

Council Meeting
March 13, 2012
Chancellor Center

President Robert Walker called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, March 13, 2012. Mr. Walker asked those in attendance to join him in a moment of silence, followed by the Pledge of Allegiance.

Present: Councillors Auerweck, Burke, King, Walker and Warren; Mayor Dennis O'Brien and Solicitor William J. Bolla.

Swearing in Ceremony for Charles B. Machion

The Honorable Judge Donald Nasshorn conducted the swearing in ceremony and administered the Oath of Office to Charles B. Machion, the newly appointed Councillor. Mr. Machion then took his seat at the dais.

Mayor's Report – Dennis O'Brien

Special Events Applications

Mayor O'Brien presented the following Special Event applications, noting that Chief Wojciechowski had reviewed and approved them.

- Arbor Day – April 27, 2012, from 10 A.M. until Noon at Brian S. Gregg Memorial Park
- Memorial Day Parade – May 28, 2012, from 9 AM until Noon
- 5K Run – Sponsored by the Newtown Library Company – October 13, 2012, from 8 – 11 A.M.

Request for Handicapped Parking Space

Robert Novotney, 145 N. State Street, requested a handicapped parking space in front of his home. Council agreed to his request with the understanding that the space would be available to anyone with handicapped parking status, not solely for Mr. Novotney. If Mr. Novotney leaves the Borough, the space would revert to a regular parking space.

Hiring of Part-Time Police Officer

Mayor O'Brien noted that the Borough lost two of its part-time officers and Chief Wojciechowski asked that Council re-hire Richard Tucker. Mr. Tucker is a full-time Officer in Jenkintown, but he did serve previously as a part-time officer in the Borough from 2004-2008.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Auerweck, and carried unanimously, to follow the recommendation of Mayor O'Brien and

Chief Anthony C. Wojciechowski and hire, at will, Richard David Tucker, as a non-civil service part-time police officer, subject to the day-to-day supervision of Chief Wojciechowski or the officer in charge in the absence of Chief Wojciechowski, at a starting salary of \$21.00 per hour, effective March 14, 2012.

RICHARD DAVID TUCKER is 46 years old, married and a resident of Bensalem PA. Mr. Tucker attended Bishop Egan High School where he graduated in 1983. Mr. Tucker received his Act 120 training at Montgomery County Community College where he graduated in June of 1991. Mr. Tucker was formerly hired as a non-civil service police officer for Newtown Borough in June of 2004 and served in that capacity until September of 2008. Mr. Tucker is presently employed as a Sergeant of Police with the Jenkintown Police Department.

Resolution

Mayor O'Brien explained that by the end of this year, all movies at the Newtown Theater will be digital. The Theater needs to raise \$100,000 to purchase a digital projector. The Community Welfare Council, which runs the theater, wishes to hold several fundraisers, but a Resolution is required recognizing one of the organizations purposes as protecting architectural heritage.

- ❖ A motion was duly made by Councillor Auerweck, seconded by Councillor King, and carried unanimously, to approve Resolution 03-13-12 recognizing the Community Welfare Council of Newtown as a non-profit organization of which one purpose is to protect the architectural heritage of Newtown Borough, especially the Newtown Theater founded in 1831 and recognized as the oldest continuously operating movie theater in the country.

Amendments to the Agenda

There were no amendments to the agenda

President's Report

Mr. Walker announced that the Greenway Grant, applied for by the Newtown Creek Coalition, was not awarded to the Borough. He thanked the Coalition for their diligence in applying for this grant.

Public to be Heard

Julia Woldorf, representing the Newtown Creek Coalition, spoke about PennDOT's plans to rehabilitate the Centre Avenue Bridge. The Coalition joined with the Newtown Historic Association and First National Bank & Trust Company of Newtown to disagree with PennDOT's determination that there will be no adverse affect on this historic structure. Although PennDOT plans to maintain the aesthetics, this group feels that the bridge will not be the same. Since Federal funds will be used to repair an historic 1796 structure, PennDOT is required to follow the Section 106 review process established in 1966. PennDOT feels they followed this process during the February 8, 2012, meeting at

Borough Hall. The group held a meeting on February 29, 2012, to discuss the concerns that arose from the February 8 meeting, but PennDOT did not attend. This group of concerned citizens is requesting a follow-up meeting to find a more appropriate solution and is asking that Council send a letter to PennDOT requesting this meeting.

In response to Mr. Burke's question about whether PennDOT responded to attending the February 29, 2012, meeting, Ms. Woldorf said that their response was that they could not attend the meeting.

Mr. Walker commented that this issue is time-sensitive and that perhaps Council should make a motion.

- ❖ A motion was duly made by Councillor King, seconded by Councillor Warren, and carried unanimously, to send a letter to PennDOT voicing concern about protection of the historic landmark, the Centre Street Bridge.

Larry Fink mentioned that Part #68 of the Federal Law is a section that PennDOT is supposedly following, but in his interpretation, Mr. Fink does not see how that could be the case.

Cathy Fink reminded Council that the Chancellor Center was once at risk, as is the bridge now. Ms. Fink and her husband, involved with the Joint Historic Commission at the time, visited the McMasters House when consideration was given to demolishing it. They found that the bridge was part of the foundation for the house and it ultimately led to the decision to save the house. Ms. Fink feels that the public has a duty to respect and protect our physical treasures.

Paul Salvatore congratulated Mr. Machion on his appointment as a new council member. Mr. Salvatore then gave each member of Council a button that he had recently received, which says... "Don't be afraid to fail, be afraid not to try."

Mike Sellers thanked Council for taking action on the bridge and he congratulated Chuck Machion on his appointment. In speaking of the bridge, Mr. Sellers recalled a comment from a past Council member about whether Newtown wanted to look like an historic town, or wanted to be one. Mr. Sellers felt that the issue with the bridge crystallizes that, because does Newtown want the bridge to look like an historic bridge, or be an historic bridge.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor King, seconded by Councillor Burke, 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 2012-006-H Residents Kalman & Beryl Katz, 120 N. Chancellor Street

The applicants were seeking a Certificate of Appropriateness for an addition and deck on the side of the home, and a rear porch enclosure, noting that the window on the right elevation would be a salvaged window to match the proportions of the originally proposed window.

COA 2012-007-H Residents Bill & Meg Newell, 35 S. Congress Street

The applicants were seeking a Certificate of Appropriateness for the construction of an outdoor fireplace and pergola, noting that the maximum dimensions of the fireplace would be 10' wide, 12' high and 6' deep, with a 36" wide firebox and a 24" hearth; the chimney would have a bluestone cap and the fireplace would not be built with buttresses, as illustrated in the submitted photograph.

COA 2011-027 Residents Robert & Edith Celeste, 125 N. Lincoln Avenue

The applicants were seeking a Certificate of Appropriateness for changes to the previously approved new addition, exterior south elevation, reflecting modifications to windows.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to approve the February 8, 2012, Council Work Session Meeting minutes.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Auerweck, and carried unanimously, to approve the February 14, 2012, Council minutes.

COMMITTEE REPORTS

Budget & Finance – Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Burke, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of February 2012 totaling \$88,527.06.

Personnel Committee – John Burke

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to appoint Larry Fink to fill an unexpired term on the *Joint Historic Commission* through December 31, 2012.

Solicitor's Report – William J. Bolla

Mr. Bolla had nothing more to add since his Work Session report.

Old Business

Mr. Walker reminded the public of the continued Conditional Use Hearing for Steeple View LP scheduled at 6 PM on March 27, 2012, at the Chancellor Center.

New Business

Mr. Burke thanked the Recreation Board for purchasing the newly installed table in the Tot Lot at Linton Memorial Park.

Mr. Warren referenced a letter from the Bucks County Board of Health requesting permission to spray for West Nile Virus.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried unanimously, to authorize sending a letter to the Bucks County Department of Health allowing spraying for the West Nile Virus in Newtown Borough.

Public to be Heard

Paul Salvatore reminded the public of the fundraiser *Hope on the Vine*, sponsored by the Newtown Rotary Club, on April 21, 2012 at the Stocking Works. The Rotary will use money raised at the event to help organizations in Newtown, the Newtown Theater being one of them. Information can be found on the Rotary website, www.Rotary.org.

The meeting adjourned at 7:40 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Warren & Julia Woldorf

Jeff Werner	<i>The Advance</i>
Diane LeBas	
Jessica Kadylak	<i>The Patch</i>
Jim McAuliffe	
Ted Schmidt	
Kalman & Beryl Katz	
Paul Salvatore	
Milissa Lenahan	First National Bank
Mike Sellers	
Cathy & Larry Fink	
Bronwyn Jones	
Chris English	Courier Times