

**COOPERSBURG BOROUGH COUNCIL**  
**Regular Meeting Minutes**  
**October 15, 2013**

The meeting of the Coopersburg Borough Council was held on Tuesday, October 15<sup>th</sup>, 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 (arrived late), Minarik, Walters, Solicitor Gittinger, Engineer Erdman, and Jr. Council Member Hewins.

**AGENDA**

A Motion was made by Minarik and seconded by Lundy to adopt the Agenda with the addition of an Action Item to thank three community activity representatives. **The Agenda passed by a vote of 6-0.**

**PUBLIC COMMENT**

No Public Comment.

**CONSENT AGENDA**

A Motion made by Greenland 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 September 17, 2013 and October 7, 2013. **Consent Agenda passed by a vote of 6-0.**

**ACTION ITEMS**

- a. A Motion was made by Minarik and seconded by Balascak to adopt the Wastewater Allocation Procedures for the Borough of Coopersburg (Sewer Capacity Distribution Protocol). There was discussion regarding clarification on several items, the foundation set by the LCA, questions about prior protocol, prior distribution requests, and the protection from a single developer “banking” capacity without intention of development. The new protocol will replace any prior guidelines and will handle new capacity applications. **Motion passed by a vote of 7-0.**

Council Member Nalichowski arrived late at 7:10 PM.

- b. Council President Felch stated that he would like to send letters of appreciation to three community event committee members (Halloween Parade, Cub Scout Clean-up, and Community Day). **The letters passed without objection.**

**SPECIAL REQUESTS**

1. Tom Williams - Richard Somach, on behalf of Tom Williams, presented an M.O.U. for the project located at the former Pinebrook Jr. College. Somach stated that the M.O.U. would start by having a common issue resolved, building torn down, increase tax base, not increase traffic, immediate posting of a bond for demolition, and a proposal to have Age-restricted, condo living in 2 areas of the Borough. Somach requested for approval of the M.O.U. and advertising a zoning ordinance amendment. Peter Lehr, on behalf of Tom Williams, presented a PowerPoint presentation (Copies

in official record). Lehr gave a history and explained that an M.O.U. was “more than a handshake, less than a contract”. Lehr stated benefits, conditions precedent, description of Pinebrook, the description of a holding tank, zoning changes, and the next requested steps. Lehr stated that their window of opportunity to move forward may close before November due to only being equitable owners of the Diocese (State Street) property. Council questioned the length of time for demolition, the current zoning, which is R1, and requested more information about the current contracts and time restraint. Balascak asked about the number of units planned for the Diocese land. There was no definite answer due to the property having some non-buildable areas. The estimate was given for 11 units per acre with only half of the 23 acres being buildable. Felch stated that the current M.O.U. was delivered on Friday (10/11/2013). The prior versions of the M.O.U. were told to “not be shared”. Felch explained that this means that most of his colleagues were seeing this for the first time. Felch was concerned about the wording being legal & binding, not a “handshake”, that the M.O.U. protects Tom William’s interest and not the Borough’s, “Demolition if permits”, and an open-ended timeframe. There was concern over the legal language that would be binding and gives them impression that the M.O.U. was a jointly drafted document. Balascak wanted clarification about the language for sewer capacity, location of holding tank, and the future sale of EDU’s back to the Borough. Marybeth Walters (resident on Tilghman Street) voiced concern about the neighbors being notified about the zoning changes and development future. Council requested information from the Borough Solicitor. Gittinger expressed concern regarding the language used about both parties developing the draft and how court may not allow the Borough any recourse. Nalichowski stated that Council has made numerous concessions and changes for Pinebrook over the years with little results. Williams gave a reaction and a history of the property. He stated that there were previous plans, but no EDU’s; he wanted condos, but the market fell and it wasn’t financially viable. Williams stated, “Tearing down the College doesn’t make financial sense, it never has”. He continued by saying that he had spent a lot of money assembling properties surrounding the Pinebrook area and Council should sign that night.

Council President Felch called a short recess at 8:28 PM  
The meeting resumed to order at 8:35 PM

Council President Felch stated that Council options are (1) to authorize signing the M.O.U., (2) requested advertise the R4 zoning amendment, (3) allow more time for discussion (advertised special meeting), or (4) do nothing. A motion was made by Walters and seconded by Minarik to have a meeting on Thursday, October 24, 2013 which is the soonest to legally advertise a public meeting. **Motion passed by a vote of 7-0.** A motion was made by Minarik and seconded by Walters to advertise the zoning amendment to create an R-4 district on both the Pinebrook property and the piece of property on W State Street known as the Diocese property. There was further discussion about the public giving input, final approval, and the subject properties. **Motion passed by a vote of 7-0.**

2. Fred Derby – Derby presented a plan for a project on Cherry Street. The plan included 24 condos and 12 sites for commercial use. The current zoning on the area is LI2. Council discussed the appearance of the plan, what was needed to have residential included in light industrial zoning, and what commercial use is anticipated. Derby requested support for the future project and sewer capacity.
3. Dwayne Wetzal – Wetzal presented his 5 lot subdivision project with 3 building lots. This subdivision approval dates back to the 1990’s and additional permits may be required.

## **REPORTS OF COMMITTEES**

1. Infrastructure
  - a. Septic – No additional Report
  - b. Highway – Council Member Balascak reported that the Landis Street Storm Sewer project approximately 80% complete.
  - c. Water – Council Member Balascak reported that the water meter program will be slowing due to leaf collection.
  - d. Unauthorized Advertisement – Council Member Balascak asked to table the issue for a future meeting.
2. Public Safety
  - a. No additional Report
3. Government Relations
  - a. No additional Report
  - b. MECAB – Council Member Nalichowski reported that MECAB will meet on October 30<sup>th</sup> regarding the Affordable Care Act and its effects on local municipalities and the public.
4. Administration and Finance
  - a. Council President Felch reported that the administration and finance committee recommends accepting the first reading of the 2014 budget in summary form. The detailed budget is for Council’s reference. A motion was made by Minarik and seconded by Greenland to accept the first reading of the Borough’s 2014 budget. The budget will be advertised, on display at Borough Hall and the second reading is scheduled for November 19, 2013. Felch reminded council that this budget will be for the “next” council after the reorganization at the beginning of 2014. **Motion passed by a vote of 7-0.**

#### **REPORTS OF PROFESSIONAL ADVISORS**

1. Jr. Council: No additional Report
2. Solicitor: No additional Report
3. Engineer: No additional Report
4. Borough Manager: Manager Paashaus requested general approval to allow PrintMaps to solicit local businesses for a new community advertising map. Council approved the request. Paashaus also reported that the clock outside of Borough Hall has a repair call initiated and the Parade banner will be removed from Main Street by the end of the week.

#### **UNFINISHED BUSINESS**

1. Rails to Trails – Remains on Agenda.
2. Consolidation of the Compost Site – Remains on Agenda
3. Ambulance Building – Remains on Agenda

#### **NEW BUSINESS**

1. Council President Felch stated that the Coopersburg Municipal Authority was having an internal issue with paying invoices in a timely matter. The electric to the water source was in danger of being shutoff due to lack of payment. The issue has been averted but Council should be aware.
2. Council Member Nalichowski reminded Council about the upcoming election on November 5<sup>th</sup>.
3. Council Member Walters reported a concern regarding illegal fireworks being shot near his house on the southern end of the Borough.

#### **ADJOURNMENT**

Council Member Lundy made a motion to adjourn which was seconded by Balascak. The meeting was adjourned at 9:29 PM.

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Timothy Paashaus – Borough Manager

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John Felch, Jr. – Council President