

Council Meeting
November 11, 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, November 11, 2014. Mr. Walker asked those in attendance to join him in a moment of silence remembering all of the soldiers and veterans who have served our country. This was followed by the Pledge of Allegiance.

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

Mayor's Report

Special Event Reminders

Christmas Tree Lighting – December 5, 2014, 7 PM at the Firehouse

Midnight Madness on State Street – December 5, 2014

Historic Association Open House Tour – December 6, 2014, from 10-4

Holiday Parade – December 7, 2014, starting at the Stocking Works from 2-4 PM

Small Business Saturday Ribbon Cutting & Dedication/Blessing of Bench–

November 29, 2014, 11 AM

Amendments to the Agenda

There were no amendments to the agenda.

Public to be Heard

Resident Rosemary Tottoroto raised concerns related to the proposed Buckman Place development at 119 N. State Street. Mr. Walker suggested that she address her comments during the discussion of the Buckman Place Sub-division/Land Development Plan.

Buckman Place, L.P. Preliminary/Final Plan for Subdivision & Land Development-119 N. State Street

Mr. Walker reported that Council received the recommendations from the Newtown Borough Planning Commission regarding this project. He said that Ray Mathis and Rosemary Tottoroto attended last week's Work Session expressing their concerns about the development and the impact it might have on their property.

Mr. Ed Murphy, representing the applicant, provided Council with an overview of the proposed plan. Engineer Greg Glitzer gave more explanation about the site plans and stormwater management. The developer will proceed with a plan for three new single-family homes flanking the existing Victorian single family home. Ms. Miller applied for, and received the necessary lot width variance and approval for the demolition of the

building at the back of the property. The site utilizes an underground stormwater management infiltration system under the paved areas. Since there are no common areas on each lot, there is no need for a Home Owners Association, but a Declaration of Covenants would spell out maintenance and repair responsibilities for the infiltration system and other site issues for the four property owners. Mr. Walker voiced concern about possible stormwater issues for adjacent properties, and both he and Mr. King asked whether escrow funds could be set aside to address future problems. The Borough Solicitor would work with Mr. Murphy to draft the Declaration of Covenant and address those matters, but Ms. Grunde-McLaughlin and Mr. Warren still felt that one person should be responsible for any escrowed funds. Mrs. Wyatt, a resident at 109 N. State Street, voiced concern about possible damage to a large oak tree on her property, because roots may have grown under the 119 N. State Street property. Engineer Glitzer assured her that there would be tree protection of the roots during the construction process. With regard to the tree line at the back of the property, several Council members questioned Mr. Glitzer's description of a dense buffer, since most of the existing trees are dead. Ms. Grunde-McLaughlin asked if the trees would provide a sufficient buffer for privacy to the residents on Liberty who do not have a fence and asked if a fence might be a better buffer to prevent glare from cars. Mr. King also suggested placing a fence at the back of the property, which would eliminate a need to replace trees and might provide a better solution. Mr. McNamara reminded Council that the developer must provide an 18-month performance bond so that if any improvements fail during that time the developer must replace them, but after that, it would be the responsibility of the homeowners. Ms. Tottoroto said that maintaining/replacing the ten trees in the back of the property would do nothing to buffer the view from their property, as the existing trees are sparse and new ones would take 4-5 years to grow to a height to provide privacy. She would prefer a solid wood fence, which would create a solid visual buffer that would hide lights, cars, trashcans, sound and would resolve the issue. Mr. Walker felt that a time frame should be set for completion of the Declaration of Covenant or Home Owners Association agreement, as a condition of the approval.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Warren, and approved unanimously, as recommended by the Newtown Borough Planning Commission, the Preliminary/Final Plan for the Subdivision & Land Development for Buckman Place, L.P., Sheets 1-11, dated July 8, 2014, as last revised September 22, 2014, and prepared by Gilmore & Associates, Inc. with approval of the waivers as stated in the Gilmore & Associates, Inc. letter dated October 6, 2014, listing waivers 1-8, with the addition to waiver#5 of the maximum spacing of 40' as required, and the addition to waiver #6 of the incorporation of the corresponding recommendations of the Shade Tree Commission, and conditioned upon compliance with the terms of the following review letters:

1. Jo-Anne Brown, Zoning Officer, dated October 22, 2014;
2. Mario Canales, P.E., Pickering, Corts & Summerson, Borough Engineer, dated October 15, 2014, including payment of \$16,100 for removal of protected trees;

3. Theodore Schmidt, Chairman of the Borough Shade Tree Commission, dated October 8, 2014;
4. Recommendations of the Newtown Borough Planning Commission made at their meeting on November 3, 2014, as follows:
 - a. The Homeowners Association Agreement or Declaration of Covenants, Restrictions & Easements that will require maintenance and/or replacement of the existing tree row at the rear of the properties and the stormwater management system serving them and will provide such Homeowners Association Agreement or Declaration of Covenants to be decided by the Borough Solicitor no later than 15 days from the date of this meeting.
 - b. Revision of the title block of sheets #2 through #11 by removing the note "Preliminary Plan (Not To Be Recorded)" to reflect that it is the final plan to be recorded.
 - c. Correction of the concrete, brick and bluestone details shown on the drawing with a note that the construction will be in compliance with the Borough's current specifications for such construction.
 - d. A solid wood fence built as required under Borough specifications and HARB approval along the 40' x 60' stretch of property to the rear of the Tottoroto property.
5. The Newtown Emergency Services Department dated October 20, 2014;
6. Gannett Fleming, Inc., engineer for Newtown Joint Municipal Authority letter dated October 21, 2014;
7. Newtown Borough Police Department letter dated October 14, 2014;
8. Newtown Artesian Water Company letter dated August 26, 2014;
9. Bucks County Planning Commission dated August 18, 2014; and
10. Bucks County Conservation District dated October 9, 2014.

[Approval letter from the Solicitor attached to these minutes]

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 2014-033-H Applicant: DeFrehn Corporation, 101 E. Centre Avenue, Blake residence

The applicant was seeking a Certificate of Appropriateness for the replacement of composite shingle roofing with asphalt shingles.

COA 2014-034-H Resident Thomas Murphy, 128 N. Congress Street

The applicant was seeking a Certificate of Appropriateness for the construction of a one-story rear addition, noting that the fascia would be a boot instead of a return, with no greater than an 8" rake.

COA 2014-031-H Residents William & Allison Hauf, 19 S. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for revised plans for the construction of a 2½-story rear and side yard addition as presented in Option A or Option C of the revised plans submitted October 8, 2014.

COA 2014-036-H Residents Michael & Susan Hutchinson, 132 N. State Street

The applicants were seeking a Certificate of Appropriateness for the replacement of asbestos shingles with asphalt shingles, and replacement of front porch tar roofing with single membrane rubber roofing, noting that single membrane rubber roofing has been previously approved on roofs with a low slope.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Auerweck, and carried with Councillor King abstaining, 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 2014-035-H Residents Robert & Betsey King, 242 S. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for the installation of wood fencing at the side area and a gate at the front of the property.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Auerweck, and carried with Councillor Walker abstaining, to approve the October 8, 2014 Council Work Session minutes.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve the October 14, 2014 Council Meeting minutes.

COMMITTEE REPORTS

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

Consolidated Report

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Warren, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of October 2014 totaling \$111,098.94.

Year 2015 Proposed Budget

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to direct the Secretary to advertise the Year 2015 Proposed Budget of \$3,049,958.

Year 2015 Tax Rate Ordinance

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to direct the Secretary to advertise an Ordinance setting the Tax Rate for Year 2015 as follows: General Fund 9.25 Mills; Lighting Fund .75 Mills; Fire Tax Fund .875 Mills; Street Improvement Fund 2.125 Mills; Ambulance Fund .25 Mills; Earned Income Tax @ 1%; Realty Transfer Tax @ 1%; and Local Services Tax @ \$52.00.

Year 2015 Tax Ordinance Fixing Salaries

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to direct the Secretary to advertise an Ordinance Fixing Salaries and other compensation for elected tax collector, auditor, and Council appointees for Year 2015.

2015 Fee Schedule

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Auerweck, and carried unanimously, to approve Resolution 11-11-14 adopting the 2015 Fee Schedule as presented.

Personnel Committee – Chris Gusty

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Warren, and carried unanimously, to appoint Julia Woldorf to the *Environmental Advisory Council* for a one-year term through December 31, 2015.
- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to appoint Marc Waldinger to the *Environmental Advisory Council* for a one-year term through December 31, 2015.

Planning Commission – Lawrence Auerweck

Councillor Auerweck announced that a Special Planning Commission Meeting would be held on November 12, 2014, at 7 PM in Council Chambers to review the Conditional Use Application for Steeple View. Council requested that the Borough Zoning Officer, JoAnne Brown, attend that meeting.

Solicitor's Report – James McNamara

Mr. McNamara reminded the public that there would be a Conditional Use Hearing for Steeple View on November 18, 2014 at 6:30 P.M.

Old Business

Councillor Warren announced that the Environmental Advisory Council would meet on November 17, 2014 at 6:30 P.M. at Borough Hall.

New Business

There was no new business.

Public to be Heard

No one wished to be heard at this time.

Adjournment

The meeting adjourned at 8:52 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Ted Schmidt
Julia & Warren Woldorf
Jeff Werner
Rosemary Tottoroto & Ray Mathis
Karen Miller
Ed Murphy
Greg Glitzer
Jeanne Haeckel
Dawn Wyatt