

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
OCTOBER 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: 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 held an executive session this evening from 5:45pm until 6:00pm 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 September 9, 2024 Board of Supervisors Meeting
 - a. Motion made by Simonetti and seconded by Deplanque to approve the minutes of the September 9, 2024 Board of Supervisors. Motion passed (2-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 155 calls in September
2. Kutztown Library
 - a. Representatives of the Library were in attendance to provide updates on Library activities and to ask for their yearly donation from the Township
 - b. Motion made by Simonetti and seconded by Deplanque to approve \$7,181 for the Library in 2025. Motion passed (2-0)
3. Volunteer Fire Department/Ambulance
 - a. Kutztown Fire Co review of strategic study and fire tax increase request
 - There was no one in attendance from the Fire Co. so the discussion was tabled
4. Historic Commission
 - a. Reynolds informed the Board that Solicitor Muvdi attended the October Historic Commission meeting and they recommended the approval of the demo for Rodale Institute if not given the ability to increase square footage of buildings by the Wildlands Conservancy
5. Municipal Authority
 - a. Berger informed the Board that there are no changes to their monthly report and that Kutztown Boro approved sewage flow for the Villas
6. Roadcrew
 - a. Report was presented
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. There are 3 properties that need to complete septic pumping in cycle 3. Cycle 1 is currently active
8. Secretary/Treasurer – Jerilyn Wehr
 - a. ARPA funds – discussion on remaining funds and uses

- Wehr stated that costs for replacement parts for the playground were received earlier today. The quote will be reviewed and presented next meeting
 - The quote to complete the codification process with General Code has been received
 - Motion made by Simonetti and seconded by Deplanque to approve completing the process and funding with ARPA funds. Motion passed (2-0)
9. Motion made by Simonetti and seconded by Deplanque to approve the reports as presented. Motion passed (2-0).

PLANS TO REVIEW:

1. Newswanger Annexation – waiver request
 - a. There was no one in attendance from the project. Review tabled

OLD BUSINESS: nothing at this time

NEW BUSINESS:

1. Motion to adopt Ordinance 2024-04 – Solar Ordinance
 - a. Motion made by Simonetti and seconded by Deplanque to adopt Ordinance 2024-04. Motion passed (2-0)
2. Special Event – Saucon Creek Brewing Co. Maple Mistress Run
 - a. Paff stated that the event would be held October 19th, using the same route as prior years
 - b. Motion made by Simonetti and seconded by Deplanque to approve the special event. Motion passed (2-0)
3. Special Event – KU Bonfire
 - a. Paff stated the event will be held on November 1st and the Fire Co. will be in attendance
 - b. Motion made by Simonetti and seconded by Deplanque to approve the special event. Motion passed (2-0)
 - c. Motion made by Simonetti and seconded by Deplanque to waive the fee. Motion passed (2-0)
4. Zoning Hearing application review – Rodale Institute
 - a. Paff stated that Rodale wants to demo the 1905 portions of a barn and two stand alone structures, while maintaining the original 1819 portion, and turning the barn into a Science Research Center. Paff stated that the Historic Commission did complete their review and recommended that evidence be provided by the Wildlands Conservancy, which maintains a conservation easement on the property limiting the total square footage of all structures, that they are not willing to increase the square footage of all structures. If the Wildlands Conservancy is willing to increase the square footage, then the two stand alone structures would remain
 - a. Motion made by Simonetti and seconded by Deplanque to agree with the recommendation of the Historic Commission and also reach out to the Wildlands Conservancy to ask for an increase in building square footage. Motion passed (2-0)
5. Zoning Hearing application review – Berghold on Hottenstein Road
 - a. Paff informed the Board that this project previously received a variance for slope of driveway. The slope is greater than the original variance approved

- b. Motion made by Simonetti and seconded by Deplanque to recommend approval of the variance request. Motion passed (2-0)
- 6. Escrow release request – KU Mallet Center
 - b. Paff stated that the site was inspected and he is in agreement with releasing the 18-month escrow
 - c. Motion made by Simonetti and seconded by Deplanque to approve the escrow release. Motion passed (2-0)
- 7. Discussion on meeting with Leck Waste Services
 - a. Multiple representatives from Leck Waste were in attendance
 - b. There was a lengthy explanation on what the new owners are working on and what and why they are requesting to increase usage/volume on site, stating that many days they have to turn away on site customer drop off due to current limits, which is currently about 150 tons. They are requesting 325 tons, which they do not believe would be the normal, only during surge/emergency situations. Increase of operation hours, allowing Saturday hours, would be for Holiday weeks or inclement weather when services are pushed off a day
 - c. Additional conversation was had among the Board. Solicitor Muvdi suggested that the Leck representatives request that the DEP permit state that in order to use to maximum tonnage, there would need to be an emergency situation
 - d. Resident Marty Yourkavitch asked if other companies use the site for drop off
 - e. Resident John Zima questioned hours if the increase was given
- 8. Florez Trucking – temporary use increase request
 - a. Paff stated that site work to complete the Land Development approval process has begun. The Board had previously given approval for Florez to service up to 3 trucks on the site while work is being completed. Florez is now requesting the ability to service 6 trucks
 - b. Resident Linda Baum stated that she was never notified of the project, that they are starting work earlier than 7am, and that refrigerated trucks are running all night
 - c. No action taken on the request
- 9. Discussion on placement of crosswalk at Trexler and Baldy
 - a. Carol Sztaba presented the plan to add the crosswalks
 - b. Motion made by Simonetti and seconded by Deplanque to authorize the Township staff to work with Kutztown University on the plan. Motion passed (2-0)
- 10. Discussion on PennDot response to Township/Engineer letter regarding Long Lane
 - a. The Township received a response letter from PennDot regarding the letter sent with concerns about Long Lane issues. PennDot stated that they reviewed the concerns but are not in favor of any modifications to the current restrictions
 - b. Solicitor Muvdi stated, that as it is a state road, we have done what we can
 - c. There was discussion on enforcement and Police services
 - d. Resident Marty Yourkavitch stated that he talked with the Kutztown Boro Mayor and asked if they would be interested in contracting Police services to the Township and they seemed receptive
 - e. Motion made by Simonetti and seconded by Deplanque to authorize Wehr to reach out to Kutztown Boro to see if they would have any interest in providing coverage in Maxatawny Township. Motion passed (2-0)
- 11. Motion to accept resignation of Don Bucci from the Planning Commission
 - a. Motion made by Simonetti and seconded by Deplanque to approve the resignation of Don Bucci. Motion passed (2-0)

12. Motion to appoint Planning Commission member to complete term of Don Bucci
 - a. Wehr informed the Board that three letters of interest were received for the position
 - b. Motion made by Simonetti and seconded by Deplanque to appoint Martin Kozlowski to complete the term of Don Bucci on the Planning Commission. Motion passed (2-0)
13. Ratify hiring of Joshua Greiss for roadcrew
 - a. Motion made by Simonetti to ratify the hiring of Joshua Greiss. Motion failed to get a second, as Deplanque wanted to hold off on filling the position. Motion was tabled

PROFESSIONAL SERVICES:

1. Solicitor – Chris Muvdi – nothing at this time
2. Engineer – Chris Falencki
 - a. Falencki’s report was presented to the Board
 - b. There was discussion on additional zoning ordinance updates, including regulating data mining

PUBLIC COMMENT (non-agenda items)

1. Resident Carol Schully stated that the repairs were made on Eagle Point Road

FINANCIAL MATTERS:

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

ADJOURN: Vice-Chairman Simonetti adjourned the meeting at 7:18PM

Respectfully submitted,

Jerilyn R. Wehr