

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
JULY 13, 2016**

MINUTES

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chairman Allen Leiby called the meeting to order at 7:30PM with the Pledge of Allegiance. Members present: Heath Wessner and Judy Daub. Professionals present: Engineer, Chris Falencki; Solicitor, Jill Nagy; Code Enforcement Officer, Chris Paff; Secretary, Jeri Wehr; Authority members, Garret Miller, Marlow Graff and Steve Wilson.

ANNOUNCEMENTS: Chairman Leiby informed the audience that the Board met in an executive session with the Municipal Authority from 6:30pm – 7:30pm to discuss litigation and that they will be meeting again on July 21, 2016 to discuss the same.

APPROVAL OF THE MINUTES:

1. Motion was made by Daub and seconded by Wessner to approve the Minutes of the May 11, 2016 Board of Supervisors. Motion passed (3-0).

REPORTS:

1. State Police Report
 - a. The Police report was presented to the Supervisors.
2. Kutztown Library – Mary Laub
 - a. Mary Laub presented her report for the month. She spoke of upcoming events that the Library is hosting and thanked the board for their continued support.
3. Volunteer Fire Department – Eric Diehl
 - a. Kutztown Fire Chief Diehl presented the 2015 Annual Report. He also reported that the Fire Co. responded to 273 calls so far in 2016.
4. Roadmaster – Richard Grim
 - a. Richard Grim was not in attendance.
 - b. Resident Ken Franke addressed the Board. Mr. Franke asked the Board to put an additional 35 mph speed limit sign on Long Lane just after the curve at Deer Run Road.
5. Code Enforcement – Chris Paff
 - a. Paff stated that there is a Zoning Hearing scheduled for August 11, 2016. He requested approval for Solicitor Nagy and Engineer Falencki to attend.
 - b. Motion was made by Wessner and seconded by Daub to allow the Solicitor and the Engineer to attend the Zoning Hearing on August 11, 2016. Motion passed (3-0).
 - c. Paff informed the Board that Alternate Sewage Enforcement Officer, Carl Wolf, retired at the end of June. DEP requires an alternate. Chris recommended Jeff Warmkessel to fill the position until the end of the year.
 - d. Motion made by Daub and seconded by Wessner to approve Jeff Warmkessel as the Alternate Sewage Enforcement Officer through the end of 2016. Motion passed (3-0).
 - e. Paff informed the Board that there are approximately 100 properties still outstanding with their septic pumping from cycle 1. Letters giving a short extension to comply will be mailed.

- f. Paff stated that he had received all the details for the Reading 120 Bike Race that will be held on September 10, 2016. Mr. Eustice, representative of the race, spoke to the Board and asked for assistance the day of the race. Chairman Leiby informed Mr. Eustice that the Township would make equipment available, but that we could not supply any manpower. Mr. Eustice thanked the Board.
 - g. Motion made by Daub and seconded by Wessner authorizing Paff to issue a special event permit for the Reading 120 Bike Race. Motion passed (3-0).
 - h. Rodale Institute is planning their annual Apple Festival on September 17, 2016. They requested to close Siegfriedale Road between Christman and Kunkel, as was done for previous events.
 - i. Motion made by Wessner and seconded by Daub authorizing Paff to issue a special event permit for the Rodale Apple Festival and to allow the road closure. Motion passed (3-0).
6. Secretary/Treasurer – Jeri Wehr
- a. Wehr requested approval to advertise for a part time office assistant.
 - b. Motion made by Daub and seconded by Wessner to advertise for part time help. Motion passed (3-0).
 - c. Wehr stated that there has been interest in getting an auto locking system for the restrooms at the Bowers Park. The Board agreed that it would be beneficial and would like to have that looked into.
7. Motion made by Wessner and seconded by Daub to approve the reports as presented.

PLANS TO REVIEW:

- 1. Steven Leiby – Revised Final Stormwater Plan Approval
 - a. Chairman Allen Leiby removed himself from this discussion due to family conflict.
 - b. Rob Hain represented the final plan due to a slight revision to the storm water plan that resized the basins. Engineer Falencki stated that the new plan was acceptable.
 - c. Motion was made by Wessner and seconded by Daub to approve the revised final plan. Motion passed (2-0).
 - d. Motion made by Daub and seconded by Wessner to approve the stormwater agreement and the developer’s agreement. Motion passed (2-0).
- 2. Weaver/Shirk waivers
 - a. John O’Neill explained the subdivision to the Board. This plan is being reviewed by the Planning Commission. They recommended waivers to be approved by the Board with exception of 302.1(m.1).
 - b. Motion was made by Daub and seconded by Wessner to approve the waivers as presented based on the recommendation of the Planning Commission and John O’Neill’s letter dated 6/16/16. Motion passed (3-0).

NEW BUSINESS:

- 1. Adopting Ordinance 2016-02
 - a. Solicitor Nagy presented Ordinance 2016-02 that would repeal previous Ordinances that allowed Kutztown Borough Police the ability to patrol Kutztown owned property that lies in Maxatawny Township.
 - b. Chief Summers of Kutztown Police Department requested to speak. He informed the Board that if they passed the new Ordinance that Kutztown Police would no

longer assist the State Police in any Township related issue, stating that he would not want his Police Department to get sued for assisting.

- c. Solicitor Nagy stated that the new Ordinance was not banning the Kutztown Police from assisting State Police.
 - d. Township resident, Eric Johnson, voiced his concerns about State Police coverage as well as Kutztown Ambulance rep Rodney Freedman and Kutztown Fire Co. Chief Diehl, stating that response time from State Police is sometimes too long in emergency situations.
 - e. Chairman Leiby stated that at every meeting he asked the audience if they had any issues with the State Police coverage and no one ever voiced any concerns.
 - f. The Board decided to not take action on the Ordinance at this time and to revisit it at the next meeting.
2. Light Duty Policy
 - a. Secretary Wehr stated that the Township previously had a light duty policy and that the Township employees would like to see it reenacted. The Board agreed to reenact a light duty policy.
3. Tree Trimming
 - a. Supervisor Wessner stated that John Mertz requested to have some dead trees removed and others trimmed at the Bowers Park. The Board agreed to get quotes for the tree removal and trimming.

PROFESSIONAL SERVICES:

1. Solicitor – Jill Nagy
 - a. Nothing at this time.
2. Engineer – Chris Falencki
 - a. Nothing at this time.

PUBLIC COMMENT & HEARING OF THE VISITORS:

1. Township residents Cecilia Holt and Randy Burch voiced concerns about the Ordinance that was presented during the meeting.
2. Township Resident and Fire Chief Diehl thanked the Board for not enacting the Ordinance at this time and stated that he would be willing to sit down with the Board to discuss the Ordinance.
3. Township Resident Walter Hess voiced his displeasure that the Township website has not been updated and would like to see cancelled meetings posted on the site.
4. Municipal Authority member, Steve Wilson, spoke to inform the audience that the reason for the proposed Ordinance was due to a threat made by the Kutztown Borough Solicitor at the last Borough Council meeting. The Kutztown Solicitor threatened to have any Township employees arrested if they stepped onto Kutztown owned land, which is where the Township sewage treatment plant is located.
5. Supervisor Wessner asked Chief Summers if he would arrest Township employees for performing their job duties. Chief Summers response was that this is a civil issue between the Township and the Borough.
6. Wes, from Gary Day's office presented two flags, one United States flag and one Pennsylvania flag, to the Township and thanked the Board for all the hard work done by the Township.

FINANCIAL MATTERS:

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

ADJOURN: Motion was made by Wessner and seconded by Daub to adjourn the meeting at 8:55PM. Motion passed (3-0).

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer