

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

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 from 6:00pm to 6:30pm to discuss litigation. Wessner did not participate in the session

PUBLIC COMMENT: (AGENDA ITEMS)

1. Resident Peter Karch asked about the police report
2. Resident Dave Sobotka stated that he supports the independent traffic study being completed for the airport warehouse project
3. Resident Rob Boyer stated that he supports the Board intervening to back the Zoning Hearing Board decision regarding the Siegfriedale Road Solar project
4. Resident Janna Gregonis asked about advertising requirements
5. Resident Anne Franke asked if there would be action on the Vacancy Board Chairman position

APPROVAL OF THE MINUTES:

1. Motion was made by Deplanque and seconded by Daub to approve the minutes of the February 8, 2023 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 77 calls in February
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Kutztown Fire and Rescue has requested Fire Tax funds in the amount of \$80,000.00.
 - b. Motion made by Daub and seconded by Deplanque to approve the release. Motion passed (3-0)
 - c. Brandon Bullard from KATS presented their call numbers. Total calls for February was 264 and the year to date total is 384.
4. Historic Commission
 - a. Member Ethan Boyer stated that at the Historic Commission discussed ordinance updates at their recent meeting. Their next meeting will be held April 2nd at 2pm
5. Municipal Authority
 - a. Mike Berger stated that the North Park bridge replacement is complete and will be open to the public next week
6. Roadmaster – Bobby Turner
 - a. Turner presented his report
 - b. Turner informed the Board that the new fence is installed at the Bowers Park

- c. Turner also stated that the purchase agreement for the new ford truck has been submitted
 - d. Resident Janna Gregonis inquired about the speed limit signs on Kutztown Road
- 7. Code Enforcement – Chris Paff
 - a. Paff presented his report
- 8. Secretary/Treasurer – Jerilyn Wehr – nothing at this time
- 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 requests and prelim/final approval
 - 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. Rob Hain presented the project
 - a. The letters of Falencki and Paff dated February 14, 2023 as well as the fire marshal letter were reviewed
 - b. There was discussion regarding signed agreements with the Township that require escrow, as well as improvements to James Alley where the emergency access is located
 - c. Motion made by Daub and seconded by Deplanque to give conditional final approval based on the letters of Falencki, Paff, and the Fire Marshal, as well as adding paving of James Alley 10 feet past the emergency access point. Motion passed (3-0)

OLD BUSINESS:

- 1. David Weaver escrow release request
 - a. Paff stated that he is still waiting on submission of the revised as-built plan. Discussion was tabled
- 2. Motion to appoint Vacancy Board Chairman
 - b. Motion made by Deplanque and seconded by Daub to appoint Marty Yourkavitch to the position of Vacancy Board Chairman. Motion passed (3-0)

NEW BUSINESS:

- 1. Special Event – Relay for Life
 - a. This event will take place May 20, 2023 at the Bowers Park. They have requested a waiver of the permit fee, as well as exemptions to allow music to play until 9:45pm and clean up to go until midnight, due to the park being rented the next day
 - b. Motion made by Daub and seconded by Deplanque to allow the music to go until 9:45pm. Motion passed (3-0)
 - c. Motion made by Deplanque and seconded by Daub to approve clean up until midnight. Motion passed (3-0)
 - d. Motion made by Deplanque and seconded by Daub to approve the special event and waiver of fee request. Motion passed (3-0)
- 2. Special Event – KU Bonfire
 - a. This event will take place April 21, 2023 at the German Heritage Center. The event will be the same as previous years. They are asking for a waiver of permit fee

- b. Motion made by Daub and seconded by Deplanque to the special event and waiver of fee request. Motion passed (3-0)
3. Special Event – Old Time Plowboys
 - a. Paff stated that he has not received the required paperwork to review the event. Discussion tabled
4. Fanelli Group Escrow release request
 - a. Discussion was tabled
5. Extension expiration – Maxatawny Industrial/Long Lane – expires March 31
 - a. Tom Dredge, engineer for the project, requested the extension, as they are working on scheduling soils testing for stormwater management and on-site septic
 - b. Motion made by Daub and seconded by Deplanque to approve the extension to May 31, 2023. Motion passed (3-0)
6. Extension expiration – Provco Pinegood Kutztown LLC – expires March 31
 - a. The extension request has not yet been received
 - b. Motion made by Deplanque and seconded by Daub to approve the extension if the request is received by March 31st, and denied if the request is not received. Motion passed (3-0)
7. Extension expiration – C&B Development – 15132 W Kutztown Road – expires April 10
 - a. Extension request received
 - b. Motion made by Deplanque and seconded by Daub to approve the extension to October 11, 2023. Motion passed (3-0)
8. Zoning Hearing application review – Paul Schick @ 15380 Kutztown Road
 - a. Paul Schick presented the application. The variance request is to add a third use at the location, which would make it possible for a church to meet on site
 - b. Motion made by Daub and seconded by Deplanque to recommend approval of the variance to the Zoning Hearing Board. Motion passed (3-0)
9. Motion to authorize Township staff to apply for DCED Multimodal Transportation Grant
 - a. Wehr stated that this grant application will include sidewalks from Kutztown University to the Giant shopping center, as well as road improvements to Kutztown Road
 - b. Falencki stated that a 30% match will be needed as well as an application fee
 - c. Motion made by Deplanque and seconded by Daub to approve the grant application. Motion passed (3-0)
10. Motion to authorize Township staff to apply for Dirt, Gravel, Low Volume roads grant
 - a. Motion made by Deplanque and seconded by Daub to approve the grant application. Motion passed (3-0)
11. Motion to authorize Solicitor to file notice to intervene for Siegfriedale Road Solar project ZHB decision
 - a. Motion made by Daub and seconded by Deplanque to authorize the Solicitors Office to file the motion to intervene. Motion passed (2-0). Wessner abstained
12. C&B Warehouse traffic impact study – Township consideration of retaining its own traffic engineer to do an independent traffic study
 - a. Solicitor Magovern stated that if the Board desires, they can move forward with an independent traffic study for the project area
 - b. Motion made by Deplanque and seconded by Daub to seek proposals for an independent traffic study. Motion passed (3-0)
13. Ratify approval to work with nastudios to build new website
 - a. Motion made by Daub and seconded by Deplanque to ratify the decision to move forward with the new website . Motion passed (3-0)

14. Ratify approval to advertise the Conditional Use Hearing scheduled for March 20th for Maxatawny Industrial/310 Hilltop
 - a. Motion made by Deplanque and seconded by Daub to ratify the advertisement. Motion passed (3-0)
15. Motion to approve assignment agreement for Martin Construction/Guzzetta project
 - a. Paff updated the Board regarding the lot on Commons Road. The lot did go through the Land Development process. The current owner is now selling the lot to Martin Construction due to issues with their builder. All agreements need to be transferred to Martin Construction
 - b. Motion made by Daub and seconded by Deplanque approve the assignment agreement. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Elizabeth Magovern
 - a. Nothing at this time
2. Engineer – Chris Falencki
 - a. Falencki presented his report.
 - b. Falencki stated that the project #23 (Rockland Builders/Hottenstein Road) on his report has been reviewed multiple times and there are still issues with the stormwater management design
 - c. There has not been an inspection at Rutter’s for their underground stormwater beds due to the weather
 - d. Falencki recommended an overlay on Quarry Road to protect the job that was done in the fall
 - e. Falencki introduced new Engineer Kyle Coldern

PUBLIC COMMENT: (non-agenda items)

1. Resident Ethan Boyer questioned the Recreation Committee status
2. Resident Don Bucci asked about the independent traffic study and who pays for that
3. Resident Marty Yourkavitch stated that there were no Township representatives at the recent Town & Gown meeting at Kutztown University
4. Resident Janna Gregonis asked about the next Planning Commission meeting

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 7:40PM. Motion passed (3-0).

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer

