

Council Meeting
September 9, 2014
Chancellor Center

President of Council Robert Walker called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, September 9, 2014. Solicitor Bolla noted that Council held an Executive Session at 6:30 PM prior to the meeting for discussion of personnel and legal issues. Mr. Walker asked those in attendance to join him in a moment of silence followed by the Pledge of Allegiance.

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

Mayor's Report

Mayor Swartz announced upcoming Special Events: the Beer Fest on September 20, 2014 at the Stocking Works; Market Day on October 11, 2014; Restaurant Week October 12-17, 2014; Scarecrow Contest on State Street October 17-25, 2014; and Window Painting on October 17, 2014. He said that the Halloween Parade would take place on October 25th, starting at the Stocking Works and ending at the Newtown Theatre.

Amendments to the Agenda

There were no amendments to the agenda

Public to be Heard

George Stockburger, property owner in the Borough, said that he was concerned with the possible trading of the municipal parking lot on Centre Avenue for property along the creek. In his opinion, the lot was worth about \$1M and it had cost taxpayers around \$1M to maintain it over the 30 years since its donation to the Borough. Mr. Stockburger felt that to trade a piece of flood plain along a creek for a piece of property of that value would not make good use of the value that the Borough now has there. He suggested that the Borough sell the property through sealed bid or auction and then invest the proceeds. Mr. Stockburger said that a walking path along the creek sounds nice, but that area is secluded and might require an additional police officer to patrol there at a cost of about \$100,000 a year for that officer.

President's Report

Mr. Walker read the 2015 Minimum Municipal Obligation for the Police and Non-Uniform Pension Plans into the record:

As required by Act 205 of 1984, the law requires that the Chief Administrative Officer of each municipal pension plan inform the governing body of the municipality of the Non-Uniform Pension Plan and the Police Pension Plans expected financial obligation for the plan year 2014, no later than the last business day of September. The financial obligation for the Non-Uniform Plan is \$ 8,569 and the figure for the Police Pension Plan is \$86,367.

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

COA 2014-020-H Residents Philip & Linda Winn, 145 Liberty Street

The applicants were seeking a Certificate of Appropriateness for the installation of an arbor to match a previously approved fence.

COA 2014-022-H Applicant: Michael J. Lowrey, 400 E. Washington Avenue, Disken residence

The applicant was seeking a Certificate of Appropriateness for the installation of an exterior generator.

COA 2014-023-H Applicant: Sign A Rama of Fairless Hills, 133 N. State Street, Busico Law Office

The applicant was seeking a Certificate of Appropriateness for the installation of a freestanding sign for the Lou Busico Law Office.

COA 2014-017-H Residents Andrea & Marc Bayford, 120 S. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for various renovations and alterations to the existing structure and an addition.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Warren, and carried 5-0 with abstention by Councillor Gusty, 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 2014-021-H Residents Donna & Chris Gusty, 7 S. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for the installation of aluminum fencing with two gates.

Engineer's Estimate for Parking Lot Repairs – Robert Walker

Mr. Walker reported that the Borough Engineer provided a proposed cost of \$1500-\$2000 to prepare an estimate for repairs to the Main Municipal Parking Lot behind First National Bank. The deterioration of the parking lot is significant and it is in need of attention. Mr. Walker suggested that the Engineer work up an estimate for the work for consideration during the 2015 budget process. He said that an option might be to include the repairs in the 2015 budget, with completion of the work in 2016. Mr. King

acknowledged that the parking lot needs repair but Council needs figures to make that decision. Mr. Gusty agreed that it is a major project and that Council needs to weigh its options. Mr. Walker pointed out that one of the biggest problems is drainage.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Warren, and carried unanimously, to allow Borough Engineer Mario Canales to spend no more than \$2000 to prepare an estimate for repair work to be done on the Municipal Parking Lot behind First National Bank.

Presentation of Minutes

- ❖ A motion was duly made by Councillor King, seconded by Councillor Auerweck, and carried unanimously, to approve the August 6, 2014 Council Work Session minutes.
- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Gusty, and carried 5-0 with Councillor Grunde-McLaughlin abstaining, to approve the August 12, 2014 Council Meeting minutes.

COMMITTEE REPORTS

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

Consolidated Report

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of August 2014 totaling \$127,118.

Personnel Committee – Chris Gusty

Mr. Gusty reported that there were two applicants for the vacant position on the Planning Committee, Ted Schmidt and Kathy McDermott, and he thanked them for their applications. He said that both applicants were well qualified and recommended that Ms. McDermott be appointed.

Mr. Warren said Mr. Schmidt had applied four or five times before and that he attends many municipal board meetings, and for these reasons, he supported Mr. Schmidt for the appointment. Ms. Grunde-McLaughlin said that, while she thought Ms. McDermott was well qualified, Mr. Schmidt had demonstrated a passion and interest through his volunteerism and attendance at meetings. Mr. King said he thought that those who take the time to volunteer should be considered, and that he would support Mr. Schmidt. Mayor Swartz noted the long-term commitment of Mr. Schmidt.

Mr. Walker said that Council had previously discussed expansion of the Planning Committee. Mr. Woldorf, Vice Chair of the PC, said that he thought that there could be up to 9 members on the Commission, but that 7 was an ideal number for a Borough the size of Newtown. He said that he thought the Code related to the Planning Commission stated that residency was a requirement to be on the Commission but nothing about the requirement of property ownership and he would be concerned if that became a

prerequisite. Mr. Warren voiced concern that it could also be a constitutional issue if property ownership was required and asked the Solicitor to address that issue.

Mr. Walker said he thought that ownership in a community was an important characteristic for a board member. He suggested expanding the Planning Commission by one to accommodate the two equally qualified candidates. Mr. Bolla said that Council would need to go through a more formal process to expand the Planning Commission, requiring a resolution or ordinance and delaying an appointment. Ms. Grunde-McLaughlin agreed that property ownership shows investment in the community, but she would not want to exclude those who could not own a home.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Walker, to appoint Kathy McDermott to fill an unexpired term on the Planning Commission through December 31, 2016. The motion came to a 3-3 tie and the Mayor broke the tie by voting against the motion.

The following motion was then made:

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Warren, and approved 4-2, to appoint Ted Schmidt to fill an unexpired term on the Planning Commission through December 31, 2016.

Planning Commission – Larry Auerweck

Mr. Auerweck reported that the Commission reached no conclusion regarding the development of the Buckman Place project; the Commission will meet on October 6, 2014 to discuss the plan further. He said that the applicant was aware of the concerns of the Commission, and that they agreed to return with additional details and revisions. Mr. Auerweck said that discussion included the calculation of the lot size with regard to easements and impervious surface. He said that water runoff would be handled with a new stormwater management system. Mr. Auerweck said that he did not anticipate the matter to come before Council next month.

Recreation Board – Tara Grunde-McLaughlin

Ms. Grunde-McLaughlin said that the Recreation Board would like the Borough to apply for a grant to bring electricity into Gregg Park.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King and approved unanimously, to approve Resolution 09-09-14 authorizing application to the 2014 PECO Green Region 10th Anniversary Bonus Round grant. No matching funds will be required.

Solicitor's Report – William J. Bolla

Solicitor Bolla reported that the Zoning Hearing Board received an application for 111 S. State Street (Bird-in-Hand) requesting a use variance for a mixed use not permitted under the ordinance; the applicant did not specify the use. Mr. Bolla suggested that he could send a letter to the ZHB stating that Council is opposed unless the ZHB deems the use to be necessary; the ZHB hearing is October 2, 2014. He asked if Council wished to send a representative from his firm to the hearing to speak on behalf of the Borough.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King and approved unanimously, to authorize a representative from Solicitor Bolla's office to attend the Zoning Board Hearing on October 2, 2014 with respect to the variance request from 111 S. State Street.

Old Business

Budget

Mr. Walker said that Pat Ours is working on the budget and reminded Board members that tonight was the deadline for submission of budget requests from Borough Committees; he asked Council members to check with their committees.

Traffic Levels of Service

With regard to LOS figures, Mr. King said that he went to the township and found that there was a traffic study done by Elliott Group in 2009. He said he would compare it to a traffic study done in 2010 [for Steeple View]. He said he spoke with Mr. Canales about his concerns regarding loss of service at various intersections due to increased development and capacity. He said that Mr. Canales suggested there should be, at the very least, an update of the traffic study, and that perhaps an additional access to the parking lot might help alleviate some traffic. In speaking with Tim Duffy, the question is whether a traffic study is required during conditional use, and Mr. Duffy will research the matter. Mr. Bolla did not think it was required. He said that an updated traffic study would be required during land development. Ms. Grunde-McLaughlin noted that the Township will be voting to coordinate timing of the traffic lights on the Bypass and that this might favorably impact levels of service.

New Business

Deferred Retirement Option Program for Police

Mayor Swartz, a member of the Police Committee, reported that the Police Chief requested that the Borough explore the opportunity of adding a DROP program to the Chief and Uniformed Officers' contracts. He said that Borough Council would need to look into the pros and cons of the DROP program for the Chief and the uniformed officers. The matter would go back to the officers for their contract review and approval. He said that they would like to explore the program and perhaps have a draft of an ordinance to amend the contract instituting the DROP program for the Chief and Uniformed Officers.

Mr. Walker noted that most area police departments are moving towards providing the DROP provision for their police forces. He said there would be no financial impact to the Borough to implement the program. Mr. Walker said that, once the Borough implements the program and it is selected by a participant, the program would run for up to 3 years, and at the end of the 3 years, the participant would stop working for the Borough. Mr. Walker said that they would need to work with the Pennsylvania Municipal Retirement System for the appropriate language to amend the ordinance.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Auerweck and approved unanimously, to authorize Solicitor Bolla to pursue his

investigation of the Deferred Retirement Option Program for our Police Pension Plan.

Public to be Heard

Resident Julia Woldorf said that she agrees with the need to repair/redesign the Municipal Parking Lot behind First National Bank. She suggested that the Borough investigate opportunities for funding through grants over the next few years. She said she would like to see the lot pulled back from the creek, a creek walk established with protection for the creek.

With the potential development of the Steeple View project, there might be an opportunity to tie in and continue the creek walk. She said that she would hate to see funds spent for a re-design of the lot and have the work undone by inclusion in a larger project. She said that a long-term vision would enable the Borough to take advantage of grant opportunities, possibly through DEP, Growing Greener or Act 13. Grants related to the protection of waterways are available and she suggested that the Borough Engineer watch for grant opportunities.

Adding to the Planning Commission report, resident Warren Woldorf said that the Commission would be reviewing resubmitted plans for Buckman Place. The plans will include the design engineer's revision of the original piped stormwater system to a new system that would keep all the water on the site; there would be no pipes down State Street. He said that the Borough should be pleased with the proposed new modern system design for stormwater management.

Adjournment

On motion by Mr. King, seconded by Ms. Grunde-McLaughlin, and without objection, the meeting adjourned at 8:02 P.M.

Respectfully submitted,

Leslie Dunleavy
Recording Secretary

ATTENDEES

Ted Schmidt
Julia & Warren Woldorf
Jeff Werner
Dave Callahan
George Stockburger