

COOPERSBURG BOROUGH COUNCIL
Regular Meeting Minutes
November 19, 2013

The meeting of the Coopersburg Borough Council was held on Tuesday, November 19th, 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. Felch also thanked the 70+ residents for attending the meeting.

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 Minarik and seconded by Walters to adopt the Agenda with the addition of a written communication from the Chief of Police. **The Agenda passed by a vote of 7-0.**

PUBLIC COMMENT

No Public Comment.

CONSENT AGENDA

A Motion made by Minarik and seconded by Nalichowski to receive the Monthly Financial Statements, receive the Monthly Reports (Council information, Police Report & Vehicle Roster), and approve the Previous Meeting Minutes from October 15, 2013 and October 24, 2013. **Consent Agenda passed by a vote of 7-0.**

WRITTEN COMMUNICATION

- a. Mayor Mack spoke regarding the Chief of Police and his years of service. Mack thanked Chief Trexler and read his resignation letter to Council (Copy in Record). Chief Trexler addressed Council and thanked the community for the past 18 years. Trexler has been elected to serve as Magisterial District Justice and his final day will be December 27, 2013. A Motion was made by Lundy and seconded by Minarik to accept the Chief's letter of resignation. Felch stated that there will be a celebration on December 7, 2013 from 2 – 4:30 PM to formally recognize the Chief and his service. **Motion passed by a vote of 7-0.**
- b. Council President Felch stated that the Police Chief Search Committee was well on their way to making a final recommendation to Council.

R4 ZONING HEARING

1. Council President Felch gave an explanation of the events leading to a proposed R4 zoning district. He stated that going forward will be a formal process, there would be several public meetings, legal notification, and that this meeting was for information only. Felch stated that the proposal was a two part process: 1. Establish an R4 district and its definition. 2. Establish where this district would be applied. Felch clarified some details for the benefit of the audience by stating that the properties in discussion were the Diocese Property (State Street/Gun Club Road) and the Pinebrook Property (S Main Street/Linden Street). Peter Lehr, legal representative for Tom Williams, requested to make a presentation. Felch denied the request and stated that the attending residents will have the

opportunity to speak first. The following was the order of resident speakers with their addresses in parenthesis. Any notes, letters or other contributions will be in the Record of the meeting.

- a. Doug Dykehouse (189 Hillside Dr) spoke in detail about the history of both subject properties, the use of sound logic in zoning, the difference between the two properties, and how Pinebrook has been a non-conforming building since its origin. Dykehouse contributed his notes for the Record.
- b. Ms. Tompkins (4910 W State St) commented about her concern over the loss of nature and wildlife, concern over traffic safety, water issues, and potential well-contamination. Tompkins requested that there would not be any development on the State Street Property.
- c. Charles Minnich (975 W State St) stated that his father, as a previous Mayor, was instrumental in developing the Borough's early zoning code. This zoning was to protect the residents, their properties, and the future of the Borough. Minnich stated that "Anything would be better than the Pinebrook Building, but rezoning State Street would be a sin".
- d. Donna Balascak (1015 W State St) stated that she was a resident of the Borough for over 30 years and objects to the high density zoning change. She continued by explaining her concern over traffic, safety, and the narrowly constructed roads.
- e. Cheryl Urmy (6742 Gun Club Rd) commented about the traffic concern around the Diocese Property and the impact of more children being added to the school district.
- f. David Novak (151 Hillside Dr) stated that he moved to Hillside Dr 13 years ago, chose to live in the R1 neighborhood, and the potential of future development of the Diocese property as R1. Novak explained the definition of Spot Zoning, and his concern that a zoning change may be ruled invalid and unlawful by the courts. Novak contributed his notes for the Record.
- g. Jeff Musgnung (760 Tilghman St) stated that he bought a single family home in the Borough with the understanding that the property near his house was R1. The previous proposal for Pinebrook was to convert the existing building to 21 condo units. He was in favor of that plan, but any other changes would have a negative impact on the neighborhood. Musgnung does not want the property leveled, re-zoned, and developed with a high density project. He was also concerned about the Pinebrook site being overlooked in the discussion.
- h. Tom Illick (Upper Saucon Resident) vocalized an emotional appeal against a high density zoning change. Illick was concerned about the impact to the area and its natural features.

Felch paused the speakers and explained that it is a difficult job to sit on Council and balance all the issues impacting the Borough. He explained the history of the sewer issues, the Pinebrook building being an eyesore, and the need for an increased tax base. Felch stated that he appreciated the appeals of the residents, explained that it was a tough issue, and that the Borough does have the ability to have further development.

- i. Stephen Miller (State Rd/Roberts Rd) stated that he appreciated the evening's attendance and continued his statement by using examples from his time in the Service. Miller stated that he could see the viewpoint of the developer but felt that it was not a good idea to alter the area that was being proposed. Miller continued to voice concern about safety and cited two examples (Police injury/Resident Fatality -2005 and Tractor incident – 2013).
- j. Patrick Niebauer (607 S Main St) commented about living in a hundred year old home, his distrust for developers, and a concern about the intersection at Main St and Linden St. Niebauer complimented the attendees for showing a community spirit and a desire to enjoy the town the way that it is.

- k. Ginnie Illick (Liberty Rd) stated that she is an artist and challenged the developer to not take over a cornfield with a high density development.
- l. Lisa Ellenberger (326 S 9th St) commented about her concern over traffic, safety, and her love for the cornfield at the Diocese property. Ellenberger continued by stating that she did not want to see a lot of townhouses and that the Liberty Road development was appalling.
- m. Robin Wasatonic (170 Hillside Dr) vocalized concern about the influx of children in schools and the challenge with over populated schools currently.
- n. Mike Barrett (5067 Homestead Dr) stated that he is a senior citizen with a property that abuts the Pinebrook property. Barrett explained that his children grew up there, that a change in zoning would be devastating for housing values, and a heavy impact on someone with a fixed income.
- o. Lynn Felix (622 Gun Club Rd) vocalized the history of her house purchase nine years ago. She was concerned about the economy, lowering home values, and water issues. Felix explained that local development has made a negative impact on the area's ecology.
- p. Gene Johnston (56 Hillside Dr) commented about the extra cost in servicing a high density development. He continued by explaining how a development would increase the cost of utilities and road maintenance.

Felch explained the process of changing zoning by defining R4, notifying residents, and holding multiple hearings. The Borough has engaged a zoning consultant to address the entire Borough Zoning Code.

- q. Peter Lehr, legal representative for Tom Williams, commented regarding the MOU being a framework for a solution and gave a presentation about the Pinebrook property being an issue. Lehr explained that 36 units on Pinebrook's site would be beneficial and has been received favorably. The proposed plan would not be possible without a change. Lehr continued by giving positive statements about valuable items being donated to the Borough, his client building additional waste water capacity, and donating that capacity to the Borough at no cost. Lehr stated that the Diocese property has an estimated 195 units planned and that the window of opportunity was nearing an end with the Diocese.

REPORTS OF COMMITTEES

1. Infrastructure

- a. Council Member Balascak reported that leaf collection would continue for the next few weeks, and the compost site would be closed for the season in early December.
- b. Request for Sewer Allocation – Council Member Balascak stated that there was a request for 36 sewer allocations by Tom Williams for the Pinebrook property. Lehr stated that they would like to move forward with the request and asked Council to approve the allocation. Balascak asked Lehr about the proposed purchase price per EDU and what their plan was. Lehr stated that Pinebrook would reopen. Minarik commented that the application was incomplete. Kirk Leister, representative for CityLine Construction, stated that since EDU's were "first come, first serve", that they need to reserve the available capacity, and if not used, the capacity would return to the Borough. Felch asked if they were abandoning the approved plan for 21 Condo units retrofitted to the existing building and if Kirk was aware of the total EDU allocation when the Pinebrook property was purchased. Kirk responded by saying zero allocations. The Infrastructure Committee will discuss this request at the next workshop meeting and will bring the recommendation back to Council.

2. Public Safety
 - a. The Police Search Committee has been through the review and interview process for a replacement to the Chief of Police. They were not prepared to make a recommendation at the current meeting.
3. Government Relations
 - a. No additional Report
 - b. MECAB – Council Member Nalichowski reported that MECAB will meet the last Wednesday of January.
4. Administration and Finance
 - a. Council President Felch reported that the MOU between the Borough and CityLine Construction is an open topic, and the Borough has had difficulty due to not having a single negotiator. The current draft does not have complete information agreed upon at the October 24, 2013 Special Meeting.
 - b. A Motion was made by Lundy and seconded by Minarik to approve the second and final reading of the Borough's 2014 Budget. Balascak requested that Council consider an increase to section 409 to include funds for an informational sign at Borough Hall. A Motion was made by Walters and seconded by Balascak to increase Budget Section 409 from \$93,000 to \$103,000. **Motion passed by a vote of 6-0 (Minarik abstained).** There was further discussion regarding the increase in Water Revenue, Water expense, and Pension Information. **The 2014 Budget was approved with modification to Section 409 by a vote of 7-0.**
 - c. Council President Felch reminded Council that the 2014 Reorganization meeting will occur on January 6, 2013 at 7:00 PM. Felch thanked Minarik and Nalichowski for their service on Council and will do so further at the December Council Meeting.

REPORTS OF PROFESSIONAL ADVISORS

1. Jr. Council: No additional Report
2. Solicitor: No additional Report
3. Engineer: No additional Report
4. Borough Manager: No additional Report

UNFINISHED BUSINESS

1. Consolidation of the Compost Site – Remains on Agenda
2. Ambulance Building – Remains on Agenda

NEW BUSINESS

1. Nothing further.

ADJOURNMENT

Council Member Lundy made a motion to adjourn which was seconded by Balascak. The meeting was adjourned at 8:40 PM.

Timothy Paashaus – Borough Manager

John Felch, Jr. – Council President