

Council Work Session  
November 5, 2014  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:30 P.M. on Wednesday, November 5, 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.

Mr. Walker announced that Council met in Executive Session at 5 PM to discuss Personnel and Litigation matters.

### **Amendments to the Agenda**

Mr. Walker added discussion of the Steeple View Conditional Use Hearing to the Agenda.

### **Public to Be Heard**

Resident Ray Mathis raised concerns about the proposed Buckman Place development and asked Council for consideration of waivers requested by the applicant. Mr. Mathis felt that this project would affect his property both financially and visibly and it was his contention that the variances granted to build three homes necessitated the placement of the garages and driveway at the back of the property, which then impacts Mr. Mathis and Ms. Tottoroto. The Planning Commission recommended that he and his wife plant trees to buffer the garages, but he does not feel that they should bear the financial expense for trees. He suggested that the installation of a fence would help resolve the problem. Ms. Tottoroto supported her husband's comments and added that half of the existing trees are dead, so the recommendation of the Planning Commission to maintain the existing trees does not make sense to her. The installation of a solid wood fence would block the view of cars, trashcans, car lights, and motion sensor lights. Ms. Tottoroto realizes that the developer has no obligation to buffer a residential project, but she would like to see it done as a courtesy. Mr. Walker asked Mr. Woldorf for his comments as Vice-Chair of the Planning Commission and he had none.

### **Mayor's Report – Charles Swartz**

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Gusty, and carried unanimously, to follow the recommendation of Mayor Swartz and Chief Anthony C. Wojciechowski and hire, at will, Kacy L. Smith, as a non-civil service part-time police officer, subject to the day-to-day supervision of Chief Wojciechowski or the officer in charge in the absence of Chief Wojciechowski, at a starting salary of \$18.00 per hour, effective November 6, 2014.

Mr. Walker noted that several of the recently hired part-time officers might be leaving for permanent positions, which is the reason for hiring an additional part-time officer at this time.

Mayor Swartz announced that the Newtown Borough Holiday Open House would be held at the Stocking Works on December 14, 2014, from 2-5 P.M. Invitations will be sent to all Borough volunteers and committee members. Mayor Swartz asked each Councillor to contribute \$100 toward the expenses.

## **Conditional Use Hearing – Robert Walker**

Mr. Walker acknowledged that Council failed to authorize a review of the Conditional Use application for Steeple View by the Planning Commission, as was done with their previous application. He suggested three options to address the issue: 1) Council could have the application reviewed by the Planning Commission 2) If so; Mr. Auerweck could instruct the Planning Commission to schedule a Special Meeting prior to November 18, 2014, to review the plan or 3) Council could reschedule the Conditional Use Hearing to December. After discussion of the options, Council made the following motion:

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Gusty, and carried unanimously, to schedule a Special Planning Commission meeting one week prior to the Conditional Use Hearing on November 18, 2014.

## **Engineer's Report – Mario Canales**

Mr. Canales reported FEMA's letter reminding municipalities of the need to revise their Flood Plain Ordinance and he was looking for direction from Council in order to contact Leslie Rhoads of FEMA to have her develop a mockup of a model ordinance tailored for Newtown Borough. After reviewing the Borough's existing Flood Plain Ordinance, Mr. Canales took the approach that if the Borough prohibited it before, they would probably wish to prohibit it again or if allowed to permit it in the new ordinance, but he needs direction from Council. After lengthy discussion of the issue and the Engineer's response to several questions Council members, Council decided to direct the Engineer to prepare a more restrictive ordinance, which would require Zoning Hearing Board approval for building in the Flood Plain. Council should review the draft before review by the Planning Commission.

Mr. Canales advised Council that Newtown Township's estimate for the Borough's portion of the Frost Lane paving project would be \$9,400 and the Borough can apply Liquid Fuels Funds toward the cost.

## **Budget & Finance – Chris Gusty & Perry Warren**

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

### 2015 Budget

Looking at the 2015 budget, Mr. Walker noted that the first option discussed at the Special Budget Work Session was no millage change, but after further review, the lighting fund would require a minimum increase to .75 Mills. In option 2, the shortfall in the budget would include a 2 Mill increase in the General Fund and a 1 Mill increase in the Streets Fund, with the Lighting Fund at .75 Mills. The primary focus on the Street Fund was to build it up to address the deteriorating municipal parking lots. The significant burden from snow removal last winter of \$350,000 depleted the Borough's Operating Reserves, but the 2 Mill increase would help build up those reserves. Option 3 gives the Borough a better Operating Reserve scenario with a favorable projected balance forward at this time next year with a 3 Mill increase.

Mr. King felt that Council must maintain a reasonable reserve and if taxes are not raised, they will need to be raised later, so better to have a small increase now rather than a large one later.

Mr. Gusty agreed with Mr. King's comments and felt Option 1 poses a significant risk. He is not sure that Option 2 is enough to provide a comfort level, but Option 3 might give the Borough a couple of years of covering expenses and maintaining a comfortable reserve. One underlying factor with these numbers is the assumption of the budget expense for snow, which is the biggest variable, and the historical trend is averaging to the number the budget committee worked with. That is the reason he supports Option 3.

Mr. Warren wanted to be clear that, although not a condition of the motion, the proposed increase of 1 Mill to the Streets Fund was for addressing the parking lot issues. Mr. Warren commented that if Council made additional cuts to the budget, eliminating those items would affect what makes the Borough the community that it is and still would not make an appreciable difference in the budget, which leaves Council with option 3.

Mr. Walker said that no one likes to see millage increases, but the service levels that Council wants to provide to the community, especially in police services is important, and Council recognizes that fact.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to approve .75 Mills for the Lighting Fund.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to approve 2.125 Mills for the Streets Fund.
- ❖ A motion was duly made by Councillor King, seconded by Councillor Gusty, and carried unanimously, to approve 9.25 Mills for the General Fund.

### **Open Space Grant/DCNR Grant – Robert King & Perry Warren**

Mr. Walker referred to the \$150,000 DCNR grant recently awarded to the Borough through the efforts of Ms. Woldorf. He noted that Mr. King and Mr. Warren are responsible for the paperwork involved for the Open Space Grant and they will work with Ms. Woldorf on the DCNR grant to revitalize the Newtown Common. Mr. King said he spoke to the Open Space Administrator, David Johnson, about the steps necessary for the Borough to pursue use of the funds.

### **Solicitor's Report – William J. Bolla**

Mr. Bolla reminded the public of the Conditional Use Hearing for Steeple View scheduled for November 18, 2014, at 6:30 P.M. at the Chancellor Center and suggested that the meeting last no longer than three hours. Council could schedule a second meeting, if necessary.

Mr. Gusty, who owns property adjacent to the proposed project, asked if he could participate in the hearing process. Mr. Bolla explained that if Mr. Gusty felt he could not make a fair judgment based on the evidence presented, then he should recuse himself. If he feels, he could make an impartial judgment based on the evidence notwithstanding where his property is, then he should participate.

The possible land acquisition agreement is still a work in process. It is not necessary that it be finalized prior to the hearing.

## **Old Business**

Borough Council members received a letter from an attorney representing the owner of 10 S. State Street regarding sidewalk issues on South State Street. Council referred the letter to Solicitor Bolla.

Ms. Grunde-McLaughlin asked that an additional \$325 for printing of the posters for Arbor Day be added to the Recreation Board budget.

## **New Business**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Warren, and carried unanimously, to have Engineer Mario Canales attend the Conditional Use Hearing on November 18, 2014.

Mr. Gusty reported that the Borough received two volunteer applications and Mr. Walker said that another application would be forthcoming.

Mr. Warren reported that the Environmental Advisory Council would meet at 6:30 P.M. on November 17, 2014, for their organizational meeting.

Council agreed to close Borough Hall on the Friday following Thanksgiving and the staff will use their personal time.

## **Public to be Heard**

The meeting was adjourned at 7 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

## **ATTENDEES**

Ted Schmidt  
Jeff Werner  
Julia & Warren Woldorf  
Jodi Smith  
Bill Manning  
Rosemary Tottoroto  
Ray Mathis