

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
SEPTEMBER 8, 2025**

MINUTES

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Vice-Chairman Marcus Simonetti called the meeting to order at 6:30PM with the Pledge of Allegiance. Members present: Heath Wessner and John Deplanque (per zoom). Professionals present: Township Engineer, Chris Falencki; Township Solicitor, Chris Muvdi; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

ANNOUNCEMENTS: Wehr announced that an exec session was held from 6pm until 6:25pm this evening to discuss personnel issues and litigation. Wehr also announced that the Planning Commission meeting for September will most likely be cancelled and to check back on the website for confirmation

PUBLIC COMMENT: (AGENDA ITEMS ONLY) – Public Comment on agenda items will take place at the agenda item after discussion is completed by the Board

PRESENTATION BY ATTORNEY ALEX ELLIKER requesting a Motion for Reconsideration regarding the August 24, 2025 decision of the Zoning Hearing Board denying the request of a variance of Section 500.1(a) of the Township Zoning Ordinance:

1. Attorney Elliker informed the Board that the Ordinance states that a lot may only have one principle use. Due to the megawatt limitations, this project will be under two LLC's, owned by the same Company. The variance request was denied 2-1 by the Zoning Hearing Board
2. Resident Dave Sobotka informed the Board that he attended the Hearing and stated that most of the neighbors are in favor of the project and are in agreement with the approval of this variance
3. Motion made by Simonetti and seconded by Wessner to recommend approval of the variance. Motion passed (2-1) Deplanque-no

APPROVAL OF THE MINUTES:

1. Motion to approve the minutes of the August 11, 2025 Board of Supervisors Meeting
 - a. Motion made by Wessner and seconded by Deplanque to approve the minutes of the August 11, 2025 Board of Supervisors. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 122 calls in August
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
4. Historic Commission
 - a. Chairman Reynolds stated the Commission will meet in October
5. Municipal Authority – nothing at this time
6. Roadcrew – monthly report provided
7. Code Enforcement – Chris Paff

- a. Paff presented his report
 - b. Paff informed the Board that Rutter's has reached out to request changing their Letter of Credit for the Stormwater maintenance to a Bond. This request will be reviewed by Solicitor Muvdi and discussed at the next meeting
- 8. Secretary/Treasurer – Jerilyn Wehr
 - a. Meeting room updates
 - Discussion tabled as we are waiting on additional quotes
- 9. Motion made by Wessner and seconded by Deplanque to approve the reports as presented. Motion passed (3-0)

PLANS TO REVIEW: nothing at this time

OLD BUSINESS:

- 1. Leck Waste Services – update on modification application with DEP
 - a. Paff stated that a Land Development sketch plan has been received and review letters were provided to Leck. Leck is revising their plan and is expected to be back before the Planning Commission in October
- 2. Special Event – Cannabis Festival at Renningers Market
 - a. Paff confirmed receipt of the Amusement Tax payment
 - b. Motion made by Wessner and seconded by Deplanque to approve the event. Motion passed (3-0)
- 3. Discussion on winter maintenance agreement with PennDOT
 - a. Wehr informed the Board that the agreement will remain for 10 years, but that it can be voided after the first 5 years
 - b. Motion made by Wessner and seconded by Simonetti to approve the winter maintenance agreement with PennDOT. Motion passed (3-0)

NEW BUSINESS:

- 1. Extension expiration – John Long residence
 - a. Motion made by Wessner and seconded by Deplanque to approve a 120-day extension. Motion passed (3-0)
- 2. Special Event – Kutztown University Bon Fire
 - a. Paff stated that the fall event is scheduled for October 31st and they have requested a waiver of the fee
 - b. Motion made by Wessner and seconded by Deplanque to approve the waiver of fee and the event. Motion passed (3-0)
- 3. Request of Land Development waiver – 540 Hottenstein Road
 - a. Paff stated that the property owner is requesting to build a garage with a driveway
 - b. Motion made by Wessner and seconded by Deplanque to approve the waiver of Land Development while still requiring stormwater management. Motion passed (3-0)
- 4. Ratify approval of Fall Festival funding
 - a. Motion made by Wessner and seconded by Deplanque to approve funding up to \$3,000.00. Motion passed (3-0)
- 5. Motion to approve grant application submissions for S Kemp Road stormwater work
 - a. Falencki stated that he found two grants that he will prepare the application for. There is a \$100.00 application fee for both

- b. Motion made by Wessner and seconded by Deplanque to have Falencki prepare the applications, pay the application fees and have the Chairman or Vice-Chairman sign the applications when completed. Motion passed (3-0)
- 6. Discussion on request of Zoning Ordinance amendment regarding Agricultural fences
 - a. There was discussion on the cost to the Township to prepare the amendment
 - b. Motion made by Wessner and seconded by Deplanque to authorize staff to begin the process. Motion passed (3-0)
- 7. Motion to approve Union contract
 - a. Motion made by Wessner and seconded by Deplanque to approve the Union contract. Motion passed (3-0)
- 8. Discussion regarding Cherrington property
 - a. Discussion was tabled
- 9. Motion to reaffirm approval of the Villas of Maxatawny
 - a. Brian Kobularcik was in attendance, requesting an extension to finalize the plan
 - b. Motion made by Wessner and seconded by Deplanque to approve the extension. 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
 - b. Another inspection of Rutters stormwater showed no issues

PUBLIC COMMENT (non-agenda items)

- 1. Resident Ethan Boyer stated that he would like to volunteer his time to decorate the park for fall and Christmas, as well as freshen up the basketball court at the park. He also again mentioned that he would like to see the Township include student reps on some of the Boards/Committees
- 2. Resident Merick Boyer asked about the status of the playground equipment

FINANCIAL MATTERS:

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

ADJOURN: Vide-Chairman Simonetti adjourned the meeting at 7:02PM

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer