

**THE TOWNSHIP OF MAXATAWNY  
BOARD OF SUPERVISORS MEETING  
FEBRUARY 8, 2023 – 6:30pm**

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**MINUTES**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chairman Heath Wessner called the meeting to order at 6:30PM with the Pledge of Allegiance. Members present: Judy Daub and John Deplanque. Professionals present: Solicitor, Elizabeth Magovern; Township Engineer, Chris Falencki; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

**ANNOUNCEMENTS:** Chairman Wessner announced an executive session was held on Tuesday, February 7, 2023 from 5:30pm to 7:00pm to discuss personnel issues

**PUBLIC COMMENT: (AGENDA ITEMS)**

1. Resident Peter Karch asked about agenda updates
2. Resident Janna Gregonis asked about codification

**APPROVAL OF THE MINUTES:**

1. Motion was made by Daub and seconded by Deplanque to approve the minutes of the January 11, 2023 Board of Supervisors meeting. Motion passed (3-0)

**REPORTS:**

1. State Police Report
  - a. The Police report was presented. There were 103 calls in January
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
  - a. Brandon Bullard from KATS presented their call numbers. Total calls for January was 180 and the year to date total is 222.
4. Historic Commission
  - a. No one from the Historic Commission was in attendance
  - b. Wehr stated that at the Historic Commission reorganization meeting in January, none of the seven members of the Commission were willing to serve as recording secretary for 2023. As such, they have requested to get approval to have resident Anne Franke take meeting minutes as a volunteer
  - c. Motion made by Deplanque and seconded by Daub to have Anne Franke serve as the recording secretary for the Historic Commission for 2023. Motion passed (3-0)
5. Municipal Authority
  - a. Mike Berger stated that the North Park bridge replacement is underway and he thanked the Board for working with the County to get the contribution towards the cost of the replacement
6. Roadmaster – Bobby Turner
  - a. Turner presented his report
  - b. Turner informed the Board that he has hit another roadblock with the previously approved purchase of the Mack single axle truck. Turner is requesting to cancel that order and place an order for a Ford 650, which has a lower cost and allows for a driver without a CDL
  - c. Motion made by Daub and seconded by Deplanque to move forward with the purchase of the Ford 650. Motion passed (3-0)

7. Code Enforcement – Chris Paff
  - a. Paff presented his report
  - b. Paff stated that both the KU Mallet Center and R&J Logistics will be ready for opening soon
8. Secretary/Treasurer – Jerilyn Wehr
  - a. Wehr informed the Board that she is working on getting quotes for updates to the meeting room, as well as codification. She is also meeting with two website designers for a new Township website.
  - b. Wehr also stated that the DCED multimodal transportation grant should be opening in March. She is waiting for 2023 updates and will be looking for approval from the Board to start the process once the information is updated
9. Motion made by Deplanque and seconded by Daub to approve the reports as presented. Motion passed (3-0).

**PLANS TO REVIEW:**

1. Kunio Mitsuma – waiver request
  - a. There was no one present from the project. The Board tabled the discussion
2. Provco Pinegood Kutztown LLC – waiver requests
  - a. There was no one present from the project. The Board tabled the discussion
3. Elm Street Apartments – final plan-sidewalks
  - a. There was no one present from the project. The Board tabled the discussion
4. KU Poplar House – waiver request
  - a. Falencki stated that the Board did give this project conditional final approval. They can not meet one of the stormwater conditions and are asking for a stormwater waiver
  - b. The requested waiver was reviewed
  - c. Motion made by Daub and seconded by Deplanque to approve the requested stormwater waiver 307. Motion passed (3-0)

**OLD BUSINESS:**

1. Motion to approve Resolution 2022-13 – Florez Trucking planning module
  - a. Paff stated that after the original rejection from DEP, all items are in place for the planning module
  - b. Motion made by Daub and seconded by Deplanque to reaffirm approval of Resolution 2022-13. Motion passed (3-0)

**NEW BUSINESS:**

1. Request for front facing solar panels – 11 S Kemp
  - a. Motion made by Deplanque and seconded by Daub to approve the request for 11 S Kemp front facing solar panels. Motion passed (3-0)
2. Special Event – High School Reunion
  - a. This event will take place June 3, 2023 and will involve 300+ people. Paff has all required documentation
  - b. Motion made by Deplanque and seconded by Daub to approve the special event. Motion passed (3-0)
3. Special Event – Hincapie Cycling Event
  - a. This event will also take place June 3, 2023. They will be using the same route as last year. Paff has all required documentation

- b. Motion made by Daub and seconded by Deplanque to the special event. Motion passed (3-0)
4. Special Event – Lehigh Wheelmen Cycling Event
  - a. This event will take place September 4, 2023. Paff has all required documentation except the proof of insurance, which will be provided closer to the event
  - b. Motion made by Daub and seconded by Deplanque to approve the special event. Motion passed (3-0)
5. David Weaver escrow release request
  - a. Paff stated that the as-built plan needs revisions
  - b. The request was tabled
6. Budget Self Storage conditional occupancy
  - a. Paff stated that the project is finishing up some final details and has a site inspection scheduled for Thursday and a building inspection scheduled for Friday. They may be ready for conditional occupancy next week. All funds currently held in escrow will continue to be held
7. Zoning Hearing application review – Motus Equities - Chipotle
  - a. Larry Grybosky from C2C Group presented the plan for the Board to review
  - b. There was discussion regarding the requested variances
  - c. Motion made by Deplanque and seconded by Daub to authorize the Engineer to attend the hearing for this project. Motion passed (3-0)
8. Motion to approve the agreements from Berks County in regard to a contribution provided towards North Park Bridge replacement
  - a. Motion made by Deplanque and seconded by Daub to approve the agreements. Motion passed (3-0)
9. Motion to appoint Vacancy Board Chairman
  - a. Wehr stated that multiple letters of interest were received
  - b. Solicitor Magovern stated that after reviewing the applicants, there are some applicants with conflicts that should not be considered for the position
  - c. After lengthy discussion, both Wessner and Daub agreed that they would like to table the decision to allow more time to review the applicants and also see if any more residents submit interest in the position. Deplanque was not in favor of tabling the appointment
10. Motion to accept resignation of James Gdowik from the Building Code Appeals Board
  - a. Motion made by Deplanque and seconded by Daub to accept the resignation. Motion passed (3-0)
11. Motion to appoint member and alternate to the Building Code Appeals Board
  - a. Wehr stated that two letters of interest were received and there are currently two positions available on the Board
  - b. Motion made by Deplanque and seconded by Daub to appoint Marcus Simonetti to the Building Code Appeals Board and Derek Keim as an Alternate for the Building Code Appeals Board. Motion passed (3-0)
12. Motion to appoint Alexander Elliker as Building Code Appeals Board Solicitor
  - a. Motion made by Deplanque and seconded by Daub to appoint Elliker as Building Code Appeals Board Solicitor. Motion passed (3-0)
13. Motion to authorize Solicitor to submit draft Know Box Ordinance to the Department of Labor & Industries for approval
  - a. Motion made by Deplanque and seconded by Daub to authorize the Solicitor to submit the Ordinance. Motion passed (3-0)

**PROFESSIONAL SERVICES:**

1. Solicitor – Elizabeth Magovern
  - a. Magovern reported that she attended the Historic Commission meeting and they are looking to update the Ordinance with additional information and duties. Magovern is looking for approval from the Board to continue working with the Historic Commission
  - b. Motion made by Daub and seconded by Deplanque to authorize Magovern to work with the Historic Commission. Motion passed (3-0)
2. Engineer – Chris Falencki
  - a. Falencki presented his report.
  - b. Falencki stated that Valentino's met all final conditions. Paff need to review their check print before the final plan will be ready for signatures

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

1. Resident Peter Karch questioned the position of Vacancy Board Chairman

**FINANCIAL MATTERS:**

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

**ADJOURN:** Motion was made by Daub and seconded by Deplanque to adjourn the meeting at 7:28PM. Motion passed (3-0).

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Respectfully submitted,

Jerilyn R. Wehr  
Secretary/Treasurer