

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
APRIL 10, 2024**

MINUTES

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chairman John Deplanque called the meeting to order at 6:30PM with the Pledge of Allegiance. Members present: Heath Wessner and Marcus Simonetti. Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Chris Muvdi; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

ANNOUNCEMENTS: Wehr announced that the Board met in executive session on April 8th from 7:15pm until 7:30pm to deliberate over CU Hearing, as well as on April 19th from 5:30pm until 6:30pm to discuss litigation

PUBLIC COMMENT: (AGENDA ITEMS ONLY) – Public Comment on agenda items will take place at the agenda item after discussion is completed by the Board

APPROVAL OF THE MINUTES:

1. Motion to approve the minutes of the March 13, 2024 Board of Supervisors Meeting
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the March 13, 2024 Board of Supervisors meeting. Motion passed (3-0)
2. Motion to approve the minutes of the March 27, 2024 Board of Supervisors Workshop
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the Board of Supervisors workshop. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 150 calls in March
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Kutztown Fire Company strategic planning funding
 - Deputy Fire Chief, Josh Young, was in attendance and provided additional information regarding the strategic plan. Young stated that Kutztown Boro approved payment of \$8,000.00 and the Fire Company is working with Kutztown University to get a donation as well
 - Motion made by Simonetti and seconded by Wessner to approve payment of \$8,300.00 from the ARPA funds. Motion passed (3-0)
4. Historic Commission
 - a. Request to review archeology studies of projects
 - b. Request to obtain party status with PennDot
 - c. Request to review draft landscaping ordinance
 - There was discussion regarding the requests. The request for party status with PennDot was approved at the March meeting.
 - Motion made by Simonetti and seconded by Wessner to approve the requests to review archeology studies and the draft landscaping ordinance. Motion passed (3-0)

5. Municipal Authority
 - a. Michael Berger provided the Municipal Authority report
 - b. There was discussion regarding sewer availability and how the process to reserve capacity works
6. Roadmaster – Bobby Turner
 - a. Turner presented his report
 - b. Turner stated that he submitted all required documents for the dirt & gravel grant for the project on Sharadin Road
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. Paff stated that cycle 3 pumping is active. There are 240 properties that need to pump by the end of June
 - c. Paff stated that Leck has submitted an application to the State to expand their transfer station to 320 tons daily, as well as increase their operating hours
 - d. The Bowers Hotel is in the process of being purchased and will soon operate under new ownership
 - e. There is a tobacco shop going in at the Weis Plaza. They are looking to add five gaming machines in the future
 - f. The Zoning Hearing date for April has been rescheduled to April 30th due to the primary election on the 23rd
8. Secretary/Treasurer – Jerilyn Wehr
 - a. ARPA funds – discussion on remaining funds and uses
 - Wehr informed the Board that the truck purchase for the Enforcement Office will be completed within the next few days
 - Wehr informed the Board that the Township received two quotes for meeting room upgrades, with two still outstanding
 - Wehr stated that during the most recent rainstorm, there was water that came in the building through the main meeting room window and drained down through the basement ceiling
 - Wehr stated that a quote was received for replacement of the main platform for the playground at the Bowers Park. Wehr stated that there are other areas of concern with the equipment
 - Motion made by Simonetti and seconded by Wessner to have Wehr meet with a representative from the playground company to get quotes for all areas of concern. Motion passed 3-0
 - Wehr announced that the Township has been approved to receive the full grant in the amount of \$457,935.00 from DCED for sidewalk installation from Kutztown University to the Giant property
9. Motion made by Wessner and seconded by Simonetti to approve the reports as presented. Motion passed (3-0)

PLANS TO REVIEW: nothing at this time

OLD BUSINESS:

1. Special Event request – Cannabis Festival at Renningers
 - a. Paff stated that all documents have been received, including a bond for road clean up after the event

- b. Motion made by Wessner and seconded by Simonetti to approve the special event. Motion passed (3-0)

NEW BUSINESS:

1. Special Event permit – Antique Tractor Show
 - a. Paff stated that the event is to take place at the Bowers Park on June 7, 8, and 9 with a possible tractor parade, as done in the past
 - b. Motion made by Wessner and seconded by Simonetti to approval of the special event. Motion passed (3-0).
2. Special Event permit – Berks County Aero Modelers
 - a. Paff stated that there were two events submitted for approval. The first event will take place on May 18th with an estimated 300 people in attendance. The second event will take place July 26th and 27th
 - b. Motion made Wessner and seconded by Simonetti to approve the event on May 18, 2024. Motion passed (3-0)
 - c. Motion made by Wessner and seconded by Simonetti to approve the event on July 26 & 27, 2024. Motion passed (3-0)
3. Extension expiration – C&B Development
 - a. Motion made by Wessner and seconded by Simonetti to approve the extension request to 90 days after any decision by the Court regarding the Zoning Hearing decision appeal. Motion passed (3-0)
4. Extension expiration – Newswanger annexation
 - a. Motion made by Wessner and seconded by Simonetti to approve the extension request to June 26, 2024. Motion passed (3-0)
5. Extension expiration – Lobb tract/Villas of Maxatawny
 - a. Motion made by Wessner and seconded by Simonetti to approve the extension request to July 10, 2024. Motion passed (3-0)
6. Zoning Hearing application review – Age restricted community/Tucker tract
 - a. Paff stated that the requested variances pertain to width and lot size
 - b. No recommendation was made on the application
7. Motion to accept oil bid with Albany and Richmond Townships
 - a. Motion made by Wessner and seconded by Simonetti to accept the bid from Midland Asphalt Materials Inc. in the amount of \$67,750.00. Motion passed (3-0)
8. Ratify settlement agreement re: Siegfriedale Road Solar LLC
 - a. Solicitor Muvdi stated that the Board negotiated terms that they believe are appropriate and protect the residents of the Township and entered into a settlement agreement in respect to the applicants deemed approval stance. Muvdi also stated that there is an appeal of the deemed approval filed by a neighbor of the project property
 - b. Multiple Township residents and taxpayers including Rob and Judy Boyer, Kevin Leiby, Drew Silfies, Keri Nordlund, Laurel Burkhardt, and Marty Yourkavitch questioned the settlement agreement, its terms, and the issue with the timing related to the applicants deemed approval stance
 - c. Motion made by Simonetti and seconded by Deplanque to ratify the settlement agreement. Motion passed (2-0) Wessner abstained due to conflict
9. Ratify termination of Michael Miller as Solicitor to represent Township re: roadcrew union

- a. Motion made by Simonetti and seconded by Deplanque to ratify the termination of Michael Miller. Motion passed (2-1). Wessner – no stating that he was not aware of the termination until seeing the agenda
10. Ratify hiring of Jason Ulrich with Gross McGinley as Solicitor to represent the Township re: roadcrew union
 - a. Motion made by Simonetti and seconded by Wessner to ratify the hiring of Jason Ulrich. Motion passed (3-0)
11. Motion to hire Elizabeth Magovern as Solicitor to represent the Township re: 310 Hilltop CU decision appeal
 - a. Motion made by Simonetti and seconded by Wessner to approve hiring of Elizabeth Magovern. Motion passed (3-0)
12. Motion to authorize Solicitor Muvdi to attend the Zoning Hearing re: appeal of 222 Capital Partners CU application rejection
 - a. Muvdi explained that 222 Capital Partners submitted two applications, with the Township rejecting the second submission. The project has appealed that rejection. The Zoning Hearing is scheduled to be held May 28, 2024
 - b. Motion made by Simonetti and seconded by Deplanque to approve Solicitor Muvdi's attendance at the Zoning Hearing. Motion passed (2-0). Wessner abstained due to conflict
13. Motion to approve participation in Regroup Notification system with Municipal Authority
 - a. Wehr informed the Board that we currently have a service for mass notification, but the costs would be significantly lower with the new service. The Township will split the cost with the Municipal Authority
 - b. Motion made by Wessner and seconded by Simonetti to approve participation in Regroup Notification system. Motion passed (3-0)
14. Discuss detour for Kutz Mill Bridge in Greenwich Township
 - a. Wehr presented the proposed detour route. Both Engineer Falencki and Roadmaster Turner stated that they would like to see the detour route not include Township roads, if possible, especially Gun Club Road.
 - b. Motion made by Simonetti and seconded by Wessner to deny the proposed detour route. Motion passed (3-0)
15. Reaffirm approval of new F-600 truck lease from M&T Bank
 - a. Motion made by Wessner and seconded by Simonetti to reaffirm the lease with M&T Bank. Motion passed (3-0)
16. Discussion on changing date of Board of Supervisors monthly meeting
 - a. Motion made by Simonetti and seconded by Wessner to approve the change of date starting in May to the second Monday of the month. Start time will remain 6:30pm. Motion passed (3-0)
17. Motion to accept resignation of Roadmaster Bobby Turner
 - a. Motion made by Wessner and seconded by Simonetti to accept the resignation of Turner. Motion passed (3-0)
18. Motion to appoint Bob Hauck as assistant code enforcement officer/assistant property maintenance code officer
 - a. Motion made by Wessner and seconded by Simonetti to hire Bob Hauck. Motion passed (3-0)
19. Discuss possible intergovernmental agreement with Rockland Township re: 174 and 188 Lyons Road

- a. Solicitor Muvdi and Rockland Solicitor Mayfield did some research on these properties and found that these properties were always considered Rockland Township properties and have paid their taxes to Rockland Township and Brandywine School District. Back in 1995 there was discussion regarding these properties and it was agreed at that time that they would remain Rockland Township properties. Muvdi recommended an intermunicipal agreement acknowledging the properties and their location in Rockland Township
 - b. Taxpayer Alex Bollinger voiced concern regarding the properties and their location and provided information on why he believes the properties should be Maxatawny Township properties
 - c. Motion made by Simonetti and seconded by Wessner to authorize the Township Solicitor to work with the Rockland Solicitor to draft an agreement that keeps the properties as Rockland Township properties
20. Discussion on possible solar Ordinance updates
- a. Engineer Falencki stated that at a recent workshop, the largest concern presented was solar
 - b. Motion made by Simonetti and seconded by Wessner to start a draft Solar Ordinance. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Chris Muvdi
 - a. Nothing to report
2. Engineer – Chris Falencki
 - a. Falencki’s report was presented to the Board
 - b. Solar renewable energy has conditional approval but needs to request waivers for stormwater maintenance. They will be attending the upcoming Planning Commission meeting

PUBLIC COMMENT (non-agenda items)

1. Resident Laurel Burkhardt requested availability to review plans
2. Resident Anne Franke questioned the turn around time of a Right-to-Know request

FINANCIAL MATTERS:

1. Motion was made by Wessner and seconded by Simonetti to approve the bills as presented. Motion passed (3-0).
2. Motion was made by Wessner and seconded by Simonetti to approve the Treasurer’s Report and transfers as presented. Motion passed (3-0)

ADJOURN: Chairman Deplanque adjourned the meeting at 8:07PM

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer