

Council Meeting
February 8, 2011
Chancellor Center

President Julia Woldorf called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, February 8, 2011. Ms. Woldorf asked those in attendance to join her in a moment of silence, followed by the Pledge of Allegiance.

Present: Councillors Burke, O'Malley, Sellers, Warren and Woldorf and Solicitor Paul Cohen. Councilor Walker and Mayor O'Brien were excused.

Police Report – Perry Warren

Police Report for January

Mr. Warren presented the January police report in the absence of the Mayor and referred Council to their copies of the Report.

Special Events

Mr. Warren presented the Special Events Application for Arbor Day, which will be held on April 29, 2011, at the Brian S. Gregg Memorial Park, from 10 A.M. until Noon, with a rain date of May 4, 2011.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, to waive the application fee for this Borough sponsored event.

Amendments to the Agenda

Ms. Woldorf added an Eagle Scout project presentation to the agenda and moved the Traditional Neighborhood Development Hearing to an earlier position on the agenda.

President's Report – Julia Woldorf

Ms. Woldorf reported that she received the Emergency Health Services Ambulance Squad Annual Report and it is available for review in the Borough Office.

Traditional Neighborhood Development Ordinance Hearing

Solicitor Cohen noted that the public hearing for the proposed Traditional Neighborhood Development Ordinance was duly advertised in The Advance of Bucks County on January 20, 2011, and January 27, 2011, and a full copy of the Ordinance was sent to the Bucks County Law Library on January 21, 2011. Since the time the ordinance was advertised, some non-substantial changes to

the ordinance, based on comments received from the Bucks County Planning Commission, were made.

Planning Commission Chairman, Warren Woldorf explained that the Traditional Neighborhood Development Ordinance (TND) is a form of land use permitted in the Borough by Conditional Use and requiring specific approval from Borough Council. The current TND, adopted in 2004, permits only residential uses. The proposed TND ordinance will permit mixed-use development in the V2, B1 and B2 Zoning districts, which currently permit the residential only TND. Residential and non-residential uses will be permitted on the same property and within the same building in the new form of development. In addition to permitting mixed uses, the proposed TND promotes pedestrian circulation in integrated public and open spaces and evokes the feeling of a small neighborhood.

Mr. Burke asked if the Zoning Officer had reviewed the final copy of the TND. Mr. Woldorf responded that she [Ms. Brown] had not reviewed the final copy but she reviewed the pre-final copy for procedures and she was very satisfied with the product. Mr. Burke asked if she was provided a final copy and Mr. Woldorf said she was. It was his understanding that she had been contacted and she said she did not need to perform a review. Ms. Woldorf noted that she spoke to Ms. Brown on a number of occasions and Ms. Brown's response was that this was for the Bucks County Planning Commission (BCPC) to review and she could only speak to procedures.

Mr. O'Malley had questions about the BCPC letter of February 2, 2011, relating to the distance between buildings and asking if that comment had been addressed. Mr. Woldorf responded that it was discussed by the [Borough] Planning Commission at their Monday night meeting and they felt that 20' was fine. It provides enough air space and space for emergency vehicles and it was the right amount for a small town urban scale. Mr. O'Malley asked about the maximum 16 units in a multi-family building, which is a fairly significant increase from the maximum of 12 units permitted in the existing ordinance. The BCPC's concern was about the impact it would have on building mass and they asked the Borough to consider that. Mr. Woldorf responded that was also discussed by the Planning Commission at their meeting and they were in agreement with that number.

June Hilbert, a Borough resident, asked whether the Borough could make recommendations regarding diversity of housing units in a new development. Mr. Woldorf responded that the ordinance does not specify the size of units. The main determinant would be the demand for housing and there is a recent demand for small house.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried with Councilor Burke voting nay, to adopt Ordinance #711 amending the Newtown Borough Zoning Ordinance and the Newtown Borough Subdivision and Land Development Ordinance by establishing and adopting procedures for the review of a new Traditional Neighborhood Development Use, amending existing provisions of the Zoning Ordinance allowing for other Traditional Neighborhood Development Uses, coordinating the existing ordinances to accommodate the new provisions and adding new definitions to the Zoning Ordinance.

Eagle Scout Project – Jack Kelly

Mr. Sellers explained that Boy Scout Jack Kelly is proposing to construct a new platform to be used for the Memorial Day ceremonies at Borough Hall and to use this project to fulfill the necessary requirements to attain his Eagle Scout status. Mr. Kelley added that the present stage/platform is approximately 20 years old and the new stage will be slightly larger, safer and more durable.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to approve the concept of the design [of the Memorial Day Stage] and accept it as an Eagle Scout Project.
- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to waive all permit fees associated with the Eagle Scout Project for the Memorial Day stage replacement.

Mr. Sellers announced at this point in the meeting that he was leaving to attend another meeting that was rescheduled due to the snow.

Public to be Heard

No one wished to be heard at this time.

Certificates of Appropriateness

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, 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 applications with final approval by the Code Enforcement Officer.

COA 2011-001-H Residents Bucky Closser & Rosemary Wuenschel, 26 N. Lincoln Avenue

The applicants were seeking a Certificate of Appropriateness for the replacement of a stockade fence with a cedar picket fence.

COA 2011-003-H 234 S. State Street, Applicant Stephen R. Van Schoyck, PhD

The applicant was seeking a Certificate of Appropriateness for the installation of a directory plaque sign.

COA 2011-004-H Applicant Michael Hutchinson, 111 Court Street, the Rogers Residence

The applicant was seeking a Certificate of Appropriateness for the replacement and installation of new windows and the removal of existing asbestos siding and repair/replacement of the original wood clapboard siding.

Presentation of Minutes

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried with Councilor Burke abstaining, to approve the minutes of the January 5, 2011, Work Session Meeting.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried with Councilor Burke abstaining, to approve the amended minutes of the January 11, 2011, Council Meeting.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Warren, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of January 2011 totaling \$97,626.08.

Ms. Woldorf noted that discussion of the Park Constructors invoice was removed from the work session discussion because of a question regarding whether the newly installed playground equipment had been inspected. Mr. Burke provided Council with information from the manufacturer stating that any installer that is certified by the manufacturer is required by Federal law to meet the new guidelines, which took effect in 2007 and include CPSC, ASTM and ADA guidelines. The installer provided the documentation that they are certified to install the equipment to meet the guidelines. Mr. Burke spoke to Ms. Caesar who performed the original playground audit and her main concern was the safety zones and mulch, which cannot be installed until the snow thaws.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to approve payment to Park Constructors in the amount of \$4650 for installation of playground equipment in Linton Memorial Park and Brian S. Gregg Memorial Park.

Environmental Advisory Council

Ms. Woldorf reminded Council that three years ago the previous Council authorized the Mayor to sign the U.S. Mayor's Climate Protection Agreement which was part of the Cool Cities campaign. Since there is a question whether the agreement was ever submitted, Ms. Woldorf asked Council to reaffirm and submit this agreement.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to reaffirm that they are authorizing the Mayor to sign the U.S. Mayor's Climate Protection Agreement.

Recreation Board – John Burke

Mr. Burke announced that the Recreation Board is looking for volunteers to assist with the Arbor Day program.

Mr. Burke explained that an approximate 3-4" settling of the mulch is expected in the Peaceable Kingdom play area. Ron Fesmire recommended adding 4 yards of mulch and 2 yards of dirt to fill in the holes left by the removal of the swing set. Mulch is also recommended for the area around the tire. Mr. Burke will distribute Mr. Fesmire's proposal of \$673 for the mulch and dirt and Council can discuss the matter at the next work session.

Traffic Committee – Gerard O'Malley

Mr. O'Malley reported that he received the Engineering Agreements for the Newtown Borough Integrated Transportation and Circulation Study. Signing of these agreements will facilitate the Borough's reimbursement for the Traffic Study to be completed by Jacobs Engineering.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to authorize the signing of the Engineering Agreements between Jacobs Engineering and Newtown Borough for the Newtown Borough Integrated Transportation and Circulation Study, subject to the review of the Solicitor prior to signing by the Council President.

Traffic Committee member Jennifer Pennington discussed the goals of the Joint Township and Borough Traffic Committee. Ms. Pennington said some of their goals include promoting traffic enforcement and pedestrian safety throughout Newtown, addressing circulation and safety issues on State Street, Sycamore Street and the commercial district, improving the use of traffic calming devices and improving community awareness and involvement through education and outreach. The Committee plans to build on the previous Pedestrian Safety Weeks by building educational ties with the school district. Ms. Pennington asked Council for their support in working with Council Rock School District and the committee plans to attend the next School Board meeting to seek their involvement. *International Walk to School Day* is another way in which the Committee hopes to involve the community.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to authorize the President of Council to sign a letter of support for the Newtown Borough Traffic Committee and the Joint Newtown Township and Newtown Borough Traffic Committee to work with Council Rock School District.

Gerlynn Wiliford, representing the Macedonia Baptist Church at 218 N. State Street, addressed Council with concerns about the snow plowing in front of the church. Ms. Wiliford presented photographs of the area and told Council that church members were unable to attend services because there was no parking available. Ms. Wiliford also voiced concern about residents walking

down from Edgeboro Drive to worship services at the synagogue who were forced to walk in the snow because of the one lane traffic and she feels that this is a safety issue.

Personnel Committee – Perry Warren

Reappointments:

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to reappoint Ann Balderston to the *Shade Tree Commission* for a 1-year term through December 31, 2011.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to reappoint James Waitkus to the *Shade Tree Commission* for a 2-year term through December 31, 2012.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to reappoint J. Eric Johnson to the *Building Code Board of Review* for a 5-year term through December 31, 2015.

Appointments:

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried unanimously, to appoint C. Brian Titus to the *Historic Architectural Review Board* for a 3-year term through December 31, 2013.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to appoint Stephen Rinear to the *Historic Architectural Review Board* to fill an unexpired term of 2 years through December 31, 2012.

Solicitor's Report – Paul Cohen

At the [February] work session, Council discussed and reviewed a proposed ordinance that would amend the Sub-Division and Land Development Ordinance (SALDO) and the Zoning Ordinance to deal with sidewalk issues, which include updating language to address compliance with the Americans with Disabilities Act (ADA) and specifications for installation of sidewalks and the materials that are permitted. A section on the installation of bollards will also be included.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried unanimously, to authorize the circulation of the draft sidewalk ordinance to the Newtown Borough Planning Commission and to the Bucks County Planning Commission for review and comment.

Mr. Cohen explained that although Council adopted the Special Events Ordinance, the Special Events application also requires adoption.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, and carried unanimously, to approve the form of application for the Special Events Permit, with the addition of a statement of the fee and a line allowing applicants to request a waiver of the fee.

Old Business

Mr. Burke reported on an article in the Philadelphia Inquirer regarding the FEMA maps and the potential impact on residents who are required to purchase flood insurance. Mr. Burke questioned whether Council is simply asking that Old Skunky to be noted on the map or if it is a request to include it in the floodplain. Ms. Woldorf responded that Old Skunky is noted on the map as a physical feature but was removed on the current map from the previous map's floodplain area. When she contacted FEMA about the map change, they requested that the Borough supply information on flooding there. Mr. Burke asked Ms. Woldorf how raising the issue and providing the information would help the Borough, especially considering the financial impact it could have on the Borough residents along Old Skunky.

New Business

There was no new business.

Public to be Heard

Resident Paul Salvatore suggested placing information about Arbor Day and the need for volunteers on the website and television channels. Mr. Salvatore said that events like Arbor Day, and the recent Library party help make Newtown one of America's best small towns. He is concerned, though, about charging organizations \$250 to hold special events in the community. Most of the organizations are 501 (C) 3's, non-profit groups, who put their proceeds back into other activities and he is worried that they may not continue to hold these events in the Borough if charged those fees.

The meeting adjourned at 8:45P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Warren Woldorf
Jeff Werner
Jim McAuliffe
Ted Schmidt
June Hilbert
Paul Salvatore
Gerlynn Wiliford
Jennifer Pennington
Frank Brassell
Diane LeBas
Jack Kelly & Joyce Kelly
Gema Duarte