

Council Work Session
May 6, 2015
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:30 P.M. on Wednesday, May 6, 2015, by President of Council Robert Walker.

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

Amendments to the Agenda

There were no amendments to the agenda.

Public to Be Heard

Rita Bryan, owner of Genesis Fitness at 28 N. State Street, voiced her personal concerns about the plans for the Newtown Common. She is worried about visitors using the private parking for 28 N. State Street during working hours, young people congregating after dark in the park and the issue of clean up from use of the picnic tables. She is not against the project but wants to see that Council addresses these potential problems, especially parking issues for the Court House and her business.

Steeple View Update – Allan Smith

Mr. Smith reported that Steeple View chose a contractor and he is still waiting for the signing of a lease before making any announcement about proposed businesses. If everything goes smoothly, he hopes to break ground within 60-90 days.

Pickering Field – Bob Musto

Bob Musto, president of the Council Rock Newtown Athletic Association, reported that they would hold the Vintage Baseball game at Pickering Field on Memorial Day following the Memorial Day Parade.

Fall Ball begins the weekend after Labor Day and runs through September, with the rain date the first weekend in October. The Saturday games are in the morning, but Sunday games cannot start until after Noon.

President's Report – Robert Walker

Mr. Walker encouraged Council and the public to attend the Annual Police Memorial Service on May 11, 2015, at 7 P. M. The service is at St. Andrew's Roman Catholic Church and honors all fallen police officers in Bucks County.

The State Street Retailers requested a donation to help beautify State Street.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Grunde-McLaughlin, and carried unanimously, to donate \$250 to the Newtown Borough Business Group for tree-well improvements.

Special Event Applications

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to approve the Special Events Application for the Antique Auto Show on July 19, 2015, from 10 A.M. – 3 P.M.
- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Auerweck, and carried unanimously, to approve the Special Event Application for Movies in the Park on June 24, July 8, 15, 22, and 29, and August 5, 2015, from approximately 7-11 P.M.

Portable Sign Discussion

The Borough does not currently permit the use of portable signs, although some businesses do use them. Council must decide whether to pass an ordinance regarding the use of portable signs with specific criteria regarding placement, fees, and sign dimension requirements. Mayor Swartz spoke to some members of the business community and received a mixed response. The Zoning Officer is still opposed to the use of them as she feels they could be unsafe. Planning Commission Chairman Mark Craig said that in speaking to municipalities that permit them, there have been no safety issues and the proposed ordinance places them out of the walkway and against the building. Buildings with multiple businesses could only have one sign. With regard to enforcement, Mr. Walker spoke to the Police Chief and he agreed that police officers could enforce a sign ordinance, if approved. Council decided to receive the Mayor's comments from the business meeting before making a decision.

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 March 2015.

Open Space – Perry Warren and Robert King

Councillor Warren discussed the issue of a possible easement from the 28 N. State Street Condominium Association to coordinate the Newtown Common Open Space project clean up of the creek. After correspondence with the management company for the condominium association, Councillor Warren suggested that the Borough not pursue the easement process. Before the release of any funds, the Open Space Board requires a deed restriction on the Newtown Common stating, that in perpetuity, the land is only for public recreation, as described in the grant application.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to authorize the Solicitor to prepare a deed restriction for the Newtown Common.

The Newtown Common requires a topographical survey of the property to move forward with the grant. Council asked Pickering, Corts & Summerson to provide an estimate for this survey based on the requirements of the grant.

Streets, Lights & Properties – Robert Walker & Chris Gusty

Planning Commission Chairman Mark Craig reminded Council of the discrepancy between the Zoning Ordinance and the Sub-Division/Land Development Ordinance. The recommendation is to omit the reference in the Zoning Ordinance to parking stall size and/or refer to the SALDO ordinance for parking stall size, which would maintain the 9' x 18' size in the SALDO ordinance and eliminate the 10' size in the Zoning Ordinance.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Warren, and carried with Councillor King voting nay, to authorize the Solicitor to modify the Zoning Ordinance to be consistent with the SALDO Ordinance.

Solicitor's Report – William Bolla

Mr. Bolla explained that in order to schedule closing on the Steeple View Phase II property, a Resolution is required authorizing the signing of documents regarding conveyance of the property.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor Grunde-McLaughlin, and carried with Councillor Auerweck voting nay, to approve Resolution 5-06-15 authorizing the President of Council to sign all documents necessary for settlement conveying specific Newtown Borough property to Heritage Conservancy for use as "trade lands" by conveying it to Steeple View for its development with the plans consistent with Borough Council approval and the subsequent conveyance of the appropriate open space easements back to Heritage Conservancy.

Mr. Bolla reported that the Zoning Hearing Board denied the request for sub-division of twin properties [201-203 Court Street] at the hearing on Tuesday evening.

Engineer's Report – Mario Canales

Municipal Parking Lot

Engineer Canales reported that he has almost completed the design work for the municipal parking lot project and has submitted for permits to DEP and the Conservation District. Mr. Canales hopes to put the project out for bid at the beginning of June, with a bid opening June 29, 2015. After review of the bids, Council could accept a bid on July 14, with work to begin after execution of the contracts. Deadline for completion would be September 25, 2015. Councillor Walker explained that the Borough could fund the construction project with existing funds. With regard to lighting, an in-kind replacement of 25' poles with new heads would cost approximately \$16,000. The Capital Lighting Fund currently has \$19,000, which would cover the cost of the lights and Armour & Sons feels that the current power supply is adequate. Councillor Gusty attended a seminar on lighting improvements for a four county area. The DVRPC would create an RFP for lighting needs based on an audit of individual municipalities. The first step is signing a non-binding letter of intent acknowledging that the Borough is interested in joining the program. A preliminary audit would be prepared for each municipality. If the Borough wishes to proceed, based on that audit, then the Borough would sign a Guaranteed Savings Agreement and they would perform a more in-depth investment grade audit. If this audit figure comes within 90% of the preliminary audit, then the Borough would be committed, or would have to pay for the "investment grade audit" if they did not wish to continue. The DVRPC would underwrite a bond, but the Guaranteed Savings Agreement states that the amount saved would pay the debt service on the loan, with a 5-year, maximum 7-year, payback on the loan. The DVRPC is looking for a first

step commitment within two weeks. Councillor Gusty suggested that the Solicitor review the Letter of Intent. If the wording were satisfactory, then Council would proceed that way.

President Walker showed Council a sample of the LED Cobra Head light that is under consideration. Council must decide whether they wish to pursue parking lot lights that the Borough would fund, with installation an additional expense. Council should also consider adding conduit during the parking lot project, in case the Borough needs it in the future. Mr. Gusty is waiting for a conduit installation estimate from Armour Electric. If Council chooses to move forward with the lighting project, the funds could come from Operating Reserves to cover the installation. After additional discussion, Council decided to pursue the conduit installation but delay the actual installation of the lights at this time.

Councillor Walker discussed Lincoln Avenue and noted that the Borough resurfaced it in 1992 at an expense in excess of \$300,000. The street again requires work, with North Lincoln Avenue in worse shape than South Lincoln Avenue. Councillor Gusty advised Council of a new process involving a chipping overlay with sealant that would be less expensive and might prolong the life of South Lincoln Avenue for 5-8 years. The cost for this would be approximately \$115,000, but North Lincoln Avenue is not a candidate for the same process because of the road's condition. To complete the necessary work on all of Lincoln Avenue, the Borough could borrow \$120,000 and then repay the loan for road projects against future Liquid Fuels reimbursement of approximately \$50,000 each year for 5 years, while adding approximately \$85,000-\$90,000 each year to the Streets Fund from taxes. The Borough could apply the chipping overlay on South Lincoln Avenue this year and address North Lincoln Avenue and possibly Centre Avenue next year. This approach would create a cash flow scenario that would allow the Borough to complete the needed work in 2016. There will be further discussion at the June Work Session on the issue.

As part of the requirement to establish eligibility for a possible grant, Councillor Gusty said the Borough must document traffic flow in/out of both entrances of the municipal parking lot for a 2-hour window between 3-6 P.M. on Tuesday, Wednesday, or Thursday. Volunteer counters would qualify, but to hire a service or equipment would be expensive. The count must be under 500 cars to meet the requirement.

MS4 Public Involvement

Councillor Grunde-McLaughlin spent five hours at a table on Welcome Day with stormwater management handouts and engaged with 81 individuals during that time.

Old Business

Councillor Gusty asked about putting the pedestrian sentinels back as he received several inquiries about their replacement.

Councillor Gusty reported that the general clean up of the SEPTA lot was completed, but the next step, if the Borough can raise additional funds, would be to install 12" x 18" edging.

New Business

Council discussed whether to cancel any of the summer work sessions, but Councillor Walker recommends against cancelling the July work session. With summer vacation schedules, most of Council preferred holding the August work session, but they will make a decision later.

Public to be Heard

Ted Schmidt again raised the issue of the peeling paint on the base of the intersection light poles at Washington/State and Centre/State. Councillor Walker will speak to Scott Dengler about that repair.

The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Ted Schmidt
Julia & Warren Woldorf
Allan Smith
Mark Craig
Jeff Werner
Bob Musto
Kevin O'Shea
Rita Bryan
Dave Callahan