

Council Meeting
May 13, 2014
Chancellor Center

Vice-President Lawrence Auerweck called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, May 13, 2014. Mr. Auerweck asked those in attendance to join him in a moment of silence followed by the Pledge of Allegiance.

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

Mayor's Report

Special Events Reminders

Police Memorial Service – May 19, 2014 at 7 P.M. – St. Andrew's Catholic Church
Primary Election – May 20, 2014
Memorial Day Parade – May 26, 2014 at 9 A.M.
Vintage Baseball Game at Pickering Field – May 26, 2014 at Noon
Re-opening of the Newtown Theater the Week of May 26-29, 2014, showing
vintage movies

Amendments to the Agenda

There were no amendments to the agenda

Public to be Heard

Resident Ted Schmidt expressed his disappointment at the lack of notification regarding the open position on the Borough Planning Commission. There was no announcement of the opening at any meetings and he felt that the position should have been more prominently displayed on the Borough website. Mr. Schmidt would like to see a return to the previous way of announcing positions for all committees, so that people wishing to serve their community could be informed.

Harry Betz of Newtown Bicycle Shop reiterated comments previously sent in a letter to Council members regarding the support from both he and his wife Becky for Allan Smith's Steeple View "piazza" plans. As long as the parking spaces lost could be moved elsewhere, he felt that this development could help make Newtown competitive with other small towns. They like the idea of a town center for community gatherings such as the Christmas Tree and Santa House and he urged Council to support this project.

Certificates of Appropriateness – Robert King

- ❖ A motion was duly made by Councillor King, seconded by Councillor Gusty, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign the following Certificate of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2014-002-H Applicant: The First National Bank & Trust Company of Newtown, 34 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of a wall sign.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve the April 2, 2014 Work Session minutes.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to approve the April 8, 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 April 2014 totaling \$203,867.37.

Personnel Committee – Christopher Gusty

Since the Borough has more than one applicant for the Planning Commission position, Councillor Warren asked the Solicitor if it was possible to expand the number of Planning Commission members and Solicitor Bolla said he would look into the matter. Although Mr. Warren felt that Mr. Machion served well on Council and was an excellent applicant, he noted that this is the third time Mr. Schmidt has applied for a Planning Commission position. Councillor Grunde-McLaughlin agreed with Councillor Warren's comments about Mr. Machion and said she has the utmost respect for him, but added that Mr. Schmidt has applied on previous occasions, diligently attends all Council meetings and is knowledgeable about the town and has given much of his time to help improve the community. Mr. King said it was a tough decision for him, agreeing that

Mr. Schmidt has done a great deal for the town, but in working with Mr. Machion on Council, Mr. King came to appreciate what he did.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried with Councillors Warren and Grunde-McLaughlin voting nay, to appoint Charles Machion to the *Planning Commission* to fill an unexpired term through December 31, 2016.

Solicitor's Report – William J. Bolla

There was no report from the Solicitor.

Steeple View Presentation – Allan Smith

Solicitor Bolla reminded Council that this is their opportunity to hear from Mr. Smith and his professionals with regard to proposals and plans they may be submitting that would include two of the Borough's parking lots.

Allan Smith noted that he is not seeking approval, but simply permission to return to Council with a plan to redevelop the Stockburger property, which includes some property in front of the State Store that he gave to the Borough 25 years ago and some property behind Starbucks. Zoning regulations prohibit presenting plans for property not owned by the presenter, so in order to show a proposal they must first obtain permission to do so. Mr. Smith showed some of his previous projects such as Barclay Court, the Brick Hotel, the Whitehall Building and the Stocking Works, as examples of his work and his interest in preserving and enhancing Borough properties. When Mr. Smith presented his original plans for a mixed-use project at the Stockburger site, the concept was well received by the Newtown community at a public meeting. His plan requiring the Borough properties would, in his opinion, improve traffic on Centre Avenue by allowing traffic to make a right turn through his property; would provide a piazza/town square for public gatherings; would improve the appearance entering Newtown from the West by providing a new building that would hide the backs of the existing buildings and frame the town square; and would energize the commercial core and make Newtown unique.

Mr. King voiced concern agreeing that although traffic flow would be improved, traffic would also be increased with the new businesses.

Mr. Smith explained that the legal mechanism for facilitating the use of the Borough properties for the piazza would involve the Heritage Conservancy. The Conservancy would be the beneficiary of some of the Borough property. Mr. Smith would "swap" ground along the Newtown Creek from Centre Avenue to the Delta School property in turn for an easement of the ground for the piazza and Mr. Smith would provide parking for the 80 parking spaces lost because of developing the existing parking area. The developer's attorney Tim Duffy explained that the Heritage Conservancy, as an accredited land trust could accept real property as trade lands and the Borough could give land to Heritage against open space benefits. If the Heritage Conservancy uses the

parking lot parcels as trade lands and in exchange gets the greenway, the Borough can then accept those open space benefits.

In response to Mr. Auerweck's question about exiting on State Street, Mr. Smith said that the Borough could decide if they need a traffic light and/or what the width of the road should be, but the zoning ordinance would dictate many of the issues. Mr. Duffy clarified that all Mr. Smith is looking for at this meeting is whether he would have legal standing to include the two Borough areas in his Conditional Use Application.

Mr. King wished to have more time to consider the issue, but Ms. Grunde-McLaughlin said that Council could ask additional questions at the time of the hearing and that giving permission to have legal standing did not imply any approval.

Mayor Swartz expressed the feeling that Council would be able to have more detail from Mr. Smith once he knows Council's position on whether he can move forward with a plan to utilize the Borough properties.

In answer to Mr. Warren's question, the Solicitor clarified that Council would not be conferring any rights by voting to give Steeple View standing to make the application.

Jeff Marshall of Heritage Conservancy said that having an urban green space and protection of the Newtown Creek meets their mission. A community is more than the land; it is the people and keeping the community strong. The quality of life is more than historic buildings and land, it is the entire community and this is a radical move for the Conservancy to get involved in an urban issue.

Chris Gusty said that he shares Mr. King's concerns about the whole project, but as long as Council is agreeing to nothing other than providing standing, he does not want to slow down the process. Mr. Gusty said Mr. Smith's track record speaks for itself. In order to weigh the alternatives, Council must see the scenarios and then make a decision.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Grunde-McLaughlin, and carried with Councillor King voting nay, to confer standing to Steeple View LLP to request a Conditional Use Hearing involving the Borough properties and Heritage Conservancy.

Old Business

There was no old business.

New Business

Mr. Warren announced the street cleaning would take place from 7 AM to Noon on May 19, streets running North and South, and May 20, streets running East and West, with a rain date scheduled for May 21st.

Public to be Heard

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

The meeting adjourned at 8:25 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Ted Schmidt
Chris English
Jeff Werner
Cathy & Larry Fink
Milissa Lenihan
Craig Smith
Allan Smith
Jeff Marshall
Harry & Becky Betz
George Repitsky