

October 21, 2025
Kutztown, PA

A regular meeting of the Kutztown Borough Council was called to order at 7:29 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. Frederick Engelhardt, and the Mayor, Mr. James Schlegel. Councilman George Kusterer was absent. 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 University representative Sandy Green; Kutztown University President Dr. Philip Cavalier; Kutztown Planning Commission representative Bob Weller; Kutztown Tavern representatives Bart and Erin Fenstermacher; Phi Sigma Sigma representatives Sam Kurtas, Avery Setlock and Marley Reinhold; A.D. Moyer representative Steve Reinert; and Borough residents Mike Downing, Lucy Keim and Eric Boyer were also present.

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

Sandy Green introduced Kutztown University's 13th president, Dr. Philip Cavalier.

Mayor Schlegel welcomed Dr. Cavalier, on behalf of Borough Council, and presented him with a Borough lapel pin.

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Dr. Cavalier thanked Council and the mayor for the welcome and said he was happy to be in Kutztown. He noted that one of the most pleasantly surprising things he has discovered is the positive relationships that exist between the Borough, the university, and the students.

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.

Avery Setlock asked for Council's permission to have a Phi Sigma Sigma grilled cheese sale on October 25. She said they have done this successfully in the past and that she has permission from the affected landlords to be outside of their properties.

Chief Clery had no objections.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, To approve the Phi Sigma Sigma grilled cheese sale. Passed by unanimous vote.

Erin Fenstermacher, the new owner of the Kutztown Tavern, requested daytime ticketing at their back parking lot stop, and to possibly create a two-hour parking pass for patrons.

Borough Community Service Officer Coordinator Eric Boyer said that he thinks it would be possible to do something like this and to work with Ms. Fenstermacher on a program.

Dr. Mace noted that reconsideration of parking was discussed at the last Community Development and Public Safety Committee meeting, and Mr. Seyler invited Ms. Fenstermacher to attend the next meeting.

Chief Clery added that the Police Department has a proposal for parking changes to share.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, To approve the Consent Agenda, consisting of the following items:

- Review and accept the Minutes of the September 16, 2025, Borough Council meeting.
- Review and accept the Borough Community Development Report for September 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 September 13, 2025, through October 17, 2025.

General Fund	\$109,416.72
Refuse and Recycling Fund	\$31,974.63
Water Fund	\$101,270.56
Electric Fund	\$436,989.54
Sewer Fund	\$92,337.43
Telecommunications Fund	\$24,039.31

Passed by unanimous vote.

Under Borough Planning Commission, Bob Weller noted that they will be working on a Data Center Ordinance at their next workshop meeting.

There was discussion about the 2022 draft version of the Short-Term Rental Ordinance and potential changes to the C-C and C-1 sections.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to authorize Keith Mooney and the Borough's Zoning Officer to discuss the potential

need for an amendment to the Short-Term Rental Ordinance. Passed by unanimous vote.

Under Environmental Advisory Commission, there was nothing to report.

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

The following fines were collected:

District Justice Greth	September 2025	\$2,323.30
Clerk of Common Pleas	September 2025	\$79.78
Secretary's Office	September 2025	\$7,600.00

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

RESOLUTION NO. 6-2025

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, APPROVING THE SALE OF THIRTEEN (13) 2010 SMITH AND WESSON M&P 45 HANDGUNS TO POLICE DEPARTMENT EMPLOYEES AND RETIREES.

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 ten (10) Smith and Wesson M&P 45 handguns, at a cost of \$175.00 each, to the following Police Department employees and retirees: Paul Clery, Karl Schemberg, Arthur Hirsch, Matthew Yerger, Brayden Lewis, Walter Skavinsky, Raymond Schell, James Hirko, Eric Boyer, and Chester Reimer; and

FURTHER RESOLVED, that the Borough shall sell three (3) Smith and Wesson M&P 45 handguns, with missing accessories, at a cost of \$150.00 each, to the following Police Department employees: Walter Skavinsky, Carolann Bartik, and Paul Clery; and

BE IT FURTHER RESOLVED that the transfer costs and background checks will be paid by the purchaser(s).

APPROVED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania in lawful, regular meeting duly assembled this 21st day of October, 2025.

Passed by unanimous vote.

A motion was made by Dr. Mace, seconded by Mr. Seyler, Resolved, to approve the Notification of Change in Building Code Official from Joseph Hoffman to Matthew Davenport. All those in favor, except Ms. Ladd-Kidder, who voted Nay. There being a majority in favor, the motion passed.

Ms. Ladd-Kidder noted that she would like to know how many years of experience Mr. Davenport has.

Under Public Works Committee, a motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to approve Payment No.1, to Kinsley Construction, LLC, in the amount of \$101,700.00, for the Public Works and Administration Building project. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve Payment No. 3, to CMS Construction, LLC, in the amount of \$38,504.76, 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 request from Friend, Inc., to rent the Brick Pavilion for their Second Annual Dog Walk in the Park, on May 17, 2026. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to

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approve the parade permit application for a classic car show, on May 17, 2026, contingent upon approval from PennDOT as well. Passed by unanimous vote.

A.D. Moyer representative, Steve Reinert, noted that this is a fundraiser for the Special Olympics.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to enter into an agreement with Acela to perform Construction Management Service (Option 2), in the amount of \$217,422.40, as outlined in their proposal for the Public Works and Administration Building project.

There was discussion about the different options presented in the proposal, and some Council members expressed changing to Option 1. Mr. Khalife suggested holding off until next month.

After further discussion on this matter, Mr. Seyler withdrew his motion and Ms. Ladd-Kidder withdrew her seconding of the motion, and it was the consensus of Council.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to enter into the 2026 Waste Disposal Agreement with the Delaware County Solid Waste Authority. Passed by unanimous vote.

Mr. Khalife noted that it is about a five percent increase.

A motion was made by Mr. Seyler, seconded by Mr. Engelhardt, Resolved, to ratify approval of the request from Kutztown Elementary School kindergarten to waive the rental fee for the Ceres Pavilion for their field trip on October 10, 2025. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to authorize advertising the bid for the Keiter Alley LSA Storm Grant project. Passed by

unanimous vote.

A motion was made by Mr. Seyler, seconded by Ms. Ladd-Kidder, Resolved, to approve the request from the KYAA to approve the replacement of the clubhouse roof in the Park, for the Borough to share the cost, not to exceed \$1,500.00, and to provide trash removal. Passed by unanimous vote.

A motion was made by Mr. Seyler, seconded by Dr. Mace, Resolved, to award the Municibid sale of a 1990 Massey Ferguson Model 1030 Tractor w/6' rotary mower, to Conner Ferretti, in the amount of \$5,500.00. Passed by unanimous vote.

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

A motion was made by Mr. Engelhardt, seconded by Dr. Mace, Resolved, to enter into an Internship Renewal Agreement with Kutztown University, for a new five-year term, and to authorize the Borough Manager to E-sign the agreement. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, and seconded by Dr. Mace Resolved, to appoint Tommy Lazorik, as a Student Member of the Environmental Advisory Commission, whose term shall expire on November 1, 2028. Passed by unanimous vote.

A motion was made by Mr. Engelhardt, and seconded by Ms. Ladd-Kidder Resolved, to hire Aaron-Jacob Seibert as a Refuse Laborer I without CDL, contingent upon passing all required background checks, physical, and screenings. Passed by unanimous vote.

Under Finance and Electric Committee, a motion was made by Dr. Mace,

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seconded by Ms. Ladd-Kidder, Resolved, to approve the request from Topton Community Ambulance Service to release \$90,000.00 for use on truck purchases, remounts, and equipment. Passed by unanimous vote.

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 Ms. Ladd-Kidder, Resolved, to enact and ordain the following Ordinance:

ORDINANCE NO. 3-2025

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 225-21.B.1, OF THE CODE OF THE BOROUGH OF KUTZTOWN, ENTITLED "INDUSTRIAL UTILIZATION REGULATIONS" BY AMENDING AND RESTATING SAID SECTION IN ITS ENTIRETY AND BY AMENDING THE WATER USAGE AND SEWER DISCHARGE VOLUMES FOR HEAVY INDUSTRIAL USERS.

Passed by unanimous vote.

President Snyder called for an Executive Session to discuss personnel and legal matters at 8:15 p.m. The Executive Session ended, and the meeting was reconvened at 9:13 p.m. No action was taken.

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 9:13 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 September 13, 2025, through October 17, 2025, in accordance with Section 1106 of the Borough Code, Commonwealth of Pennsylvania.

Kevin J. Snyder

Gina M. Wiand