

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
MAY 10, 2023 – 6:30pm**

MINUTES

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chairman Heath Wessner called the meeting to order at 6:35PM 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: nothing at this time

PUBLIC COMMENT: (AGENDA ITEMS) – nothing at this time

APPROVAL OF THE MINUTES:

1. Motion was made by Deplanque and seconded by Daub to approve the minutes of the April 12, 2023 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 88 calls in April
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Rodney Freeman from KATS presented their call numbers. Total calls for April were 144, with 52 of those in the Township and the year-to-date total is 715.
4. Historic Commission
 - a. Discussion on updates to Historic Ordinance
 - b. Paff presented his concerns with the Ordinance, including the two proposed overlay districts and how to enforce them
 - c. There was lengthy discussion regarding the Ordinance
 - d. Motion made by Daub and seconded by Deplanque to authorize Magovern to amend and re-advertise the Ordinance 2023-02, removing the overlay districts and updating section 2 with delay of demo additions. Motion passed (3-0)
5. Municipal Authority – nothing at this time
6. Roadmaster – Bobby Turner
 - a. Turner presented his report
 - b. Turner requested moving new business item #7 to his report. Turner is requesting the Board approve the joint oil bid with Albany Township. There were three bids received with the lowest bidder being Midland Asphalt Materials Inc. at \$30,130.00 for the Township portion
 - c. Motion made by Deplanque and seconded by Daub to approve the bid. Motion passed (3-0)
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. Paff also updated the Board that Rutter’s has been pumping their on-site septic system monthly and there have been no issues
8. Secretary/Treasurer – Jerilyn Wehr

- a. Wehr stated that the Board will most likely be providing ARPA funds to KATS but agreements will need to be put into place before the funds are provided
9. Motion made by Deplanque and seconded by Daub to approve the reports as presented. Motion passed (3-0).

PLANS TO REVIEW:

1. Provo Pinegood Kutztown LLC – waiver requests
 - a. There was no one present from the project. The Board tabled the discussion
2. Elm Street Apartments – cost estimate discussion
 - a. Rob Hain reviewed the cost estimate provided by Engineer Falencki and asked if the Board would consider removing the portion for the curbing, sidewalk, and paving inside of the proposed site
 - b. After lengthy discussion, the Board agreed to require all improvements be covered in the cost estimate and agreements

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. Solar panel installation – 21 Berry Circle
 - a. Paff stated this is for front facing solar panels in the home. The Engineer’s letter has not yet been received, but once received, all documents will be in order
 - b. Motion made by Deplanque and seconded by Daub to approve the front facing solar panels contingent upon receiving all required documents. Motion passed (3-0)
3. Young development – hold of escrow
 - a. Paff stated that the driveway was built at a slope of 8% instead of the approved 4%. To keep it at the 8% will require a variance. Paff is not recommending release of escrow at this time. The Board agreed
4. Discussion on extending time period for public comment on Ordinance revisions
 - a. After reviewing legal requirements, Magovern stated that the max allotted time frame is 30 days for public review before a public hearing
 - b. Motion made by deplanque and seconded by Daub to require the 30 day period. Motion passed (3-0)

NEW BUSINESS:

1. Extension expiration – Maxatawny Industrial Long Lane – expires May 31
 - a. Tom Dredge, engineer for the project, stated that they began soils testing last week and are requesting a 6 month extension
 - b. Motion made by Deplanque and seconded by Daub to approve the extension to November 30, 2023. Motion passed (3-0)
2. Zoning Hearing application – Solar Renewable Energy @ 15405 Kutztown Road
 - a. Paff stated that this project is located behind the Kemp Hotel and is scheduled for a May 23rd hearing. This project has already been to the Zoning Hearing Board for other variance requests and is now requesting additional variances including lot width as well as curbing and paving
 - b. Motion made by Daub and seconded by Deplanque to recommend to the Zoning Hearing Board to require the paving set back of 50 ft. Motion passed (3-0)

3. Proposed detour for water service at 53 Commons Rd
 - a. Paff stated that the Boro is planning to connect the property to the water service and may begin in the next week or two. The detour will be on Trexler Ave and will only be during the daytime working hours
 - b. Motion made by Deplanque and seconded by Daub to approve the detour. Motion passed (3-0)
 - c. Paff also added that he just received notice today that the St. Luke's site on Kutztown Road will now also be connecting to the Borough water. This will require a two day closure of Sharadin Road with the detour on Baldy Rd. This connection will take place May 17th & 18th
 - d. Motion made by Daub and seconded by Deplanque to approve the detour. Motion passed (3-0)
4. Lyons Borough Municipal Authority NPDES Ordinance
 - a. Magovern stated that Lyons Municipal Authority needs to update their sewer discharge ordinance due to new regulations. As such, we also need to update ours
 - b. Motion made by Deplanque and seconded by Daub to have the Solicitors office prepare a new ordinance. Motion passed (3-0)
5. Motion to approve Ordinance 2023-01 – adopt 2018 International property maintenance code
 - a. Motion made by Daub and seconded by Deplanque to approve Ordinance 2023-01. Motion passed (3-0)
6. Motion to authorize advertising of proposed Ordinance 2023-03 – Knox Box requirements
 - a. Motion made by Daub and seconded by Deplanque to authorize advertising of Ordinance 2023-03. Motion passed (3-0)
7. Motion to approve joint bid with Albany Township for oil & chipping project
 - a. This item was discussed under the Road Master report
8. Reaffirm Mavis Tire plan approval
 - a. Motion made by Deplanque and seconded by Daub to reaffirm the Mavis Tire plan approval. Motion passed (3-0)
9. Recommendation from Planning Commission to update SALDO
 - Submission deadline updates
 - Requiring electronic submission
 - Amending the required plan size
 - Outside agency approvals before final plan approval
 - a. Motion made by Deplanque and seconded by Daub to authorize requested SALDO updates. Motion passed (3-0)
10. Recommendation from Planning Commission to start additional zoning ordinance updates per list presented by Paff
 - a. Motion made by Deplanque and seconded by Daub to authorize additional zoning ordinance update. 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. There was another inspection completed of the Rutter's stormwater basin and it is dry for the second month in a row. Falencki will continue to monitor

PUBLIC COMMENT: (non-agenda items)

1. Resident Janna Gregonis questioned the status of the grant for sidewalks and recommended additional grants
2. Resident Marty Yourkovitch suggested making sure the Township has requirements regarding storage of lithium batteries
3. Resident John Zima asked about meeting room upgrades

FINANCIAL MATTERS:

1. Motion was made by Deplanque and seconded by Daub 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 made by Deplanque and seconded by Daub to adjourn the meeting at 7:53PM. Motion passed (3-0).

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer