

September 2, 2020
Kutztown, PA

A special meeting of the Kutztown Borough Council was called to order at 7:04 p.m., via Zoom, by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Derek Mace, Mr. Edwin Seyler, Ms. Arabel Elliott, Ms. Amanda Raudenbush, Mr. Zebulon Hull, 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; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Kutztown University representative Jerry Schearer; Kutztown Area Transport Service representative Rodney Freeman; Allentown and Auburn Railroad representative Mike Bast; and Jan Crooker, Barbara Smith, Caecilia Holt, Christy Shirkness, Dennis Krumanocker, Greg Kaufinger, Holly Gianotti, Jocelyn Englehart, Lindsay Bast, Marah Schembri, Peter Smith, Sandy Schaeffer, Tim Vanek, Tricia Green, Merry Schlegel, Jackie Bridges, Sherie Kugler, Warren Shaub, Lisa Bailey, Steven Bond, Peach Kovach, Paola Lambert and Chris Holt were also present.

President Snyder asked Mr. Mace to introduce the proposed temporary emergency Ordinance to require the wearing of face coverings, set maximum gathering size, and other regulations to reduce the risk of transmission of the COVID-19 virus.

After introducing the Ordinance, and reviewing its main points of gathering size, masking and fines, President Snyder asked for questions and comments from Borough Council.

Mr. Hull asked if the same police force that is required to enforce Black Lives

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Matter will be asked to enforce this Ordinance. Mr. Mace responded that it would be the same force – the Kutztown Police Department. Mr. Hull then said that he takes exception to the proposed Ordinance because he thinks it is unconstitutional. Police Chief Summers stated that he spoke to the Berks County District Attorney who told him that enforcement is allowable.

President Snyder noted that he thinks the Ordinance is too lengthy, to which Ms. Raudenbush replied that the length is often necessary to make it legally valid.

Mr. Hull said he would like to see the Borough use tools already in place such as Disorderly Conduct citations.

Mr. Mace noted that the Ordinance does have a Sunset Provision of January 31, 2020.

Ms. Raudenbush agreed with Mr. Hull's idea about Disorderly Conduct citations, and she asked the Chief if someone could be cited for not wearing a mask, to which he responded they could not.

Ms. Raudenbush then asked the Chief if there are any other applicable laws for that, and he said he does not know of any.

Mr. Hull argued that Council should get to "the root of the problem" by asking Kutztown University (KU) to shut down. Mr. Mooney responded by saying that other colleges that opened have already shut down, but many students continue to live in the communities and have the potential to spread the virus.

President Snyder asked if KU is willing to send this legislation out to the student population, and Mr. Mace stated that they are very supportive and he believes they will

E-mail it students, faculty and staff. Ms. Elliott noted that she is working with an intern, and that they will also work on getting the information out to KU students.

Mr. Seyler stated that while he does not believe the Ordinance is perfect, he thinks it is a good starting point.

He asked if the Ordinance would pertain to sports teams, and Mr. Mooney stated that they are exempt because they follow PIAA rules.

Judith Danko asked if cooks in restaurants need to wear masks. Mr. Mooney originally stated that they do, but then changed his answer to say that they only have to wear masks if there is an open kitchen where the public or members of the public are seated in close proximity of the cook while he/she cooks. If cooks are not accessible to the public, they do not need to wear masks.

Mr. Mace asked to hear from KU representative Jerry Schearer, who stated that we should be looking at this as “mitigation versus solving a problem.” He noted that that KU does support the Ordinance and that they would facilitate an educational campaign to spread the word about it. He opined that if the Borough put this Ordinance in place now, it would be easier to implement something similar, more quickly, in the future.

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

Warren Shaub, Greg Kaufinger, Caecilia Holt, Sharon Kipler and Wayne Kipler all spoke in opposition of the Ordinance.

Jan Crooker spoke in favor of the Ordinance.

Mr. Mace asked if amendments could be made after the Ordinance is advertised, and Mr. Mooney advised that it could be revised to be “less harsh,” but not “more harsh.”

Mr. Seyler asked anyone wanting to address KU about this matter to do so.

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A motion was made by Mr. Seyler, seconded by Ms. Elliott, Resolved, To advertise the proposed temporary emergency Ordinance to require the wearing of face coverings, set maximum gathering size, and other regulations to reduce the risk of transmission of the COVID-19 virus, with the addition of PIAA verbiage. All those in favor, except for Mr. Hull who voted Nay. There being a majority in favor, the motion passed.

Mr. Shaub asked for the process to be defined. Mr. Snyder explained that Council had their vote to advertise tonight; the ad will be in the Reading Eagle by Friday; and then Council can meet, in seven days, to vote again.

It was the consensus of Council to have a Special Meeting on Friday, September 11, 2020, at 5:00 p.m., to vote on the proposed Ordinance.

A motion was made by Mr. Mace, seconded by Ms. Raudenbush, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:55 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary