

June 15, 2023
Kutztown, PA

A Special Workshop meeting of the Kutztown Borough Council was called to order at 7:04 p.m. in the Kutztown Train Station by the President, Mr. Kevin Snyder, with other members of Borough Council present: Mr. Edwin Seyler, Mr. Derek Mace, Mr. Frederick Engelhardt, Ms. Lisa Ladd Kidder, Mr. George Kusterer and the Mayor, Mr. James Schlegel. Mr. Gabriel Khalife, Borough Manager/Treasurer, Ms. Andrea Rahn, Assistant Borough Secretary; Ms. Carolann Bartik, Police Secretary; Acting Police Chief Mike Clery; Code Inspector Joshua Young; Kutztown Area Transport Services representative Rodney Freeman; Kutztown University Community Liaison and Government Relations Assistant Sandy Green; Planning Commission representatives Bob Weller and Joel Seidel; Kutztown Fair representatives Earl Leiby, Faye Leiby, Roger Bowman, Chris Manwiller, Stacey Mertz, Rick Munson, Ginger Schappell; residents Tim Seyler, Michael Shaw, Eric Boyer, Randy Kunkle, Chris Sheetz, Jeremy Curry, Leigh Kane, Rick Salafia, and Martha Kuhns were also present.

President Snyder opened the meeting by stating this is a workshop to receive comments regarding the proposed Noise Ordinance Amendment.

Mr. Khalife stated that Borough Council will not make any decisions during this meeting, but only accept suggestions, and they will limit all comments to one minute in length. The comments are as follows:

Joel Seidel: stated that the proposed Noise Ordinance Amendment as written will discourage growth in Kutztown and would turn Kutztown into a Borough where no one

12522

will want to visit. A specific timeframe needs to be set and tagging decibels will be very difficult with wind, weather, etc.

Mr. Shaw: asked what type of growth will be discouraged and feels that the Planning Commission is concerned about businesses, and not people, and feels the decibels are easily obtainable. It's already impacting the people that live here.

Mr. Kusterer: indicated the Borough already has an Ordinance that covers residences. The proposed Noise Ordinance Amendment is for the commercial side.

Mr. Shaw: stated that he has lived across the street from the Fairgrounds for 38 years and the racing has kept him and others up late at night with the noise, dust, fumes, and bright lights.

Mr. Seidel: this is supposed to be a workshop. The two main hubs located in the Borough are the park and the fairgrounds. It becomes touchy when you want to say one thing is okay and the other is too loud.

Mr. Shaw: the fair and racing are not the same.

Mr. Seidel: you can't say one thing is okay and the other is not.

Mr. Snyder asked for a show of hands in favor or against the proposed Noise Ordinance Amendment, and against the Ordinance Amendment was the majority.

Ms. Ladd-Kidder: stated that she would like to see an Ordinance that is fair and more respectful to residents and families for public events.

Mr. Seidel: brought up a lawsuit from 1998 and asked what has changed.

Mr. Shaw: what has changed is what qualified as an event. The Code Officer was monitoring the events during the year. Who's keeping track?

12523

Mr. Khalife: stated that if a Noise Ordinance is adopted with decibel limits, then it will not be selectively enforced. It will include Kutztown Day, Folk Festival, and the Fair.

Mr. Shaw: stated when the racing began, it wasn't approved properly from the start. The racetrack has never modified the sound.

Mr. Khalife: The Borough's solicitor has expressed what an event is. The Fair is one event, the Folk Festival is one event.

Mr. Mace: indicated that he feels the racing has led to expansion. The Fair has a race every night and that's only one event. There's a difference in racing noises and children's noises that go up and down.

Mr. Seidel: the racing is usually completed by 10pm.

Mr. Mace: we have had a high level of decibels after 10pm.

Mr. Seidel: asked about racing with cars that have bigger engines.

Mr. Kusterer: asked if the Fair Board owns the track and if the racing is a tenant. Suggested some kind of barrier to help with the noise.

Mr. Seidel: questioned the use of barriers due to windstorms, hurricanes, etc.

Mr. Engelhardt: stated that Bloomsburg plants shrubs to help with noise. The Ordinance is not specific. A nightclub could open in town running 24 hours with loud thumping music. I think the racetrack is the loudest event in town. There needs to be a balance. Sound buffering may be required or needed. Not looking at shutting everything down.

Mr. Kusterer: commented that shrubs are slow growers.

12524

Mr. Seidel: stated we are trying to think of ways on both sides. What can we do to be good neighbors?

Mr. Engelhardt: indicated he likes the Planning Commissions idea of a firm timeframe.

Mr. Seidel: suggests a better direction instead of a decibel limit.

Ms. Kuhns: stated that she is used to firetrucks, and sirens, but on Wednesday evenings she can't have a conversation in her backyard. There is no more growth in this town. Mentioned a Noise Ordinance to include trucks due to possible warehouse development outside of town.

Mr. Seyler: noted that we have an Ordinance that regulates the size of trucks on Borough roads, but not state roads. Local authorities can't override state rules and car regulations are state rules.

Mr. Manwiller: asked where the 60 decibel limit came from. Indicated that OSHA limits are 85 decibels for eight hours. The racing is not a consistent decibel reading. It's roughly 10 minutes for a race and then it stops. There is a break until the next race. Noted at the last Council meeting that you could not hear the racing.

Mr. Engelhardt: stated there's a difference between ear damage and noise nuisance.

Mr. Manwiller: asked what's going to be next. Lights? He bought a meter and tested it around College Boulevard, and had decibel readings between 75 and 85. It changes with the wind direction and location. A copy of the readings was handed to Council members.

Mr. Mace: asked if the larger engine cars are on the racing schedule.

12525

Mr. Manwiller: asked if not permitting the larger engine cars to race would prevent the proposed Ordinance, and if so, then we can look into doing that starting next year. We could bring it up to the Fair Board.

Mr. Mace: need to be proactive for establishments that have excess noise. Would like to have something in place for noise regulation in case a rogue business comes into town to keep the target on noise and not the racetrack.

Mr. Engelhardt: noted that enforcement would not be by the police, but by a code enforcement officer.

Mr. Young: suggested a specific time limit. Can't enforce every half hour.
Weather conditions will change the sound. The problem will be special exemptions. Try
to come up with a base line with what will work. Make it a time and medium decibel
limit.

Mr. Kusterer: stated enforcement will come with a price tag. That is something Council will need to consider.

A motion was made by Mr. Seyler, seconded by Mr. Kusterer, To adjourn the Council meeting upon vote. Passed by unanimous vote. The meeting ended at 8:21pm.

Prepared and Attested by: Andrea Rahn
Assistant Borough Secretary