

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
FEBRUARY 14, 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 (by phone) and Marcus Simonetti. Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Chris Muvdi; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

AG SECURITY HEARING: 261 Quarry Road

The Hearing was opened at 6:30pm with Attorney Muvdi providing details of the property applying. Both the Ag Security Committee and the Planning Commission had reviewed the application and recommended approval of the property. There was no public comment. The hearing was closed at 6:34pm

Motion made by Simonetti and seconded by Wessner to approve the Ag Security application.
Motion passed (3-0)

ANNOUNCEMENTS: Chairman Deplanque announced that the Board did meet in executive session from 5:45pm until 6:30pm to discuss personnel and 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 January 10, 2024 Board of Supervisors Meeting
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the January 10, 2024 Board of Supervisors. Motion passed (3-0)
2. Motion to approve the minutes of the January 16, 2024 Board of Supervisors Meeting
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the January 16, 2024 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 124 calls in January
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Kutztown Fire Company strategic planning funding
 - Wehr informed the Board that the Kutztown Fire Company is interested in hiring a firm to complete the study. They are asking for the Township and Kutztown Boro to split the cost of the study. George Kusterer from the Kutztown Boro stated that the Public Safety Committee will be recommending to Boro Council at their February 20th meeting to authorize their half of the payment. The Board decided to table the discussion until next month
 - b. Motion to appoint Topton Ambulance Representative

- Motion made by Wessner and seconded by Deplanque to appoint Marcus Simonetti as the Topton Ambulance Rep. Motion passed (3-0)
- 4. Historic Commission
 - a. Reynolds stated that the Commission made two recommendations at their February meeting for the Board to consider. One involving granting party status to the Commission in all PennDot activities in the Township that involve Historic properties. The other authorizing the Commission to review all archeology studies submitted to the Township. Solicitor Muvdi stated that he will look into the requests
- 5. Municipal Authority
 - a. Michael Berger stated that the next meeting is Thursday, February 22nd. Berger also wanted to thank the roadcrew for plowing the Authority properties.
 - Simonetti asked Berger for more information regarding Municipal Authority activity including projects with approvals and sewer capacity.
 - Berger stated that the plant can run 140,000 gallons per day. It currently runs approximately 50,000 gallons per day and another 50,000 gallons is reserved for Advantage Point, which leaves 40,000 gallons available. Berger stated that whatever amount of sewage runs from the coffee lane station through the Boro line, will be split out to our plant accurately. Berger stated that any further information needed can be requested from him or Engineer Falencki
- 6. Roadmaster – Bobby Turner
 - a. Motion to approve Resolution 2024-05 – Equipment rental rates
 - Motion made by Wessner and seconded by Simonetti to approve Resolution 2024-05. Motion passed (3-0)
 - b. Bowers Park baseball field upgrades
 - Turner stated that members of KYAA have reached out about using the park field for a practice location. Some minor repairs would need to be made, which would cost approximately \$1,500.00
 - Motion made by Wessner and seconded by Simonetti to approve the repairs with payment from the Recreation Fund. Motion passed (3-0)
- 7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. There are currently 42 outstanding 2024 rental permits
 - c. There are 270 properties that need to complete septic pumping in the current cycle of cycle three
- 8. Secretary/Treasurer – Jerilyn Wehr
 - a. ARPA funds – discussion on remaining funds and uses
 - Wehr informed the Board that there is still approximately \$270,000.00 left in the fund. These funds need to be spent by or designated to a project by the end of 2024.
 - There was discussion regarding replacing the existing playground equipment at the Bowers Park. Deplanque stated that he feels we should look into replacing the damaged portions vs replacing the entire structure.
 - There was also discussion regarding some work at the Township Office to make an additional office space and looking into a newer vehicle for the Enforcement Office use

- b. Computers for Supervisor use
 - Wehr provided a quote from Lantek for 3 laptops
 - There was extensive conversation regarding the laptops, as well as additional upgrades to the meeting room. The Board asked Wehr to get some quotes on meeting room upgrades
 - c. Request for funds to hold Fall Festival
 - Wehr informed the Board that the Rec Committee would like to hold the Fall Festival again for the first time since COVID. The date would be October 5th, with a rain date of October 6th. They are looking for \$3,000.00 from the Recreation Fund to fund the festival
 - Motion made by Wessner and seconded by Simonetti to approve the release of \$3,000.00 to hold the Fall Festival. Motion passed (3-0)
9. Motion made by Wessner and seconded by Simonetti to approve the reports as presented. Motion passed (3-0).

PLANS TO REVIEW:

1. Newswanger annexation – Church Road and Topton Road – Land Development waiver request
 - a. Rob Hain of Berks Surveying presented the plan. This includes two parcels with a lot line adjustment to even out the acreage of the two lots. There is an existing barn and manure pit that were not permitted. The property owner would like to add another cattle barn and bring the property up to date with all required stormwater management
 - b. Motion made by Simonetti and seconded by Wessner to waive Land Development with all required stormwater management to be completed. Motion passed (3-0)

OLD BUSINESS:

1. 310 Hilltop – Conditional Use decision
 - a. Motion made by Simonetti and seconded by Wessner to deny the Conditional Use application of 310 Hilltop. Motion passed (3-0)
 - b. Solicitor Muvdi stated that with that motion, a written decision would be prepared within 45 days and the developer would have 30 days to appeal

NEW BUSINESS:

1. Special Event permit – Lehigh Valley Cycling Club
 - a. Paff stated that the event is to take place on September 2, 2024. They will follow a similar route as in previous years. There is expected to be approximately 350 participants
 - b. Motion made by Simonetti and seconded by Wessner to approve the special event. Motion passed (3-0).
2. Special Event permit – Cannabis Festival at Renningers
 - a. Paff informed the Board that we received the application for the event to be held April 20th and 21st. The application is not yet complete and he is working with the applicant to get all required documents submitted
 - b. No motion made at this time
3. Extension expiration – Florez trucking

- a. Motion made by Wessner and seconded by Simonetti to approve the extension request to April 12, 2024. Motion passed (3-0)
4. Escrow release request – Mertz
 - a. Engineer Falencki stated that he completed the final inspection and recommends the release of the escrow
 - b. Motion made by Simonetti and seconded by Wessner to approve the escrow release. Motion passed (3-0)
5. Escrow release request – Met Ed
 - a. Paff stated that there were three road openings on Bastian and Mertz that were restored and have been inspected. Paff recommended release
 - b. Motion made by Simonetti and seconded by Wessner to approve the escrow release. Motion passed (3-0)
6. Land Development waiver request – 22 Old Bowers Road
 - a. Paff stated that the property contains a single-family home and a barn. The property is located in the neighborhood commercial zoning which does allow two uses on a parcel. The new owner wants to put a bakery in the existing barn. There is expected to be one delivery truck a month and the project still needs approval from the Municipal Authority
 - b. Motion made by Simonetti and seconded by Wessner to approve the land development waiver. Motion passed (3-0)
7. Motion to approve Resolution 2024-06 – acceptance of right-of-way at Kutztown Road and Sharadin Road
 - a. Engineer Falencki stated that all improvements have been completed and it is ready for dedication
 - b. Motion made by Simonetti and seconded by Wessner to approve Resolution 2024-06. Motion passed (3-0)
8. Zoning Application review – KU Solar
 - a. Representatives of the project Joe Burget, Seth Berry, and Andrew Miller were in attendance and provided information on the project and the variances that were being requested
 - b. Motion made by Wessner and seconded by Simonetti to remain neutral and make no recommendation to the Zoning Hearing Board on the project. Motion passed (3-0)
9. Motion to approve agreement with Relay for Life event at Bowers Park
 - a. Motion made by Wessner and seconded by Simonetti to approve the agreement with Relay for Life. Motion passed (3-0)
 - b. Wehr stated that the event representative also requested the do a duck race in the creek at the park during the event
 - c. Motion was made by Wessner to approve the duck race. There was no second on the motion
 - d. There was additional discussion regarding the event and how it would be run
 - e. Motion made by Simonetti and seconded by Wessner to approve the duck race with restrictions on the number of people permitted in the creek. Motion passed (3-0)
10. Discussion on allowing release of draft amendments to the public before advertisement
 - a. Wehr stated that if the Board wants to allow the release of draft amendments, which are exempt from release in the right to know law, she recommends still requiring requesters to complete the right to know form

- b. There was additional discussion regarding transparency and following the laws set forth by the state. Simonetti stated that he would like to see us continue researching the topic and possibly providing more detail on the Township website
 - c. No action taken
11. Motion to authorize Solicitor to advertise the SALDO amendment/Ordinance 2024-01 regarding Historic properties/Land Development plans
 - a. Motion made by Simonetti and seconded by Wessner to authorize the Solicitor to advertise Ordinance 2024-01. Motion passed (3-0).
 12. Motion to authorize Solicitor to advertise the draft Zoning amendment/Ordinance 2024-02
 - a. Wessner stated that he would like to wait to get the Planning Commission recommendation before advertising the draft
 - b. Motion made by Simonetti and seconded by Deplanque to authorize the Solicitor to advertise Ordinance 2024-02. Motion passed (2-1). Wessner – no
 13. Discussion regarding requesting end of year reports be provided to the Supervisors by the Municipal Authority
 - a. Discussion held earlier in the meeting during Municipal Authority report
 14. Discussion on Ordinance review workshop
 - a. Simonetti stated that he would like to see a meeting scheduled to allow the public to provide input on things they would like to see updated in our zoning ordinance
 - b. Falencki stated that the staff could look for some available dates and report back at the March meeting with availability
 15. Discussion on property/building updates
 - a. Discussion held earlier in the meeting during Secretary/Treasurer report regarding ARPA Funds
 16. Motion to authorize Township staff to apply for Dirt, Gravel, Low Volume Roads Grant
 - a. Motion made by Simonetti and seconded by Wessner to approve the grant submission. 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 stated that the Rutters basin is clean
 - c. The Deer Run Road drawings have been completed and sent to PennDot
 - Resident Peter Karch voiced concern regarding changing the intersection to a T
 - Resident Ken Franke stated he is also concerned about the change and does not think it will fix any of the issues at the intersection
 - Resident Anne Franke voiced concern for the safety of the residents
 - Resident Carol Schuller recommended not doing the Deer Run work at the same time as PennDot works on the bridge in the area

PUBLIC COMMENT (non-agenda items)

1. Resident Rob Reynolds questioned getting more information for the Historic Commission on the Township website
2. Resident Steve Wilson stated that he feels that the Township should invite State Rep. Jamie Barton to another Township meeting

3. Resident Norman Sauder asked the Board to place his stormwater control issue on the agenda for March. The Board agreed
4. Resident Anne Franke questioned adding the Berks County Planning Commission reviews to the website and also questioned what plans were submitted to the Township Office today

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 8:55PM

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer