

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
JANUARY 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: Heath Wessner and Marcus Simonetti. Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Liz Magovern; Code Enforcement Officer, Chris Paff; Office Assistant, Tricia Wessner.

ANNOUNCEMENTS: Chairman Deplanque announced that the Board did meet in executive session to discuss personnel on January 2, 2024 from 4 – 4:20pm, January 4, 2024 from 3 – 4:15pm, and January 8, 2024 from 3 – 5pm

PUBLIC COMMENT: (AGENDA ITEMS ONLY)

1. Resident John Wessner asked for more information on new business item #4. Deplanque stated that there would be time for questions on that item when gotten to
2. Resident Marty Yourkavitch stated that he would like to see a Solicitor appointed that is from Berks County

APPROVAL OF THE MINUTES:

1. Motion to approve the minutes of the December 13, 2023 Board of Supervisors Meeting
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the December 13, 2023 Board of Supervisors. Motion passed (3-0)
2. Motion to approve the minutes of the January 2, 2024 Board of Supervisors Reorganization Meeting
 - a. Motion made by Wessner and seconded by Simonetti to approve the minutes of the January 2, 2024 Board of Supervisors Reorganization meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 78 calls in December
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance – nothing at this time
4. Historic Commission – Reynolds provided an update on the activities of the Historic Commission in 2023
5. Municipal Authority – nothing at this time
6. Roadmaster – Bobby Turner
 - a. Turner presented his report and asked that all residents that live in developments in the Township remove cars from the roads during a snowstorm
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. Paff informed the Board that Siegfriedale Solar has resubmitted their plan stating that they can meet all zoning requirements. They will need a Conditional Use. The 60-day clock to schedule the Conditional Use will begin today. The Planning Commission will review at their January meeting

- c. Paff added that by Ordinance, vehicles may not be parked on public roads during a snow event
 - d. Paff asked the audience to inform the Township of any flooding issues from the storm earlier this week
 - e. the illegal berms built at 313 Bowers Road have been mostly removed and the violation is nearly resolved
 - f. Yearly rental applications have been sent and are due to be returned
 - g. There are 275 properties that need to complete septic pumping in the current cycle of cycle three
8. Secretary/Treasurer – Jerilyn Wehr – nothing at this time
 9. Motion made by Wessner and seconded by Simonetti to approve the reports as presented. Motion passed (3-0).

PLANS TO REVIEW: Nothing at this time

OLD BUSINESS:

1. Appointment of Township Solicitor/Conflict
 - a. Deplanque stated that the Board is interested in appointing Chris Muvdi with Masano Bradley as Township Solicitor
 - b. Conflict council may be needed if there are any appeals filed by Zoning Hearing applicants, as Muvdi was previously the Solicitor for the Zoning Hearing Board

NEW BUSINESS:

1. Special Event permit – Optimist Club Fools Day Run
 - a. Paff stated that the event is to take place on April 6, 2024. They will follow the same route as in previous years. There is expected to be between 450 and 500 participants
 - b. Motion made by Simonetti and seconded by Wessner to approve the special event and waive the fee. Motion passed (3-0).
2. Motion to approve Resolution 2024-04 – ARPA funds usage
 - a. Motion by Wessner and seconded by Simonetti to approve Resolution 2024-04. Motion passed (3-0).
3. Motion to authorize Solicitor to send the SALDO amendment regarding Historic properties/Land Development plans to the Berks County PC for formal review
 - a. Paff stated that this amendment will require developers when submitting a land use plan to identify any historic structures on the property
 - b. Motion made by Simonetti and seconded by Wessner to authorize the Solicitor to send the amendment to Berks County PC for formal review. Motion passed (3-0).
4. Motion to authorize Solicitor to send the draft Zoning amendment to the Berks County PC for formal review
 - a. Paff stated that this amendment would eliminate some uses in the Light Industrial district, including warehousing, truck/motor freight terminals, and industrial/manufacturing uses other than light uses such as arrowhead. Those uses would now only permitted in Industrial districts with caps on the use, such as maximum size of 500,000 sq ft for a warehouse and 250,000 sq ft for truck/motor freight terminals, as well as a maximum of 300 truck trips per day. There will be

larger berms required, as well as larger setbacks. There is also clarity on the definition of a parking compound

- b. Resident John Wessner asked about the change, questioning how much land is in the Industrial district vs. the Light-Industrial district and where it is located. Wessner also voiced concern regarding moving the permitted location of warehousing away from the main highway, which is the logical location of those types of larger projects. He also questioned when and who authorized the amendment, as it seems that it has been rushed with no information provided to the residents
 - c. Tax payer Josh Tucker stated that he also feels this amendment has been rushed and it should be tabled to provide more time for residents and property owners to voice their concerns on the amendment. He stated that the Board took an oath to preserve the rights of all Township residents and he does not feel that they are fulfilling their oath
 - d. Resident Garret Miller stated that he feels this is a step in the right direction to take control of what happens in the Township
 - e. Roadmaster and resident Bobby Turner asked if the Supervisors took into consideration the township roads with making it that this larger development would only be allowed in locations where Township roads would take the full hit on road wear, instead of at locations near State Roads
 - f. Resident Don Bucci stated that he sees this as a way to control, not prevent larger development in the Township
 - g. Chairman Deplanque stated that he and new Supervisor, Marcus Simonetti were elected due to not being in favor of warehouse development. They are now trying to establish control over the process to prevent million square foot warehouses in the Township and will continue to work on revisions to control this type of development
 - h. Supervisor Wessner stated that he was not aware of this amendment before tonight's meeting and he feels that it should be tabled to provide more time to review
 - i. Motion made by Simonetti and seconded by Deplanque to authorize the Solicitor to submit the amendment to the Berks County PC for formal review. Motion passed (2-1). Wessner – no
 - j. Magovern stated that the process is to have the Township PC and Berks County PC review the draft. After those reviews, the draft will come back to the Supervisors for discussion and a motion to advertise. If the Supervisors approve the advertisement of the amendment, at that time, any new development project submitted to the Township will be subject to that amendment. The current warehouse projects that include 310 Hilltop, Long Lane, and C&B Development are not subject to the amendment
 - k. John Wessner asked when he can get a copy of the draft amendment. Paff stated that he could have the copy that Paff currently possessed. Magovern stated that past policy was to follow the MPC and Right-to-Know law, and not provide copies of draft amendments until advertised. Magovern stated that if they Board would like to make a motion to allow the release of draft amendments before advertisement, they can add that to next month's agenda
5. Recommendation from Planning Commission to begin updates regarding Solar Fields and Landscaping

- a. Falencki stated that the Board had previously made a motion to allow updates to the top 20 most important items. These items were not part of that list, so they are looking for approval to being these updates
- b. Motion made by Simonetti and seconded by Wessner to approve the updates regarding solar and landscaping. Motion passed (3-0).
6. Motion to appoint Michael Miller with Eckert Seamans for employee/labor issue
 - a. Deplanque stated that the Board received notice that the Township Road Crew is looking to be unionized
 - b. Resident Dave Sobotka asked the hourly rate of the attorney
 - c. Motion made by Simonetti and seconded by Wessner to approve the appointment of Michael Miller for employee/labor issues. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Elizabeth Magovern
 - a. Magovern stated that she will be continuing on with the Township to complete the 310 Hilltop Conditional Use Hearing
2. Engineer – Chris Falencki
 - a. Falencki’s report was presented to the Board
 - b. Falencki stated that we are going on month 2 without hearing from Florez
 - c. The Deer Run Road drawings have been completed and sent to PennDot

PUBLIC COMMENT (non-agenda items)

1. Resident Charyn Ayoub again requested that the Board consider sponsoring TRN for stray cats in the Township

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 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 7:17PM

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer