

Council Meeting
April 8, 2014
Borough Council Chambers

President Robert Walker called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, April 8, 2014. Mr. Walker asked those in attendance to join him in a moment of silence, remembering the military personnel who lost their lives at Fort Hood this past week, followed by the Pledge of Allegiance.

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

Newtown Fire Association Update – Will Fabian

Will Fabian, president of the Newtown Fire Association, gave a power point presentation on the Association's 2013 Annual Summary. Of the 579 dispatched fire incidents, 303 were alarm systems, 95 building or dwelling fires, 18 hazardous materials incidents and 21 brush or rubbish calls, with 60 of those incidents in Newtown Borough. In addition, the Association was dispatched for 48 rescue calls, which included vehicle extrication, high angle and rope rescue, police assists and EMS assists. The Association has approximately 30 active members and they are seeking more volunteers to assist. They have hosted open houses, provided escort service for returning soldiers and participated in the Memorial Day parade. Treasurer Warren Dallas said they have an approximately \$300,000 operating budget and insurance costs are over \$40,000 annually. Council thanked the Association for their service to the community.

Mayor's Report

Special Event Application

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to approve a Special Event Application for *Movies in the Park*, sponsored by the Recreation Board, on June 25, July 9, 16, 23 & 30, and August 6, 2014, in Linton Memorial Park starting at approximately 8 P.M.

Special Events Reminders

Easter Egg Hunt at Pickering Field – April 12, 2014, at 9 AM sponsored by the Newtown Business Association

Dedication of the Officer Gregg Memorial Highway – April 22, 2014, at 11 AM in the Borough Hall Parking Lot with refreshments following at the Fire House

Restaurant Week – April 20 thru April 24, 2014, with price-fixed menus

Arbor Day – April 25, 2014, at the Brian S. Gregg Memorial Park

Police Report

Mayor Swartz reported that for the first quarter of 2014 there were 354 violations, with nine crimes, four DUI arrests and two public disturbances. In addition, there were thirteen dispatches for the Newtown Ambulance Squad for January and February.

Public to be Heard

There was no one who wished to be heard at this time.

Amendments to the Agenda

The Solicitor added consideration of a Resolution for attorney fees and Councillor Auerweck added a report from the Planning Commission.

President's Report

Mr. Walker announced that Council Rock South was holding an Earth Day electronics-only recycling event on April 19 from 9 AM-1 PM and First National Bank is holding a "shredding day" at Bucks County Community College on May 3, 2014.

At the Work Session, Council followed the recommendation of Chief Wojciechowski regarding a change to the parking ordinance on Court Street. Mr. Walker said that there was also a recommendation to prohibit parking on South Lincoln Avenue at the curve and he asked Council if they approved adding that change and they concurred.

Discussion at the Work Session included the possible expansion of permit parking at the upper lot next to George's Floor covering [the old Stockburger showroom site.] Mr. Walker said that after talking to the developer, he felt that the Borough would have 18-24 months of use before any of the development work would impact utilization of the permit parking lot. Mr. Walker would recommend authorizing the expenditure of \$4200 to make the lot serviceable for the 50 additional parking spots. The money would come from the operating reserve fund and be replenished with permit fees as they are sold. All existing parking permits have been purchased and the Chief is still receiving requests for additional permits. Mr. Warren calculated that the sale of 33 permits at \$130/year would make up for the \$4200 expenditure.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Warren, and carried unanimously, to expand Borough parking permits to the old Stockburger dealership and expend no more than \$4200 to make the lot accessible for 50 additional parking spaces.

Certificates of Appropriateness – Robert King

- ❖ A motion was duly made by Councillor King, seconded by Councillor Auerweck, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign the

following Certificates of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2014-006-H Applicant: ELSA (dba Berryssimo!), 14 S. State Street, Berryssimo! Frozen Yogurt Store

The applicant was seeking a Certificate of Appropriateness for a hanging sign for the Berryssimo! Frozen Yogurt Store, noting that the existing bracket would be used and the sign would be hung with chains.

COA 2014-007-H Applicant: Newtown Historic Association, 105 Court Street

The applicant was seeking a Certificate of Appropriateness for the installation of a split rail fence at the rear of the property.

COA 2014-008-H Applicant: Connie Benster, 32 S. State Street, Adorn Me

The applicant was seeking a Certificate of Appropriateness for the addition of a plaque to an existing sign at *Adorn Me*, noting that the plaque would have a frame to match the frame on the existing sign.

COA 2013-011-H Applicant: Besco Corporation, 401 S. State Street, offices of Anthony Petsis & Associates

The applicant was seeking a Certificate of Appropriateness for revised plans for a rear addition, noting that all the trim, wrapped corners and fascia would be completed in Azek.

COA 2014-009-H Resident Melissa Pickersgill, 115 Liberty Street

The applicant was seeking a Certificate of Appropriateness for the construction of a storage shed/barn in the rear yard.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Auerweck, and carried with Councillor King abstaining, to approve the March 5, 2014 Work Session minutes.
- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried with Councillor Gusty abstaining, to approve the March 11, 2014 Council Meeting minutes.

COMMITTEE REPORTS

Budget & Finance – Robert Walker & Perry Warren

Consolidated Report

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of March 2014 totaling \$170,724.46.

Planning Commission – Lawrence Auerweck

Mr. Auerweck reported that the Planning Commission elected Warren Woldorf as Vice-Chairman at their recent meeting.

Solicitor's Report – William J. Bolla

Mr. Bolla asked Council to consider a resolution authorizing the imposition of attorney fees in connection with the filing and collection of municipal lien claims as permitted under Pennsylvania law. The Borough assessed a number of properties for the cost of sidewalk installation on South State Street and most of the property owners have now paid. Mr. Bolla, on behalf of the Borough, entered liens against those who did not pay, and in the notice was the intent to assess attorney fees, if not paid within 30 days.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Warren, and carried unanimously, to adopt Resolution 4-8-14A authorizing the Solicitor to impose and collect attorney fees for the filing of municipal claims as outlined in Pennsylvania law.

Old Business

DCNR Grant

Mr. Warren reported that Ms. Woldorf completed the DCNR Grant application to restore the Newtown Common and a resolution from Council is required before submitting it to DCNR. In response to Councillor King's question about reviewing the application, the Solicitor will review it before this Friday, as that is the date for submission.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve Resolution 4-8-14B agreeing to the "Terms and Conditions of the Grant" and authorizing President of Council to sign the Grant Agreement Signature Page for the Department of Conservation and Natural Resources Grant application for *Restoration of the Newtown Common* requesting up to \$224,000 and using the Open Space Funds as the matching requirement for the grant.

Steeple View

Mr. Bolla explained that Steeple View is contemplating two different conditional use plans for development of the Stockburger property. One plan would involve use of two parking lot areas off of Centre Avenue currently owned by Newtown Borough. Under the law, the Borough can only convey property under three possible mechanisms. There could be a public auction; property could be "swapped" for property of equal value; or a land use trust could be used to obtain title to certain portions of the property in return for their dedication to public/open space use, possibly through the Heritage Conservancy. Before deciding on which plan, Mr. Smith needs to know whether the Borough would consider the use of the two lots. His plan for that area would include a piazza, which would be dedicated back to the Borough through the land use trust and would include land along the creek for a creek walk. Since DEP lifted the moratorium on EDU's Mr. Smith wishes to move forward with the entire project and hopes to be in the ground by the end of the year. Mr. King expressed concern about increased traffic and felt that the plans should only be for the Stockburger property. Ms. Grunde-McLaughlin felt that a piazza on the site would benefit the residents by giving them a place to go and improve the sense of community. Mr. Warren asked for clarification on ownership and Mr. Bolla explained that Heritage Conservancy would own the property, but the developer would maintain it. Mr. Gusty felt Council needs to see the plans before making a decision and Council agreed that Mr. Smith should attend the May Council meeting to make his presentation.

New Business

The Bucks County Planning Commission is offering free services, which include reviewing the Borough's business district zoning, making recommendations that are consistent with the Comprehensive Plan. It would also provide the Borough with ideas to keep businesses in town and what may be discouraging businesses from coming and provide the Borough with an analysis of the business environment in the area, including demographics, types of businesses and limiting factors. An engagement letter from Newtown Borough is required.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Gusty, and carried unanimously, to authorize the President of Council to sign an engagement letter with the Bucks County Planning Commission to provide services free of charge.

Public to be Heard

Kathy Fink asked how the Borough acquired the parking lots in question, as she thought they had been part of a previous business at that location [Great Scot], and Mr. Bolla recalled that the lots were possibly donated, but Mr. Smith might be able to clarify that next month.

Mr. Auerweck thanked Ms. Woldorf for her work on the grant and felt that it went well beyond the call of duty.

Mr. Fink asked the status of the Court Street parking and Mr. Walker said that the Solicitor is taking care of the matter on Court Street, as well as on South Lincoln Avenue.

The meeting adjourned at 8:05 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Ted Schmidt
Chris English
Jeff Werner
Jim McAuliffe
Anthony Petsis
Mary Hunter
Cathy & Larry Fink