

Council Meeting
September 13, 2016
Chancellor Center

Vice-President of Council Christopher Gusty called the regular monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, September 13, 2016. Vice-President Gusty asked those in attendance to join him in a moment of silence in special remembrance of 9/11 terrorist attack victims, followed by the Pledge of Allegiance.

Present: Councillors Grunde-McLaughlin, Gusty, King, McDermott, and Warren; Solicitor Bolla; Mayor Swartz Absent: President Walker

Amendments to the Agenda

Mayor Swartz requested a vote on behalf of the Newtown Mercantile Group to approve lawn signs and banners to advertise Restaurant Week.

Public to be Heard

Francisco Arqueta, Florentino's, spoke on behalf of Newtown Borough restaurants participating in Restaurant Week, October 23 – 27, 2016. He requested approval to display 3 banners and 10 lawn signs to advertise the event. To Councillor Gusty's question, Mr. Arqueta responded that these are the signs and banners used last year which will be placed in the same locations.

Green Region Grant Award- PECO/Bob King

Councillor King reported on receiving the [2015 PECO Green Region Open Space Program for the Penn's Common Greenway Project] Grant, and commended Councillor Grunde-McLaughlin and [EAC Member] Ted Schmidt for their assistance with the grant application. He introduced Theodore Dorand of PECO, [External Affairs Manager in Bucks County] and Holly Harper, [Program Manager for the Natural Lands Trust], who presented the \$10,000 check.

Mr. Dorand stated that PECO embarked upon the Green Region Program in 2004 in partnership with the Natural Lands Trust, a preeminent land conservation entity in the region. Since 2004, \$1.75 million has been awarded in grants to municipalities and non-profits, funding approximately 230 projects in eastern Pennsylvania. He was pleased to present this grant for the Greenway Project together with Steeple View.

Ms. Harper expressed her gratitude to partner with PECO to save land, steward natural resources, and connecting people with nature. The total population of communities receiving grants is 3 million, representing approximately 75% of the population in the Greater Philadelphia area. The grants have helped to protect over 400 acres of open space and 100 upgrades to parks, and 14.5 miles of trails. She congratulated Newtown Borough on receipt of this grant. Mr. Dorand presented the check from PECO for

\$10,000, recognizing the volunteers within the community who are devoted to protect and conserve open space.

Councillor King thanked both PECO and the Natural Lands Trust for this grant which will be used on the Greenway Project at Steeple View, enhancing the informational and historical aspects of the trail as well as providing for natural habitat. He also thanked Steeple View Limited Partnership for the matching \$10,000 grant.

Mayor's Report – Charles F. Swartz, III

Mayor Swartz asked for approval of the banners and signs as requested [by Mr. Arqueta in Public to be Heard], with banners being displayed at the Black Horse Tavern, Becky's Deli, and the Brick Hotel beginning in the next 10 days to run through Restaurant Week.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve the placement of banners at the Black Horse Tavern, Becky's Deli, and the Brick Hotel for a period of 30 days preceding Restaurant Week, as well as 10 yard signs in various locations at intersections throughout the Borough.

Special Event Reminders

Newtown Beerfest will be held on September 17, 2016 at 12 to 5:30 PM at the Stocking Works to benefit the Newtown Fire Association.

Music in the Park, sponsored by the Recreation Board, will be held on September 23, 2016 from 6 – 10 P.M at Linton Park.

The Newtown Theatre Community Dinner sponsored by the Newtown Theatre will be a black and white event held on State Street on September 24, 2016, 6P.M. to 10 P.M. Tickets are still available, and the showing of a black and white movie will follow the dinner.

The 40th Annual Market Day and the 10th Annual Newtown Library 5K will be held on October 1, 2016. The 5K Run/Walk is at 8:30 – 11:00 AM, and Market Day will be 10:00 AM – 4:00 PM.

Stargazers at Pickering Field, sponsored by the Recreation Board, will take place on October 7, 2016, from 6:30 – 9 P.M.

Mayor Swartz invited the Council Rock Coalition for Healthy Youth (CRCHY) Teens to present about the location of marijuana dispensaries. Ms. Sarah Foisy shared her agenda to prevent illegal substance use and abuse among the youth in the area of the Council Rock School District, particularly in Newtown Borough. The organization reported that legislation passed in Pennsylvania in April 2016, known as the Medical Marijuana Act. They are also aware that regulations are coming regarding dispensaries

of medical marijuana in Pennsylvania communities. The purpose of CRCHY's presentation was to request some consideration in anticipation of upcoming regulations. It is their position that the establishment of medical marijuana dispensaries in local municipalities should not take place without discussion and consideration of the following information.

Ms. Foisy stated that, in states where medical marijuana has been legalized, there has been an increase in auto accidents and traffic deaths as well as driving under the influence, an increase in marijuana use by youth, an increase in ER visits, an increase in poison control calls, and an increase in misuse of medical marijuana prescriptions. Allowing the location of medical marijuana dispensaries is likely to create a burden on public health and public safety resources; this includes law enforcement and emergency responders, which could decrease the quality of life in Newtown Borough according to Ms. Foisy. There are municipalities that have enacted ordinances which prevent the location of these dispensaries within their communities; others have restricted locations near schools and religious buildings. They can restrict hours and marketing of products through zoning regulations. Most medical associations have not endorsed marijuana for medicinal purposes, and many in the medical field are pursuing FDA Approval and valid research that demonstrates marijuana's safety for medical reasons. Ms. Foisy warned of serious consequences and complications if Newtown Borough were to [allow medical marijuana dispensaries] become a hub of marijuana related activity, and asked for Borough Council's support.

Mayor Swartz expressed appreciation to Ms. Foisy for her presentation and the handouts she shared with Council. He stated that the information she provided would be reviewed and taken under advisement.

Certificates of Appropriateness – Robert King

- ❖ A motion was duly made by Councillor King, seconded by Councillor McDermott, 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 2016-034-H Applicant: Antonio Iannei, 31 S. State Street, Boccaccio Italian Restaurant

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging sign on the front façade of Boccaccio Italian Restaurant.

COA 2016-035-H Applicant: Frank Pronesti, 408 S. State Street, Unit #3, Fenton Square, Heirloom Studio

The applicant was seeking a Certificate of Appropriateness for the installation of a wall sign on the front façade of the Heirloom Studio.

COA 2016-036-H Applicant: Randy Scurlock, 105 E. Greene Street, residence

The applicant was seeking a Certificate of Appropriateness for the replacement of an existing window with a new door.

COA 2016-033-H Applicant: Richard Walker, Architect, 246 S. State Street, Stefani residence

The applicant was seeking a Certificate of Appropriateness for revised plans for an addition, and exterior alterations and renovations to the fire damaged home, noting:

- *Hardiplank siding will be smooth, with exposure to match the existing siding on the house*
- *Gutters will be ½ round copper, with smooth round copper downspouts*
- *Windows in the addition will be aluminum clad*
- *Shutters, including hardware, will be replaced in kind*

Approval of Minutes

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King and carried, with Councillor Gusty abstaining, to approve the August 3, 2016 Work Session Meeting minutes.
- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor Warren and carried unanimously, to approve the August 9, 2016 Council Meeting minutes.
- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor McDermott and carried unanimously, to approve the August 15, 2016 Steeple View Preliminary Plan Phase II Special Council Meeting minutes.

Councillor Grunde-McLaughlin asked Solicitor Bolla a question about the Steeple View Preliminary Plan Phase II Special Council Meeting. Regarding [SALDO Sections] 401.D.4 and 701.F.5, the requirement for submission of architectural schematic elevations was eliminated for the Preliminary Plan. Councillor Grunde-McLaughlin asked for clarification that this requirement was not eliminated for the final development since the applicant still needs to go before HARB. Solicitor Bolla recollected that it was only eliminated for the Preliminary Plan.

COMMITTEE REPORTS

Budget & Finance – Chris Gusty & Perry Warren

Consolidated Report

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to accept, subject to audit, the Consolidated Expenditure Report for the month of August totaling \$150,082.98.

Councillor Gusty reported that the N. Lincoln Avenue Road Project was decided at the Work Session to be the primary candidate for major road resurfacing in 2017. Engineer Canales' report will be reviewed and the work will be scheduled. Councillor Grunde-McLaughlin noted that additional roads within Newtown Borough will be repaired.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to authorize Pickering, Corts & Summerson Engineers to begin the survey on the 2017 Road Project on N. Lincoln Ave.

Personnel Committee – Kevin McDermott

Councillor McDermott reminded the public of the open committee positions-two for Environmental Advisory Council, one for Human Relations, one for Shade Tree Commission, and members for Ad Hoc Traffic Committee. He reported that there are 19 seats on various committees whose terms will expire by the end of the year. Councillor McDermott noted that, after approaching everyone, almost all of the members agreed to be reappointed for another term. Two members of the EAC and two Recreation Board will not return, and Councillor McDermott noted that these vacancies will need to be filled by the end of the year or early next year. Councillors McDermott and Gusty both requested that people speak with friends and neighbors to fill these positions.

Streets, Lights & Properties – Robert Walker & Chris Gusty

Regarding the Lighting Project, Councillor Gusty reported that the Investment Grade Audit should be ready by the end of the month. The vote to move forward on the project should take place at the October Council Meeting.

Councillor Gusty reported that new crosswalk signs are scheduled for installation in the next two weeks, replacing the sentinels.

Mayor Swartz updated the public about the sinkhole on Court Street, stating that the work was completed by PECO.

Solicitor's Report – William J. Bolla

Solicitor Bolla had nothing further to report.

Old Business

Councillor Warren reported that the EAC restructured [following the resignation of Mike Cosack] and appointed Ted Schmidt as the new Chair.

Councillor Warren stated that, in follow up to the presentation by the landscape planner of the Newtown Common Restoration Project, further discussion by Borough Council will be postponed until the October Work Session. President Walker and Councillor Warren had some questions and concerns which were sent to Ms. Julia Woldorf [EAC Project Coordinator] and forwarded to Nancy Minich [Landscape Designer].

New Business

Public to be Heard

Adjournment

The meeting adjourned at 7:25 P.M.

Respectfully submitted,

Judy S. Musto
Borough Secretary

ATTENDEES

Julia & Warren Woldorf
Francisco Arqueta
Donna Foisy
Sarah Foisy