.
- 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 July 12, 2025, through August 15, 2025.

General Fund	\$420,281.73
Refuse and Recycling Fund	\$53,737.07
Water Fund	\$724,386.16
Electric Fund	\$452,039.12
Sewer Fund	\$712,145.29
Telecommunications Fund	\$99,709.13

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller thanked Mr. Mooney for providing the proposed Short-Term Rental Ordinance to the Planning Commissioners with his revisions. He noted that this will be on their meeting agenda next month.

Under Environmental Advisory Commission, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Engelhardt, Resolved To remove Constantine Penzone, as a member of the EAC, due to lack of participation and communication in over a year.

Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved To approve the Environmental Advisory Commission's letter to SOLO Labs regarding their response to the EAC's March 18, 2025, letter concerning the application for a new Air Quality State Only Operating Permit. Passed by unanimous vote.

Under Community Development and Public Safety Committee, the Monthly

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Police Report for July 2025 was submitted.

The following fines were collected:

District Justice Greth	July 2025	\$1,535.30
Clerk of Common Pleas	July 2025	\$257.42
Secretary's Office	July 2025	\$5,725.00

Mr. Kusterer requested a discussion regarding an acoustical consultation from Ostergaard Acoustical Associates for assistance with a noise Ordinance. Mr. Engelhardt stated that Kutztown currently does not have a noise Ordinance that protects the whole Borough and sets acceptable decibel levels. He added that a noise Ordinance that covers the entire Borough will also protect from projects such as a McDonald's drive-through or data centers. Mr. Englehardt mentioned that Ostergaard Acoustical has the expertise and are well versed in the science of noise. Mr. Engelhardt stated that it is his recommendation that the issue of noise is addressed and that the Borough take the next step by seeking the expert opinion of Ostergaard.

Ms. Ladd-Kidder stated that she sent a copy of the Ostergaard proposal to the Environmental Advisory Commission and received a positive response from the group.

Mr. Kusterer suggested the item be sent back to the Community Development and Public Safety Committee for future discussion as he, personally, is not satisfied with the quote and what the Borough would be getting for the money. He added that the Ostergaard quote is the only quote they have and would suggest getting additional quotes.

Mr. Seyler asked if anyone reached out to other municipalities regarding their noise Ordinances that Kutztown could use to mirror sections that would be applicable. Mr. Engelhardt stated that it has been done, but he believes it will come down to decibel levels.

Mr. Kusterer pointed out that in the Ostergaard quote, they do not mention decibel levels, and they are not going to take decibel readings, but rather help us with the noise Ordinance that we currently have. He added that he does not feel the Borough should spend money on something we can do. Mr. Kusterer mentioned that we can choose from other municipalities' noise Ordinances that would suit the needs of Kutztown.

Mr. Snyder opened the discussion to the public.

Bob Weller stated that his fear is no matter what is done it will come down to affecting the Fair and the racetrack. He added that the Borough does have a noise Ordinance, pointing out July's Community Development report noting that citations regarding noise are issued. Mr. Weller mentioned that if something is set with decibel levels it will ruin business in the CC District, including the Fairgrounds and racetrack. He added that Kutztown should be maintained the way Kutztown is. Mr. Weller stated that if the Borough keeps regulating, they will drive businesses away. Mr. Engelhardt stated that in the Kutztown Borough Code, there is a baseline of what is accepted, and there are exceptions, adding that the Fairgrounds could be an exception and this is not directed towards the racetrack. Mr. Weller stated that he fears it is heading that way.

Randy Kunkel wanted to confirm that this is not directed towards the racetrack. Mr. Engelhardt stated that there is a big gap in the noise Ordinance because a lot of people complain about the noise at the racetrack, and there is nothing to tender it. Mr. Engelhardt stated not to shut the racetrack down but there needs to be something to deter the noise. He added that another business could come to town, and it could be the same case, and we have nothing in place to say they cannot do that. Mr. Kunkel said that he understands, however, he still feels the fairgrounds are being targeted. He added that the

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Fair, the park, and kids' baseball games will all be affected. He suggested putting these exceptions in place before the noise Ordinance is drafted, so that everyone can see that nothing is being targeted. Mr. Kunkel stated that he is on the Fair Board and without the racetrack they would lose the Kutztown Fair, adding that they already lost the Folk Festival.

Andrew Vogel stated that he has lived in Kutztown for about 20 years and his concern for noise began with Bieber, and there are cars that run up and down Whiteoak Street with exaggerated exhaust systems, trucks going up and down, adding that around the corner from him is a party house that hosts frequent parties throughout the school year. He mentioned that the racetrack and Fair are in his path. Mr. Vogel mentioned that he supports credible science-based information for both businesses and residences. He added that he supports an appropriate compromise where the residents can enjoy their homes and the businesses can continue to operate.

Martha Kuhns mentioned that she does not want to talk about the races, she wants to talk about brake retarders and modified mufflers. She stated that where she is on Noble Street, very routinely trucks come from DEKA and use their brake retarders, and it is earth shatteringly loud. She added that cars with modified mufflers race towards Lyons from Noble Street and Normal Avenue because that is the last stop sign until Lyons. Martha stated that she believes the Borough needs to look at other types of noise and just not the racetrack. Mr. Seyler stated that the Borough of Kutztown has just applied with the streets engineer and the Department of Transportation to do a study on Noble Street, Main Street, Greenwich Street, Baldy Street, as well as all the entrances into Kutztown for the brake retarders.

Mr. Kusterer mentioned he thought the racetrack was going to put up some type of barrier. Mr. Engelhardt stated that he spoke with the Fair Board, and they did plant arborvitaes along the fencing, adding that he feels that was a nice gesture, but there is nothing official that says that will be the best for sound buffering.

Mr. Engelhardt reviewed with attendees what is included in the Ostergaard quote.

Joel Seidel suggested that representatives from Ostergaard should attend a meeting to speak with community members as the fear may be since Ostergaard did Bloomsburg's noise Ordinance, their racetrack has since been shut down. Mr. Engelhardt stated that the Kutztown community entrusts Borough Council members that they are not just going to push something through that Bloomsburg did.

Jarid Kunkel stated that he is concerned that it will affect the racetrack, which has 12 races per year. He added that he believes Kutztown is well known for its racing and a noise Ordinance would directly impact the racetrack.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, to take the Ostergaard Acoustical Associates quote back to the Community Development and Public Safety Committee for further review. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve payment No. 1, to CMS Construction LLC, in the amount of \$208,562.94, for the 2025 Street Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve the Planning Commission's plan to add up to seven trash cans around the Borough, at a cost not to exceed \$6,000.00, and to get trash cans that match our current

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ones from Belson Outdoors, contingent upon receiving the respective property owners' permission. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve the request from Shaynah Kinner to use the Band Shell on June 6, 2026, for their graduation, provided they are done by 3:30 p.m., and that they coordinate with John Schmoyer regarding the concert schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve Mainline Pool to close the pool for the 2025 season, for \$4,474.97, and to reopen it, for the 2026 season, for \$4,408.37. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler Resolved, to approve the 2025 leaf collection schedule. Passed by unanimous vote.

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

RESOLUTION 2-2025

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR WINTER TRAFFIC SERVICES FOR AN INITIAL FIVE WINTER SEASONS, BEGINNING OCTOBER, 15, 2025, AND ENDING OCTOBER 14, 2030; AND A RENEWAL OF FIVE WINTER SEASONS, BEGINNING OCTOBER 15, 2030 AND ENDING OCTOBER 14, 2035.

BE IT RESOLVED, by authority of the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby resolved by authority of the same, that the Council President of the Borough of Kutztown be authorized and directed to sign the attached Agreement on its behalf, and the Assistant Borough Secretary be authorized and directed to attest the same.

DULY RESOLVED this 19th day of August, 2025, by the Borough Council of the Borough of Kutztown, in lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to execute the Winter Municipal Agreement with PennDOT. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve the request from the Kutztown Football Club to place one shipping container near the bleachers of the multipurpose field, for up to two years, to store equipment while the shed is being upgraded. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve the proposal from Jill Remick to coordinate a community painted rock garden in the flowerbed at Borough Hall and around the historic signs for the Peach Street Bridge. Passed by unanimous vote.

Under Personnel Committee, Mr. Engelhardt deferred an Executive Session to discuss personnel and legal matters until the end of the meeting.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, to extend Josh Young's part-time status until December 31, 2025, and to consider another extension at that time. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, to increase Evan Muller's pay rate to \$49.41 per hour, during the time he fills in for the Electric Superintendent, during which time he will be eligible for overtime and the normal beeper and on call pay schedule. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, and reluctantly seconded by Mr. Kusterer,

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Resolved, to recognize the Borough Manager's Notice of Retirement, with an anticipated last day in the office to be in late May, but no later than June 19, 2026. Mr. Snyder requested an official notice on Borough letterhead from the Borough Manager indicating his intentions. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, seconded by Mr. Seyler, Resolved, to renew the Agreement for Service between the Borough of Kutztown and the Kutztown Library. Passed by unanimous vote.

Under Finance and Electric Committee, Dr. Mace mentioned that Borough electric rates have been cheaper than Met-Ed rates for several years, and although the rates did go up a little bit, Kutztown rates will stay below other providers. He added that Kutztown employees do a great job.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, to approve the prepared flow chart and fees, as they apply to Telecom-related service calls, for both after hours and during office hours. Passed by unanimous vote.

Under Water and Wastewater Committee, there was nothing to report.

Under Miscellaneous, off of the agenda, a motion was made by Dr. Mace, seconded by Ms. Ladd-Kidder, Resolved, to have the Borough Manager draft a letter to invite the new Kutztown University President, Dr. Philip Cavalier, to the Borough Council meeting in September. Passed by unanimous vote.

Lucy Keim, a new Borough resident, expressed concern about weeds and unkept properties in the Borough. Mr. Engelhardt suggested she call the Community Development Office and speak with the Code Officer regarding her concerns.

President Snyder called for an Executive Session to discuss personnel and legal matters at 8:43 p.m. The Executive Session ended, and the meeting was reconvened at 9:13 p.m. No action was taken.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:13 p.m.

Prepared by: Gina M. Wiand
Borough Secretary

Prepared and Attested by: Carolann E. Bartik
Assistant Borough Secretary

Kevin J. Snyder and Carolann E Bartik hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from July 12, 2025, through August 15, 2025, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Carolann E. Bartik