

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
APRIL 12, 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: Chairman Wessner announced an executive session was held from 6:00pm to 6:35pm to discuss litigation. Wessner did not participate in the session

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 March 8, 2023 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 86 calls in March
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Rodney Freeman from KATS presented their call numbers. Total calls for March were 191, with 60 of those in the Township and the year-to-date total is 516, with 168 of those in the Township.
4. Historic Commission
 - a. Discussion on updates to Historic Ordinance and Resolution
 - b. Solicitor Magovern presented an update regarding the Historic Commission and their request to amend the existing Ordinance which adds two districts, allows owners to request that their property be added to the registry, and includes the Historic Commission on review of demo of any structure 100+ years so that documentation of the structure can be captured before demo
 - c. Motion made by Daub and seconded by Deplanque to authorize Magovern to advertise the Ordinance 2023-02. Motion passed (3-0)
 - d. Magovern also presented Resolution 2023-06 which added properties, which included cemeteries, churches and school houses, to the Historic Overlay inventory. Paff questioned the location of some of the properties. There was discussion regarding the addition of the proposed properties
 - e. Motion made by Deplanque and seconded by Daub to approve Resolution 2023-06. Motion passed (3-0)
5. Municipal Authority – nothing at this time
6. Roadmaster – Bobby Turner
 - a. Turner presented his report
 - b. Turner requested approval to run electric to the new storage shed built at the Bowers Park.

- c. Motion made by Deplanque and seconded by Daub to approve the electric to the shed, using ARPA funds. Motion passed (3-0)
 - d. Turner also stated that he is working on getting information to insulate and run gas for heat to the Bowers Park restrooms so that we can have the option to keep them open year-round. MetEd stated that they will run the line at no fee if the Township digs the trench and believes that insulation would cost around \$1,000.00
 - e. Paff informed Turner that he will need to be involved with any updates to the restroom
7. Code Enforcement – Chris Paff
- a. Paff presented his report
 - b. Florez Trucking status update/request for additional onsite work
 - 1. Paff stated that Florez is still waiting for state agency approvals. The Board had previously given consent to have Florez work on up to two trucks, owned by himself, on site. Now Florez is requesting the ability to work on other trucks on the site. After discussion, the Supervisors agreed to keep it set at two of his own trucks until all approvals are received
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. Bill Witman presented the plan for a single-family dwelling that will have a 600 ft driveway. Witman went over stormwater management as well as Fire Marshal requests
 - b. The letters of Falencki and Paff dated February 14, 2023, as well as the Fire Marshal letter were reviewed. Witman stated that they will comply with the letters
 - c. the waivers requested from the letters dated August 3, 2022, January 19, 2023 and January 20, 2023 were reviewed
 - d. Motion made by Daub and seconded by Deplanque to approve the requested waivers on the August 3, 2022 letter. Motion passed (3-0)
 - e. Motion made by Deplanque and seconded by Daub to approve the requested waivers on the January 19th and January 20, 2023 letters. Motion passed (3-0)
 - f. Motion made by Daub and seconded by Deplanque to grant conditional preliminary/final plan approval based on the letters of Falencki, Paff, and the Fire Marshal
- 2. Provco Pinegood Kutztown LLC – waiver requests
 - a. There was no one present from the project. The Board tabled the discussion

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. Fanelli Group escrow release request
 - a. Kevin Fanelli presented the request to the Board, asking to reduce the escrow to the 15%, 18-month maintenance period amount of \$149,297.80
 - b. Motion made by Daub and seconded by Deplanque to approve the escrow reduction. Motion passed (3-0)

- c. Fanelli also questioned the need for providing a bond to the Township for road opening when installing the water line to the property. The Board determined that a bond would be required
- 3. Special Event – Old Time Plow Boys
 - a. Required documentation for the event was not submitted. Event will not be held

NEW BUSINESS:

- 1. Special Event – Berks County Aero Modelers
 - a. This request is for two events to be held on May 20 and July 27 - 30. Paff has all required documentation
 - b. Motion made by Daub and seconded by Deplanque to approve the special event request. Motion passed (3-0)
- 2. Waiver request – Rockland Builders @ Hottenstein Road
 - a. Two stormwater waivers were requested per the letter dated February 15, 2023
 - b. Motion made by Deplanque and seconded by Daub to approve the requested waivers. Motion passed (3-0)
- 3. Waiver request – 7 South Kemp Road
 - a. Paff stated that this property needs to install a new septic system. The State requirement is for septic and well to be 100 feet apart. The new septic would only be 50 feet from the existing well on the property, which is the same distance as the existing septic is from the well
 - b. Motion made by Daub and seconded by Deplanque to approve the requested waiver and authorize the Solicitor to prepare the required agreement. Motion passed (3-0)
- 4. Solar panel installation – 21 Berry Circle
 - a. The applicant has not supplied all the required documentation for Paff to complete his review. Item tabled
- 5. Solar panel installation – 12 Curtis Road
 - a. Paff received all required documents
 - b. Motion made by Deplanque and seconded by Daub to approve the solar panel installation. Motion passed (3-0)
- 6. Zoning Hearing application review – Ruben Nolt @ 623 Kohler Road
 - a. Paff presented the application and provided a history of the property. The requested variance is to have an additional business on the property
 - b. Motion made by Daub and seconded by Deplanque to submit a letter recommending all business activity remain inside the existing building of use. Motion passed (3-0)
- 7. Extension expiration – ratify extension approval for Kunio Mitsuma – expiration March 17
 - a. Wehr stated that after the project did not appear for project approval at the March meeting, an extension was needed. Wehr received the request
 - b. Motion made by Deplanque and seconded by Daub to ratify the approval to extension to June 15, 2023. Motion passed (3-0)
- 8. Extension expiration – Solar Renewable energy – expires May 17
 - a. Motion made by Daub and seconded by Deplanque to approve the extension to July 12, 2023. Motion passed (3-0)
- 9. Motion to authorize advertising of Ordinance 2023-01 – adoption of 2018 International property maintenance code
 - a. Motion made by Deplanque and seconded by Daub to authorize advertisement. Motion passed (3-0)

10. Reaffirm Valentino's plan approval

- a. Motion made by Deplanque and seconded by Daub to reaffirm Valentino's plan approval. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Elizabeth Magovern
 - a. Magovern provided an update on the Commonwealth Court decision involving Duke/Prologis. Duke will be filing to reargue the ethics portion of the decision regarding how a 3-member board can vote when one member has a conflict. Due to that, no action needs to be taken by the Supervisors at this time
 - b. Magovern also stated that Supervisor Deplanque asked about allowing residents to have access to all future zoning and SALDO amendments earlier in the process than required by law. The law states that the public is entitled to view/provide feedback on amendments once the amendments are advertised
 - c. There was discussion regarding this recommendation and the Board decided to table the request to next month to allow more time to consider it
2. Engineer – Chris Falencki
 - a. Falencki presented his report.
 - b. There was an inspection completed of the Rutter's stormwater basin and it is currently dry. Falencki will continue to monitor
 - c. Falencki stated that he received documentation from Kutztown Boro regarding construction at the railroad crossing on Kohler Road. A detour will be needed
 - d. Motion made by Daub and seconded by Deplanque to approve the detour. Motion passed (3-0)

PUBLIC COMMENT: (non-agenda items)

1. Taxpayer Josh Tucker questioned the timeline for the Duke argument, as well as the possible results of the argument
2. Resident Anne Franke questioned what happens with all the applications/approvals that Duke has received from the State
3. Resident Janna Gregonis asked how the ruling on the 500-foot rule affects the other warehouse projects in the Township
4. Resident Robert Reynolds asked about resubmitting under the new zoning
5. Resident Marty Yourkavitch recommended informing the church that will be occupying space at the Agway building of Berks County Aero Modelers special events in the future
6. Resident Peter Karch asked where the next PC meeting will be held
7. Resident Judy Boyer requested an update on the new website
8. Resident and PC Chairman Don Bucci provided an update to the Supervisors of discussions held regarding updates to zoning, SALDO, and Comprehensive plan. Bucci stated that he would like the Board to consider submitting a letter of intent in participating in the Joint Comprehensive plan
9. Motion made by Daub and seconded by Deplanque to have Wehr submit a letter of intent to participate in the Joint Comprehensive plan. Motion passed (3-0)

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: Chairman Wessner adjourned the meeting at 8:07PM. Motion passed (3-0).

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer