

Council Work Session
June 1, 2009
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Monday, June 1, 2009, by President of Council Mark Craig.

Present: Councillors Craig, Jaslow, O'Malley, Sellers, and Woldorf; Mayor Dennis F. O'Brien; Solicitor Brad Lare and Engineer Larry Young. Councillor Walker was excused.

Mr. Craig announced that the Borough had received a Transportation Study grant for \$30,000. The announcement letter stated that the Borough's project will provide PENNDOT staff and their planning partners the opportunity to learn how land use and transportation decisions can be linked. Mr. O'Malley, who applied for the grant, noted that 400 applications were received and the Borough was one of fifty in the state chosen for a grant. The planning dollars should go a long way to integrate the Borough's circulation system, with the focus on pedestrian and bicycle movement.

Public to be Heard

Resident Henry D'Silva, 6 Jefferson Court, asked if Council planned to be a party to the Zoning Hearing application on the proposed development at the old ACME site on Sycamore Street, since there are many issues that impact the Borough. Mr. Craig responded that the ACME site was on the agenda for discussion today.

Recreation Board Shed Request

Recreation Board member Michael Jones presented Council with plans for a proposed shed at Linton Memorial Park. Mr. Jones explained that the Recreation Board needed a place to store equipment used for *Movies in the Park*. The existing shed is in need of repair and not suitable for housing the equipment. The shed will be slightly larger than the shed at the Brian S. Gregg Memorial Park, approximately 8 x 10 or 10 x 10. Three bids have been received, with a cost of approximately \$5000 for the shed and \$1500-2000 for electric, but the cost exceeds the previously proposed amount. Ms. Woldorf noted that there may be underground wiring which might reduce the amount of the electric work required. After discussion by Council, Mr. Jones was asked to bring the Recreation Board's recommendation to the June Council meeting for approval of the concept and the cost. Mr. O'Malley suggested doing the project in stages, with the full electric work being done later.

Engineer's Report – Larry Young

- Old Skunky Study Update

Mr. Young reported on the recent meeting with the property owners along Old Skunky. As soon as the signed Right to Enter forms are returned, the Engineer will begin surveying the individual properties. Mr. Young noted that the survey of intersections has already begun.

- General Projects Update

The Frost Lane and Lafayette Street project plans are 95% complete and Mr. Young anticipates asking for authorization to advertise for bids at the Tuesday Council meeting. The cost estimate for Frost Lane was given to Council and Mr. Young explained that Mr. Walker had asked for an alternate bid for a pipeline to catch the water before it enters the intersection at the end of Frost Lane. Frost Lane will be widened to a consistent 26' width making use of the existing concrete curb and addressing drainage issues. With regard to the drainage issues, Mr. Sellers commented that there are other streets with similar problems and he suggested that the Borough consider surveying these streets in order to prioritize which should be addressed first. Mr. Young explained that in established neighborhoods laterals and water service create additional issues when addressing drainage problems. Ms. Woldorf asked that in the future all information regarding projects be e-mailed to Council prior to discussion.

Regarding Lafayette Street, the initial cost estimates have changed because handicapped ramps are involved with the project. The Norwood/Lafayette intersection has handicapped ramps on three corners, all of which are non-compliant. In answer to Mr. Sellers' question, Mr. Young replied that PENNDOT requires the ramps to be brought into compliance with this project. No drainage is proposed but there will be an entire overlay with milling of the edges on both sides, which will keep the driveways at their current elevations. Mr. Jaslow suggested planning for sidewalks during future street project designs, even if sidewalks are not part of the actual project, so that future sidewalk installation would have the benefit of the design plans. Resident Jennifer Pennington, 524 Penn Street, voiced concern that on the 500 block of Lafayette there is an issue with storm water. Mr. Young will look into the matter. Mr. Craig felt that curbs should be addressed with the Lafayette Street plans and Mr. Young should give Council a recommendation on Tuesday.

The Pickering, Corts & Summerson Street Restoration Report is being updated by Gilmore and Mr. Craig suggested putting it on a future work session agenda for discussion.

Discussion of Minutes

Mr. Craig explained that a suggestion had been made regarding possible changes to the way the Borough Minutes are produced. A handout from PSAB on minute taking was given to Council by Secretary Scull. After looking at minutes from other municipalities, Mr. Craig commented that it appears there are two different extremes, very detailed or only action items. Ms. Woldorf recommended deferring further discussion on the minutes because of time constraints with the work session meeting.

Grant Process – Gerard O'Malley

Mr. O'Malley reported that discussion began during the budget process on a way to track grants. Some of the main points in the process should include creating a grant form, establishing a reason for the grant and being clear on the role and accountability associated with the grant application and its administration. This process would include the Councillor who suggests a specific grant taking responsibility for the work associated with it. It would be important to have sufficient time to review, deliberate and allow for ample public comment on an application, in addition to providing a base date map for the process itself. It also must be clear about accounting for matching funds. Ms. Woldorf is concerned about having an efficient way to learn what grants are available. Mr. Sellers felt that there should be specific mention about in-kind donations to assure that the

Borough is capable of meeting its obligation. Mr. Sellers would like to have added to the process the area of inter-municipal joint applications. Mr. Jaslow reminded Council of the need to coordinate the information on all of the outstanding grants and their inter-dependencies.

ACME Site Update – Mark Craig

Mr. Craig provided Council with a list of variances requested by the developer for the ACME site. After lengthy discussion at their recent meeting, the Newtown Township Supervisors were unable to come to agreement on how to handle the upcoming Zoning Hearing Board application for the Promenade project. Mr. Craig asked the Solicitor if the Borough could request party status at the Zoning Hearing Board meeting scheduled for June 4, 2009. Mr. Lare responded that the answer was not clear-cut. Ms. Woldorf commented that although she would like to see the Borough's interests considered, after reviewing the variance requests and if they directly impacted the Borough, she felt that they did not. Mr. Jaslow said that what happens on Sycamore Street affects State Street and in that regard the size, how the building fits in and other related issues should concern the Borough as, in his opinion, these variance requests are huge. Mr. Jaslow would support seeking party status, but not necessarily taking a position until the Borough has more information. Mr. O'Malley agreed with Mr. Jaslow's comments and felt the impact to the Borough would be substantial, in addition to concerns that it could potentially set a precedent for the rest of Sycamore Street. Mr. Sellers noted that the Township has recently established a good working relationship with the Borough by including Council in the process for development of the ACME site. Mr. Sellers commented that although the property is at the Borough's front door, it is not Borough property, and he does not feel that the Borough should ask for party status. That action could be perceived as adversarial and Mr. Sellers felt that the Borough must measure what might be gained by what the Borough might lose. Mr. Jaslow felt strongly that the law is the law and the Borough should have the right to express their concerns in a legal format. Mr. Craig stated that he has always been in favor of the project, but he is concerned that the density of the project is beyond the accepted intensity of the Newtown Township ordinances and will impact the Borough community significantly. Height and parking stall width are Mr. Craig's biggest concerns.

Resident Jeanne Haeckel, 123 Penn Street, expressed concern that the proposed development at the ACME site would have a huge impact on the Borough if it is approved at the size currently proposed. Ms. Haeckel also agreed with Mr. O'Malley's concern about setting a precedent and she felt that the developer should operate within the confines of the ordinance.

Resident Mary Jane Leonard, 446 E. Centre Avenue, added that she is extremely concerned about the density of the project and although not knowing all the ramifications of taking a stand, she worried that if the Borough does not take a stand now it might regret it.

Resident John Burke, 301 S. Norwood Avenue, agreed with Mr. Jaslow that the Borough has a right by law to stand up and have their voice heard and if that affects the feelings of the Township toward the Borough then maybe we do not have such a great relationship.

Newtown Township resident Karen Katz asked if negotiation could take place at the Zoning Hearing Board meeting, to which Mr. Sellers responded yes.

Ms. Woldorf agreed that the Board should have its voice heard and asked if the Borough could send a statement about their concerns without actually requesting party status. Ms. Woldorf also asked if the Borough could

request party status after the hearing begins, perhaps at a second or third hearing. Solicitor Lare responded that a statement could be sent, but requesting party status later would hinge on whether the hearing was continued after the first meeting.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor O'Malley, and carried with Councillors Craig, Jaslow and O'Malley voting yes and Councillors Sellers and Woldorf voting no, to send the Solicitor to the Newtown Township Zoning Hearing Board to obtain party status and oppose the application for parking and height requirement variances and ask that the Board uphold the Township ordinance.

Discussion of the Bill Payment Process – Gerard O'Malley

Mr. O'Malley explained that PDF's of bills from the Solicitor, Engineer and Zoning department are being forwarded to Council in advance of the Work Session, which gives everyone time to ask questions or get clarification. This process would not affect payroll or routine expenses, but this approach provides Council the ability to review the professionals' bills, with discussion and authorization for payment at the Work Session. Ms. Woldorf asked if questions on the bills should be brought to the Work Session. Mr. O'Malley said that, in his opinion, it should be up to each Councillor to contact Treasurer Ours with questions so that any issues can be addressed prior to the Work Session.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Jaslow, and carried unanimously, to authorize payment for the Solicitor, Engineer and Zoning bills for the month of April 2009 that were received in May.

Mr. Craig announced that because of the scheduled Planning Commission meeting it would be necessary for Council to end their meeting. The rest of the Work Session agenda would be added to the Tuesday Council agenda, with the exception of the State Street White Light discussion which would be added to the July Work Session agenda.

Public to be Heard

Resident Michael Jones thanked Council for a passionate, thoughtful and very civil discussion about the ACME site discussion.

There was a motion to adjourn at 7:30 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Peter Ciferri	The Advance
Paul Salvatore	148 N. Elm Avenue
Diane LeBas	104 Penn Street
Warren Woldorf	440 E. Washington Avenue
Michael Jones	422 Edgeboro Drive
Jeanne Haeckel	123 Penn Street
Bill Heinemann	35 N. Chancellor Street
Mary Jane Leonard	446 E. Centre Avenue
Jennifer Pennington	524 Penn Street
Karen Katz	601 Parkview Way
John Burke	201 S. Norwood Avenue
Sally Thompson	200 N. Chancellor Street
Henry D'Silva	6 Jefferson Court