

Council Meeting
February 10, 2015
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, February 10, 2015. Mr. Walker asked those in attendance to join him in a moment of silence. This was followed by the Pledge of Allegiance.

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

Mayor's Report

Mayor Swartz announced the Newtown Library Company's Book Lovers Party, to be held February 21, 2015 from 6-10 PM at the Stocking Works. He reported that the new police vehicle would be active in the near future.

Amendments to the Agenda

Mr. Bolla said that consideration of the Smith development at 139 N. State Street was off the agenda, as an extension had been granted until May 31, 2015, noting that the plans were being modified to restore the barn.

Mr. Walker reported that Borough Engineer Mario Canales's presentation regarding the Borough's stormwater management program would be postponed and will be re-scheduled until the next Council Work Session or next Council meeting in March, depending on calendar requirements as it relates to the enactment of the stormwater management program.

Public to be Heard

Harold Vereen, trustee at Macedonia Baptist Church at 218 N. State Street, said that he was very interested in the floodplain ordinance. He said that the church has an issue with parking, particularly on weekends and on snowy days. He said that he had spoken with the Borough Zoning Officer about the installation of additional parking, but without success. He clarified that they are located in the floodplain. Mr. Vereen said that he hoped to learn at this meeting how the issue might be resolved.

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 2015-001-H Residents Andrea & Marc Bayford, 120 S. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for a metal roof on a porch and sunroom and a light fixture.

COA 2015-002-H Resident Candace Zorowitz, 312 E. Washington Avenue

The applicants were seeking a Certificate of Appropriateness for the replacement of 2 front doors with 4 wood doors.

Presentation of Minutes

- ❖ As two members of Council had not attended the Council Work Session of Wednesday, January 7, 2015, approval of the minutes of that meeting were postponed to the March Council meeting.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve the January 13, 2015 Council 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 January 2015 totaling \$100,858.22.
- ❖ A motion was duly made by Councillor King, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to authorize the Borough Engineer to prepare specifications for milling/paving and storm management for the Main Municipal Parking Lot.

Environmental Advisory Council – Perry Warren

Mr. Warren said the meeting agenda had originally included a resolution to express concern about a proposed project in Falls Township, but that he had learned that the DEP had not approved the project. He said that the EAC is continuing its discussion about fracking, locally and statewide, and will report back to Council in the future.

Solicitor's Report – William Bolla

Mr. Bolla called to order the hearing for consideration of Ordinance #741 in the Police Pension Agreement through the Pennsylvania Municipal Retirement System to accomplish the enactment of the DROP provisions of retirement for the full-time police officers in the Borough. He said that the matter has been discussed publicly, both in work sessions and regular Council meetings over the past 4-6 months, and noted that the requirements of the Borough Code have been met. He cited two exhibits: NB1 – proof of the public announcement of the hearing to be held at this meeting to consider

the DROP ordinance, and NB2 – proof of the filing of the ordinance with the Bucks County Law Library. Mr. Bolla asked for any public discussion; there was none.

Mr. Bolla explained that the ordinance will enable the Borough Chief and full-time police officers to take advantage of the option to retire and to transfer retirement funds into their own retirement accounts and continue working. The Borough would thereafter no longer be paying the retirement benefits; they would be frozen as of the date of the retirement. The advantage to the pension receiver is that the money becomes his/hers upon their retirement and is not subject to distribution through the Pennsylvania Municipal Pension System; it becomes available to them directly. He noted that this program is revenue neutral to the Borough.

Mr. Walker said that there is also a condition upon entry into the DROP program to a three-year period, wherein the employee electing to enter the program would declare his/her retirement intentions to retire 3 years from that effective date.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to adopt Ordinance #741 amending the police pension agreement with the Pennsylvania Municipal Retirement System and repeal Ordinance #718.

Mr. Walker explained that the Borough Engineer was unable to attend the meeting as planned, and that Mr. Bolla would summarize the floodplain ordinance. He said that they would try to get any questions answered when Mr. Canales was available.

Mr. Bolla called to order the hearing on the enactment of Ordinance #742 to amend the Newtown Borough Zoning Ordinance to comply with the Pennsylvania Floodplain Management Act of 1978 that is redefined. He said that these changes result from the federal agency that governs floodplain mapping and management, FEMA, conducting studies over the past several years to determine the new delineation of the 100-year floodplain throughout the state and country. They have redefined the floodplain and are requiring all the municipalities, if they wish to have their residents be able to obtain flood insurance, to amend the floodplain ordinance so as to contain the new floodplain delineation. Mr. Bolla said that the requirements of the act are federally mandated; the language of it is federally supplied and municipalities are not permitted to change major portions of the ordinance.

Mr. Bolla said that this ordinance would not address specific concerns of people who have had trouble building in the floodplain, but is a re-enactment of where the floodplain is and what requirements would apply in the future. He said that the ordinance must be enacted to enable Borough residents to obtain flood insurance.

Mr. Bolla entered 5 exhibits into evidence:

- NB1 – Proof of the publication of the notice of the hearing to consider the ordinance amendment
- NB2 – Affidavit of the mailing to property owners
- NB3 – Affidavit of the posting of notice to impacted properties
- NB4 – Proof of filing of the ordinance with the Bucks County Law Library
- NB5 – Memorandum from the Bucks County Planning Commission dated January 7, 2015 approving and recommending adoption of the ordinance by Council

Ms. Grunde-McLaughlin noted that many of the requirements dealt with structures, but that parking lots were not addressed. Mr. Bolla clarified that parking lots are defined as structures. Ms. Grunde-McLaughlin said that, with regard to the concerns raised by Mr. Vereen, this definition meant that all requirements would need to be met, subject to review by the Borough Zoning Officer. Mr. Walker said that some parking lot issues at the church might involve pervious or impervious surface, and that they would have to work with the Zoning Officer to determine whether parking could be installed.

Mr. Bolla said that there are some new federally mandated restrictions. Ms. Grunde-McLaughlin clarified that this ordinance does not include Old Skunky.

Mr. Vereen asked if the ordinance addressed impervious surface in the floodplain. He said that they had been considering using grass pavers, which are pervious. Mr. Bolla said that this would be a zoning issue, not a FEMA issue. He said that an engineer and land use counsel could advise the church about possible variances to apply to the Zoning Hearing Board.

Resident Bill White expressed concern about the letter notification he had received and its impact on his property. It was noted that there is a floodplain map available on the Borough website. Mr. Gusty said that Mr. Canales advised him that the interactive map is a guideline and that an engineer should be consulted to confirm. It was noted that residents notified of the ordinance were located in a certain distance, as required by the ordinance; not all would be impacted by the ordinance.

In response to a question by resident Tom Reel, Sterling Street, Mr. Bolla said that the deadline to enact the ordinance was March 16, and that since this meeting had been given public notice, the vote would take place tonight.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to adopt Ordinance #742 amending the Newtown Borough Zoning Ordinance to require all persons, partnerships, businesses, and corporations to obtain a permit for any construction or development; providing for the issuance of such permits; setting forth certain minimum requirements for new construction and development within areas of the Borough of Newtown which are subject to flooding; and establishing penalties for any persons who fail, or refuse to comply with the requirements or provisions of this ordinance, and otherwise revise it to insure consistency with this ordinance and the Pennsylvania Floodplain Management Act of 1978.

Mr. Bolla added to the agenda his request for the authority to prepare a notice to consider an ordinance to establish a handicapped parking spot on the south side of Mercer Street, 40 feet east of the intersection of Mercer Street and Court Street. He has submitted to the Chief of Police and two members of Council a draft of the proposed ordinance. He said that once he received notice from the Chief that the draft was acceptable, he would be free to advertise the issue for a March Council meeting. Mr. Walker said that Council had discussed the issue at their work session, and consensus was to move ahead with the issue, with the specified location identified by the Chief.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to authorize Solicitor Bolla to

advertise the approval of an ordinance for a handicapped accessible parking spot on the east side of S. Mercer Street near the intersection of Court Street.

The issue will be considered at the March Council Work Session.

Old Business

Mr. Gusty reported the following committee vacancies: two openings on the EAC and two openings on the Human Relations Commission.

Mr. Gusty reported that the local area Boy Scout chapter has agreed to include Newtown Borough in their Snow Angels program. The free program provides snow removal by Boy Scouts for residents 60 years and older or with a physical disability, and when there is no one living in the residence able to do snow removal. Mr. Gusty said that anyone interested can contact him, as liaison, and he would give his/her name and address to the Boy Scout leader who is setting up the program.

Mr. Walker reported on the Borough's winter management expenses for snow and ice removal. He said that during the past summer the Borough did a pre-buy of approximately 290 tons of salt, and, as of the end of January, 140 tons of salt had been used. He reported that \$89,735, approximately half of the snow removal budget for 2015, had been spent during that same period.

New Business

There was no new business.

Public to be Heard

Borough resident Julia Woldorf cited an email she had sent to Council that afternoon. She said that at the Work Session last week she presented a possible plan for a creek walk at the bottom of the Borough parking lot, noting that it would not impact upcoming work on that parking lot. She said that she is always looking for funding opportunities, many of which require matching funds. She said that a specific opportunity has presented itself that requires immediate action; there is no obligation.

She had spoken last year to Representative Santasiero's office about possible funding opportunities for capital expenditures and was told that projects had to cost more than \$2M. This year she called the office again, and inquired if this funding might be available this year. Ms. Woldorf said that if the scope of the project was expanded to include what Steeple View is proposing, Allan Smith's expenditures could be used towards the Borough's matching funds. She said she had spoken with Allan Smith, who was enthusiastic about the idea, and with Jeff Marshall from Heritage Conservancy, which will be the future owner of the relevant property. Mr. Marshall said that this is the sort of project, marrying private and public entities, that the Conservancy looks for. Ms. Woldorf said that they could look at a creek walk from the parking through the greenway in Steeple View, and any expenditure by Mr. Smith could be used towards the Borough's matching funds.

Ms. Woldorf said that Mr. Santasiero would be submitting his budget to the State House very soon, and could include a request for funding for this project. If the funding request stays in the budget and goes through the Governor, then Newtown Borough would have to present their case to the Governor for approval. If funding were approved, the project would have to be completed in two years, which fits into Mr. Smith's timeline. To proceed, Ms. Woldorf said that a two-sentence paragraph is required to describe the project, which would be sent to Representative Santasiero. She emphasized that there is no commitment or obligation involved.

Mr. King said that he had no objection, especially since there was no obligation. Ms. Grunde-McLaughlin noted that the opportunity was presented to the Borough. Mr. Warren supported proceeding, and said that he may have additional ideas regarding possible funding. Ms. Woldorf said that she was looking at other funding opportunities as well.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to authorize Julia Woldorf to provide a description of the proposed project along the creek on either side of the creek to State Representative Steve Santasiero, as described in her memo to Council, dated February 10, 2015, and at the meeting.

Adjournment

The meeting adjourned at 7:45 P.M.

Respectfully submitted,

Leslie P. Dunleavy
Borough Secretary

ATTENDEES

Ted Schmidt
Julia & Warren Woldorf
Jeff Werner
Candace Zorowitz
Harold Vereen
Tom Reel
Bill White