

COOPERSBURG BOROUGH COUNCIL
Regular Meeting Minutes
December 17, 2013

The meeting of the Coopersburg Borough Council was held on Tuesday, December 17th, in Council Chambers at Borough Hall. The meeting was called to order by Council President Felch at 7:00 p.m.

OPENING CEREMONIES

The meeting was opened by reciting the Pledge of Allegiance.

Roll call was taken by Manager Paashaus. Also present were Mayor Mack, Council Members Balascak, Greenland, Lundy, Nalichowski, Minarik, Walters, Solicitor Gittinger, Engineer Erdman, and Jr. Council Member Hewins.

AGENDA

A Motion was made by Balascak and seconded by Nalichowski to adopt the Agenda with a change in order of Action Items, moving the discussion of R4 Zoning before Resolution 2013-14. **The Agenda passed by a vote of 7-0.**

PUBLIC COMMENT

No Public Comment.

CONSENT AGENDA

A Motion was made by Lundy and seconded by Minarik to receive the Monthly Financial Statements, receive the Monthly Reports (Council information, Police Report & Vehicle Roster), and approve the Previous Meeting Minutes from November 19, 2013. **Consent Agenda passed by a vote of 7-0.**

POLICE CHIEF APPOINTMENT

- a. Council President Felch opened the formal discussion regarding the appointment of a new police chief. There was discussion regarding the current chief's retirement and the process by which the search committee came to its recommendation to Council. Walters stated that it was a thorough search. A Motion was made by Walters and seconded by Minarik to appoint Anthony Struss as the new police chief and approve an annual contract for 2014. Felch stated that there was an executive session held on December 2nd regarding personnel. Balascak inquired about budget management, oversight experience, traffic concerns, scheduling, and prior experience. Struss responded regarding these questions and stated his prior experience. Mayor Mack stated his role in the search process, that the committee selected the best candidate for the job, that Struss was well-suited for the role, and gave his full support. There was further discussion regarding speed timing, goals, office space, bike safety, and child seat clinics. **Motion passed by a vote of 7-0.** The public audience responded with applause of affirmation.

ACTION ITEMS

- a. A Motion was made by Minarik and seconded by Lundy recognizing the service of the Borough's first Junior Councilperson Arcadia Hewins. **Resolution 2013-9 passed by a vote of 7-0.**
- b. A Motion was made by Walters and seconded by Minarik recognizing the service of Mayor Jonathan Mack. Felch stated that Mack served for 2 terms and was also willing to return as an appointment to fill the Mayor vacancy for an additional 2 years. **Resolution 2013-10 passed by a vote of 7-0.**

- c. A Motion was made by Nalichowski and seconded by Lundy recognizing the service of Council Member Linda Minarik. **Resolution 2013-11 passed by a vote of 7-0.**
- d. A Motion was made by Walters and seconded by Greenland recognizing the service of Council Member Richard Nalichowski. **Resolution 2013-12 passed by a vote of 7-0.**
- e. A Motion was made by Minarik and seconded by Greenland to grant in part and deny in part an application for educational/institutional sewer capacity. Lehr (Legal representative for Tom Williams) questioned the origin of Resolution 2013-13. Gittinger stated that the Borough Code section regarding capacity. There was further discussion, and Gittinger halted the discussion due to Lehr threatening the Borough with a lawsuit. **Resolution 2013-13 passed by a vote of 5-2 (Balascak and Felch = Nay).**
- f. R4 Zoning – Felch stated that two petitions were received regarding R4 zoning changes in the Borough. The petitions are in the official record. Felch stated that due to resident concern, Council has not pursued zoning changes to the State Street (Diocese) property, that the rezoning was only advertised and not acted upon, that he appreciated the public opposition, but would like constructive suggestions rather than simply opposing. Gittinger stated that there were multiple changes to the R4 zoning including removal of the State Street property, density change, and a requirement to form a condo association if the more than two units were on a single tract. Dykhouse (Hillside Drive) voiced concern about removing a property without an official action. Felch stated that the zoning was strictly for discussion and not up for vote at the current meeting. There was further discussion regarding the reason for an R4 change, that it was advertised at the request of the developer, that the developer decided to not move forward with an approved plan from several years ago, and other options to move forward. Duane Wetzel (Upper Saucon Township Resident) voiced concern about the change in zoning to the tract of land south of Locust Valley Road and that the motivation for change was for financial gain to the developer. Gene Johnston (Hillside Drive) requested that Council remove State Street and permanently retain its current zoning. Felch stated that Council could not force something to be changed forever and that zoning could always be reviewed and revised. There were other concerns about traffic, density, and whether the water supply was sufficient. Marybeth Walters (Tilghman Street) voiced concerns about high density development and gave a history of the neighbors meeting with the developer for a previous plan that was acceptable. Balascak stated that a reduction in density seemed satisfactory and that rezoning would be an aid in redevelopment of a blighted building. There was a question about fining the property owner for property maintenance violations. Council recognized the option, but had chosen to move forward in good faith to a redevelopment of the Pinebrook property. Lehr gave a background of the process over the past months and explained that the developer would not remove the building without a change to zoning. There was further discussion regarding the history of the Pinebrook building, summary of previous sewer limitations, how renovating the current building would be cost prohibitive, and an attempt to move forward by removing the building and building in the footprint. Felch stated that Council had the option to table the R4 topic and respond to the community's wishes, or to continue to work on the details. A Motion was made by Balascak and seconded by Minarik to not move further with an R4 zoning district and work with the properties within the current zoning and zoning hearing board. **The Motion passed by a vote of 6-1 (Greenland = Nay).**
- g. Resolution 2013-14 reserving sewer capacity with stipulations died for lack of a motion and second.
- h. A Motion was made by Minarik and seconded by Nalichowski to adopt the 2014 Borough Budget for fiscal year January 1 – December 31, 2014. **Ordinance 643 passed by a vote of 7-0.**
- i. A Motion was made by Minarik and seconded by Lundy to fix the salaries, bonds, and duties of Borough Officials, Appointees, and Employees for the fiscal year January 1 – December 31,

2014. **Ordinance 644 passed by a vote of 7-0.**

- j. A Motion was made by Balascak and seconded by Walters to establish the Real Estate Tax Rate at 5.4mils for the fiscal year January 1 – December 31, 2014. **Ordinance 645 passed by a vote of 7-0.**

REPORTS OF COMMITTEES

1. Infrastructure
 - a. Council Member Balascak reported that the Borough Compost Site was visited 1,625 times during its supervised hours.
 - b. Council Member Balascak reported that the Public Works department had less than eighty water meters to install.
 - c. Council Member Balascak reported that the Landis Street Storm Sewer Project was complete and that the next phase will be to finish the reconstruction of the street.
 - d. Council President Felch thanked the Public Works department for their efforts in snow removal.
2. Public Safety
 - a. No additional Report
3. Government Relations
 - a. No additional Report
4. Administration and Finance
 - a. A Motion was made by Lundy and seconded by Minarik to engage SSM Group to prepare a blight ordinance not to exceed a cost of \$10,000.00. There was further discussion about the blight ordinance, how it dealt with zoning, and its application to multiple properties of concern. **The Motion passed by a vote of 7-0.**

REPORTS OF PROFESSIONAL ADVISORS

1. Jr. Council: No additional Report
2. Solicitor: Solicitor Gittinger requested that Council make a decision on if they would like to engage legal consultation in a tax assessment appeal of 217 S 3rd Street. There was discussion regarding the property, its future, the current value, and the potential cost of legal representation. Council did not wish to fight the appeal by consent.
3. Engineer: No additional Report
4. Borough Manager: Manager Paashaus stated information about an insurance solicitation to Borough residents, an invite for all Council members to tour the Southern Lehigh elementary schools, and that the Coopersburg Municipal Authority would like to increase the management fee that the Authority pays to the Borough. There was further discussion regarding the management agreement, and the committee will review for a recommendation.

UNFINISHED BUSINESS

1. Ambulance Building – Remains on Agenda

NEW BUSINESS

1. Council President Felch reminded Council that the reorganization meeting will occur on January 6, 2014 at 7:00PM. All new members and reelected members will be sworn in on the 6th by the Magisterial District Judge, Daniel Trexler.

ADJOURNMENT

Council Member Minarik made a motion to adjourn which was seconded by Nalichowski. The meeting was adjourned at 8:45 PM.

Timothy Paashaus – Borough Manager

John Felch, Jr. – Council President