A regular meeting of the Planning Commission was held on Monday, July 8, 2019, at the Kutztown Municipal Building, 45 Railroad Street.

The meeting was called to order at 7:01 PM by Ms. Lisa Ladd-Kidder, Chairperson. Members present were: Ms. Lisa Ladd-Kidder, Mr. Tim Haring, Mr. Frederick Engelhardt, Mr. Joel Seidel, Mrs. Pat Snyder, Mr. Michael Blichar and Ms. Karen Feridun. Also present: Mr. Gabriel Khalife, Borough Manager, and Ms. Carolann Moody, Recording Secretary. Public Attendance: Phila Back, Borough resident; Rusty Taft representing NESL; and Pete Smith representing Georgetown Holding Group

PUBLIC COMMENTS ON NON-AGENDA ITEMS
There were no public comments.

PLANNING COMMISSION COMMENTS ON NON-AGENDA ITEMS
There were no comments from Planning Commission members.

APPROVAL OF MINUTES
The June 10, 2019 Planning Commission minutes were reviewed by members. Ms. Ladd-Kidder requested the last paragraph on page 2 read, “Following a lengthy discussion, Planning Commission agreed that an informal response to the Water/Wastewater Committee be prepared, requesting a redline copy of NESL’s proposed changes and a consultation with an environmental attorney.” Motion by Mr. Haring and seconded by Mr. Blichar to approved the June 10, 2019 minutes as corrected. The motion passed by unanimous vote.

NEW BUSINESS/ACTION ITEMS
- Application to Subdivide 26 South Whiteoak Street
- Application for Tea Room at 363 East Main Street

Ms. Ladd-Kidder mentioned that the above items require no action from the Planning Commission at this time. She said that Mrs. Sue Kline from the Community Development Office wanted to make Planning Commission members aware that these items may need action from the Planning Commission in the future.

Mr. Seidel inquired as to why the application for the Tea Room was denied and Mr. Khalife stated that it is change of use for that property.

Mr. Pete Smith representing Georgetown Holding Group was available to review the application to subdivide 26 South Whiteoak Street and accept feedback from Planning Commission members. Mr. Khalife stated that Planning Commission members have not received details regarding the application, but did offer Mr. Smith the opportunity to provide an overview. Ms. Ladd-Kidder stated that information was not prepared for Planning Commission members to review and possibly take action on, adding that she did not think it was a good idea for Mr. Smith to discuss the application at this time. Mr. Khalife stated that the reason the application has not been brought to the Planning Commission is due the fact that it may not be a subdivision, it may be a natural division whereas the alley would be dividing
the two properties. They are waiting for a determination from the attorney and the plan reviewer as to what may need to be addressed by either Planning and/or Zoning.

OLD BUSINESS/UPDATES
- Review of Both “Redline” Copies of the Water Supply Agreement and NESL’s Proposed Agreement

Ms. Ladd-Kidder reviewed with Planning Commission members all of the documents that she had forwarded to them via email. Ms. Phila Back distributed a packet of information to Planning Commission members mentioning that she would like to review the information during the meeting.

Planning Commission members reviewed the redline copy of the Water Supply Agreement that was supplied to Mr. Khalife from NESL’s representative, Mr. Rusty Taft. Ms. Ladd-Kidder opened the discussion stating that the Amendment was presented to the Planning Commission with two proposed changes. She said the first item was the name change, adding that she had no question about that. Ms. Ladd-Kidder stated that the second change was that NESL wanted to change the allowable maximum level for PCE’s from 2.5 parts per billion to 5.0 parts per billion because the water was not being used for drinking and that they had to shut down often.

Ms. Feridun asked for a definition of Threshold Level and Mr. Taft stated that the Threshold Level is the EPA Standard, adding that 5.0 is the maximum health standard set by the EPA. There was a discussion regarding the Threshold Level, testing of VOCs and PCEs, additional components being tested for, how often testing is being done, discharge pipe, monitoring wells, and times pumping needed to be stopped due to well levels. Mr. Taft stated that NESL is constantly testing and sampling adding that representatives of the Borough are always welcome to stop by the Quarry to take samples anytime they want. Mr. Taft also reviewed Air Stripping with Planning Commission members.

Ms. Back reviewed with Planning Commission members the packet of information that she presented them and explained that the Kutztown Wellhead Protection Program, which was funded by an EPA Grant, was undertaken due to a number of known threats to the Borough wells. She reviewed the map in the packet, explaining it was created to chart potential sources of contamination. Ms. Back reviewed with Planning Commission members the contaminated sites in Topton that are of concern to the Wellhead Protection Program. Ms. Back recommend that the Planning Commission not approve the proposed Amendment and suggested they have DEP investigate, adding if they want an opinion from a specialist, they should speak with a hydrogeologist.

Mr. Taft stated that NESL has done many studies since the process has been started, offering documentation from those studies. He added that they document everything they are doing and reiterated that representatives are welcome to stop at the Quarry and they will be shown what they are doing there. Mr. Taft stated that they don’t want to cause contamination, adding that they want to work with the Borough and not be an adversary. Mr. Seidel asked if the Threshold Level could be raised to 3.0 or 3.5 and Mr. Taft stated that he could speak to management about that, if that is what is requested. There was a lengthy discussion regarding the Threshold Level percent and the ramifications of changing or not changing the percentage.

Following a lengthy discussion regarding the need for an environmental consultant vs an attorney reviewing the document, Mr. Khalife stated that once the Planning Commission is comfortable with the content in the Amendment an attorney would review the document to be sure it reads the way they want, adding that an attorney would not give the environment review unless they are also an
environmental specialist. Ms. Ladd-Kidder stated it is realistic that they can find someone who is expert in both as people who are expert in both have already been suggested.

Ms. Ladd-Kidder stated that she will be attending the Water/Wastewater Committee meeting on Wednesday, July 10, 2019, adding that she will report back to Planning Commission members at the next meeting. Mr. Khalife invited any additional members who may be interested to also attend the meeting.

Mr. Khalife reminded Planning Commissions members that if they don’t want any changes to the current Agreement, an attorney is not needed because the Agreement will stay as is. He added that if there are changes, such as giving more leeway between the 2.5 and 5.0 Threshold Level, then an attorney would review the document. Following a discussion regarding what changes, if any, would be made to the Agreement, Ms. Ladd-Kidder stated that she wants someone else who knows more than she does to help evaluate the different opinions and information so that Planning Commission members can make an informed decision.

OFF AGENDA
There was nothing to discuss off agenda.

ADJOURNMENT
With no further business to discuss a motion was made by Mr. Blichar and seconded by Ms. Feridun to adjourn the meeting. The motion carried and the meeting was adjourned at 8:39 PM.

Respectfully submitted,

Ms. Carolann Moody
Recording Secretary