

Council Work Session
February 5, 2014
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:30 P.M. on Wednesday, February 5, 2014, by President of Council Robert Walker.

Present were Councillors Auerweck, Grunde-McLaughlin, Gusty, King, Walker, and Warren; Mayor Swartz; and Solicitor Bolla.

Amendments to the Agenda

Solicitor Bolla added discussion of Steeple View and the status of the sidewalk assessments to the agenda.

Public to be Heard

Jerry Schenkman updated Council on discussions with the CEO of the Delta School on the possibility of Open Space involvement. Mr. Schenkman's impression was that they are interested in possibly working with the Borough and the Township on easements that could be acquired using Open Space funds and this could be a cooperative effort for all parties. Mr. Schenkman will work with Councillors Warren and King regarding that possibility.

Julia Woldorf noted that a DCNR grant, with a deadline for submittal by April 16, 2014, is available and she would like to work with Council members on some ideas that might dovetail with Open Space opportunities. She said that preference would be given to communities who have already completed a watershed plan, which the Borough did for their Newtown Creek grant. She will forward the information to the Borough office.

Mayor's Report – Charles F. Swartz, III

Mayor Swartz presented a Special Events Application and asked for Council's approval of the event.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to approve the Special Events Application for Arbor Day on April 25, 2014, in the Brian S. Gregg Memorial Park from 8 A.M.-Noon.

Mayor Swartz announced that a dedication and renaming of the Newtown Bypass to the *Officer Brian S. Gregg Memorial Highway* would be held on March 4, 2014, at 11 A.M. in Council Chambers.

Discussion of Court Street Parking – Robert Walker

Mr. Walker reported that letters were sent to the Court Street residents asking for their input on a proposed parking reconfiguration. The resident who originally favored the change has had second thoughts and Mr. Walker has asked that he put his comments in writing.

Budget & Finance – Robert Walker & Charles Machion

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Auerweck, and carried unanimously, to approve the remaining balance of Professional Services invoices for the month of December 2013.

Health Care Update – Robert Walker

Mr. Walker reported that there have been problems with Blue Cross regarding health coverage resulting in employees advised that they had no coverage. Pat Ours has worked to resolve the problem and new cards are being issued to the employees.

Snow Removal Update – Robert Walker

Snow removal activities for December cost the Borough \$65,000 and the January costs through the 29th amount to \$113, 947.50. The Borough needs additional salt, as the previous salt supply is running low. Allan Smith will allow the Borough, if necessary, to remove snow and dump it at the Stockburger site. In response to Councillor Grunde-McLaughlin's question about downed trees, Mr. Walker clarified that the Borough removes trees in the street, but the property owner is responsible for the clean up of the tree.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Gusty, and carried unanimously, to pre-buy 110 tons of salt at price of \$90/ton.

Open Space Update – Perry Warren & Robert King

Mr. Warren said that he and Mr. Schenkman have been in touch regarding the previous comments made. Mr. Walker asked both Mr. Warren and Mr. King to review the letter sent from the Bucks County Planning Commission regarding Open Space and provide an update at next week's meeting.

Solicitor's Report – William Bolla

Steeple View

Mr. Bolla referred to the February approval last year of the Wine & Spirits Store project, which was retail on the first floor and residential on the 2nd and 3rd floors. The developer has been unable to proceed because of the DEP moratorium based on available EDU's. After speaking to the DEP about using the existing EDU's from the original Stockburger showroom and the Sedia house, they agreed to allow him to build out the first floor consistent with the original approval and not fit-out the 2nd and 3rd floor, but to use that space for storage only. This approval would require that the

Borough issue no Use & Occupancy permits for the upper floors and that the Borough put that in writing to the Sewer Authority and DEP.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Gusty, and carried unanimously, to authorize the Solicitor to send a letter to Warren Gormley at the Newtown, Bucks County Joint Municipal Authority stating the Borough's willingness to assure them that no Use and Occupancy permits would be issued for the 2nd or 3rd floor of the new proposed building or within the existing Sedia house until EDU's become available and in compliance with land development approval.

Sidewalk Repairs along South State Street

Mr. Bolla reported that four of the property owners paid their assessment for the sidewalk repair work that completed on South State Street; however, ten owners have not paid. The Borough sent letters advising property owners of the proposed work in April, followed by three letters advising of and requesting payment for the repair work. Under the law, the Borough may obtain a lien against the properties, if filed within six months of the date of completion of the work, which was October 1, 2013. Mr. Bolla advised that the Borough should send letters notifying the property owners of intent to enter liens and he needs authorization to send those letters.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Warren, and carried unanimously, to authorize the Solicitor to represent the Borough by sending letters to the property owners notifying the intent to file liens for non-payment of the assessment.

Old Business

Mr. Walker reported that the Borough received three bids for the Greene Street projects. The low bidder was Bray Brothers for the combined project of handicapped ramps at Greene and Liberty Streets and storm rain repair at Greene and State Street. Approval of the bid will be on the agenda for next week's Council meeting.

Mr. Gusty reported that John Burke is still attempting to reach SEPTA about extending the clean-up contract and SEPTA has not responded.

New Business

Ms. Grunde-Laughlin asked the Solicitor about liability issues for an outdoor yoga class, which would be sponsored by the Recreation Board. Mr. Bolla said there is nothing to prevent someone from suing, but the individual would have to prove negligence on the part of the Borough. Mr. Walker suggested having Pat Ours check with the Borough's insurance carrier.

For information, Ms. Grunde-McLaughlin noted that the Recreation Board is considering a "stargazing" event in October at Pickering Field.

The Rec Board is considering planting small bushes in front of the shed at Linton Park in order to cover the exposed shed foundation.

Public to be Heard

Ted Schmidt asked what the price of salt was in the spring and Mr. Walker responded that it was \$80/ton in April for the pre-buy. Since the Borough has been a steady customer of the supplier, they agreed to hold that price for the last purchase. Now it is a matter of supply and demand. Mr. Gusty asked if 110 tons would suffice and Mr. Walker said that we buy in amounts under \$10,000. Ms. Woldorf asked if that was to avoid quotes, but she questioned if that figure was increased. Mr. Bolla explained it only increased by a small percentage, noting that each year there is a slight increase in the minimum threshold. Mr. Warren questioned what he thought was an \$18,000 figure and Mr. Bolla will check and clarify the issue.

The meeting adjourned at 6:20 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Ted Schmidt
Jeff Werner