

**THE TOWNSHIP OF MAXATAWNY
BOARD OF SUPERVISORS MEETING
JULY 12, 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, Anderson Deutschman; 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 June 14, 2023 Board of Supervisors meeting. Motion passed (3-0)

REPORTS:

1. State Police Report
 - a. The Police report was presented. There were 92 calls in June
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance
 - a. Rodney Freeman from KATS presented their call numbers. Total calls for June were 165, with 37 of those in the Township and the year-to-date total is 1000.
4. Historic Commission – nothing at this time
5. Municipal Authority – nothing at this time
6. Roadmaster – Bobby Turner
 - a. Turner presented his report
 - b. Turner stated that Rodale will be holding their annual apple picking event which will add extra traffic in the area
7. Code Enforcement – Chris Paff
 - a. Paff presented his report
 - b. Paff stated that there are 27 properties in cycle 2 that need to complete their septic pumping and cycle 3 has begun, which includes properties with addresses that end in 6, 7, 8, and 9
 - c. The residence at 15621 Kutztown Road is in the process of restoration. This property has always had a holding tank on site, but there is currently no agreement on file. Paff would like to have the Solicitor prepare an agreement
 - d. Motion made by Deplanque and seconded by Daub to approve the preparation of the agreement for the holding tank. Motion passed (3-0)
 - e. Paff stated that St. Lukes is planning on completing the roadwork for the waterline placement by the end of July. There will be lane work done the week of July 17th. There is a request to close the intersection at Sharadin and Kutztown Road on July 24th and 25th, with the same detour as the previous closure

- f. Kutztown University's new scoreboard is completed. Paff requested if there are any complaints regarding the scoreboard to let him know
- g. Paff also stated that DEP issued a code orange for air quality
- 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. Provco Pinegood Kutztown LLC – waiver requests
 - a. There was no one present from the project. The Board tabled the discussion
- 2. Solar Renewable Energy – waiver requests and prelim/final plan
 - a. Seth Berry presented the plan
 - b. The letters of Falencki dated June 12, 2023 and Paff dated June 15, 2023, as well as the Fire Marshal letter were reviewed
 - c. There was discussion regarding the location of the transformer and the posting of an escrow
 - d. Waivers requested per the letter dated April 26, 2023 were reviewed
 - e. Motion made by Deplanque and seconded by Daub to approve the requested waivers from the April 26, 2023 letter. Motion passed (3-0)
 - f. Motion made by Daub and seconded by Deplanque to give conditional prelim/final plan approval per the letters of Falencki, Paff, and the Fire Marshal, as well as the posting of a decommission escrow (bond) of approximately \$50,000, or an amount determined sufficient, with an agreement after review by the Township Engineer and Solicitor. 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

NEW BUSINESS:

- 1. Ratify road closure – St. Lukes/Kutztown Road
 - a. Motion made by Daub and seconded by Deplanque to ratify the lane closure. Motion passed (3-0)
- 2. Special Event – Cannabis Festival – 9/23 & 24
 - a. Paff stated that he has all required information other than the agreements for parking
 - b. Motion made by Deplanque and seconded by Daub to approve the special event. Motion passed (3-0)
- 3. Special Event – Friend Inc. bike event – 8/12
 - a. Paff provided info on this yearly event. All documents have been received
 - b. Motion made by Daub and seconded by Deplanque to approve the special event and waive the fees. Motion passed (3-0)
- 4. Special Event – Saul Hicks church event – 7/16 thru 7/22
 - a. Paff stated that the event is to be held at the Agway property and will be a bible study held in a tent in the evenings from 6pm-9pm
 - b. Motion made by Daub and seconded by Deplanque to approve the special event. Motion passed (3-0)
- 5. Ratify Special Event – KU Heritage center bonfire – 7/7 & 7/10

- a. Motion made by Deplanque and seconded by Daub to ratify the approval of the special event. Motion passed (3-0)
6. Special Event – KU Heritage center bonfire – 7/21 & 7/25
 - a. Motion made by Daub and seconded by Deplanque to approve the special event. Motion passed (3-0)
7. Zoning Hearing application review – Elmer Zimmerman properties
 - a. Paff provided information regarding the zoning applications for Zimmerman
 - b. The first application is for 210 Bastian Road. Zimmerman would like to place a trailer on the property to be used as an elder housing unit which requires a special exception. This may require a holding tank on the site. The elder housing unit would need to be removed once it is no longer used for that purpose
 - c. Motion made by Deplanque and seconded by Daub to recommend approval of the requested variance. Motion passed (3-0)
 - d. The second application is for 621 Krumsville Road. There is an existing building on the site that Zimmerman is currently renting out for self-storage. He does not have a permit to do this. It will require a special exception for the use, as well as multiple variances, some due to it being in the flood plain
 - e. Motion made by Deplanque and seconded by Daub to recommend approval of the requested variances with conditions based on the Zoning Officer review. Motion passed (3-0)
8. Zoning Hearing application review – Brock Young residence
 - a. Paff provided information regarding the zoning application. This is a new residence at 474 Church Road. They are requesting a variance to install an 8-foot fence along the eastern edge of their property. They also need a variance for their driveway, as it was built at the wrong location and is sloped at 8%
 - b. Motion made by Deplanque and seconded by Daub to recommend approval of the requested variances with the condition that the driveway be moved to the correct location if any issues arise with its current location. Motion passed (3-0)
9. Zoning Hearing application review – Donald Dietrich @181 Fisher Lane
 - a. Paff stated that this property has an existing slab at the front of the house that Dietrich would like to put a roof over. The slab is in the required setback, and to put a roof in this location requires a variance
 - b. The Supervisors did not make any recommendations on this application
10. 10375 Snyder Road – Farm Preservation
 - a. Wehr informed the Board that this property is mainly in Lehigh County and pays their taxes to Weisenberg Township. They are requesting to put the property into Ag Security and would like Maxatawny to sign off on the request
 - b. Motion made by Deplanque and seconded by Daub to have Wehr submit documentation that they will sign off on the request and allow Lehigh County to process. Motion passed (3-0)
11. Motion to approve Ordinance 2023-04 - Lyons NPDES Ordinance
 - a. Motion made by Deplanque and seconded by Daub to approve Ordinance 2023-04. Motion passed (3-0)
12. Motion to approve Resolution 2023-07 – DCED grant
 - a. Engineer Deutschman went over the details of the grant application
 - b. Motion made by Deplanque and seconded by Daub to approve Resolution 2023-07. Motion passed (3-0)

13. Motion to authorize Solicitor to send the SALDO revisions to the Berks County PC for formal review
 - a. Motion made by Deplanque and seconded by Daub to approve review by the Berks County PC. Motion passed (3-0)

PROFESSIONAL SERVICES:

1. Solicitor – Elizabeth Magovern – nothing at this time
2. Engineer – Anderson Deutschman
 - a. Deutschman reported that the Long Lane roundabout has not yet gone out to bid
 - b. There is no update on the Rutter’s basin

PUBLIC COMMENT: (non-agenda items)

1. Taxpayer Josh Tucker questioned the status of the Duke/Prologis project
2. Resident Marty Yourkavitch asked what the consequences are from the Commonwealth Court decision
3. Resident and PC Chair Don Bucci stated that they are moving forward with the joint comprehensive plan and will need the Supervisors to approve a Resolution to move forward with the grant application
4. Resident Rob Boyer asked if the Township could clear a blocked storm drain on a State Road

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 7:37PM. Motion passed (3-0).

Respectfully submitted,

Jerilyn R. Wehr
Secretary/Treasurer