

COOPERSBURG BOROUGH COUNCIL
Special Meeting Minutes
October 24, 2013

The meeting of the Coopersburg Borough Council was held on Thursday, October 24th, in Council Chambers at Borough Hall. The meeting was called to order by Council President Felch at 7:00 p.m.

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

AGENDA

A Motion was made by Minarik and seconded by Greenland to adopt the Agenda as written. **The Agenda passed by a vote of 6-0.**

PUBLIC COMMENT

No Public Comment.

AGENDA ITEM

1. Council President Felch opened the discussion with a summary of recent events regarding the potential Memorandum of Understanding (M.O.U.) between the Borough of Coopersburg and Cityline Construction (Tom Williams). The summary remarks consisted of the following: Discussions began with Attorney Somach stating that reasonable people want to see a result, there is a way to make it happen; there have been a series of communication exchanges resulting in a draft M.O.U. which council saw at the previous meeting; discussions with both party's professional teams indicated the mutual desire to remove the Pinebrook building and have development inside the Borough limits; the M.O.U. was sent back to the Borough with edits along with an e-mail from Mr. Lehr; In the e-mail from Lehr and the edits, the M.O.U. has clearly asserted the legal contract approach, not a simple "handshake" between reasonable people, a complex set of conditions that any one or part of which will cause the Borough's desires to fail, and stated that Pinebrook would not be maintained in compliance with Borough property maintenance codes. Felch stated that he could no longer support the M.O.U. as presented and asked for Council's thoughts or concerns. The Council had further discussion regarding the M.O.U. being negative and self-serving, that Council represents the good of the entire Borough, concern about jeopardizing any citizen, that Council should have the opportunity to write an R4 zoning district and needs the public input for such a district, concern about the State Street property, and the potential of a legally binding M.O.U. that may result in years of legal proceedings. Council was concerned about some terminology used in the document, such as: "legally binding", and "Cityline's sole discretion".

Peter Lehr (representative for Cityline) thanked Council for taking the time to have a special public meeting and gave a timeline of the M.O.U. and its edits. He addressed the terminology of "conditions precedent" and "legally binding". Lehr asked if Council wished to move forward or stop going over the details. He continued by stating that the M.O.U. consisted of tearing down the Pinebrook building or post funds to do so, build holding tank, conditions for rezoning, and approval of 36 units on the Pinebrook site. There was further discussion about legal terminology, conditions, edits, future zoning concerns, resident interaction, and the timeline of events.

After an in-depth discussion, Council decided to go page by page and edit the current proposed M.O.U. The edits included clarification of terminology, locations, timeframe, descriptions, and permitting. A Motion was made to authorize Council President Felch to execute the M.O.U. between the Borough and Cityline with the current corrections as negotiated during this meeting. **Motion passed by a vote of 6-0.**

ADJOURNMENT

Council Member Lundy made a motion to adjourn which was seconded by Minarik. The meeting was adjourned at 9:00 PM.

Timothy Paashaus – Borough Manager

John Felch, Jr. – Council President