

Council Work Session
April 2, 2014
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:30 P.M. on Wednesday, April 2, 2014, by President of Council Robert Walker.

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

Amendments to the Agenda

A Sewer Authority update, Fire Company Update, discussion of a possible tree removal and "flat iron" parking were added to the agenda.

Public to be Heard

No one wished to be heard at this time.

Council Rock Newtown Athletic Association – Robert Musto

Bob Musto representing the Council Rock Newtown Athletic Association thanked Newtown Borough for their donation to take care of Pickering Field and reported that opening day for the season would be Saturday, April 5, 2014. The Fall Ball Classic dates will be the following weekends: September 6 & 7, 13 & 14, and 20 & 21, with rain dates of September 27 & 28 and October 4 & 5. He also announced that May 26, 2014, is the date for the Vintage Baseball game, which will begin at Noon on Memorial Day at Pickering Field. Mr. Musto noted that the Association plans to replace the doors on the shed since they are in terrible shape.

Newtown Fire Association – Will Fabian

Will Fabian, president of the Newtown Fire Association, reported that the Fire Association had a busy first quarter, which included 174 dispatched responses, twelve of which were in Newtown Borough. The Association completed 45 hours of training with an average attendance of 25 members. There are currently 38 active volunteer members. Mr. Fabian plans to attend the next Council meeting and show a power point presentation. Resident Ted Schmidt asked about the children he has seen on Saturday mornings at the Fire House and Mr. Fabian said that they host children's birthday parties. Mr. Schmidt also thanked them for their contribution to the State Street Beautification fund. Mr. Fabian said that because the Beer Fest has an impact on the Borough, they like doing something to help. Resident Eric Johnson praised the Fire Association for handling the fire at the property next to his and noted that his property was never in danger because of how the firefighters handled the situation. The Association is actively recruiting new volunteers.

Mayor's Report – Charles F. Swartz, III

- ❖ A motion was duly made by Councillor King, seconded by Councillor Gusty, and carried unanimously, to approve the Special Event Application for the Memorial Day Parade sponsored by the Newtown American Legion on May 26, 2014, from 9-11 A.M.
- ❖ Mayor Swartz announced that the dedication of the Officer Gregg Memorial Highway would be held on April 22, 2014, at 11 A.M. in the Borough Hall parking lot, with refreshments to be served at the Newtown Fire House following the ceremony.

Engineer's Report – Mario Canales

- Phillips Court
The Borough received a written request for waivers to delete the knee wall behind several units and in-lieu of the knee wall to install pavers and EP Henry curbing around one curb. Some handicapped ramps would be replaced with concrete instead of brick, and in addition, they requested that nine parking spaces not be striped as originally proposed. Engineer Canales concurred. Attorney Shawn Ward attended the meeting representing the developer.
- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to approve a request for waiver from the requirement to submit formal modified plans for changes to the previously approved final plans for Phillips Court and to accept the changes, as submitted and approved by the Engineer, and subject to confirmation of the as-built plan.
- Greene Street Projects
The handicapped ramps at Greene and Liberty Streets are close to completion and the storm sewer project is well underway. After beginning the work, the contractor found that he did not need to remove as much sidewalk and curbing as originally planned and the Engineer recommended the following change order:
- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to approve Change Order #1 with a decrease of \$4,757.75 to delete the removal and replacement of existing curb and sidewalk, and to add one (1) Type M inlet to the Bray Brothers Inc. West Greene Street Replacement Project.
- NPDES/MS4 Permit
Mr. Canales reported that new requirements for the NPDES permit would create additional work and expense for the Borough and based on work with another municipality, he estimated the cost at approximately \$6000 for this year's work. The public education component would probably require a Council representative to discuss and work on education and outreach for the project. Distribution of educational materials to residents and business owners, as well as contractors and developers who do work in the Borough, and written protocols, will now be required. Training of office staff, police, and public works employees is also a requirement. Mr. Walker asked Councillor Gusty to be the

Council representative for this project. Going forward this will need to be a line item in the budget. Ms. Grunde-McLaughlin suggested providing information at Arbor Day on storm water management.

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

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

Traffic Management Committee– Tara Grunde-McLaughlin

Ms. Grunde-McLaughlin reported that Scott Dengler attended the recent Traffic Committee meeting and several residents of Penn Street also attended. The Penn Street residents have been asking for a speed bump/hump, but there are many concerns associated with them, including drainage, emergency vehicles, and snow plowing issues. Removable speed bumps would require drilling holes, which could cause road cracking. They then discussed research on traffic calming methods, which included psycho perspective striping. Using painted blocks or chevrons could visually affect a driver's perception and help transition speed in residential areas. This approach would be less costly and would not create the potential drainage issues associated with speed bumps. Committee member Jon Guy believes the painting, in conjunction with using the proposed speed boards, might have a positive effect on Penn Street. He suggested measuring speeds prior to/after painting to determine if there is a difference before painting other areas in town. Mr. Walker reminded Council that the Borough has already spent money on Penn Street and although the residents feel there is a speeding problem there, none of the traffic studies by the police department supports that. It is more an issue of perception than of fact. He said that there is consideration of two smaller speed boards rather than one large one, since two would allow the Borough to address more areas and he would rather try this first, before expending money for painting. Mr. Walker wants to be fair to all residents and not just focus on Penn Street.

Solicitor's Report – William Bolla

Parking Permit Expansion

Mr. Walker talked about the possible expansion of permit parking by using the upper end of the Stockburger lot on South State Street to add an additional 50 parking spaces. Scott's All Seasons provided an estimate of \$4200 to prepare that lot for parking, which includes removing bollards, cleaning up debris, line striping and filling a hole in the parking lot. Although this would be an unbudgeted expense, Mr. Walker would like to replace the funds expended by using the permit parking fees for the offset. Chief Wojciechowski continues to receive requests for parking permits and the goal is to work with the Witchell organization to encourage all of their employees to buy parking permits through Mr. Witchell, who would pay the Borough for those permits. Mr. Walker will speak to Allan Smith tomorrow about his project plans now that DEP lifted the sewer moratorium, but the Borough could probably have 18-24 months of parking usage. Council will discuss the issue at the next Council meeting.

Amendment to the Parking Ordinance

Mr. Walker reminded Council that there was consideration of a traffic study on Court Street in response to residents' concerns about trucks driving onto sidewalks and causing damage. Although the neighbors' withdrew their original request, part of that study would have included reviewing a parking problem at the "flat iron." Making a left hand turn from State Street onto Court Street is difficult with cars parked on Court Street and the additional safety concern of emergency vehicles accessing the narrow area makes this a dual problem. The Chief of Police suggested a change to the parking ordinance to prohibit parking in that area at the end of Court Street at South State Street.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Auerweck, and carried unanimously, to authorize the Solicitor to amend the Parking Ordinance as requested in Chief Wojciechowski's recommendation dated April 2, 2014.

Solicitor's Report

Newtown Sewer Authority Update

Mr. Bolla reported on the recent meeting with the Bucks County Water and Sewer Authority, the Newtown Sewer Authority and the Department of Environmental Protection. The DEP lifted the moratorium, but the Bucks County Water and Sewer Authority is requiring all involved municipalities to sign an agreement. This agreement is unclear about the Borough's responsibilities or the future costs that might be incurred and passed on to the ratepayers. Mr. Bolla said it is a very complicated matter and he will continue to research the matter. Mr. King commented that the Newtown Sewer Authority has maintained their infrastructure and other municipalities have not, but the Borough may be forced to help offset the costs to fix the entire system. Newtown Sewer Authority Chairman Eric Johnson asked Council to take their time and not let Newtown Township pressure them into signing the agreement, especially given the fact that there is already a 50-year agreement in place between the Borough and the Newtown Sewer Authority. Mr. Johnson is concerned that the Newtown Sewer Authority will be penalized for doing the right thing.

Steeple View

Steeple View contemplates development of the Stockburger property, which could include two Borough properties on Centre Avenue for use as a piazza. Council must decide whether they wish to proceed with the use of these properties and if so, how to accomplish this. Three options are available for handling public property: a public auction, a swap or interest in land that must be equal, or to convey the land to a qualified land trust for a public or recreational use. Steeple View is working with the Heritage Conservancy on the third option, which would allow the Borough to retain an easement for the public use of the piazza and a river way along the creek through a conveyance. Steeple View will apply for a conditional use hearing after Council decides whether they are interested in conveying the Borough property. Liability issues, the policing aspect, and maintenance are some of the considerations in making a decision.

Old Business

Ms. Grunde-McLaughlin asked about the sign assessment and management project. Mr. Walker said the Federal government extended the original date for compliance because of concerns raised by many municipalities about the cost to replace all of the signage. In anticipation of the original date, many sign companies produced large quantities of signs, so when the date was extended manufacturers found themselves with a glut of signs in inventory. The Borough took advantage of that and purchased speed limit and stop signs, which *Scott's All Seasons* has been replacing. The non-safety-related signs will be the next ones scheduled for replacement.

New Business

Mr. Walker asked Councillor Warren and Shade Tree Chairman Ted Schmidt to decide if the Borough should remove an uprooted tree on Borough property along an open space area that is not encroaching on any private property. If removed, T & T Tree Service provided an estimate of \$1300, which would be applied against the Shade Tree budget.

Bucks County 2014 Hazard Mitigation Plan Update

The Bucks County Planning Commission wants authorization from the Borough to update the Bucks County 2014 Hazard Mitigation Plan.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to adopt Resolution 4-02-14 approving the Bucks County 2014 Hazard Mitigation Plan Update.

DCNR Grant/Open Space Funds

Mr. King reported that plans are to clean-up and make the Newtown Common a passive recreation area using funds from the grant, if received. Jayne Spector prepared two plans with various options. The work would include removal of the concrete at the end of Greene Street and bank stabilization along the Newtown Creek with plantings and bollards. Site furniture, signage, street trees, and rain gardens would be part of the overall plan. Ms. Woldorf explained that if the Borough uses the \$224,000 in municipal open space funds for the Newtown Common project, the Borough can apply for the DCNR grant as a match and they simultaneously match each other. If only using the open space funds, a 25% match would be required by the Borough and if only the DCNR grant was received it would require a 50% match, but using both the grant and the open space funds would offset each to meet the matching requirements. If that is the case, Mr. Walker suggested increasing the grant request and possibly including a bridge across the creek. Engineer Canales asked about the inclusion of permitting and engineering costs and reminded Council that DEP and Newtown Township would need to be included in the process for a bridge, which might be more costly than the bridge construction itself. Council supported moving forward with the grant application.

Public to be Heard

No one from the public wished to be heard at this time

The meeting adjourned at 7:40 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Ted Schmidt
Jeff Werner
Shawn Ward
Eric Johnson
Will Fabian
Warren Dallas
Jim Waitkus
Bob Musto
Jon Guy
Glenn Forsyth