

Council Work Session  
June 7, 2017  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:30 P.M. on Wednesday, June 7, 2017, by President of Council Robert Walker. President Walker asked those in attendance to join him in a moment of silence, followed by the Pledge of Allegiance.

Present were Councilors Walker, Gusty, Grunde-McLaughlin, King, McDermott, and Rodowicz; Mayor Swartz; Solicitor Bolla and Engineer Canales.

### **Amendments to the Agenda**

#### **Public to be Heard**

Paul Salvatore, Resident, asked if Newtown Borough was considering offering a tax credit under Act 172 for volunteer firefighters. President Walker responded that Council will take it in to consideration; Solicitor Bolla reported that most municipalities are waiting for model Ordinances.

Nancy Carroll, Resident, expressed her concern regarding the Council Rock School District's (CRSD) consideration of moving the Administration Building and selling the Chancellor Center located at 30 N. Chancellor Street. Ms. Carroll reported on Council's active and successful participation in the past to keep the Chancellor Center in the CRSD and urged them to do so again; the CRSD Administration Building provides open space, earned income tax revenue, parking for the Newtown Presbyterian Church, and more. She reported that 30 N. Chancellor Street is zoned as residential and could be purchased by a developer and turned into housing. Ms. Carroll noted that this is a quality of life issue for everyone in the Borough. She claimed that CRSD is proposing to spend \$6 million on building projects that they don't have funding for unless they sell other assets. Ms. Carroll reported that Bill Foster will be vacating his position as the Borough's Representative on the CRSD School Board, and consideration should be given regarding his replacement's position on preserving the Chancellor Center.

Mayor Swartz reported that he is researching the history of the Chancellor Center to learn how it came to be part of the CRSD. He plans to present his findings at a CRSD Board Meeting in September. Ms. Carroll noted that, because this is a real estate matter, this issue could be discussed privately in a CRSD Executive Session.

Councilor Grunde-McLaughlin asked Ms. Carroll to share her information with the Mayor and herself. Ms. Carroll noted that former Borough Councilor Mark Craig has the most information on this topic, noting that he obtained a Grant to repurpose the building from a school to an Administration Building and, along with Skip Goodnoe, worked out a deal with the CRSD School Board.

## **Steeple View Project Update – Allan Smith**

Mr. Smith reported that the Liquor Control Board will take possession of [202 S. State Street] on August 31, 2017. Bon Appetit, a Princeton based market and cafe, will be occupying the remaining space in the building.

Mr. Smith thanked Councilor Rodowicz for items received for the time capsule. A granite marker with the Borough seal is being made to designate its location; he is proposing to open the buried capsule on August 31, 2117.

Mr. Smith rescinded his escrow request from Engineer Canales.

## **Mayor's Report – Charles F. Swartz, III**

- ❖ A motion was duly made by Councilor King, seconded by Councilor Gusty, and carried unanimously, to authorize a \$250 contribution from the Mayor's budget towards State Street tree well maintenance.

Mayor Swartz noted that the check should be made payable to the Newtown Mercantile Group.

### Special Event Reminders:

Movies in the Park –beginning at dusk, Linton Memorial Park, sponsored by Recreation Board

- June 28th, *SING*
- July 12th, Moana – at 7:00 P.M., Representatives from the Newtown Arts Company will be dressed as characters from Beauty and the Beast

## **President's Report – Robert Walker**

President Walker reported that the July Work Session has been canceled due to the 4th of July weekend.

Mr. Walker stated that bridge repairs are taking place on Centre Avenue today and tomorrow, and that PECO has contracted with Asplundh to trim more trees throughout the summer.

President Walker shared the job description of Police Chief and asked for Council's approval to advertise on the Pennsylvania Chiefs of Police website. He noted that the acceptance period for applications and resumes will extend from June 12, 2017 through August 12, 2017, and estimated date of hire is early December 2017. Chief Wojciechowski is scheduled to be on the payroll through May 2018, which needs to be accounted for in the budget process. President Walker and Mayor Swartz responded to

questions and received input from Council. President Walker noted that resumes will be sent to Secretary Musto's attention at Borough Hall and a committee will do pre-screening before Council interviews the candidates; President Walker plans to get the job opening posted on June 12, 2017.

**Solicitor's Report –Bill Bolla - none**

**Engineer's Report –Mario Canales**

Engineer Canales reported that the N. Lincoln Ave. project is complete, and asked for final payment to Bray Brothers.

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor McDermott, and carried unanimously, to approve the Second and Final Payment for the North Lincoln Avenue Resurfacing Project, totaling \$72,182.23.

Engineer Canales reported that a punch list had been presented to the contractor who worked on Centre Avenue, noting that the end of the maintenance period is June 23, 2017.

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor King, and carried unanimously, to authorize the Borough Solicitor to hold, extend or draw down the Centre Avenue Resurfacing Project Maintenance Bond, No SB0608854, provided by Haines Paving & Landscaping Inc. if the Pickering, Corts & Summerson punch list dated April 18, 2017 has not been satisfied by June 16, 2017.

Mr. Canales noted that punch list items include brick replacement at the corner of Court St. and Centre Ave., and the settling of the handicap ramp at the Newtown Library.

Councilor Grunde-McLaughlin raised a concern from a resident on the 200 block of N. Congress Street regarding pothole repair, and it was stated that pothole repairs are guaranteed for 6 months. Councilor Gusty noted that N. Congress is part of the 5-year plan for road repair. President Walker noted that he, Councilor Gusty, and Engineer Canales visited the location; the immediate problem has been resolved and is being monitored.

Engineer Canales reported that the Barclay Street Road Project will begin on Friday, June 9, 2017 and end on Monday, June 12, 2017. Notifications went out to residents and business owners.

Mr. Canales previously sent out requirements for the 2018 MS4 Renewal Permit. He provided an update on the work he has completed, including a notice of intent, permit application checklist, various maps, boundaries, and more. Engineer Canales calculated the Borough's existing pollutant load for sediments, nutrients, and phosphorus. The last

major component to begin is the Pollution Reduction Plan for nutrients and sediments for the Neshaminy Creek. Mr. Canales is sharing a proposal from a sub-contractor he recommends for the Borough to hire, RETTEW; the Department of Environmental Protection (DEP) is making all municipalities reduce their existing sediment load by 10%, and nutrients by 5%, over the next 5 years. He calculated existing loads and the reduction is in the 30,000 lb. range. Mr. Canales stated that RETTEW will evaluate his numbers and come up with different best management practices (BMPs) to get to the needed reductions. RETTEW has 20 clients in the Lancaster County area and has experience working on the Chesapeake Bay requirements.

Mr. Canales stated examples of BMPs which include rain gardens and seepage pits; these BMPs have efficiency ratings that equate to pounds of credit. The restoration of the Newtown Creek at Newtown Common will provide some credit to the Borough, and Engineer Canales is reviewing the current restoration plans to see how much credit it will provide. Since modifications to the Newtown Common project might be made that could increase the amount of credit to the Borough, Engineer Canales will relay important information to Councilor Grunde-McLaughlin as Liaison to the Environmental Advisory Council.

Engineer Canales reported that the MS4 Permit letter of intent is due September 16, 2017; the [Pollutant Reduction Plan] (PRP) Plan needs to be part of this which involves educating the public. This will need to be published in the newspaper by August 2, 2017, and it is required that the public be given 30 days to comment and have the opportunity to do so at a public meeting. Engineer Canales plans to have a draft copy of the PRP Plan ready for the July 11, 2017 Council Meeting.

- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor Gusty, and carried unanimously, to authorize that an engagement letter [be sent to RETTEW for the preparation of the required Pollution Reduction Plan for the 2018 MS4 permit renewal] in an amount not to exceed \$13,750.00 without Council's authorization.

Engineer Canales stated that a \$500 fee must be paid when filing the application.

Engineer Canales reported on drainage issues regarding the property located at 115 N. State Street expressed by Dawn Wyatt, Resident, stating that the system has been extended to direct roof drainage into a pit. Impervious surface concerns were also addressed, and Mr. Canales stated that the building is being constructed according to the plot plan; at this point, they are within the required 60% impervious surface allowance. Due to the concern about property lines, Mr. Canales asked for an as-built plan from the builder; he received a partial plan at 4:00 P.M. today. Mr. Canales noted that the building is two inches over the property line at the porch, and he will be writing letters to both the developer and builder to rectify this situation.

Dawn Wyatt, Resident, reported that property lines from a 2004 survey differ from those on a survey belonging to Karen Miller, Developer.

Ms. Miller clarified that the building is two inches into Ms. Wyatt's set back, and not over her property line. Engineer Canales stated that the property line discrepancy had been brought up over a year ago and thought it had been resolved; the Borough received a plan and a letter from a registered professional surveyor, certifying the property lines when Buckman Place was being developed. Mr. Canales confirmed that the Gilmore plans provided at that time are the ones being used by the Borough.

Mr. Canales noted that a difference in surveys is an issue for property owners to resolve. Ms. Miller recalled that Gilmore & Associates suggested that the Wyatts have another survey done. Ms. Miller had her plans stamped and approved, and everything matches; it is uncertain why JG Parks' survey from 2004 differs.

Architect William Hess, Lot 4 Builder, reported that the Gilmore survey doesn't close, according to Heath Dumack, Engineer. Mr. Hess stated that the discrepancy could be resolved by measuring the 50 feet required for the Wyatt property; this could affect the rear property line, which belongs to Rosemary Tottoroto, Resident. Ms. Tottoroto expressed concern about her property line changing. Mr. Canales suggested that this issue be resolved by Dumack and Gilmore. Ms. Wyatt noted that JG Park is now owned by Dumack. Mr. Canales advised hiring a third party surveyor since Gilmore is working for Ms. Miller and Dumack is working for Mr. Hess; Engineer Canales reported that the Gilmore plan does close and if Dumack questions that, it is up to him to resolve the issue.

Mr. Canales received Mr. Dumack's partial as-built plan, and it shows the building within the side yard setback; he was not sure if Mr. Dumack was using property lines from the JG Parks or Gilmore survey.

President Walker noted that this property line discrepancy is neither new to Borough Council nor a matter that they can resolve. Mr. Walker recommended hiring a third party surveyor to resolve the issue; the Engineering evaluation outlined by Mr. Canales will take place and his findings will be shared.

Rosemary Tottoroto, Resident, asked if property markers make a difference since she is not in a position to pay for a survey. President Walker acknowledged that they are points of reference that would need to be reviewed by a surveyor. It was noted that property lines would not move without the consent of the homeowner or a court order.

Engineer Canales reported that original plot plans had not been received at either 115 N. State Street or 121 N. State Street. He noted that at 121 N. State Street, a patio has been built that does not agree with the plot plan, and it extends into the side yard setback; Mr. Canales has informed the Code Enforcement Officer to request an as-built plan of that property.

Rosemary Tottoroto, Resident, asked Mr. Canales about the impervious surface ratio of 60% and questioned how that could be met with the addition of a patio between the garage and house at 115 N. State Street. Ms. Tottoroto remarked that it appears to be more like 85 – 90% of coverage, which includes buildings, driveway, and patio.

President Walker responded that Engineer Canales will be reviewing the plans he just received and run calculations. Mr. Walker invited Ms. Tottoroto to meet with the Engineer who will make his professional recommendations to Council regarding compliance.

Ms. Tottoroto noted that the garage at 115 N. State Street was constructed with a second floor living space, and inquired if it is an apartment. Ted Shatynski, Property Owner, responded that it is his choice how to use this space. Engineer Canales stated that a garage had been specified in the plans and that Mike Italia, Zoning & Code Enforcement Officer, would have that information.

Engineer Canales reported that Karen Miller, Buckman Place Developer, has requested to close out the escrow account. Mr. Canales agreed to pay only a portion since Lot #4 is still under construction and there is a requirement to maintain 15% of the escrow for an 18 month maintenance period after project completion. President Walker asked Mr. Canales to speak with Solicitor Bolla regarding the amount to be paid in a partial release ,along with a punch list of items that remain to complete the project.

Julia Woldorf, Newtown Common Project Coordinator, inquired about Engineer Canales's MS4 report; she was informed that any information regarding the plantings on the west bank of Newtown Creek would be helpful.

### **Budget & Finance – Robert Walker, Chris Gusty, & Kevin McDermott**

- ❖ A motion was duly made by Councilor McDermott, seconded by Councilor Gusty, and carried unanimously, to approve the Professional Services Invoices for April 2017.

### **HARB – Robert King**

Councilor King reported that HARB did not make a recommendation regarding the Bird In Hand demolition request; Borough Council will review the Joint Historic Commission's (JHC) recommendation at the next Borough Council meeting. Mr. King stated that a meeting between the County Commissioners and the Newtown Historic Association (NHA) took place, and the possibility of purchasing a conservation easement still exists. Councilor King also reported that Lynn Bush, Bucks County Planning Commission, recommended that Council express their support in writing once the NHA proceeds. Solicitor Bolla stated that a letter from Council would be in the form of a Resolution. Mr. King reported that the JHC recommended that Council deny the demolition of the garage. In response to Councilor McDermott, Mr. King stated that the

NHA had an appraisal of the property done, and conversations are taking place between the NHA and the Hunts, Bird in Hand property owners.

### **Streets, Lights & Properties – Robert Walker & Chris Gusty**

Councilor Gusty reported the need for streetlight pole replacement in the main municipal parking lot. Councilor Gusty shared the cost of poles and installation, and reported that \$5,000 will be spent out of the \$15,000 budget for lighting. President Walker stated that money reimbursed to the Borough for snow removal is providing the funds to cover this expense.

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor Grunde-McLaughlin, and carried unanimously, to approve the payment to Armor Electric for the installation of new streetlight poles in the main municipal lot in the amount of \$9,675.00, and the payment to T&H for the purchase of poles and arms in the amount of \$10,578.67, or an amount not to exceed \$11,000.

### **Recreation Board – Nicole Rodowicz**

#### Brian S. Gregg Park:

Councilor Rodowicz reported that a proposal to purchase and install a new crawl tunnel for children of a broader age group, as well as a picnic table, were sent to Council for review. The total cost amounts to approximately \$9,000. President Walker noted that \$2,500 is available from the money received from the Gazebo contribution, resulting in approximately \$6,500 to be applied from the Recreation Board budget. It was confirmed that providing electricity to the park, for which \$5,000 was budgeted, will be postponed this year; sufficient funds are available to run other scheduled Recreation Board events. Councilor Rodowicz will provide a firm cost proposal at next week's Council meeting.

President Walker had not realized that a picnic table would be part of this proposal. Councilor Grunde-McLaughlin noted that it was brought to her attention more recently through Borough Hall; the table purchased a couple of years ago with a thermoplastic coating, expected to have lasted a longer time, is already gone. Councilor Grunde-McLaughlin stated that the other picnic table only need painting, and the benches should be individually assessed for repair or replacement.

### **Old Business**

Councilor McDermott reported that the Lubavitch Mikvah revised plans have been received at Borough Hall. Mark Craig, Planning Commission Chairman, would like to see all of the necessary reviews by the end of June to prepare for their July 10, 2017 Planning Commission meeting. It was noted that both our Zoning Officer and Borough Engineer are already reviewing the plans. President Walker stated that, since the

Council Meeting is on July 11, 2017, Council will not be discussing this until the August 2, 2017 Work Session. Solicitor Bolla is requesting that the applicant extend the deadline to allow for additional time.

### **New Business**

Councilor McDermott reported that Michael Peter from General Code will be presenting the option of providing the Borough Code in an online version at next week's Council meeting. Included in this proposal is combining the Zoning, Stormwater, and SALDO Ordinances with our Borough Code, along with an editorial and legal analysis to correct any inconsistencies. This would be a multi-year project and is estimated to cost approximately \$17,000; \$7,000 that is payable this year is in the budget.

Councilor King reported that someone is interested in donating a park bench in Mrs. Peggy Lewis' memory; he will send contact information to Councilor Rodowicz.

### **Public to be Heard**

The meeting was adjourned at 7:12 P.M.

Respectfully submitted,

Judy S. Musto  
Borough Secretary

### **ATTENDEES**

Paul Salvatore  
Warren & Julia Woldorf  
Jeff Werner  
Ingrid Sofield  
Ted Schmidt  
Nancy Carroll  
Dawn Wyatt  
Rosemary Tottoroto  
Deborah Pellen  
Karen Miller  
Will Hess  
Allan Smith  
Ted Shatynski