

Council Meeting
February 9, 2010
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 9, 2010. 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, Walker, Warren and Woldorf; Mayor O'Brien; Solicitor Paul Cohen and Engineer Maryellen Saylor of Pickering, Corts & Summerson.

Mayor's Report – Dennis O'Brien

- **The Police Report for January 2010 was presented**
Mayor O'Brien reported that officers conducted random checks with 26 traffic citations written and 2 persons arrested for DUI. A speed enforcement detail on Lincoln Avenue resulted in 23 speeding citations written and there is an ongoing investigation regarding the Linton Park incident.

President's Report – Julia Woldorf

Ms. Woldorf thanked *Scott's All Seasons* for handling the snow removal following the last snowstorm and thanked the residents and businesses for clearing their sidewalks. Ms. Woldorf thanked George Stockburger in advance for allowing the Borough to dump snow on his State Street property after its removal from Borough streets after this new snowstorm.

Ms. Woldorf announced a joint meeting of the Newtown Township and Newtown Borough planning commissions with the Newtown Creek Coalition on March 2, 2010, at the Chancellor Center to hear a visioning presentation. Ms. Woldorf asked Council if the Borough Engineer should attend this meeting and it was decided that it was not necessary

Correspondence

A letter was received from the Pennsylvania Transit Expansion Coalition thanking Ms. Woldorf for her attendance at a recent meeting regarding possible reactivation of the R8 Fox Chase-Newtown Line. Ms. Woldorf noted that another meeting will be held on February 28, 2010, at 2 P.M. at the George School.

Ms. Woldorf received correspondence from the Bucks County Borough's Association regarding an upcoming meeting and she asked for a volunteer to attend the monthly meetings.

A letter was received regarding the need for a Resolution in order for the Newtown, Bucks County, Joint Municipal Authority to file its Articles of Amendment to extend its life for an additional 50 years.

Correspondence was received from Newtown Township regarding a joint project with the Borough for the paving of Frost Lane.

Public to be Heard

Ms. Woldorf announced that there would be no restrictions on either of the *Public to be Heard* periods at this meeting.

Ivan Winegart, a member of the Newtown 21st Century Voice committee, thanked Ms. Woldorf for announcing the February 28, 2010, meeting. In addition to discussion of possible reactivation of the Fox Chase Line, Mr. Winegart noted that discussion of a Community Center will be on the agenda.

Frank Warvolis, a resident of Federal Lane, is not in favor of security cameras, not for philosophical reasons, but because of the expense involved. Mr. Warvolis would rather see the money used to purchase a leaf vacuum cleaner, which might eliminate accidents from wet leaves during the Fall months. Residents could rake their leaves into the street, the Borough could pick a day and the cleaner could come around.

Chief Anthony Wojciechowski commented that he feels strongly about keeping police business and politics separate, but he is attending tonight because of items on the agenda affecting the police department. The Chief asked Council to favorably consider those items.

Robert King, 242 S. Chancellor Street, noted that the *Public to be Heard* should be open to any/all discussion and not restricted. Mr. King feels that Council started out well tonight and he would hope to see it continue, including public comment before any motion.

Frank Tyrol, Newtown Corporation, thanked Council for attending the recent joint meeting of Newtown Corporation with the Borough and Township.

Traffic Committee Presentation

Jennifer Pennington, a member of the Traffic Committee, clarified that the Borough Ad Hoc Traffic Committee also serves on the Joint Traffic Committee with Newtown Township. In addition to Borough issues, the committee will work to promote and improve traffic flow and pedestrian safety, and explore multi-modal transportation options, primarily along the shared boundaries. Committee goals and action items for 2010 were shared with Council and the public, which include expansion of the 2009 Pilot Program and seeking grants to pursue planning and design of Gateways. Amy Lustig commented on the desire of the committee to have input on future development planning and traffic impact studies.

John Burke suggested holding the Pedestrian Safety Week in the spring and coordinating with the Planning Commission for future planning.

Mr. O'Malley agreed with the need to have input on development planning and traffic impact studies and he thanked the committee for their 2009 Pilot program and the Pedestrian Safety Week.

Mr. Walker reminded Council of *Scott's All Seasons* contribution in completing the crosswalk work as part of the Committee's 2009 goals.

Mr. Sellers suggested that a representative of the committee attend the Planning Commission meetings when traffic issues are discussed. He was disappointed in the lack of response from Newtown Township to the Promenade traffic concerns of Borough Council and the Traffic Committee.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Sellers, and carried unanimously, to reaffirm the authority of the ad hoc Traffic Committee and its involvement in the Joint Traffic Committee with Newtown Township through 2010.

Introduction of New Borough Engineer

Ms. Woldorf introduced Maryellen Saylor, of Pickering, Corts & Summerson (PCS), as the new Borough engineer. Gilmore & Associates will attend a transition meeting to coordinate work moving forward. Ms. Woldorf addressed a statement made at the January 12, 2010, meeting which claimed that PCS lacked storm water management background, noting that PCS does have a good background in storm water management.

Acceptance of Solicitor's Fee Letter/Retainer Agreement

Ms. Woldorf referenced the Solicitor's letter from Jenei & Cohen, noting a change to page 2 regarding payment terms, as agreed to by Mr. Cohen.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to accept Solicitor Cohen's letter as amended.

Certificates of Appropriateness

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Sellers, 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 2010-001-H Applicant: Tuition Inc., 503 E. Washington Avenue

The applicant was seeking a Certificate of Appropriateness for the installation of a double-sided freestanding sign.

COA 2010-002-H Applicant: Cordes Law LLC, 27 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging sign; the existing signboard is being used and will be re-painted and the mounting bracket will be replaced.

COA 2010-003-H Applicant: Health Promotion Solutions, 119 N. State Street

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

COA 2010-004-H Applicant: Bill & Linda Heinemann, 35 N. Chancellor Street, residence

The applicant was seeking a Certificate of Appropriateness for the installation of solar panels on the roof of a detached garage.

COA 2010-005-H Applicant: DeFrehn Corp. for Joseph White, 143 N. State Street, residence

The applicant was seeking a Certificate of Appropriateness for the replacement of a roof with GAF Slateline shingles; the new shingles will closely match the previously installed shingles on the roof of the adjoining twin. An emergency permit was issued due to leakage through the existing roof.

COA 2009-032-H Applicant: Jim Dumont, 400 Washington Avenue, Lot 1, residence

The applicant was seeking a Certificate of Appropriateness for changes made to an already approved COA for this property. Applicant submitted revisions and additional detail, including light fixtures and front door sidelights.

- The front door unit will be a single entry door with 2 1' sidelights and a single light rectangular transom, as shown on the submitted drawing
- There will be two handrails, with a simple standard profile top and 1" square bar posts, installed on each side of the front and side steps
- Lighting will be as presented, without scrolls if possible.

COA 2010-006-H Applicant: JKJD LLC, 400 E. Washington Avenue, Lot 1, residence

The applicant was seeking a Certificate of Appropriateness for the installation of approximately 275 feet of 3ft. high wrought iron fence, painted black, noting that the spindles will be rotated 45 degrees, the posts will be raised 6" from the top rail and 2" above the spindles, the front walk will have double 3' gates and the two remaining gates will be single 3' gates. The gates will match the fence.

Request For Proposal for Professional Review of Traditional Neighborhood Development Ordinance

Mr. Sellers explained that the Traditional Neighborhood Development (TND) ordinance is intended to address requirements and provide allowances for larger parcels in the Borough. The Stocking Works II project is an example of how this would be used. The Borough Planning Commission would like Council's approval to draft a Request for Proposal to have the TND reviewed by an expert in this field. In response to Mr. Walker's question why the need for an RFP when developer Allan Smith had a planner participating with input on this TND ordinance, Mr. Sellers noted that this review would provide an independent view.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to authorize the Newtown Borough Planning Commission to draft Requests for Proposal for a specialist to review the current proposed Traditional Neighborhood Development Ordinance, further to solicit and receive responses to the RFP, investigate those responses and make a recommendation to Council.

Joint Meeting with the Newtown Corporation

Mr. Warren reported that there was good representation from both municipalities at the meeting held on January 28, 2010.

Mr. Burke commented that the Newtown Corporation does a great deal for the Newtown community.

Mr. O'Malley felt that the Joint Downtown Newtown Corporation and the Main Streets program had initiative and accomplished much, but he feels the Corporation is spread rather thin and wishes they would focus on State Street and Sycamore Street.

Mr. Sellers felt that the meeting was an opportunity for the new Board of Directors to present a Mission Statement and he was surprised that none was presented. Mr. Sellers was also disappointed that no Strategic Plan or budget was presented, and he finds it difficult to see a future with tax monies going toward that purpose. Mr. Sellers senses that dissolution of the Newtown Corporation might be a consideration, as opposed to simply withdrawing Borough support.

Mr. Walker felt that Council was not as involved as they should have been with the Newtown Corporation in the past year and that it is unfortunate that some of the issues could have been addressed had the liaisons been more engaged.

Mr. Warren agreed with Mr. Sellers' concerns, and he feels based on the presentation, that the Newtown Corporation is going in a new direction and away from the downtown area.

Bill Smith, a business owner on State Street, would like to see Council withdraw funding to the Newtown Corporation and remove the Borough members of the Board.

Dave Callahan of Newtown Hardware House has heard nothing about the replacement of the Newtown Corporation director and is concerned about the lack of a mission statement. Mr. Callahan sees the Corporation expanding into the Township and shopping centers, but not promoting State and Sycamore Streets as they previously had.

Frank Tyrol, Chairman of the Newtown Corporation, responded that the Mission Statement has not changed significantly. Mr. Tyrol does not understand how anyone can know what the Corporation has done, because no one has been involved. He would like a chance to discuss this issue with Council at the March Council meeting.

Presentation of Minutes

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried with Councilors Burke and Warren abstaining, to approve the November 19, 2009, Special Comprehensive Plan Meeting Minutes.
- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Sellers, and carried with Councilors Burke and Warren abstaining, to approve the December 2, 2009, Work Session Minutes.
- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Sellers, and carried with Councilors Burke and Warren abstaining, to approve the December 8, 2009, Council Meeting Minutes.
- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to approve the January 4, 2010, Reorganization Minutes, as corrected.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried unanimously, to approve the January 12, 2010, Council Meeting Minutes.

Comprehensive Plan

Ms. Woldorf explained that the Planning Commission submitted a draft Comprehensive Plan to Council in March 2009. Three public meetings were held to discuss content and edits were recommended to the draft plan. The next step would be submission to the Bucks County Planning Commission for preparation of the changes to the draft. After approval by Council, the revised draft would be submitted for a 45-day review period to the Council Rock School District and Newtown Township, after which a public hearing will be held and Council will move for adoption.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to authorize the President of Council to work with the Bucks County Planning Commission to prepare the changes.

By-Laws, Rules of Order & Meeting Format

Information was distributed to Council regarding proposed by-laws, rules of order and meeting format. Ms. Woldorf asked Council for input. Mr. O'Malley would like to spend more time in review of these issues and Mr. Walker felt the Solicitor should review these items. Mr. O'Malley felt that Council should make their suggestions and put them into a final draft before having the Solicitor review them.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and passed unanimously, to authorize the Solicitor to advise Council regarding the legality and appropriateness of by-laws and rules of order.

COMMITTEE REPORTS

Budget & Finance – Gerard O’Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of January 2010, totaling \$121,962.87.

Resolutions

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor O’Malley, and carried unanimously, to approve Resolution 2-9-10A to authorize the President of Council, Co-Chairs of Budget and Finance and the Treasurer to execute documents and sign checks for First National Bank and the Pennsylvania Local Government Investment Trust.
- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Sellers, and carried unanimously, to approve Resolution 2-9-10B authorizing safety deposit box access by President of Council, Co-Chairs of Budget and Finance, the Treasurer and the Borough Secretary.

Invoice Payment

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Walker, and carried unanimously, to authorize payment of Invoice #100307 to Gilmore & Associates.

Newtown Area Telecommunications Advisory Commission– Gerard O’Malley

Mr. O’Malley reported that the Newtown Township Board of Supervisors did not reappoint members to the Newtown Area Telecommunications Committee. The Borough members attended the scheduled February 2010 meeting and the Borough members felt that it would be wise to convert to an Ad Hoc committee to address customer complaints or issues with the cable companies. The Committee was originally formed by Ordinance and Mr. O’Malley asked Council if they wished to dissolve the committee or convert to an Ad Hoc committee. The Borough Solicitor will review the ordinance and make recommendations.

Police Committee – Perry Warren

Mr. Warren reported that Chief Wojciechowski solicited five bids and proposals for security cameras at the Police Department and Borough Hall. In order to clarify, Mr. Warren explained that 5 motions were passed on December 8, 2009, and one of those motions regarding camera placement at Linton Memorial Park was subsequently reversed at the January 4, 2010, meeting. Three of the existing motions were suspended while additional information was obtained. The Council Rock School District integration of the camera system has also been removed from the original motion. Mr. Sellers asked Chief Wojciechowski for verification that this was the lowest bid of the five received and the Chief responded that it was.

- ❖ A motion was duly made by Council Warren, seconded by Councilor O’Malley, and carried unanimously, to authorize Council to purchase the recommended security system from *3i Security Systems* at a cost of \$9,024.25.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to hire George John Rusinko, IV, as a non-civil service Police Officer pending completion of his background investigation, medical examination and M.O.P.E.T.C. certification examination, at a rate of \$17.00 per hour.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to authorize the Civil Service Commission to schedule the Civil Service Exam.

Recreation Board – John Burke

Mr. Burke noted that Arbor Day will be held April 26, 2010, with a rain date of April 30, 2010. Music Fest will be held October 1, 2010 and the Newtown Library 5K Run will be held on October 9, 2010. The Recreation Board is looking at ways to raise money for the Newtown Township Skate Park and is considering a donation from Newtown Borough.

Mr. Burke asked if playground inspections had taken place at Linton Memorial Park and the Brian S. Gregg Memorial Park. Mr. Sellers will follow-up.

Streets, Lights & Properties – Michael Sellers

Mr. Sellers reported that Chief Wojciechowski suggested a change in security locks for Borough Hall. The subject will be discussed at the Work Session.

Solicitor's Report

Mr. Cohen reported that Borough Council met in executive session after the work session last week to discuss potential litigation.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to advertise an ordinance prohibiting parking, except for Emergency Vehicles, on the east side of Liberty Street for a distance of 200 feet north from Washington Avenue.
- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to authorize Council President and/or the Solicitor to execute a settlement agreement or stipulation in a form acceptable to the Solicitor, resolving the Newtown Borough vs. Newtown Borough Zoning Hearing Board, Bucks County C.C.P. No. 2009-07583, such that the decision of the Zoning Hearing Board shall be vacated.

In response to Mr. O'Malley's question about whether the concerned neighbors around this property have been notified of this result, Mr. Sellers offered to speak to the Zoning Officer and obtain a list of those individuals to have them notified.

Solicitor Cohen wanted it noted that he has been appointed as a member of the Newtown Township Planning Commission. Mr. Cohen does not feel that there is a conflict of interest, but should any

issues arise he would abstain from any vote and protect any attorney/client privilege with Newtown Borough.

Old Business

Mr. Walker asked for clarification as to who would be contacting the Newtown Township Supervisors regarding their position on the Newtown Corporation. As President of Council, Ms. Woldorf said she would contact them.

Ms. Woldorf referenced an e-mail from Larry Young of Gilmore & Associates stating that they are no longer obligated to continue with the Old Skunky Grant, but will give the data to Pickering, Corts & Summerson (PCS). Ms. Woldorf asked Council for authorization to have PCS review the data and return to Council with the feasibility of completing the study based on the work that has already been done. Based on discussion at the Work Session, Mr. Walker questioned whether Gilmore has a legal obligation to complete the study. Solicitor Cohen feels the current engineer could review the information while Mr. Cohen is reviewing the grant obligation of Gilmore. After discussion, Council decided to postpone the Borough engineer's review until after recommendations are received from the Solicitor.

Public to be Heard

No one wished to be heard at this time.

The meeting was adjourned at 9:20 P.M.

Marcia M. Scull
Borough Secretary

ATTENDEES

Diane LeBas	104 Penn Street
Josh Horenstein	21 S. Lincoln Avenue
Bill Heinemann	35 N. Chancellor Street
Warren Woldorf	440 Washington Avenue
Jen Pennington	524 Penn Street
Paul Salvatore	148 N. Elm Avenue
Jim McAuliffe	545 E. Centre Avenue
Frank Warvolis	Federal Lane
Ivan Winegar	Gaylord Court
Judy Musto	118 S. Congress St.
Paul Gouza	536 Centre Avenue
Anthony C. Wojciechowski	N.B.P.D.
Amy Lustig	Edgeboro Drive

Joe & Patty Lovi
Bill Smith
Harry & Becky Betz
Robert King
Dave & Mary Callahan
Frank Brassell
Jeanne Hackel
Frank Tyrol
Bob Abrahamson

151 N. State Street
21 S. State Street
30 S. State Street
242 S. Chancellor Street
113 Court Street
538 Penn Street
123 Penn Street
Newtown Corporation
241 S. Chancellor Street