

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
JUNE 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: Marcus Simonetti and Heath Wessner. Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Chris Muvdi; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr

Chairman Deplanque turned the meeting over to Special Council, Peter Edelman

1. Edelman provided the Supervisors with a copy of the proposed resolution. Edelman informed the Board that they are requesting assistance from the Maxatawny Township Municipal Authority to assist Old Main LLC so they can restructure their current debt. The Authority would be serving as a conduit, and as such, there would be no liability to the Authority or the Township
2. Resident Alex Bollinger asked why they approached Maxatawny Township for this project
3. Resident Rob Reynolds asked what they are financing
4. Motion made by Simonetti and seconded by Wessner to approve Resolution 2024-08. Motion passed (3-0)

ANNOUNCEMENTS: Wehr announced that the Board met in executive session this evening from 6pm until 6:30pm to discuss personnel

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 May 13, 2024 Board of Supervisors Meeting
 - a. Motion made by Simonetti and seconded by Wessner to approve the minutes of the May 13, 2024 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 138 calls in May
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance – nothing at this time
4. Historic Commission
 - a. Reynolds reported that the draft landscaping ordinance was reviewed, and recommendations were provided to Paff
5. Municipal Authority
 - a. Michael Berger provided the Municipal Authority report
 - b. Berger stated that the Villas of Maxatawny have paid their reservation fee and the sewer plant is now at full capacity on paper
6. Roadcrew
 - a. Wehr presented the monthly report

7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. Paff stated that cycle 3 pumping is active. There are currently 150 properties still needing to pump
8. Secretary/Treasurer – Jerilyn Wehr
 - a. ARPA funds – discussion on remaining funds and uses
 - There was extensive discussion regarding projects to use the ARPA funds for including meeting room upgrades, building updates, a 5-10 year financial planning provided by CELG, Bowers bridge repair and window replacement
 - Motion made by Simonetti and seconded by Wessner to approve the quote from HSI for \$35,948.90 for meeting room upgrades. Motion passed (3-0)
 - Motion made by Simonetti and seconded by Wessner to approve the financial planning quote of \$10,000.00 from CELG. Motion passed (3-0)
 - Motion made by Wessner and seconded by Simonetti to approve the lowest bid from Sanders Masonry of \$20,720.00 for the Bowers bridge repair. Motion passed (3-0)
 - There was additional discussion regarding the quote for window replacement due to leaking in the Township Office
 - Motion made by Wessner and seconded by Simonetti to approve the quote from B&G Glass for \$10,108.01 for window replacement out of the general fund. Motion passed (3-0)
 - Wehr also updated the Board that she is still waiting on the quote for replacement parts for the Bowers Park playground equipment
 - There was also discussion regarding additional funds to go to road repairs. The Board agreed to have Engineer Falencki and Road Foreman Wessner review and resubmit the proposal
 - Wehr updated the Board on the status of the three used pieces of equipment that we are in the process of selling. Two pieces have been relisted on Municibid, while the third is in the process of transferring
 - Wehr also informed the Board that after posting for volunteers for a Comprehensive Plan committee after last months meeting, she currently has two interested parties
9. Motion made by Wessner and seconded by Simonetti to approve the reports as presented. Motion passed (3-0)

PLANS TO REVIEW:

1. Provco Pinegood Kutztown LLC – waivers, planning module, and Preliminary plan
 - a. Keith Mooney, representatives of the project, presented the plan
 - b. The letters of Falencki dated April 16, 2024 and Paff dated May 7, 2024 were discussed and Mooney stated that they will comply with all comments
 - c. The waiver review letter dated May 16, 2024 was presented and discussed.
 - d. Motion made by Simonetti and seconded by Wessner to recommend approval of the requested waivers. Motion passed (3-0)
 - e. Motion made by Simonetti and seconded by Wessner to recommend conditional approval of the planning module. Motion passed (3-0)
 - f. Motion made by Simonetti and seconded by Wessner to give conditional preliminary plan approval based on the letters of Falencki and Paff. Motion passed (3-0)
2. Villas of Maxatawny (Lobb tract) – waivers and Preliminary plan

- a. Brian Focht of C2C Design and Developer Brian Kobularcik presented the plan and provided the Supervisors with a description of the project
 - b. The letters of Falencki dated May 14, 2024 and Paff dated May 15, 2024 were reviewed
 - c. Requested waivers were reviewed
 - d. Resident Marty Yourkavitch voiced concern over parking in the development
 - e. Motion made by Simonetti and seconded by Wessner to approve the requested waivers. Motion passed (3-0)
 - f. Motion made by Simonetti and seconded by Wessner to give conditional preliminary plan approval based on the letters of Falencki and Paff. Motion passed (3-0)
3. Martin Solar – Stormwater management waivers
- a. There were no representatives of the project in attendance. Discussion tabled

OLD BUSINESS:

- 1. Update on status of possible intergovernmental agreement with Rockland Township re: 174 and 188 Lyons Road
 - a. Solicitor Muvdi gave an overview of the draft agreement that agrees the properties in question continue to be considered part of Rockland Township but provides protections for Maxatawny Township including any recommended zoning map changes needing approval from Maxatawny, as well as being notified of any zoning hearings for the properties
 - b. Resident Alex Bollinger again voiced concern regarding the properties maintaining their status as Rockland Township properties and asked to have a month to review the agreement and talk with neighbors
 - c. The Board agreed to table until next month

NEW BUSINESS:

- 1. Extension expiration – McDonalds
 - a. Motion made by Wessner and seconded by Simonetti to approve the extension request to September 17, 2024. Motion passed (3-0)
- 2. Extension expiration – Newswanger Annexation/Subdivision
 - a. Motion made by Simonetti and seconded by Wessner to approve the extension to September 18, 2024. Motion passed (3-0)
- 3. Extension expiration – 222 Capital Partners LLC
 - a. Motion made by Simonetti and seconded by Deplanque to approve the extension to September 30, 2024. Motion passed (2-0) Wessner abstained
- b. Extension expiration – Florez Trucking Conditional Final Plan Approval
 - a. Motion made by Simonetti and seconded by Wessner to approve the extension to November 15, 2024. Motion passed (3-0)
- c. Zoning Hearing application review – Maxatawny CSG1 LLC Solar
 - a. Project representatives presented the project and the requested variance
 - b. Motion made by Wessner and seconded by Simonetti to make no recommendation, but if the Zoning Hearing Board does approve the requested variance, to require compliance with Section 1001 of the Zoning Ordinance and Conditional Use. Motion passed (3-0)
- d. Request for front facing solar panels – 319 Wynview Drive
 - a. Motion made by Wessner and seconded by Simonetti to approve the front facing solar panels. Motion passed (3-0)

- e. Request for front facing solar panels – 769 Topton Road
 - a. Motion made by Wessner and seconded by Simonetti to approve the front facing solar panels. Motion passed (3-0)
- f. Ratify settlement agreement with New Enterprise Stone & Lime Co.
 - a. Motion made by Simonetti and seconded by Wessner to ratify the agreement. Motion passed (3-0)
- g. Ratify agreement – 91 Hartman Road Lot Line adjustment
 - a. Motion made by Simonetti and seconded by Wessner to ratify the agreement. Motion passed (3-0)
- h. Authorize Solicitor to submit draft Zoning Ordinance to Berks County Planning Commission
 - a. This revision is to add clarity and definition of wording in the Ordinance
 - b. Motion made by Simonetti and seconded by Wessner to authorize Solicitor to submit to BCPC. 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. Falencki reported to the Board information from the DEP meeting held on June 4, 2024 regarding the Clifford Hill/Leck expansion request

PUBLIC COMMENT (non-agenda items)

- 1. Resident Ken Franke requested that Engineer Falencki be authorized to submit a request to PennDot to redesign Long Lane. Discussion to be place on next month’s agenda
- 2. Resident Brian Sheetz voiced concern over the Clifford Hill/Leck expansion request
- 3. Resident Marty Yourkavitch questioned who is responsible for trash collection when the park is rented out
- 4. Resident Rob Reynolds asked about the draft Ordinance being sent to BCPC
- 5. Resident Laurel Burkhardt asked how to get an item on the agenda

FINANCIAL MATTERS:

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

ADJOURN: Chairman Deplanque adjourned the meeting at 8:11PM

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer