

Council Meeting
April 13, 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, April 13, 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 March 2010 was presented
- Special Events Reminder:
Arbor Day – April 26, 2010 – Brian S. Gregg Memorial Park – 10 A.M.

Amendments to the Agenda

A report from the Recreation Board was added to the agenda

President's Report – Julia Woldorf

Ms. Woldorf reminded the public of the Environmental Advisory Council's Old Skunky Meeting scheduled for April 20, 2010, at 7 P.M. at the Chancellor Center. Gilmore & Associates has prepared a draft report that will be presented at that time.

R-8 Fox Chase Line Proposed Re-activation Presentation – PA-TEC

John Scott, representing the Pennsylvania Transit Expansion Coalition (PA-TEC), discussed a proposal to return rail service to Newtown from Center City. The plan would include 20-28 trains a day, with express trains utilized during the peak hours. The group anticipates that the Borough SEPTA lot would accommodate 75-100 cars. PA-TEC projects the cost at approximately \$20,000,000 a mile for a 15 mile route. John Frey, the president of PA-TEC, then discussed the first step, which would be a feasibility study with the Delaware Valley Regional Planning Commission or Bucks County Planning Commission looking at ridership, demographics and use patterns. Realistically with all the additional work to be completed, this project could be 5-10 years in the future. The group would like to see the Borough approve a Resolution supporting the initial drive to restudy the issue and they encourage the public to sign the e-petition on PA-TEC's website.

Councilor O'Malley asked whether there would be a station at the Newtown Bypass Park & Ride and/or would there be room for a station and parking lot. In addition, Mr. O'Malley asked if the bypass could be the terminus of the line, rather than the Borough. The response was that Newtown Township had proactively set aside land on the bypass which was zoned specifically for a rail station, but PA-TEC felt that since there are potential riders who could walk to a Borough Station they would prefer to have it end in the Borough.

Mr. Sellers asked about the position of SEPTA on the issue. Mr. Frey responded that SEPTA sees enhancements to existing stations as their priority rather than expansion.

Public to be Heard

Town Watch organizer Doug Levin, 110 E. Centre Avenue, is seeking volunteers. The group is looking for block captains, "walkers" who are out on a regular basis, patrol volunteers and delivery people. Mr. Levin noted that delivery people and trash haulers will be approached to watch for and alert police if they see any suspicious behavior. Anyone interested can e-mail Mr. Levin at newtownborotw@gmail.com.

Jane Peters, 125 Court Street, presented Council with a handout and expressed concern about the use of horse and wagons for the First Saturday events. Ms. Peters feels that wagons create traffic and safety issues and she is researching another option through the Bucks County Trolley Company.

Jennifer Pennington, 524 Penn Street, and a member of the Traffic Committee, discussed the Committee's plans for a second Pedestrian Safety Week to be held beginning Memorial Day weekend and extending through the following week, May 28-June 6, 2010. More information will be presented at the May work session meeting

Harry Betz, Newtown Bicycle Shop, voiced concern about the Newtown Corporation and questioned the reason for its existence. The Newtown Borough Business Connection has recently been formed and includes many longtime businesses in the community who want to work toward keeping the businesses in town and enhance and build on what currently exists.

Certificates of Appropriateness

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor O'Malley, 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 2010-11-H Resident Nicole Rodowicz, 135 Liberty Street

The applicant was seeking a Certificate of Appropriateness for the installation of a new cedar wood tongue and groove stockade fence with picket top in the side yard of their property.

COA 2010-12-H Applicant Michael Hutchinson, 109 E. Washington Avenue, The Everitt residence

The applicant was seeking a Certificate of Appropriateness for alterations and renovations at the rear and side of the house, noting that 8-lite French doors would be installed, as submitted in the application with option A.

COA 2010-013-H Residents Ben & Elizabeth Stucker, 228 S. Chancellor Street,
The applicants were seeking a Certificate of Appropriateness for the installation of metal fencing at the rear and side of the property, noting that the gate would match the height and design of the proposed fence.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor O'Malley, and carried with Councilor Woldorf abstaining, to follow the recommendation of the Historic Architectural Review Board and direct the Vice-President of Council to sign the following Certificate of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2010-009-H Residents Warren & Julia Woldorf, 440 E. Washington Avenue
The applicants were seeking a Certificate of Appropriateness for the replacement of a front porch railing and column trim, with spacing between the balusters of 2 3/8.”

Engineer's Report – Maryellen Saylor, Pickering, Corts & Summerson

General Update

Regarding the water issues at 252 S. State Street, Ms. Saylor reported that Newtown Artesian Water Company tested the water coming from the basement at that property and determined that the water is groundwater, not water from the Artesian Water Company. In order to determine the source of the water, Ms. Saylor suggested that property owners Chris and Donna Gusty hire a geologist, as there could be an underground spring or localized groundwater.

After investigation by Ms. Saylor, it was determined that the culvert at the end of Frost Lane and Edgeboro Drive required additional work by the contractor, including new top soil, grading and removal of the silt fence. A regular maintenance program for the culvert will be required.

Old Skunky Study Report

Ms. Woldorf asked Council for authorization to have the engineer review the Old Skunky Study Report.

Mr. O'Malley asked for clarification as to the need to have the Old Skunky Study Report reviewed. Ms. Woldorf felt that the Borough engineer should review it to make sure that it meets the Borough's expectations and gives an impartial evaluation.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried with Councilors O'Malley and Walker voting nay, to authorize Pickering, Corts & Summerson to review both the revised and final draft of the Old Skunky Study Report in an amount not to exceed \$500.

Comprehensive Plan

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to authorize the distribution of copies of the April 2010 draft of the Newtown Borough Comprehensive Plan to Newtown Township, the Council Rock School District

and the Bucks County Planning Commission to begin the mandatory 45 day public review period.

By-laws and Rules of Order – Julia Woldorf

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried with Councilor Walker voting nay, to adopt the By-laws and Rules of Order drafted on March 28, 2010.

Presentation of Minutes

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to approve the March 3, 2010, Work Session Minutes.
- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to approve the March 9, 2010, Council Meeting Minutes.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of March 2010, totaling \$269,724.66.
- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to approve Resolution 04-13-10C authorizing the Bucks County Tax Collection Committee (TCC) to file an application with the Pennsylvania Department of Community Development for a grant to assist the TCC with start up costs.

Personnel – Perry Warren

Although unfilled for several months, Mr. Warren reported that three applications had been received for the two open positions on the Newtown Corporation Board of Directors. Rosemary Wuenschel, Joshua Horenstein and David Callahan were the three applicants. Mr. Walker commented that he had not received information prior to the meeting on Mr. Horenstein's application. Mr. Warren noted that Ms. Wuenschel's application was in the Councilor boxes, Mr. Horenstein's was sent by e-mail and Mr. Callahan's was distributed just prior to the start of tonight's meeting.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried unanimously, to appoint Joshua Horenstein, 21 S. Lincoln Avenue, to the Newtown Corporation for a 1 year term through December 31, 2010.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried unanimously, to appoint David Callahan, 113 Court Street, to the Newtown Corporation for a 1 year term through December 31, 2010.

Planning Commission – Michael Sellers

Mr. Sellers explained that the Newtown Borough Planning Commission has been working on the Traditional Neighborhood Development Ordinance. After discussion on several proposals submitted by consultants to review the ordinance, the Planning Commission has made a recommendation.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to retain the services of Town Planning Partnership, LTD., in accordance with their proposal of April 6, 2010, at a not to exceed price of \$5730 to perform consultant services with respect to the proposed Traditional Neighborhood Development Ordinance, subject to a contract acceptable to the Solicitor.

Police Committee – Perry Warren

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to follow the recommendation of Mayor O'Brien and Chief Anthony C. Wojciechowski and hire, at will, Vincent J. Ditanna, 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 rate of \$21.00 per hour effective May 1, 2010.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried unanimously, to authorize Chief Wojciechowski to apply for a \$10,000 technology grant to be dedicated to the purchase of two in-car video cameras by the grant due date April 30, 2010, and for which no matching funds are necessary.

Recreation Board – John Burke

Mr. Burke reported that the Recreation Board will hold a park clean-up day on April 24, 2010, starting at 9 A.M. at Linton Memorial Park and Brian S. Gregg Memorial Park.

The Board discussed establishing a Tree City USA flagpole at Brian S. Gregg Memorial Park. The Board felt that this could be an Eagle Scout project or a community service project.

Streets, Lights & Properties – Michael Sellers

Mr. Sellers reported that the police station lease is coming up for renewal. The lease, first signed in August 2000, provides a 5 year renewable option. Mr. Sellers, Mr. Walker and Chief Wojciechowski will be working with the Newtown Fire Association on renewing the lease.

Mr. Sellers reminded the public of the dates and locations for the Household Hazardous Waste drop-off. Flyers are available at Borough Hall, which provide additional information.

There was a presentation at the Environmental Advisory Council meeting by manufacturers of LED lighting. It was suggested that the Borough have a lighting assessment and Ron Smith could provide those services. Mr. O'Malley suggested including Pat Ours in the consultation, as she is a great resource.

Traffic Committee – Gerard O'Malley

Because of some problems regarding the reimbursement agreement, it was decided to clarify the issue with a new motion for the Resolution and the Reimbursement Agreement.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to approve Resolution 04-13-10D authorizing Newtown Borough Council to enter into the "Pennsylvania Community Transportation Initiative Reimbursement Agreement-Planning Activities" for the Pedestrian/Bicycling study Pennsylvania community transportation initiative project and directing the President of Council and the Borough Secretary to sign the reimbursement agreement.

Mr. O'Malley reported that some unresolved issues had been raised by the Traffic Committee. The Committee would like to have Pickering, Corts & Summerson review the intersection of Lincoln Avenue/Penn Street and the curve at N. State Street/Edgeboro Drive.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize Pickering, Corts & Summerson to review the file on the Lincoln Avenue/Penn Street intersection and the curve at N. State Street/Edgeboro Drive, not to exceed two hours, and if it cannot be reviewed within two hours then not to do it, and report back at the May Work Session.

Solicitor's Report

A public hearing was held to consider Ordinance No. 701.

Solicitor Cohen noted that Tax Collector Musto had discussed the Tax Certification increase on several occasions, but asked her to come forward for additional comment.

Mr. Warren felt that most issues had been discussed at the last meeting but he would have liked more detail on the time involved with her duties. Ms. Musto explained that quantifying the amount of time spent is difficult because the activity is cyclical, being heavier during the tax discount period when she has office hours. She explained that the unpaid Occupation and Per Capita Taxes, which currently number approximately 300 individuals, takes additional time because of the issuance of final notices. Ms. Musto is paid a flat rate per bill, regardless of the additional time involved in generating those notices, or making changes for occupations in her database and issuing new bills based on those changes.

Ms. Woldorf questioned Ms. Musto about the need to increase the tax certification rate. Ms. Musto explained that in order to have a real estate closing, a three-year tax certification is normally required. Tax collectors are not required to provide the service, since title companies could obtain the information from the tax claim office, but it is a courtesy to the customer who would still be paying

the fee to someone. Ms. Woldorf was uncomfortable with Ms. Musto requesting the increase at this time, rather than before the election, but Ms. Musto clarified that up until this year, she was only permitted to provide information on years in which she had personally collected the taxes. Therefore, this was the first time she could provide the three years of tax information and thus the reason for her request.

Mr. O'Malley felt that Ms. Musto was simply asking for parity with the other tax collectors and he felt comfortable with the increase. He clarified that the fee is only paid at closing on a property and is not an additional tax to the residents.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried with Councilor Woldorf voting nay, to adopt Ordinance #701 amending Article IV, Chapter 139 of the Code of the Borough of Newtown increasing the fee to be paid to the Tax Collector for Tax Certifications from \$25.00 to \$35.00 effective May 1, 2010.

A public hearing was held to consider Resolution No 04-13-10B.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to approve Resolution 04-13-10B amending the Newtown Borough Fee Schedule increasing the fee to be paid to the Tax Collector for Tax Certifications from \$20.00 to \$35.00.

A public hearing was held to consider Ordinance No. 702.

Solicitor Cohen explained the reason for clarifying the ordinance regarding the succession of authority.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Sellers, and carried unanimously, to adopt Ordinance #702 amending Article 1, Chapter 75 of the Code of the Borough of Newtown entitled "Emergency Management Organization" by modifying the succession of authority to declare a local disaster emergency, specifically succession first to Mayor, then to president of Council and then vice-president of Council.

A public hearing was held to consider Resolution No. 04-13-10A.

Solicitor Cohen explained that the Newtown, Bucks County Joint Municipal Authority was established in May 15, 1961, and under state law can only be authorized in 50 year periods, therefore the need for this resolution extending the term.

Eric Johnson, Chairman of the Authority, noted that the Authority rates are the lowest in Bucks County. Mr. Johnson said he is honored to serve with a great group of people and to serve both the Borough and the Township.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to approve Resolution 04-13-10A amending the Articles of Incorporation of the Newtown, Bucks County Joint Municipal Authority to extend its term of existence to May 15, 2061.

Chief Wojciechowski asked that an ordinance be drafted to restrict parking on Jefferson Street in order to address a site triangle issue related to new stop signs.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize advertising an ordinance amending Chapter 146, Section 146-33 to prohibit parking on the southwest corner of Jefferson Street for 54' west of Liberty Street.

Old Business

There was no old business

New Business

Ms. Woldorf announced that Perry Warren and John Burke would serve as liaisons to the Newtown Corporation.

Mr. Walker was concerned about costs incurred with regard to the recent crime incidents in the Borough. Ms. Woldorf asked which incidents specifically, to which Mr. Walker responded about the carjacking and the bottle bombs. The Mayor did not have figures related to the time involved, but he will speak to the Chief.

Board member Frank Brassell welcomed the newly appointed Newtown Corporation Board members. Mr. Brassell reminded the public about Restaurant Week, April 25-29, 2010, with proceeds to benefit the Newtown Library and Newtown Skate Park. Newtown Uncorked, a wine and food festival, will be held May 22, 2010, at the Newtown Swim Club.

Public to be Heard

No one wished to be heard at this time.

The meeting was adjourned at 9:25P.M.

Marcia M. Scull
Borough Secretary

ATTENDEES

Diane LeBas	104 Penn Street
Warren Woldorf	440 Washington Avenue
Judy Musto	118 S. Congress St.
Harry & Becky Betz	30 S. State Street
Dave & Mary Callahan	113 Court Street

Eric Johnson	242 S. State Street
Charles F. Swartz	323 E. Washington Avenue
Liz Warren	149 Andrew Drive
Jeff Werner	The Advance
Doug Levin	110 Centre Avenue
Jane Peters	125 Court Street
Joshua Horenstein	21 S. Lincoln Avenue
Paula Zimmerman	21 S. Lincoln Avenue
Betsy Stucker	228 S. Chancellor Street
Margaret Danese	528 Centre Avenue
Patty Lovi	151 N. State Street
Bob Rodowicz	135 Liberty Street
Jennifer Pennington	524 Penn Street
Jim McAuliffe	545 E. Centre Avenue
Marty Ginty	149 N. State Street
Karolyn Fisher	215 S. Chancellor Street
Donna & Chris Gusty	252 S. State Street
Gerilyn Williford	Macedonia Baptist Church