

MINUTES OF THE BIRDSBORO BOROUGH COUNCIL MEETING
JANUARY 30, 2017 6:00 P.M. – BOROUGH HALL

Council Members Present: Joseph Peterson, Mayor
Cindy, McGee, Vice President
Steve Lusky, Member
Neil McCauley, Member
David Blank, President
Richard Happel, Member
Robert Myers, Member
Peter Uhniat, Member

Staff & Professionals: Brian Boyer, Borough Engineer

Call to Order: President Blank called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance to the Flag.

Opening prayer was led by Councilman Lusky.

Approval of Birdsboro Power Final Land Development Plan

Councilman Myers made a **motion** to postpone the plan approval of the Birdsboro Power Final Plan until the next regularly scheduled Council meeting as per the Borough's Code of Ordinance. Mr. Happel seconded the motion. There was a lengthy discussion and Councilman Myers noted that he has a number of questions regarding the plans prior to making a decision regarding the plan. Councilman Myers stated that he provided a list of questions regarding the Birdsboro Power Final Land Development Plan to Engineer Boyer and Emberclear's advocate for review for compliance with the Borough Ordinances. Councilman Myers interpreted the code that the plan approval is required to be voted on at a regularly scheduled Council meeting and Councilman Lusky stated that this special meeting was approved by Solicitor Weiler. President Blank clarified that this would be a 'conditional' approval and there are still some outstanding comments made by Engineer Boyer that would need to be addressed.

A roll call vote was taken for Councilman Myers motion to postpone the plan approval.

Councilman Myers – yes
Councilman Happel – yes
Councilman McCauley – yes
Councilman Lusky – no
Councilman Uhniat – no
Vice President McGee – no
President Blank – no

Motion failed with a 3-4 vote.

Councilman Uhniat made a **motion** to grant conditional approval for the Birdsboro Power Final Land Development Plan based on Engineer Boyer's letter with Final, Final approval at the next Council meeting when all the issues are resolved. There was no second to the motion.

Councilman Uhniat revoked his initial motion and made a **motion** to accept the Borough Planning Commission's 'conditional' approval of the Birdsboro Power Final Land Development

Plan subject to all the outstanding issues be addressed to the satisfaction of Engineer Boyer. Councilman Lusky seconded the motion. Discussion ensued. Councilman Myers provided Engineer Boyer with a list of questions and Engineer Boyer answered each question accordingly. Councilman McCauley noted that the proper amount of copies were not submitted per the Subdivision and Land Development Ordinance and asked that 'should' in Engineer Boyer's letter be replaced with 'shall'. Councilman McCauley asked if a Highway Occupancy Permit was obtained and Engineer Boyer noted it was not required for this project.

After discussion was complete a roll call vote was taken for the plan approval:

Councilman Myers – no – based on this action not being taken at a regularly scheduled meeting

Councilman Happel – no – based on this action not be taking at a regularly scheduled meeting

Councilman McCauley – no – process not in adherence with the ordinance

Councilman Uhniat –yes – based on extensive review by the Planning Commission and Engineer

Councilman Lusky – yes

Vice President McGee – yes –the outcome would have been the same at the regularly meeting

President Blank – yes

Motion passed with a 4-3 vote.

Approval of Birdsboro Power Stormwater Management Agreement

Councilman Lusky made a **motion** to approve the Birdsboro Power Stormwater Management Agreement. Mr. Uhniat seconded the motion. The motion passed 7-0.

Council/Committee Reports

President Blank – President Blank noted that the new paver is in and the employees are scheduled for training in March. President Blank stated the committee created for the Birdsboro Power project is dissolved effective immediately.

Public Comment

Ken Long of the Birdsboro Union Fire Department approached the Council regarding expenses resulting from a truck repair. President Blank asked Mr. Long to attend the regularly scheduled Council meeting in February.

ADJOURNMENT: The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Bonnie L. Frisco
Acting Recording Secretary