

September 16, 2025
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:31 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Dr. Derek Mace, Mr. Edwin Seyler, Ms. Lisa Ladd-Kidder, Mr. George Kusterer, Mr. Frederick Engelhardt, 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 Mike Clery; Mrs. Sharon Dalickas, Finance Director/Assistant Treasurer/Acting Assistant Borough Manager; Kutztown Planning Commission representatives Bob Weller and Joel Seidel; Kutztown Fire and Rescue representative Todd Evans; Villas at Maxatawny representatives Brian Kobularcik and Scott Sweigart; and Borough residents Robyn Reinisch, Jeff Dietrich, Julie Stark, Martha Kuhns, Eric Boyer, Lisa Foreback, Mike Shaw, Andrew Vogel, Christen Taylor, Katharine Keegan, and Mike Downing were also present.

Mr. Kusterer opened the meeting with a prayer.

Joe Keefe, from Ostergaard Acoustical Associates gave a virtual presentation regarding assistance with a Noise Ordinance.

Mr. Keefe explained that Ostergaard was asked to look at the Borough's draft Noise Ordinance and that they can help figure out what it does and does not do.

Mr. Engelhardt noted that the Borough does not have a comprehensive Noise Ordinance and asked if Ostergaard has a draft that the Borough can build on and adapt to

its needs.

Mr. Keefe stated that there is an Ordinance from a municipality in New Jersey that could be used as a model.

President Snyder opened the discussion to the public.

Mike Downing asked if the Borough is on better legal footing with Ostergaard than with a lawyer.

Mr. Keefe responded that their involvement would make it scientifically better, but not more lawful and enforceable.

Dr. Mace asked if the parameters would be general or specific, and Mr. Keefe responded that the parameters would not be specific.

Andrew Vogel asked if this would be based on scientific research, and Mr. Keefe responded that it would.

Mr. Engelhardt asked how long the process would take, and Mr. Keefe responded that it could go as fast as the Borough wants it to, depending on its own process.

A motion was made by Mr. Engelhardt, seconded by Dr. Mace, Resolved, To approve the Ostergaard Acoustical Associates proposal in the amount of \$3,850.00.

Mr. Engelhardt and Ms. Ladd-Kidder spoke in favor of approving the proposal, citing Ostergaard's experience and unbiased expertise.

Mike Downing also spoke in favor noting that legislation is circulating at the state level which would not allow municipalities to put restrictions on data centers.

Passed by unanimous vote.

President Snyder noted the following vacancies:

Code Appeals Board:

Four Member Vacancies
One Alternate Vacancy

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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.

Robyn Reinisch, from 733 Seem Drive, stated that she never had a water problem on her property until her neighbor blocked the water flow with rocks. She asked the Borough to enforce the matter and not allow him to put rocks in the swale.

Mr. Mooney explained that he and the Borough's Code Enforcement Officer visited the property and filed a violation notice. He said there will be a hearing, but enforcement cannot be carried out without a court order, even though he is in violation. He also noted that the neighbor filed an appeal, and the only thing Council could do is send him another letter if they choose.

Mr. Engelhardt said that because it is a repeated pattern, the Borough should issue documentation for the additional violation.

Mr. Mooney told him that he is in violation of the Stormwater Development Plan. He also explained that he can search for an easement agreement on the Stormwater Management Agreement with the developer to allow the Borough to go on the property and correct it at the Borough's expense.

A motion was made by Mr. Engelhardt, seconded by Ms. Ladd-Kidder, Resolved, To direct the Borough's Code Enforcement Officer to visit the property and document additional violations, and to have Mr. Mooney search for the easement agreement on the Stormwater Management Agreement with the developer. Passed by unanimous vote.

Mike Shaw questioned the Planning Commission description on the Borough's Web site, and he asked if you need to be a resident to serve, and if there are any current Planning Commissioners who are non-residents.

Mr. Mooney responded that you must be a resident to serve and that there are no non-residents on the Planning Commission.

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 19, 2025, Borough Council meeting.
- Review and accept the Borough Community Development Report for August 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 August 16, 2025, through September 12, 2025.

General Fund	\$153,308.13
Refuse and Recycling Fund	\$47,872.38
Water Fund	\$84,670.64
Electric Fund	\$375,733.00
Sewer Fund	\$68,079.40
Telecommunications Fund	\$48,207.49

Passed by unanimous vote.

Under Borough Planning Commission, regarding the proposed Ordinance 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, Bob Weller stated that Ms. Ladd-Kidder found some errors that need to be corrected.

Mr. Mooney explained that he does not think that a companion amendment was taken into consideration during the revisions of this Ordinance, and it will also need to be amended before moving forward.

Mr. Seyler suggested sending the Ordinance back to the Planning Commission; to have Mr. Mooney review the revisions; and to direct him to send the companion amendment to the County. It was the consensus of Council to do so.

Under Environmental Advisory Commission, there was nothing to report.

Under Community Development and Public Safety Committee, the Monthly Police Report for August 2025 was submitted.

The following fines were collected:

District Justice Greth	August 2025	\$1,618.22
Clerk of Common Pleas	August 2025	\$25.90
Secretary's Office	August 2025	\$3,425.00

A motion was made by Mr. Kusterer, seconded by Dr. Mace, Resolved, to approve a \$500.00 donation to Crime Alert Berks County. Passed by unanimous vote.

Mr. Engelhardt gave a presentation regarding the Action Track USA/Kutztown Fairgrounds Association event on September 7, 2025. He noted that he presented this to the Community Development and Public Safety Committee, but he wanted all of Council to see it. The presentation showed pictures of immense amounts of dust created by the races.

Ms. Ladd-Kidder asked if the track was watered two days before the event, and Mr. Engelhardt said that to his knowledge, it was watered a few hours before the event.

Mr. Seyler noted that the Borough cited Action Track USA and the Fair Board for violation of the Borough's Air Pollution Ordinance.

Mr. Engelhardt opined that the Borough should uphold and fight any appeals.

A motion was made by Mr. Kusterer, seconded by Mr. Engelhardt, Resolved, to direct Keith Mooney to attend and represent the Borough of Kutztown at any related magistrate hearing(s) if the defendant(s) appeal their citations, in addition to the Borough Code Officer. Passed by unanimous vote.

Julie Stark asked if the citation was for dust or for dust and noise, and Mr. Engelhardt responded that it was just for dust because we do not have a Noise Ordinance.

Ms. Stark noted that it is “unbearable” to be outside, during the races, and that you can hear it inside, too.

Dr. Mace asked what the maximum fine is for the violation, and Chief Clery responded that it is a sliding fee from \$100.00 to \$2,500.00, and the judge decides the fine amount.

Mr. Engelhardt and Mayor Schlegel asked if anyone could attend the hearing, and Mr. Mooney responded that anyone could attend, but the Borough needs people with photos and videos to go. Chief Clery said there will be a subpoena list.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve having the Borough’s Trick-or-Treat Night on October 31, 2025, from 6:00 p.m. until 8:00 p.m. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve placing two port-a-potties in the Park, over the winter months, with one by the new bathrooms and one by the tennis courts. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve the request from Kutztown Scout Troop 101 to place a box in Borough Hall for

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retired American Flags. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to award the Municibid sale of a 2011 Ford F250 Crew Cab Pickup, to Cody Schegan, in the amount of \$13,000.00. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve payment No.2, to CMS Construction, LLC, in the amount of \$137,979.93, for the 2025 Street Improvements Project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to ratify approval of the request from Kutztown Cub Pack 101 to use the multipurpose and Babe Ruth Fields on September 13, 2025, with a rain date of September 14, 2025, for their Rocket Rodeo (their certificate of insurance was received). Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to ratify approval of the request from the Environmental Advisory Commission to have an insect collection and study done at North Park on September 6, 2025. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve the request from the Kutztown Soccer Club to use the Little League, Babe Ruth, softball, and senior fields and lights for their season in late October and early November. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve the 2026 electronic recycling dates. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve the 2026 refuse and recycling schedule. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to approve the change order request from Kinsley Construction, for asbestos/lead abatement work associated with Public Works building demolition, in the amount of \$85,174.73. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to authorize the final payment and to close out the Pedestrian Improvements Project upon review and recommendation by HRG. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to adopt the following Resolution:

RESOLUTION NO. 3-2025

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF GARAGE DOOR OPENERS TO DAN BATZ, AT SCRAP VALUE, WHICH IS ESTIMATED AT \$70.00.

IT IS HEREBY RESOLVED by the Council of the Borough of Kutztown, Berks County, Pennsylvania (hereinafter “the Borough”), in accordance with Section 1201 (4) of the Borough Code, as follows:

RESOLVED, that the Borough shall sell garage door openers, having a total estimated sale value of Seventy Dollars, to Dan Batz.

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 16th day of September, 2025.

Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, Resolved, to authorize the Fire Chief to conduct tactical training, at the Public Works building, before

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it is demolished.

Dr. Mace asked if this includes roof and demolition training but not fire training, and Todd Evans responded that it does not include fire training.

Ms. Ladd-Kidder asked if this training would occur before or after abatement, and Mr. Khalife responded that it would occur before abatement.

Passed by unanimous vote.

Under Personnel Committee, an Executive Session to discuss personnel and legal matters was not needed.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, to approve, with regret, the retirement of Ricky Geisinger. Passed by unanimous vote.

Ms. Ladd-Kidder asked Mr. Khalife to send a letter of appreciation to Mr. Geisinger.

A motion was made by Mr. Engelhardt, seconded by Mr. Kusterer, Resolved, to approve a wage increase of \$2.13 per hour for Jared Babel. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, and seconded by Mr. Kusterer, Resolved, to allow Travis Diehl to use the remaining 189 hours of donated sick time, without setting precedence, as agreed to by AFSCME. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Dr. Mace, seconded by Ms. Ladd-Kidder, Resolved, to request the Public Works Committee to secure a vendor to designate what trees on Main Street need pruning and to have the applicable curbs painted yellow either in-house or through a vendor.

A motion was made by Dr. Mace, seconded by Ms. Ladd-Kidder, Resolved, to amend the previous motion to request the Public Works Committee to secure a vendor to

designate what trees on Main Street need pruning and to have the applicable curbs painted yellow to include painting the fire hydrants the designated color(s), either in-house or through a vendor. Passed by unanimous vote.

A motion was made by Dr. Mace, seconded by Mr. Seyler, Resolved, to enter into an Interconnection Agreement, for solar electricity, with the owner of 251 W. Main Street. Passed by unanimous vote.

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

RESOLUTION NO. 4-2025

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 2026, EFFECTIVE JANUARY 1, 2026.

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:

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 2026, effective January 1, 2026.

DULY ADOPTED AS A RESOLUTION this 16th day of September, 2025, 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 Mr. Seyler, Resolved, to enter into

an Engagement Letter with MVA Tax and Advisors to perform the Borough's 2025

Audit. Passed by unanimous vote.

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

RESOLUTION NO. 5-2025

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 2026.

WHEREAS, the members of the Council of the Borough of Kutztown, Berks County, Pennsylvania were notified on September 16, 2025, of the 2026 Minimum Municipal Obligation for the Police Pension Plan, after consulting with the Plan's actuary; and

WHEREAS, the calculation of the 2026 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 2026.

NOW, THEREFORE, BE IT RESOLVED, that a five percent contribution is required to be made into the Police Pension Fund for the calendar year 2026, 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 2026, 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 16th day of September 2025.

Passed by unanimous vote.

Dr. Mace noted that the Minimum Municipal Obligation (MMO), for 2025, for the Uniform Pension Plan is \$124,370, and for the Non-Uniform is \$541,322.

Under Telecommunications and Information Technologies Committee, there was

nothing to report.

Under Water and Wastewater Committee, a motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve the 12-month extension for the 118 EDUs (water), for the Villas at Maxatawny, to expire September 16, 2026. All those in favor, except Ms. Ladd-Kidder, who voted Nay. There being a majority in favor, the motion passed.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve the final payment application, to Mr. Rehab, in the amount of \$8,550.00, for repairs to the Highland Avenue rehab project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to introduce and authorize the proposed Ordinance amending and restating Section 12.

Section

225-21.B.1., entitled “I – Industrial Utilization Regulations,” of the Code of the Borough of Kutztown.

Mr. Seyler asked if the 60-decibel noise limit could affect the new Noise Ordinance, and Mr. Mooney responded that it would need to be repealed, but not until Council is ready to adopt the new legislation.

Passed by unanimous vote.

Under Miscellaneous, a motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 9:22 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 16, 2025, through September 12, 2025, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand