

**THE TOWNSHIP OF MAXATAWNY  
BOARD OF SUPERVISORS MEETING  
JULY 8, 2024**

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**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:** Nothing at this time

**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 June 10, 2024 Board of Supervisors Meeting
  - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the June 10, 2024 Board of Supervisors. Motion passed (3-0)

**REPORTS:**

1. State Police Report
  - a. The Police report was presented. There were 128 calls in June
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance – nothing at this time
4. Historic Commission
  - a. Reynolds stated that the Commission did not meet in July
5. Municipal Authority
  - a. Monthly report was presented
  - b. Michael Berger explained the tap in fees and what was required by the Villa's for their agreement
6. Roadcrew
  - a. Report was presented
  - b. Resident Merick Boyer asked about caution signage placement at Topton and High. Boyer also stated that the park playground looks good with the recent addition of mulch
7. Code Enforcement – Chris Paff
  - a. Paff presented his report
  - b. Paff stated that Global Libations and Mayfield on Noble have vacated the building at 540/544 Noble St
  - c. Paff also provided an update on the Kutztown Mobile Home Park and their failure to clean up the property
  - d. There are 56 properties that need to complete septic pumping in the current Septic cycle
8. Secretary/Treasurer – Jerilyn Wehr
  - a. ARPA funds – discussion on remaining funds and uses

- Wehr provided an updated financial sheet for the remaining ARPA funds and reported that the agreement with Albright College Center for Excellence in Local Government and the meeting room upgrades agreement have been submitted
  - Also, the Bowers Road Bridge repair has been completed. The Contractor stated that there is a small gap between the bridge and the sidewalk that should be filled, that was not included in his proposal. Sanders provided a quote to do the fill
  - Motion made by Wessner and seconded by Simonetti to authorize Sanders to complete the fill. Motion passed (3-0)
  - Wehr and Engineer Falencki also discussed the review letter provided regarding funds going towards extra roadwork. Falencki stated that it would be beneficial to complete the recommended work.
  - Motion made by Simonetti and seconded by Wessner to approve \$60,000.00 of the ARPA funds to be used for the proposed roadwork. Motion passed (3-0)
  - Maxatawny Township Municipal Authority submitted a request for funds to be provided to the Authority. Discussion tabled
9. Motion made by Wessner and seconded by Simonetti to approve the reports as presented. Motion passed (3-0).

**PLANS TO REVIEW:**

1. Martin Solar – Stormwater management waivers
  - a. Mark Jones, of Burgett and Associates presented the stormwater waiver requests to the Board
  - b. Falencki stated that the project reps originally asked for a full waiver of stormwater management, which Falencki does not recommend. Falencki is willing to work with the project reps to get a plan together that will work for the Township
  - c. Motion made by Simonetti and seconded by Wessner to approve a partial stormwater waiver contingent to developer meeting requirements set forth by the Township Engineer. Motion passed (3-0)
  - d. Resident Rob Reynolds asked if there would be an impact on the Township due to the partial waiver
  - e. Resident Laurel Burkhardt asked what would happen if Falencki could not work out an agreement with the developer

**OLD BUSINESS:**

1. Update on status of possible intergovernmental agreement with Rockland Township re: 174 and 188 Lyons Road
  - a. Solicitor Muvdi reviewed the agreement with the Supervisors, stating that it allows the Maxatawny Township representatives to provide feedback and veto power for zoning classification changes
  - b. Resident Alex Bolliger again voiced his concern regarding the properties remaining as Rockland Township properties when he believes they are clearly within Maxatawny Township borders and requested that a survey be completed to determine the results
  - c. Resident Ray Bealer from Old Bowers Road stated that he believes that Maxatawny should consider the request of Bolliger

- d. Motion made by Simonetti and seconded by Deplanque to approve the agreement with Rockland Township maintaining the existing property structure. Motion passed (2-1) Wessner – no

**NEW BUSINESS:**

1. Special Event permit – Friend Inc. – bike event
  - a. Paff stated that the event is to take place on August 13, 2024, using the same routes as previous events. Paff is waiting on payment of fees and insurance information
  - b. Motion made by Wessner and seconded by Simonetti to approve the special event upon receipt of all required documents/fees. Motion passed (3-0).
2. Escrow release request – 53 Commons Road
  - a. Motion made by Wessner and seconded by Simonetti to approve a partial escrow release of \$2,121. Motion passed (3-0)
3. Escrow release request – 210 N Kemp Road
  - a. Motion made by Simonetti and seconded by Wessner to approve a partial escrow release of \$35,000.00. Motion passed (3-0)
4. Escrow release request – 473 Hottenstein Road
  - a. Paff and Falencki stated that there are issues with the driveway on the property. They either need to fix the slope issue or request another variance
  - b. Motion made by Simonetti and seconded by Wessner to approve a partial escrow release of \$25,000.00. Motion passed (3-0)
5. Request for front facing solar panels – 311 S Kemp Road
  - a. Motion made by Simonetti and seconded by Wessner to approve the front facing solar panels for the property. Motion passed (3-0)
6. Ratify appointment of Marcus Simonetti, Rob Reynolds, and Laurel Burkhardt to Joint Comprehensive Plan Committee
  - a. Wessner stated that he feels that Don Bucci should also be added to the committee, as he got this project started and has been involved every step of the process to this point
  - b. Motion made by Wessner and seconded by Deplanque to approve Marcus Simonetti, Rob Reynolds, Laurel Burkhardt, and Don Bucci to the Joint Comprehensive Plan Committee. Motion passed (3-0)
7. Discussion on request of redesign of Long Lane
  - a. Motion made by Simonetti and seconded by Wessner to authorize Engineer Falencki to pen a letter to PennDot regarding the road. Motion passed (3-0)
8. Discussion on draft Solar Ordinance
  - a. Paff and Falencki stated that there are a few revisions/fixes that need to be completed to the draft and stated that this revision will not change the zoning districts that allow solar
  - b. There was lengthy discussion on the zoning districts that allow solar
  - c. Resident Anne Franke asked how solar projects are taxed vs other development
  - d. Taxpayer Josh Tucker supported keeping solar in residential zoned areas and stated the benefits of solar vs large amounts of residential development
  - e. Motion made by Simonetti and seconded by Wessner to authorize Paff, Falencki, and Muvdi to complete the draft ordinance for review. Motion passed (3-0)
9. Motion to approve Resolution 2024-08 – ARPA funds usage

- a. Motion made by Wessner and seconded by Simonetti to approve Resolution 2024-08. Motion passed (3-0)

**PROFESSIONAL SERVICES:**

1. Solicitor – Chris Muvdi
  - a. Muvdi stated that we received the Berks County Planning Commission review of the draft definitions zoning changes. They had a few recommendations for changes. Changes will be completed and request to advertise for a public hearing will take place at the August BOS meeting
2. Engineer – Chris Falencki
  - a. Falencki’s report was presented to the Board
  - b. Falencki stated that New Enterprise will be starting road work tomorrow
  - c. Falencki stated that all required paperwork for the DCED sidewalk grant has been signed and he is now looking for approval to design the project
  - d. Motion made by Simonetti and seconded by Wessner to authorize the Engineer to design the sidewalk project. Motion passed (3-0)

**PUBLIC COMMENT** (non-agenda items)

1. Residents Anne Franke, Rob Reynolds, and Laurel Burkhardt questioned when certain documents can be received through a Right-to-Know request related to documents that are submitted for a hearing vs documents that are submitted for review by the Planning Commission. Solicitor Muvdi provided basic feedback on the topic, stating that every case needs to be reviewed individually, but that in most situations, any document that is submitted as an exhibit to a hearing would be available for reproduction. Documents submitted for land development would follow the copyright law, allowing documents only be viewed, not reproduced
2. Resident Merick Boyer questioned where responsibility falls with keeping right-of-ways clear
3. Josh Werst, with KYAA, wanted to thank the Board for allowing them to use the Bowers Park field for baseball practices this year and wanted to question the Board on future ability to use the field for practices and possible games in future years. The Board informed Mr. Werst to submit his request in writing and it would be added to next month’s agenda for discussion
4. Resident Marty Yourkavitch asked if there was an update on the Quarry and their water pumping

**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)

Solicitor Muvdi announced that the Board will be meeting in an exec session following tonight's meeting to discuss a Conditional Use application of 23 Max. No decisions will be made

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

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Respectfully submitted,

Jerilyn R. Wehr