

**THE TOWNSHIP OF MAXATAWNY  
BOARD OF SUPERVISORS MEETING  
AUGUST 9, 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 (by zoom). Professionals present: Solicitor, Elizabeth Magovern; Township Engineer, Chris Falencki; Code Enforcement Officer, Chris Paff; Secretary/Treasurer, Jerilyn Wehr.

**AG SECURITY HEARING:** 251 Crystal Cave Road

The Hearing was opened at 6:30pm with Attorney Magovern providing details of the property applying. Both the Ag Security Committee and the Planning Commission had reviewed the application and gave recommended approval of the property. There was no public comment. The hearing was closed at 6:32pm

Motion made by Daub and seconded by Deplanque to accept the property into the Ag Security area. Motion passed (3-0)

**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 July 12, 2023 Board of Supervisors meeting. Motion passed (3-0)

**REPORTS:**

1. State Police Report
  - a. The Police report was presented. There were 89 calls in July
2. Kutztown Library – nothing at this time
3. Volunteer Fire Department/Ambulance – nothing at this time
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 he would like to have approval to purchase a used tractor from Richmond Township. Richmond is looking to buy into the agreement with Maxatawny and Albany Township to own a third of the oil and chip machine and when that is completed and paid for, the cost of the tractor will only be a few thousand dollars
  - c. Motion made by Daub and seconded by Deplanque to approve purchase of the tractor. Motion passed (3-0)
7. Code Enforcement – Chris Paff
  - a. Paff presented his report
  - b. Paff stated that there are 20 properties in cycle 2 that need to complete their septic pumping with a deadline of August 15<sup>th</sup>

- c. Paff stated that Kutztown University is doing some remodeling in Old Main. The Fire Co. and the PA Department of Labor and Industry are involved in the project
8. Secretary/Treasurer – Jerilyn Wehr - nothing at this time
9. Motion made by Daub and seconded by Deplanque 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 and agreed to remove the item from the agenda until the developer returns

**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. Special Event – Cannabis Festival – review due to emergency services closure
  - a. Paff updated the Board on the status of this event. He is still waiting on the parking agreements and confirmation of Emergency Services on site due to the closure of KATS. All documentation is to be received by August 31<sup>st</sup>

**NEW BUSINESS:**

1. Motion to open gate on Baldy Road for KU student move in day – August 26, 2023
  - a. Motion made by Deplanque and seconded by Daub to approve the gate opening. Motion passed (3-0)
2. Zoning Hearing application – Carolyn Hanson @ 490 Siegfriedale Road
  - a. Paff stated that that this property has a building that was built as a pool house by the previous owners, who then turned it into an unauthorized Airbnb. The new owner would like to turn it into a long term rental but would need a variance to do so
  - b. Motion made by Daub and seconded by Deplanque to recommend approval of the variance. Motion passed (3-0)
3. Zoning Hearing application – Firehouse Coffee sign @ 7 Church Road
  - a. Paff stated that he has not yet received the full application on this request. The Board chose to table the review until it is received
4. Fanelli Group – Maintenance Bond
  - a. Falencki stated that the road reconstruction is complete after the water line installation. There is need for a new easement to be recorded
  - b. Motion made by Daub and seconded by Deplanque to accept the two year maintenance bond with the completion of the revised easement agreement. Motion passed (3-0)
5. Recommendation from Planning Commission to approve Resolution 2023-08 – Multi-municipal joint comprehensive plan
  - a. Wehr stated that the Planning Commission made the recommendation to approve the resolution with a \$10,000.00 maximum out of pocket cost to complete the plan
  - b. Motion made by Deplanque and seconded by Daub to approve Resolution 2023-08. Motion passed (3-0)
6. Motion to approve Resolution 2023-09 – Ambulance Services
  - a. Wehr stated that with the closure of KATS, Maxatawny is now utilizing the services of Topton Ambulance through out the Township. The Resolution gives control of the run cards to the Chief of Topton Ambulance

- b. Motion made by Daub and seconded by Deplanque to approve Resolution 2023-09. Motion passed (3-0)

**PROFESSIONAL SERVICES:**

1. Solicitor – Elizabeth Magovern
  - a. Historic structures SALDO revision – Magovern stated that the Historic Commission would like to make a revision to the SALDO that states that a developer would need to identify any properties that are protected under Township as a historic property (100 years or older)
  - b. Motion made by Deplanque and seconded by Daub to have the Solicitors office prepare the revision. Motion passed (3-0)
2. Engineer – Chris Falencki
  - a. Falencki stated the August Zoning Hearing will hear the application of Elmer Zimmerman and Mr. Zimmerman will have an attorney present. Falencki asked the Board if they would like him to attend as well
  - b. Motion made by Deplanque and seconded by Daub to approve Falencki to attend the Zimmerman Zoning Hearing. Motion passed (3-0)

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

1. Taxpayer Josh Tucker suggested that the Board consider another inflation relief payment to the Township employees and also asked who pays for Conditional Use Hearings
2. Resident Janna Gregonis questioned the timeline for the C&B warehouse Conditional Use application and stated that it is obvious what is happening and that Mark Koch is trying to get this through before the end of the year since in January there will be two Supervisors that are against this project
3. Resident Marty Yourkavitch stated concern with the C&B warehouse hearing time and also voiced concern regarding the KATS closure
4. Student Alex Darlington asked how he can view the Duke plans
5. Resident Steve Wilson voiced concern with the scheduling of the C&B warehouse hearings
6. Resident Ken Franke stated that a tractor trailer knocked down a stop sign on Long Lane and Deer Run Road, which required Roadmaster Turner to come out on the weekend to repair. Franke has the truck information if we would like to try to get reimbursement for the incident
7. Resident Anne Franke asked if the Conditional Use Hearings can be postponed due to the need for review letters to be completed

**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 Deplanque and seconded by Daub to approve the Treasurer's Report as presented. Motion passed (3-0).

**ADJOURN:** Motion made by Daub and seconded by Deplanque to adjourn the meeting at 7:27PM.  
Motion passed (3-0).

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Respectfully submitted,

Jerilyn R. Wehr  
Secretary/Treasurer