

September 15, 2026
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:33 p.m. in the Kutztown Train Station by the President, Kevin Snyder, with other members of Borough Council present: Dr. Derek Mace, Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, and the Mayor, Mr. James Schlegel. Mr. Keith Mooney, Borough Solicitor; Ms. Andrea L. Coaxum, Borough Manager, Ms. Gina M. Wiand, Borough Secretary/Public Relations and Marketing Director; Ms. Sharon Dalickas, Finance Director/Assistant Treasurer/Assistant Borough Manager; Police Chief Mike Clery; Information Technologies Director David Horvath; Director of Community Development Michele Lopez; Planning Commission representatives Bob Weller, Joel Seidel, and Pat Snyder; Environmental Advisory Commission member Mike Downing, and residents Steve Curry, Emma Birchak, Phila Back, Brent Senseny, Derrick Hatten, Angie Lutz, Steve Reinhart, Judy Wildman, and Eric Boyer were also present.

Mr. Kusterer opened the meeting with a prayer.

Council interviewed the following applicants for a Council member vacancy in Ward 1: Joel Seidel and Patricia Snyder. A third applicant, Seth Johnson, was unable to attend the interview.

After the interviews concluded, a motion was made Ms. Ladd-Kidder, seconded by Dr. Mace, Resolved, To appoint Patricia Snyder to Borough Council. All in favor except for Mr. Kusterer and Mr. Seyler, who voted Nay. There being a majority in favor, the motion passed.

Mayor Schlegel administered the oath of office to Patricia Snyder.

Keith Mooney called for a Public Hearing to consider an Ordinance to amend Chapter 225 – Data Centers and Data Center Accessory Uses. After noting that the Public Hearing was advertised in the Reading Eagle and posted at Borough Hall, he opened the floor for questions.

Matt Senseny stated that he thinks the decommissioning process is a good clause and asked if there is a possibility to make it retroactive. Mr. Mooney replied that while it cannot be retroactively applied, it can be done moving forward.

Steve Curry asked if the use of water and electric is allowed. Mr. Mooney replied that you cannot be exclusionary, so we can only put in rules and regulations about water.

Judy Wildman asked if there are any current applications and was told that there are not. She told Borough Council that she thinks they are doing the right thing and she appreciates it.

Angie Lutz asked where the Industrial Zone is located, and the Mayor responded that it is from this location (Train Station) to Moyer Lumber.

There being no more questions from the public, Mr. Mooney asked for questions or comments from Borough Council.

Dr. Mace asked if it is a recommendation or requirement to use a closed-looped system? Mr. Mooney replied that it is a requirement if on municipal water and it is all based on conditional use.

Dr. Mace also asked about the decommissioning plan and wanted to know an estimate of the bond. Mr. Mooney explained that it would be based on the project and could increase every five years.

There being no more questions from Borough Council, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 2-2026

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 225 OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED “ZONING” TO PROVIDE DEFINITIONS AND SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

Passed by unanimous vote.

Mr. Mooney closed the Public Hearing.

Mr. Mooney called for a Public Hearing to consider an Ordinance to amend Chapter 225 – Creating and Adding the Definition of Short-Term Rental (STR). After noting that the Public Hearing was advertised in the Reading Eagle and posted at Borough Hall, he opened the floor for questions.

Angie Lutz asked if there is already an Ordinance in place. Mr. Mooney explained that this is the Ordinance and that there is no other one in place.

Ms. Lutz also asked about the difference between a short-term rental and a bed and breakfast. Mr. Mooney explained that the short-term rental does not need to provide food or be occupied by the owner.

Ms. Lutz followed up by asking if it requires a permit. Mr. Mooney replied that it does and that the next Ordinance on the agenda addresses that.

There being no more questions from the public, Mr. Mooney asked for questions or comments from Borough Council.

Ms. Ladd-Kidder stated that there is no definition of rooming house in the

Ordinance. Mr. Mooney agreed that it will need to be added.

After some conversation about the draft not looking right, it was determined that although the wrong draft was in Council's packets, the correct version was on the Borough's website, was advertised, and was sent to the Berks County Planning Commission.

There being no more questions from Borough Council, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 3-2026

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING THE BOROUGH OF KUTZTOWN ZONING ORDINANCE, CHAPTER 225 BY: CREATING AND ADDING THE DEFINITION OF SHORT TERM RENTAL AND BY PERMITTING THE ESTABLISHMENT OF SHORT TERM RENTALS IN THE C-C BUSINESS COMMERCIAL CENTRAL, C-1 BUSINESS COMMERCIAL AND C-3 HIGHWAY COMMERCIAL ZONING DISTRICTS IN THE BOROUGH OF KUTZTOWN. ESTABLISHMENT WILL ALSO BE PERMITTED IN RESIDENTIAL ZONING DISTRICTS UPON COMPLETION AND SUBMISSION OF A ZONING APPLICATION, AND APPROVAL BY THE BOROUGH ZONING OFFICER. IN RESIDENTIAL ZONES, RENTAL WILL BE LIMITED TO A MAXIMUM OF 90 CUMULATIVE DAYS IN A CALENDAR YEAR.

Passed by unanimous vote.

Mr. Mooney closed the Public Hearing.

Mr. Mooney called for a Public Hearing to consider an Ordinance to amend Chapter 180 – Short-Term Rental (STR) Registration. After noting that the Public Hearing was advertised in the Reading Eagle and posted at Borough Hall, he opened the floor for questions.

There being no questions from the public, Mr. Mooney asked for questions or comments from Borough Council.

It was determined that although the wrong draft was in Council's packets, the correct version was on the Borough's website, was advertised, and was sent to the Berks County Planning Commission.

There being no questions from Borough Council, a motion was made by Mr. Kusterer, seconded by Dr. Mace, Resolved, To enact and ordain the following Ordinance:

ORDINANCE NO. 4-2026

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN TO INCLUDE A NEW CHAPTER 180, ENTITLED "STR REGISTRATION"; ESTABLISHING REGULATIONS FOR; OBTAINING A STR OPERATING LICENSE, A STR OCCUPANCY PERMIT AND SETTING PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER.

Passed by unanimous vote.

Mr. Mooney closed the Public Hearing.

President Snyder noted the following vacancies:

Code Appeals Board:	Five Member Vacancies
	One Alternate Vacancy
Planning Commission:	One Member Vacancy
Zoning Hearing Board:	Two Alternate Vacancies
Kutztown Municipal Authority	One Member Vacancy
Housing License Appeals Board:	Two Member Vacancies
	Three Alternate Vacancies
Environmental Advisory Commission:	One Member Vacancy

President Snyder asked if there was anyone who wished to address Council before proceeding with the agenda. There were none.

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 August 18, 2026, Borough Council meeting.
- Review and accept the Borough Community Development Report for August 2026.
- 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 August 15, 2026, through September 11, 2026.

General Fund	\$833,302.94
Refuse and Recycling Fund	\$38,446.67
Water Fund	\$51,755.75
Electric Fund	\$1,295,877.81
Sewer Fund	\$86,221.43
Telecommunications Fund	\$25,496.32

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted that the Northeastern Berks Joint Comprehensive Plan survey is available on the Borough's website.

He also reported that they have worked on Conditional Use procedures and could be in Council's packets next month.

Pat Snyder gave an update on the Joint Comprehensive Plan.

Under Environmental Advisory Commission, there was no report.

Under Community Development and Public Safety Committee, the Monthly Police Report for August 2026 was submitted.

The following fines were collected:

District Justice Greth	August 2026	\$1,580.70
Clerk of Common Pleas	August 2026	\$204.09
Secretary's Office	August 2026	\$2,400.00

A motion was made by Mr. Kusterer, seconded by Dr. Mace, Resolved, To approve the request from Kutztown University's McFarland Student Union &

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Community Outreach to open the Community Development Office and run an electrical extension cord from the office to serve as a power source for a portion of Fall Fest 2026 on September 19, 2026, from approximately 2:00p.m. to 9:00p.m. NOTE: A staff member from the office will be present for the full duration to supervise access and safeguard property records. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Mr. Seyler, Resolved, To approve the request from the Kutztown Fairgrounds Association to waive \$254.00 in outstanding electrical (\$109.50) and plumbing (\$144.50) permit fees for a livestock building recently constructed at the Kutztown Fairgrounds. NOTE: The request is presented as a standalone, case-by-case accommodation in support of the Fairgrounds Association's 4-H and youth agricultural programming, since the Association's 501(c)(5) tax-exempt status does not meet the eligibility criteria of the nonprofit fee waiver policy currently under development. Passed by unanimous vote.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve Change Order No. 31, from Kinsley Construction, in the amount of \$3,260.65, for swapping door 207 with the eliminated door 116 and adding additional ceilings in the new Administration and Public Works building. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, To approve Change Order No. 33, from Kinsley Construction, for adding a ceiling in room 116, upsizing the coiling fire door, adding glass windows to various doors, and installing two additional windows; and for deleting the partition walls in the new Administration and Public Works building, which gives the Borough a credit of \$8,680.73. Passed by

unanimous vote.

President Snyder called for an Executive Session to discuss protection of public safety and security matters at 8:35 p.m. The Executive Session ended and the meeting was reconvened at 9:06 p.m.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Change Order No. 34, from Kinsley Construction for data/electrical in the new Administration and Public Works building. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve Change Order No. 35, from Kinsley Construction, in the amount of \$6,760.33, for the #47 Boiler Shutdown in the new Administration and Public Works building. Passed by unanimous vote.

Ms. Coaxum noted that an emergency shutoff button was missed by the architect.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To deny approval of Change Order No. 36, from Kinsley Construction, in the amount of \$6,393.51, for the Multipurpose Room ductwork in the new Administration and Public Works building.

Ms. Coaxum noted the issues related to the accordion door, lighting, and ductwork. She explained that the room was supposed to have an open ceiling, but the lighting and ductwork will not fit as designed. The suggestion was to rework the ductwork.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To Payment Application No. 12, from Kinsley Construction, in the amount of \$728,648.21

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for the new Administration and Public Works building. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To ratify approval for CMS to proceed with lowering the water main immediately, Maple and James Streets, at a cost not to exceed \$20,000.00, so the 2026 Paving and Storm Sewer Improvements Project is not further delayed. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the request from the Rotary Club to use the Park on June 12, 2027, and June 10, 2028, for their Taste of Kutztown event. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To approve the quote for 75 tons of infield mix so the KYAA can perform field maintenance during the offseason, from New Enterprise in the amount of \$6,465.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, To approve the request from the Kutztown Soccer Club to use the Multipurpose Field as well as the ballfields and their lights, in the Park, for their fall practices and games. Passed by unanimous vote.

President Snyder noted that the 2026 leaf collection schedule has been mailed and posted online.

Under Personnel Committee, a motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To concur with the Borough Manager's decision to hire Zachary Peace as a full-time Office Assistant, contingent upon the successful completion of the necessary reference checks, background investigation, and drug testing. Passed by unanimous vote.

A motion was made by Mr. Kusterer, seconded by Ms. Ladd-Kidder, Resolved, To reappoint Melissa Engelhardt, as a member of the Zoning Hearing Board, whose term shall end on October 1, 2029. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Dr. Mace, seconded by Mr. Seyler, Resolved, To approve the monthly budget status report. Passed by unanimous vote.

A motion was made by Dr. Mace, to withdraw his previous motion, and Mr. Seyler withdrew his seconding of the motion. Passed by unanimous vote.

A motion was made by Dr. Mace, seconded by Mr. Seyler, Resolved, To approve the new Administration and Public Works building furniture proposals in the amount of \$163,042.95. Passed by unanimous vote.

A motion was made by Dr. Mace, seconded by Mr. Seyler, Resolved, To adopt the following Resolution:

RESOLUTION NO. 6-2026

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE EXONERATION OF PER CAPITA TAX BILLS, DUE AND OWING FOR THE CALENDAR YEAR 2027, EFFECTIVE JANUARY 1, 2027.

WHEREAS, the Kutztown Area School District has maintained the Per Capita Tax Bill database and distributed the bills for many years; and

WHEREAS, the Kutztown Area School District has decided to no longer maintain the Per Capita Tax Bill database or distribute the bills; and

WHEREAS, the Borough of Kutztown has declined to maintain the Per Capita Tax Bill database or distribute the bills; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Kutztown hereby resolves as follows:

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That the Council of the Borough of Kutztown does hereby authorize the exoneration of all Per Capita Tax Bills, due and owing for the calendar year 2027, effective January 1, 2027.

DULY ADOPTED AS A RESOLUTION this 15th day of September, 2026, by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled.

Passed by unanimous vote.

A motion was made by Dr. Mace, seconded by Ms. Ladd-Kidder, Resolved, To adopt the following Resolution:

RESOLUTION NO. 7-2026

A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, DECLARING THAT FIVE PERCENT CONTRIBUTION IS REQUIRED BY EACH FULL-TIME POLICE OFFICER OF THE BOROUGH OF KUTZTOWN, NOW OR HEREAFTER ELIGIBLE FOR PARTICIPATION IN THE POLICE PENSION PLAN, INTO THE POLICE PENSION FUND FOR THE CALENDAR YEAR 2027.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 15, 2026, of the 2027 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2027 Minimum Municipal Obligation for the Borough of Kutztown Police Pension Plan requires that each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan, contribute into the Police Pension Fund during the calendar year of 2027.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2027, by each full-time police officer of the Borough of Kutztown, now or hereafter eligible for participation in the Police Pension Plan for the calendar year of 2027, as provided for in §33-8, of the Code of the Borough of Kutztown, Berks County, Pennsylvania.

ADOPTED AND RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in a lawful session duly assembled this 15th day of September 2026.

Passed by unanimous vote.

Dr. Mace noted that the Minimum Municipal Obligation (MMO), for 2027, for the Uniform Pension Plan is \$195,031, and for the Non-Uniform is \$487,382.

Under Telecommunications and Information Technologies Committee, a motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve the PhillyCom invoice for the purchase of a network switch, at a cost not to exceed \$7,415.00, for the new Administration and Public Works building. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Seyler, Resolved, To approve the TWG Security quote #8902 for a security system, at a cost not to exceed \$6,907.32, for the new Administration and Public Works building. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To amend the proposed motion on the TechniCom invoice for audio visual equipment, at a cost not to exceed \$25,384.12, for the public meeting room in the Administration and Public Works building to read as follows: take action to approve the TechniCom invoice for audio visual equipment, including a new mixer; for two TVs to be mounted to the wall of the public meeting room; to have wiring moved from the IT room to the public meeting room; to remove existing equipment and relocate it to the new building; and for sales tax to be removed from the invoice for a cost not to exceed \$23,947.28, for the public meeting room in the Administration and Public Works building. Passed by unanimous vote.

A motion was made by Ms. Ladd-Kidder, seconded by Mr. Kusterer, Resolved, To approve the TWG Security quote #6909 for door access control wiring and security

cameras, at a cost not to exceed \$96,163.83, for the new Administration and Public Works building. Passed by unanimous vote.

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

Under Miscellaneous, President Snyder noted that Borough trick-or-treat night is on October 31, from 6:00p.m. until 8:00p.m.

President Snyder also noted that Council received a thank you letter from the Strand Committee.

Dr. Mace stated that Ms. Coaxum “jumped into a building project that is messy and not her fault, and we owe her a debt of gratitude.” Ms. Coaxum thanked the staff for all their help.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:26 p.m.

Prepared and Attested by: Gina M. Wiand
Borough Secretary

Kevin J. Snyder and Gina M. Wiand hereby ordered payment of the expenditures listed in the Accounts Payable G/L Distribution Report, including payment dates from August 15, 2026, through September 11, 2026, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand