

Council Work Session
March 5, 2014
Council Chambers

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

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

Amendments to the Agenda

There were no amendments to the agenda.

Public to be Heard

Ms. Lenahan, representing First National Bank and Trust of Newtown, wanted direction from Council regarding the Mercer Street parking area and its relationship to a Zoning Hearing Board decision from 1990. Bank employees park in the lot during business hours and the original approval indicated that residents could park there after business hours. Unfortunately, some residents have left their vehicles in the lot, which creates problems for employee use. Ms. Lenahan also voiced concern regarding liability on the property since that issue was never addressed. Mr. Walker suggested that the Solicitor review the Zoning Hearing Board decision and report to Council at next week's Council meeting. Ms. Lenahan would prefer that the lot only be used for bank employee parking and for Mr. Joseph Flum, with whom there is a standing agreement for garage usage. Circumstances have changed since 1990 and she feels that the bank should not be held to the original agreement.

Mayor's Report – Charles F. Swartz, III

Mayor Swartz announced that the Borough postponed the dedication of the Brian Gregg Memorial Highway at the Newtown Bypass because of the proposed inclement weather. The dedication will be rescheduled sometime in April and the date will be announced.

Engineer's Report

- **Phillips Court**

The developer of Phillips Court requested removal of a knee wall behind Units 1-4 that was shown on the originally approved development plans. At the time of the request, Council asked for assurance that the Homeowners Association supported this decision and they have since given that assurance. In addition, the developer was required to stripe nine parking spaces. The ADA curb ramps at the corners need replacement and the developer requests replacing the bricks with concrete. Mr. Shawn Ward, representing the

homeowners, noted that the knee wall would hamper the ability of residents to back out of their driveways. An EP Henry stone curb would be installed in place of the knee wall. As a requirement of the developer's request, the changes must be shown on the as-built plans. Mr. Bolla suggested a letter indicating the changes to the plan, where they are to occur and requesting the modifications to the plan. Mr. Bolla will review the changes before Council gives final approval.

- **Greene Street Projects**
PennDOT gave conditional approval to both projects, as long as it is not restoration work. The asphalt plant has not received their 2014 PennDOT approval, but the concrete work could begin. Bray Brothers wants the curb ramp work completed before Easter, since the work is so close to the church.
- **Court Street**
After response from neighbors concerning the possibility of moving parking to the other side of the street, the decision is to leave the parking as it currently stands.
- **NPDES/MS4 Permit**
The Engineer reported DEP issued the new NPDES Permit and that he will prepare a synopsis of the permit requirements. Although the Borough has met many of the previous requirements, this permit will increase the Borough's responsibilities for educating the public about storm water discharge. The permit is required for the Borough to discharge storm water since EPA and DEP are trying to improve water quality.

Budget & Finance – Robert Walker, Chris Gusty & Perry Warren

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Auerweck, and carried unanimously, to approve the Professional Services invoices for the month of January 2014.

Recreation Board – Tara Grunde-McLaughlin

- Ms. Grunde-McLaughlin reminded the public that the Arbor Day program would be April 25, 2014.
- A resident wishes to donate a freestanding basketball net to the Borough and the Recreation Board decided that the best place for its use would be Brian Gregg Park; however, the parking lot is actually the property of Council Rock School District. During Council discussion, the question of whether the equipment meets ASTM (playground) standards was raised. Before pursuing the issue of insurance requirements, Ms. Grunde-McLaughlin will research whether it meets the playground standards.

SEPTA Lot Update – Chris Gusty

Mr. Gusty reported that SEPTA agreed to extend the Right of Entry Agreement to June 2014 in order to facilitate the clean up of the property. Mr. Bolla asked for a copy of that agreement.

Shade Tree Commission – Perry Warren

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to approve hanging a banner on the front of 1 S. State Street for the month of April to promote Arbor Day.

Snow Removal Update – Robert Walker

Mr. Walker reported that as of February 20, 2014 the Borough spent \$319,720 in overall snow removal against a budget of \$95,000. He will be working with the Treasurer to try to offset some of those expenses and he hopes the Borough's remaining salt supply will last until next October.

Mr. Warren and Ms. Grunde-McLaughlin questioned the snow removal costs as compared to other municipalities in the area based on the recent newspaper article. Mr. Walker commented that it was his understanding that Newtown Township's \$157,000 figure was only overtime and did not include salt expenses, regular hourly employees or expenses associated with equipment. Lower Makefield subcontracts snow removal and their costs are more comparable to the Borough's figures than other municipalities.

Open Space Update – Perry Warren & Robert King

Mr. Warren reported that there is nothing new with the Delta School property. He did speak with Andy Smith of the Community Welfare Council regarding the property behind the movie theater.

Ms. Woldorf is willing to submit a DCNR application, requiring a 50% match, which can include in-kind donations. She is looking to Council for their support in moving forward with the application. Ms. Woldorf said that acquisition of property would not be a category to consider since appraisals and agreement of sale would be required for the April 16, 2014 submittal deadline and that is not possible. A development grant would be the most likely, as it would involve a piece of already owned property or for which there are easement agreements that could be used for development. In her opinion, the DEP grant application to restore the Newtown Common could be tweaked to fit into what DCNR is looking for, which includes storm water management. DCNR is also looking for plans based on existing plans that support the need, such as the Newtown Creek Watershed Plan. The third option would be a planning grant to develop a Master Plan for the development of the Creek. This would be a multi-municipality venture, which would involve the Township and would allow the writing of ordinance that would require developers to meet the Master Plan. Mr. Walker expressed his support of the Newtown Common plan and Council members concurred.

The Solicitor's research noted that the possible pocket park on South State Street would be precluded, because it would require ADA accessibility, which would not be possible at that location.

Solicitor's Report – William Bolla

- **Steeple View**

Mr. Bolla reported that he sent a letter to Warren Gormley at the Newtown Sewer Authority confirming that the Borough would not issue Use and Occupancy permits for the 2nd floor vacant space of the proposed retail building for Steeple View. The TND Ordinance is being reviewed for changes, but it does not appear that any will be required.

- **State Street Assessments**

Mr. Bolla asked Council for authorization to file municipal liens against the property owners who have not paid their assessment for the South State Street sidewalk repairs.

❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to authorize the Solicitor to file liens against the properties for which assessments have not been paid.

- **139 N. State Street**

Mr. Bolla asked Council to review his report on the Smith property at 139 N. State Street before next week's Council meeting. He also asked for an Executive Session prior to the meeting for discussion of Council's position on the issue, since the matter is under litigation. In response to opposition to removing the barn, the property owner is now considering retaining the barn with an apartment on the second floor. This would require relief from the Zoning Hearing Board for parking and impervious surface requirements and the applicant wants assurance that Council would not oppose the application. In addition, there are infringements from neighbors on the Smith property and she is willing to formalize easements with them, provided the neighbors do not continue to oppose the application.

- **5 S. State Street (Temperance House) Appeals**

There are two outstanding HARB appeals, one from 2004 for replacement of windows with vinyl windows, and the other from 2011 for the replacement of siding with Hardiboard and Azek trim. There was agreement by both counsels to consolidate the two appeals into one appeal and a hearing will be scheduled.

- **Snow Removal Ordinance**

Mr. Walker asked Council to review the snow removal ordinance, as there were problems with property owners, both residential and commercial, clearing sidewalks. There is enforceability in the ordinance, but we do not necessarily have the mechanism in place to enforce it.

Old Business

There was no old business to be discussed.

New Business

Mr. Auerweck reported that during the reorganization meeting of the Planning Commission, Mark Craig was re-elected as the Chairperson. No vice-chair has been elected at this point.

Ms. Grunde-McLaughlin announced that the Traffic Committee would hold a meeting on March 17, 2014.

Mr. Walker reminded Council of their invitations to the Fire Association Dinner on March 22, 2014 and encouraged them to attend.

Public to be Heard

There was no one from the public who wished to be heard.

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Ted Schmidt
Jeff Werner
Milissa Lenahan
Shawn Ward