

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
AUGUST 12, 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 multiple executive sessions including:
July 15, 2024 from 8:05pm until 8:15pm to discuss Conditional Use Hearing
August 6, 2024 from 9am until 10:15am to discuss personnel
August 8, 2024 from 9am until 12 noon to discuss personnel
August 12, 2024 from 6:00pm 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 July 8, 2024 Board of Supervisors Meeting
 - a. Motion made by Simonetti and seconded by Wessner to approve the minutes of the July 8, 2024 Board of Supervisors. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 152 calls in July
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance – nothing at this time
4. Historic Commission – nothing at this time
5. Municipal Authority
 - a. Wehr stated that Municipal Authority Secretary Tricia Green did not provide a report this month due to no changes
6. Roadcrew
 - a. Report was presented
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. There are 19 properties that need to complete septic pumping in cycle 3
 - c. Paff provided an update on the pumping at the Quarry after talking with DEP. The Quarry stopped pumping for a while but needed to pump more recently due to rain. Their current permit is good for 6 months. Supervisor Deplanque added that water quality is the concern with additional pumping
 - d. Paff also is inquiring with PennDot regarding allowing steel wheeled tractors on Township roads if not for farming purposes
 - e. Supervisor Simonetti questioned if we got notice of approval/denial of Clifford Hill's increase request. Paff responded that his is working on an additional letter to DEP on the subject

8. Secretary/Treasurer – Jerilyn Wehr
 - a. ARPA funds – discussion on remaining funds and uses
 - Wehr provided updated information including completion of window replacement, meeting room upgrades and playground upgrades
 - Municipal Authority member Josh Tucker asked if the Board put any consideration into the request for funds from the Authority
9. Motion made by Simonetti and seconded by Wessner to approve the reports as presented. Motion passed (3-0).

PLANS TO REVIEW: nothing at this time

OLD BUSINESS: nothing at this time

NEW BUSINESS:

1. Special Event permit – Antique Tractor Show
 - a. Paff stated that the event is to take place October 9th through the 13th and has all required paperwork
 - b. Motion made by Simonetti and seconded by Wessner to approve the special event. Motion passed (3-0).
2. Special Event permit – Renningers Market Cannabis Festival
 - a. Paff stated the fall event is to be held October 5th and 6th and he has all required paperwork. He is waiting on the fee
 - b. There was discussion regarding the event and how to increase fees paid to the Township and how to help alleviate traffic issues
 - c. Motion made by Simonetti and seconded by Wessner to approve the special event upon receiving payment of fees. Motion passed (3-0)
3. Special Event permit – Berks County Aeromodelers
 - a. Paff stated that this is an event that was postponed due to weather earlier this year. It is now proposed to be held September 28, 2024
 - b. Motion made by Simonetti and seconded by Wessner to approve the special event. Motion passed (3-0)
4. Ratify Florez Trucking Final Plan approval
 - a. Motion made by Simonetti and seconded by Wessner to ratify the final plan approval. Motion passed (3-0)
5. Motion to authorize entry into Florez Trucking agreements
 - a. Motion made by Simonetti and seconded by Wessner to approve the agreements . Motion passed (3-0)
6. Discussion on request from KYAA to utilize Bowers Park baseball field
 - a. Josh Werst, with KYAA, was in attendance, but failed to provide the written request suggested by the Board at their July meeting. He was again asked to provide the request in writing for consideration next month
7. Discussion on DLP Kutztown (2200 Lifestyle Lane) request to utilize emergency access on Short Lane
 - b. DLP Manager, Michael Pullins, requested allowing access through the emergency access along Short Lane. Pullins stated that google maps directs delivery drivers to use Short Lane and that drivers are cutting the chain that closes off the access
 - c. Short Lane resident, Rob Andre, voiced concern of allowing additional traffic flow on the road

- d. The Board was not receptive to the idea of opening the emergency access to thru traffic and informed Mr. Pullins to continue to barricade the access
- e. Motion made by Simonetti and seconded by Wessner to authorize Wehr to reach out to google maps to try to get the route removed. Motion passed (3-0)
8. Land Development waiver request – 700 College Blvd
 - a. Rob Andre presented the project to the Board stating that he would comply with stormwater management
 - b. Motion made by Simonetti and seconded by Wessner to approve the waiver of Land Development but require Stormwater management plan. Motion passed (3-0)
9. Zoning Hearing application review – Hartman Road Townhomes
 - a. Paff stated that the project is requesting variances for side yard setbacks, no buffers on northwest side of property, and parking on the street
 - b. Motion made by Simonetti and seconded by Wessner to recommend no buffers on the northwest side conditioned on the approval of the Lobb tract Villa's with all other variances denied. Motion passed (3-0)
10. Ratify move-in day traffic pattern for Kutztown University on August 22, 2024
 - a. Motion made by Simonetti and seconded by Wessner to ratify approval. Motion passed (3-0)
11. Motion to approve Resolution 2024-09 intergovernmental agreement with Rockland Township re: 174 and 188 Lyons Road
 - a. Solicitor Muvdi stated that the Board previously approved the agreement with Rockland and the Resolution just ratifies entering into the agreement
 - b. Resident Alex Bollinger again stated his disgust with the Board that they are not willing to help in this situation
 - c. Motion made by Simonetti and seconded by Deplanque to approve Resolution 2024-10. Motion passed (2-1). Wessner – no
12. Motion to approve Resolution 2024-10 Joint Comprehensive Plan
 - a. Motion made by Simonetti and seconded by Wessner to approve Resolution 2024-10. Motion passed (3-0)
13. Discussion on draft Solar Ordinance and motion to authorize Solicitor to send to Berks County Planning Commission for review
 - a. There was discussion on the draft. One revision was recommended
 - b. Motion made by Simonetti and seconded by Wessner to authorize the revision and then submission to the BCPC for review. Motion passed (3-0)
14. Motion to authorize Solicitor Magovern to enter her appearance for the Township in appeal filed by 23 Max LLC
 - a. Motion made by Simonetti and seconded by Wessner to authorize Magovern to enter her appearance for the appeal filed by 23 Max LLC. Motion passed (3-0)
15. Motion to authorize Solicitor to advertise public hearing for Comprehensive Zoning Ordinance update
 - a. Motion made by Simonetti and seconded by Wessner to authorize advertisement of hearing. Motion passed (3-0)
16. Discussion on hiring of roadcrew employee
 - a. Motion made by Simonetti and seconded by Wessner to authorize Wehr to advertise for a roadcrew employee. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Chris Muvdi – nothing at this time

2. Engineer – Chris Falencki
 - a. Falencki’s report was presented to the Board

PUBLIC COMMENT (non-agenda items)

1. Resident Peter Karch again voiced his concern that Greenwich Township will not place a no trucks sign at Deer Run and Gensinger Road
2. Resident Carol Schully asked about road damage on Eagle Point that was caused by utility pole replacement
3. Resident Garret Miller voiced concern regarding the Municipal Authority and its Solicitor, asking the Board to look into it
4. Taxpayer and Municipal Authority member Josh Tucker invited the Board to attend the Municipal Authority meetings
5. Resident Marty Yourkavitch voiced concern regarding customer relations between the Municipal Authority and specific customers of the Authority

FINANCIAL MATTERS:

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

Solicitor Muvdi announced that the Board will be going into an exec session to discuss litigation.
No decisions will be made
Exec session held from 7:50pm until 8:00pm

ADJOURN: Chairman Deplanque adjourned the meeting at 8:00PM

Respectfully submitted,

Jerilyn R. Wehr