

September 11, 2020
Kutztown, PA

A special meeting of the Kutztown Borough Council was called to order at 5:04 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; Police Chief Craig Summers; Ms. Judith Danko, Community Development Director; Kutztown Community Partnership/Kutztown University Community Liaison Sandy Green; Maxatawny Township representative Steve Wilson; and Michelle Yearick, Keonte' Glass, Javier Colon, Adam Sandlot, Johnny Sins, Erandeni Ayala, Keith Miller, Lilly Banks, Romario Davis, Dennis Krumanocker, Jeffrey Wright, Mike Blatt, Ann Dietrich, Brendan Strasser, Caecilia Holt, Charissa Schwenig, Chris Holt, Cole Mitchell, Crystal Vo, Christian Temchatin, Darcy Calkins, David Reimer, Dylan Adams, Evan Angstadt, Fred Engelhardt, Greg and Jenn Kaufinger, Jan Crooker, Jessica Martins, Jocelyn Englehart, Joe Stevenson, Joel Seidel, John Fry, Jules Fama, Kelly Weisner, Lisa Ladd-Kidder, Lisa Weckerle, Marah Schembri, Merry Schlegel, Nick Dengler, Peach Kovach, Peter Galgano, Teena Moyer, Tim Vanek, Tom Rader, Warren Shaub, William Smith, John Markiewicz, Jamie Lapp, Nick Timpe, Nikki O'Brien, Shaina Mack, Emily Cripe; and Ron Devlin, reporter for the Reading Eagle, were also present.

Mr. Mace asked if there was anyone who had public comment for any issue not on the agenda. There were none.

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Ms. Raudenbush reminded everyone that 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 has been discussed by the Community Development and Public Safety Committee, as well as by Council, so the time has come to vote on it.

The floor was opened for questions and comments regarding the proposed Ordinance.

Mr. Mace stated that a lot of information has been circulating about the proposed Ordinance, so he wanted to clarify that the limiting of gathering size is 10 unrelated persons and that mask wearing is for people within six feet of each other.

Mr. Hull said that he believes Chapter 31 of the Borough Code allows the Borough to protect residents without passing an Ordinance.

Regarding a petition that was passed around and circulated online, by Greg and Jenn Kaufinger, Ms. Raudenbush explained that it is hard to know how many respondents are Borough residents, since some do not list a full name or address.

Ms. Elliott noted that no less than 12 residents have approached her in favor of the Ordinance.

Michelle Yearick, from the Kutztown Youth Athletic Association, asked if kids need to wear masks, if they are already social distancing, while playing sports. Mr. Mooney responded yes, if 11 or more people are involved. He also said that coaches and officials should wear masks, unless they are six feet away.

Ms. Yearick also asked if parents are prohibited outside of the field, and Mr. Mooney responded that they are not.

Marilyn Fox asked if this Ordinance covers Maxatawny Township, and Mr. Mooney replied that it does not.

She then asked how it will be enforced, and Mr. Mooney stated that police would typically have to be contacted for enforcement.

Javier Colon, Nick Timpe, Keith Miller, Greg Kaufinger, Warren Shaub, Nikki O'Brien, Mike Blatt, Nick Dengler, and Shaina Mack all spoke in opposition of the Ordinance.

Dennis Krumanocker, Lisa Weckerle, Caecilia Holt, Lisa Ladd-Kidder, Jan Crooker, Sandy Green and Emily Cripe all spoke in favor of the Ordinance.

In response to some of the opposing comments, Mr. Hull stated that he brought up the idea for Council to consider a Resolution encouraging Kutztown University (KU) to take action, as well as the idea of establishing a health officer for the Borough.

Mr. Mace noted that KU has and enforces their own COVID policies.

Ms. Elliott explained that KU has added restrictions and she reiterated that if they are violated, KU enforces their own policies.

Regarding the COVID mitigation plan application, Greg Kaufinger asked who would approve it and what their credentials are.

Jules Fama, from the American Cancer Society, asked if her event scheduled for the following week was still authorized. She explained that it is a drive-through event, in the park; everyone would be wearing masks; and only a few volunteers would be outside to make sure cars are driving safely and on course.

Mr. Mooney said he did not think that event would violate the Ordinance, so President Snyder told her that the event could go on as planned.

Ms. Elliott announced that Christian Temchatin, Kutztown Area School District Superintendent, had to leave the meeting and he asked her to read his statement aloud:

“As a school district we have put significant measures in place to ensure the health and safety of our students and staff. With the school year off to a great start, we have heard generally from our families that any measures necessary to keep our schools open are worth the challenges that come with them. We are grateful for partners like the Borough of Kutztown and Kutztown University in our community efforts to mitigate the spread.”

Marilyn Fox informed Council that a friend of hers lost his connection to the meeting, and he wanted to know what to do as a small business owner who employs 20 people. President Snyder suggested that he follow the CDC guidelines. Ms. Fox said that she would have her friend pose his questions directly to the Borough himself.

Mr. Mace stated that he appreciates everyone’s comments and asked if there is anyone else wishing to speak.

Concerned about the COVID mitigation plan application, Mr. Mace asked Keith Mooney about it, to which he responded that he sent something to Mr. Khalife and Ms. Wiand.

President Snyder stated that Borough Council has a responsibility to protect the community, and although he feels they are in a no-win situation, they can’t wait for things to get worse before taking action.

Mr. Hull countered by agreeing that Council has a responsibility, but stating that he believes there are better options.

A motion was made by Mr. Mace, seconded by Mr. Seyler, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 2-2020

A TEMPORARY EMERGENCY ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA 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.

All those in favor, except for Ms. Raudenbush and Mr. Hull, who voted Nay. There being a majority in favor, the motion passed.

As the meeting was about to close, Reese Gravis and Iris Cripe blew raspberries at everyone!

A motion was made by Ms. Raudenbush, seconded by Ms. Elliott, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 6:55 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary