

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

Present: Councillors Auerweck, Gusty, Walker and Warren; Mayor Swartz, Engineer Canales and Solicitor Bolla. Councillors Grunde-McLaughlin and King were excused.

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

Mayor Swartz presented a Proclamation to the Newtown Fire Association acknowledging the 125<sup>th</sup> Anniversary of the Newtown Fire Association and its service to the Newtown community.

Special Events

Easter Egg Hunt at Pickering Field sponsored by the Newtown Business Association – March 28, 2015 at 9 A.M.

Mayor Swartz asked everyone to join him in a brief moment of silence for Joseph P. Matthews for his service to Newtown as a tow operator and member of the community.

**Amendments to the Agenda**

There were no amendments to the agenda.

**Public to be Heard**

No one wished to be heard at this time

**Annual Report of the Newtown Fire Association – Will Fabian**

President Will Fabian and Chief Matt Gerhard made their Annual Report for the Newtown Fire Association. Mr. Fabian noted that the Association responded to 547 calls during 2014, which included building fires, vehicle accidents with extrications, EMS and rescue calls. The Association also provided mutual aid to many local communities, even traveling to Pennington, New Jersey to assist with coverage. The members logged many hours of in-house and state mandated training during the year, including 80 hours of training at the National Fire Academy for five Association members. Council thanked them for their report and for their service to the community.

## **Public Meeting Regarding the MS4 Stormwater Management Program – Engineer Mario Canales**

Mr. Canales updated the public about the MS4 permit program and its progress. Federal regulations require that the Borough have a stormwater permit from the Department of Environmental Protection that regulates stormwater discharge from the municipal separate stormwater system under the Clean Water Act. The program is to reduce pollution to the streams and waterways and to educate the public on the impacts of stormwater discharge to Borough waters and to the steps that the public can take to prevent pollution in stormwater run-off. He explained to community members and residents the importance of controlling and/or notifying the Borough, or calling numbers for environmental agencies found on the Borough website, of illegal discharges. In addition, he reminded the public not to rake leaves and yard waste into storm water outlets, to use pesticides and fertilizers judiciously so as not to pollute the waterways, and encourage residents to be aware at all time of the importance of keeping the waters in the community safe. Those residents or residential communities who were required to provide stormwater management for their projects are required to provide annual written inspection reports. The Borough sends letters and follow-up letters, if necessary, and if they receive no response, they will schedule the inspection.

Resident Bob Abrahamson asked if the Borough could charge for the inspection costs if they do not comply and Mr. Canales responded that there are provisions in the guidelines for this.

### **Certificates of Appropriateness – Chris Gusty**

There were no Certificates of Appropriateness this month. In the absence of Mr. King, Mr. Gusty asked that Council table the issue of a demolition request for 246 S. State Street until the May 12, 2015, Council meeting. The owner of the property contacted Solicitor Bolla saying he is in negotiations with a potential buyer who wishes to retain the house.

### **Presentation of Minutes**

Council tabled approval of the minutes since there was not a quorum of those attending the meetings.

### **COMMITTEE REPORTS**

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

##### **Consolidated Report**

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Auerweck, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of February totaling \$269,964.11.

### **Environmental Advisory Council/Open Space – Perry Warren**

Mr. Warren reported that Ms. Woldorf has been working diligently with DCNR and the Bucks County Open Space program in merging the two grants to restore the Newtown Common. A resolution is required to move forward with the process.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty and carried unanimously to approve Resolution 03-10-15 A approving the filing of an application for funds under the Municipal Open Space Program and authorizing the execution and filing of the appropriate forms with the Bucks County Open Space Board.

### **Personnel Committee – Chris Gusty**

Mr. Gusty announced that there are two openings on the Human Relations Commission. With the following motion, the Environmental Advisory Council will have a full compliment of board members.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Warren, and carried unanimously, to appoint Judy Bartella to the *Environmental Advisory Council* for a three-year term through December 31, 2017.

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

Mr. Walker reported that because of the hard winter the Borough has used all but 24 tons of its pre-purchased salt. There is no salt available in the area, but there is salt available in Delaware at a cost of \$100/ton plus \$25/ton for delivery. *Scott's All Seasons* can obtain 22 tons of salt at a cost of \$2775 and because of the rising cost of salt Council agreed that it would be wise to make that purchase.

Mr. Walker reported that there is no hot patch available at this time for the numerous potholes. *Scott's All Seasons* is filling the holes with cold patch, which is a temporary fix since it will not set-up and will wash out easily, so he asked the public to be patient until the hot patch is available. In addition, Mr. Walker noted that because of the harsh winter, the Borough would probably be doing crack sealing this summer to repair road cracks and this would require the use of non-budgeted funds.

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

Mr. Bolla explained that the land acquisition agreement involves the conveyance of the two Centre Avenue parcels owned by Newtown Borough to Heritage Conservancy. Heritage Conservancy would then convey that property to Steeple View, subject to the requirement that when the project is completed, consistent with the approvals to be granted in the future, the developer must convey back to the Borough conservation easements for both the piazza and the greenway along the Newtown Creek. If the developer does not comply with the requirements of the agreement and/or the development of the property consistent with land development approvals yet to be received, there is a provision in the agreement that the properties would revert to the Borough and the developer has agreed to sign all paperwork necessary to do so. The land acquisition agreement references the grant of a conservation easement. Borough Council will ultimately determine the final language of the conservation easement during the land development process.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Auerweck, and carried unanimously to approve Resolution 03-10-15 B accepting a land acquisition agreement between Newtown Borough, Heritage Conservancy and Steeple View Limited Partnership and authorizing the President of Council to sign the agreement.

### Zoning Applications

Mr. Bolla reviewed two zoning hearing board applications.

The first application was for *Solutions for Daily Living* located at 126 N. State Street. This is a limited village retail/service use which is permitted by special exception. The property previously received a special exception to operate, but limited to first floor use only. The application requests expansion to the second floor of the structure and the second floor of a detached barn on the property.

The second application was to convert a former business office at 114 S. State Street by building an addition and creating six apartment units. It is simply a use variance change to permit apartment use.

### **Old Business**

There was no old business.

### **New Business**

There was no new business.

### **Public to be Heard**

There was no one from the public who wished to be heard.

### **Adjournment**

The meeting adjourned at 7:45 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

### ATTENDEES

Ted Schmidt  
Julia & Warren Woldorf  
Jeff Werner  
Members of the Newtown Fire Association  
Bob Abrahamson  
Diane LeBas  
Charles Lewis  
Pat Foster  
Will Fabian  
Matthew Gerhard