

Council Work Session  
March 7, 2012  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, March 7, 2012, by President of Council Robert Walker.

Present were Councillors Auerweck, Burke, King, Walker, and Warren; Solicitor Bolla and Engineer Mario Canales.

President Walker asked for a formal motion to accept the resignation of Councillor Gerard O'Malley.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor King, and carried unanimously and with regret, to accept the resignation of Councillor Gerard O'Malley from Newtown Borough Council effective March 7, 2012.

### **Interviews for Councillor Position**

Mr. Walker said that Council would interview the applicants for Borough Council, discussion would follow, and they would make a decision following the interviews. Mr. Walker noted that there were originally four applicants, but only two being interviewed, as the other two applicants withdrew. Mr. Walker then introduced candidate Charles B. Machion.

Mr. Burke led the interview process asking Mr. Machion to provide Council with his background. Growing up in Philadelphia, graduating from Temple University and Temple Law School, Mr. Machion then served five years in the Army with some time at the Pentagon as a government contract attorney. As an eleven-year resident of the Borough, Mr. Machion felt it was time to give back to his community. In response to the question of why he wants to become involved, he said that he knows the town will grow, but he is concerned about the type of growth, such as the Stockburger property, saying that it must be developed the right way and be consistent with the town. In addition, he is aware that there is a need to do more with less, given the economic environment today. Responding to Mr. King's question of any pressing needs, Mr. Machion commented that traffic is getting worse and needs to be addressed, but noting that there are no easy answers. With regard to the historic character of the town, he said if we do not keep our history, the Borough would lose its uniqueness. Mr. Machion feels that it is important to work with the surrounding communities, as there appears to be friction, so he believes that diplomacy is the better route. Mr. Walker asked about Mr. Machion's time commitment and ability to assist with budget concerns. Mr. Machion's response was that he was prepared to give whatever time is necessary and he noted that he is more familiar with contracts and labor law than budgets, but he would assist in any way needed.

Mr. Walker introduced candidate Michael Miller as a long-term resident of the Borough, former owner of a State Street store and former operations manager at Roberts Nursery for nineteen years. Mr. Miller felt that his motorcycle shop on State Street brought a different demographic to the Borough and diversified the clientele. He assisted the Shade Tree Commission with decisions

on tree selection, and he has been involved with the Memorial Day and Fourth of July parades. Pedestrian safety is an issue, but he feels that there are ways to address it and having owned a store in the Borough, Mr. Miller is aware of the Borough parking problem. Mr. Miller felt that there could be improvement in the dynamics between the Borough and Newtown Township. He also noted that Council struggled to put together a balanced budget, so he is aware that budgeting is a concern. In response to Mr. King's question about a splintered business community, Mr. Miller agreed that there are problems between business groups and he sees no reason why they should not be working together. With regard to Mr. King's question about historic preservation and the role of HARB, Mr. Miller felt that HARB should be somewhat tempered and not hold businesses back by having restrictions that can make doing business difficult. He felt that more flexibility might help. With regard to the Stockburger project, Mr. Miller said that he knew Allan Smith had previously been involved with good projects, like the Stocking Works, but he would not like to see a 5-story parking garage, as it would take away from the historic feel of the town. However, he does see the project as an opportunity to address parking, as long as it is physically attractive and meets the needs of the Borough. With regard to Newtown Township, he would like to see the Borough and Township work together to mend fences. Mr. Warren asked about his skill sets and Mr. Miller said that he is a "...hands-on, let's get it done" individual. He is familiar with the financial aspects of running a business in town and he understands the perspective of the other business owners, and although not necessarily siding with them, he can relate to their issues and concerns.

Mr. Burke said that regardless of whom Council selects, he hopes the candidates will stay involved and find committees on which to serve.

Mr. Burke said having such a short time to interview with each individual makes a decision difficult. Mr. Miller has deep roots in the community and he has come to know Mr. Machion over the course of the past two years. They both have different qualifications and backgrounds and could both benefit the Borough, but he said that in looking at the future, perhaps looking at the candidate that could best help achieve those goals would be the best approach. Mr. King mentioned Mr. Machion's comments regarding traffic in town and with upcoming police contract negotiations, he felt that Mr. Machion's experience with contracts would be helpful. Mr. King tends to hold a harder line on the historic district and Mr. Miller was looking for more flexibility. Overall, Mr. King felt that Mr. Machion reflected more of his feelings regarding the historic district. Mr. Warren felt that Mr. Miller's perspective of the State Street businesses would bring something that Council currently does not have and he would complement Council. Although agreeing that Mr. Miller's brings the State Street business owner perspective, Mr. Burke ultimately feels that the problem is not between Newtown Borough and Newtown Township but between the State Street business owners who are not cohesive. Mr. Burke felt that Mr. Machion has the background in labor law and the community interaction that he felt would be more beneficial at this time.

❖ A motion was duly made by Councillor Burke, seconded by Councillor Auerweck, and carried unanimously, to select Charles B. Machion as Councillor for Ward 1.

Mr. Walker announced that Mr. Machion was the selection of Council and his swearing in ceremony would be at the next Council Meeting. He told Mr. Miller that Council felt he had many

qualities that could help the Borough and it would be beneficial for him to stay involved, noting that there would be another election in 2013, with other seats to be filled.

### **Public to be Heard**

There was no one who wished to be heard at this time.

### **Amendments to the Agenda**

Mr. Burke asked to postpone the Newtown Corporation report until the April Work Session. Mr. Auerweck added a request from the Planning Commission to the agenda. Since Mayor O'Brien was excused from this meeting, the agenda items listed for the Mayor was moved to the Council agenda.

### **Council Rock Newtown Athletic Association – Kevin O'Shea**

Kevin O'Shea, representing the Council Rock Newtown Athletic Association (CRNAA), reported that the League has ten teams scheduled to play this year. The season begins March 31, 2012, and the Fall Ball program will remain the same as last year with three tournaments planned. He did ask Council to consider permitting Friday night games during the tournament season, if there is a prediction of inclement weather, in order to avoid scheduling rain dates. In addition, the League would like to hold the Fourth Annual Memorial Day Vintage Game and asked Council for their approval. Mr. O'Shea said that the CRNAA landscaper offered to maintain the flowerbed in front of the Snack Shack at no cost to the League, but he would like to place a small sign in the flowerbed saying "Provided By..." Mr. Walker suggested consulting the Zoning Officer, as Council might need to approve a temporary seasonal sign. Bob Musto said that a Boy Scout has proposed placing a new flagpole at Pickering Field as an Eagle Scout project. Before the young man starts the project, Mr. Musto asked Council if they would have a problem with him proceeding with sketches. Trees overshadow the current flagpole blocking the sight of the flag. The intention would be to remove the old pole, relocate the new pole to centerfield, and provide solar lighting. Mr. Warren suggested making sure that the lighting would not bother any nearby residents and Council agreed for the Scout to proceed. Mr. Walker asked Mr. O'Shea to provide Council with a letter outlining the possible use of Pickering Field on Friday nights in the event of inclement weekend weather.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Warren, and carried unanimously, to approve Council Rock Newtown Athletic Association's request for both Spring and Fall Ball at Pickering Field.

### **Newtown Borough Public Works Report – Scott Dengler**

Mr. Walker asked Scott Dengler, who is responsible for public works in the Borough, to provide an overview and inventory of items that Council should consider with respect to the infrastructure of

the Borough. In addition, the Federal government has mandated the replacement of all road signs/poles with specific requirements for reflectivity.

Mr. Dengler reported that approximately \$4000 was budgeted for pothole repairs and \$15,000 for storm sewer inlet repairs and maintenance. The Borough has not had an ongoing maintenance program, being reactive rather than proactive, but his approach is now to be proactive. Mr. Dengler is reviewing crack seal repair in order to obtain more wear from existing roads, particularly in Washington Village. Maintenance of existing line striping, crosswalks, stop blocks, parking space hash marks, handicapped parking spaces, and parking lines in municipal lots had been on a rotating schedule until the last two years, so the maintenance is now behind schedule and some areas need more attention than usual. The cost had been approximately \$40,000 a year. Three years ago, the Traffic Committee added numerous crosswalks, including checkerboard crosswalks for safety purposes, so those would be in addition to the previous annual cost. The \$40,000 that is currently budgeted includes the pothole repair and street sweeping, which reduces that amount to \$32,000 for line striping. In addition to maintenance, the Borough applied for a PennDOT grant that would cover the cost of updating crosswalks and stop blocks, in addition to paying for the required reflective signage. This upgrade would include 70 new stop blocks and 68 intersections that currently have no crosswalks. With regard to the reflective signage, the Borough has 628 traffic signs that require upgrades, including poles equipped with a breakaway system, at a cost of \$470 per sign for a total of \$295,160. If the Borough does not receive the grant, Mr. Dengler's alternative would be to address the 124 stop signs first. An additional issue is that many of the poles are set in concrete and removing them could create sidewalk problems. Mr. Dengler says that a retrofit pole might eliminate the need and expense of removing the concrete. Recycling of undamaged signs with a reflective decal would save the Borough approximately \$50 per sign. Mr. Dengler has been replacing damaged signs with new reflective signs and breakaway posts for the past 2-3 years.

Another concern of Mr. Dengler's is street trees that are in need of trimming. On North and South State Street and North Lincoln Avenue, many trees create problems for trucks and maintenance equipment, because the branches are too low. He suggested talking to the Shade Tree Commission and individual property owners about trimming those trees. Snowplows require 10' of clearance and delivery trucks on State Street need 12-13' clearance.

### **Shade Tree Recommendation – Perry Warren**

Mr. Warren referenced a letter from Shade Tree Commission Chair Ted Schmidt concurring with the Borough Engineer's assessment that the 400 E. Washington Avenue property does not have adequate space on the property for planting a required tree. In lieu of paying a fee, the recommendation was to plant two Yoshino Cherry Trees in the right-of-way at that location.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried unanimously, to instruct the builder, James Dumont, to plant two Yoshino Cherry Trees in the right-of-way at 400 E. Washington Avenue.

### **Engineer's Report – Mario Canales**

Mr. Canales provided Council with the February Engineer's Report and asked if there were any questions. Referring to Scott Dengler's comments about cleaning out of the stormwater inlets, he noted that the MS4 program requires a scheduled stormwater inlet clean out.

### **Personnel – John Burke**

Mr. Burke said that last year Council approved three additional personal days for the Treasurer and Secretary to be used in 2011. Because of budget constraints with salary this year, Mr. Burke made a motion to extend the personal days again for 2012.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to approve three additional personal days for the Treasurer and Secretary for 2012.

### **Budget & Finance – Robert Walker and Gerard O'Malley**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Burke, and carried unanimously, to approve the Professional Services invoices for the month of January 2012.

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

Mr. Bolla noted that the Engineer reviewed the proposed ordinance changes and they are ready to be advertised with approval at the April Council Meeting.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor King, and carried unanimously, to authorize the Solicitor to advertise an ordinance amending the Newtown Borough Zoning Ordinance to update definitions and ensure consistency among Borough Ordinances and with current standards.
- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor Burke, and carried unanimously, to authorize the Solicitor to advertise an ordinance amending the Newtown Borough Sub-Division and Land Development Ordinance to update definitions and revise the ordinance to ensure consistency in the ordinance and with current standards.
- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor King, and carried unanimously, to authorize the Solicitor to advertise an ordinance amending the Newtown Borough Neshaminy Creek Watershed Act 167 Stormwater Management Ordinance to update definitions and revise ordinances to ensure consistency between Borough ordinances and with current standards.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried unanimously, to authorize the Solicitor to obtain estimates for an appraisal of Borough property located on Centre Avenue between the roadway and the Liquor Store building, to see what the asset is worth in connection with examining the most advantageous way for the Borough to proceed with the Steeple View development.

## **Old Business**

There was no old business to be discussed.

## **New Business**

Mr. Auerweck referenced an e-mail from Planning Commission Chairman Mark Craig requesting permission from Council to have the Zoning Officer attend the next Planning Commission meeting to discuss the sign ordinance and her recommendations and views on portable signs.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor King, and carried unanimously, to authorize [Zoning Officer] Jo-Anne Brown to attend the next Planning Commission meeting. The authorization included Ms. Brown switching her regular hours to accommodate the meeting or being reimbursed up to 2 hours for attendance at the meeting.

Mr. King reported on a Centre Street Bridge meeting that included use of a stenographer in order to present PennDOT with the groups' objections to the repair work scheduled for the bridge. The group feels that the work would compromise the historic integrity of the bridge. Mr. King will continue to attend meetings and keep Council apprised.

Mr. Walker asked Council if they wished to have the next Conditional Use Hearing on March 27, 2012, taped. Mr. King suggested taping the next hearing and reviewing the subject for any additional hearings.

## **Public to be Heard**

Ted Schmidt reported that he took an inventory of trees from Greene Street to Penn Street on State Street in October before the first snowstorm. Several of those trees were removed and will be replaced and others need to be addressed.

There was a motion to adjourn at 8:55 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

ATTENDEES

Julia & Warren Woldorf  
Jeff Werner  
Marlowe Gordon  
Dave Callahan

Charles & Janie Swartz  
Ted Schmidt  
Charles Machion  
Michael Miller  
Bob Musto  
Kevin O'Shea  
Paul Jacob