Council Work Session
May 5, 2010
Council Chambers

The regular monthly work session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, May 5, 2010, by President of Council Julia Woldorf.

Present were Councilors Burke, O'Malley, Sellers, Warren, Walker and Woldorf; Solicitor Paul Cohen and Engineer Maryellen Saylor of Pickering, Corts & Summerson. Mayor O'Brien was excused.

Amendments to the Agenda

Ms. Woldorf removed discussion of Toll Brothers Newtown Station retaining wall from the agenda.

Public to be Heard

There was no one who wished to be heard at this time.

Town Watch Program – Doug Levin

Doug Levin reported that Betsy King, Heather Lewis, Rebecca Bancroft, Kati Sowiak, Carolyn Gabbe, Karolyn Fisher and Liz Warren are working with him as organizers of the Town Watch. The Committee's major concern regarding the success of the Town Watch is making sure that people report crime. Even though individuals may be hesitant to report young people to the police, the police could explain the rules of the park and give warnings, since education of the rules is important. A website has been created that will be updated on a regular basis. The Committee realizes that awareness of the program is important and Council Rock High School North may assist by having a contest to create public service announcements about the Town Watch program. Mr. Levin noted that there are established patrol routes, which will be altered periodically.

Special Events – Julia Woldorf

Frank Mummolo, representing the Antique Auto Show, explained that the plans are identical to the 2009 event. The date scheduled is July 18, 2010, from 10 A.M.-3 P.M. Council had no concerns.

The Newtown Library Company has scheduled a Block Party for September 12, 2010 from 1-4 P.M. Council had no concerns with the event.

Traffic Committee – Pedestrian Safety Week

Traffic Committee member Jen Pennington explained plans for a *Pedestrian Safety Week,* May 28 – June 6, 2010. The Committee hopes to expand on their first *Pedestrian Safety Week* held in October of 2009. The goal was to educate, enforce regulations, and promote the law regarding "Yield to pedestrians in the crosswalks." The Committee would like to add speed enforcement this year and to increase the use of ENRADD during the week. Before the students embark on the June 2, 2010, 5th Grade Walking Tour, the Committee will add an

educational program this year with Goodnoe Elementary School. The Committee plans to use temporary signage during the week and they hope to have banners across Borough streets and gateway points that would provide a positive community message about watching pedestrians and lowering speed. Mr. Sellers supported the idea of banners and liked the idea of having an "every year" pedestrian program. Mr. O'Malley asked to pass a Resolution recognizing *Pedestrian Safety Week* at the next Council meeting. Jon Guy gave Council copies of the Committee's recommendations from last year and asked them to move forward with implementing those suggestions.

Ms. Woldorf said that PennDOT has a meeting scheduled with Representative Santarsiero's office, and if there are any issues that should be raised with them to please let her know. Mr. O'Malley would like to see the Borough press for speed reduction on Washington Avenue. Jen Pennington would like to see a proposed PennDOT project extended from Newtown Township into the Borough on Washington Avenue.

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

- Frost Lane Project

  The Newtown Township engineer will make a presentation to Council before they go out for bid with the Frost Lane project. The June Council meeting would be the appropriate time. Solicitor Cohen noted that an intergovernmental agreement will be drafted for this project.

- Edgeboro Drive/N. State Street Curve

  Ms. Saylor discussed the requirements to convert the area at Edgeboro/N. State Street to a one-way street. Since State Street is a state road, Ms. Saylor contacted PennDOT about their criteria. A "road narrows" sign was previously suggested. Mr. O'Malley felt that Council should revisit all the potential options for that area to make it safer. He suggested that Pickering, Corts & Summerson's traffic engineer meet with the Traffic Committee to discuss the possibilities.

❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, at a not to exceed time of two hours, to have the Traffic Engineer develop a list of potential solutions for pedestrian and vehicular safety at the intersection of N. State Street and Edgeboro Drive.

- Lincoln Ave./Penn Street Intersection

  Ms. Saylor proposed doing traffic counts at Penn Street and Lincoln Avenue at a cost of approximately $1500-2000. Traffic Committee member Jon Guy questioned the need for an additional traffic count, since Gilmore & Associates had already completed one. Mr. Sellers concurred that there had been a previous count and Mr. Guy said that given the volume on Penn Street that intersection did not meet the criteria required for a 4-way stop. Mr. Guy said that an exception, which allows for two roads of relatively equal priority and with the volume on Penn Street, might apply for this intersection. Mr. Burke asked whether pedestrian traffic might be an exception to the normal vehicle traffic count. Ms. Saylor will contact Gilmore to obtain the traffic count information.

- ❖ A motion was duly made by Council O'Malley, seconded by Councilor Sellers, and carried unanimously, to authorize an additional two hours of research in order to obtain additional information and to make inquiries about how to apply for the 4-way stop intersection at Penn Street and Lincoln Avenue.

- Newtown Artesian Water Company – N. State Street Project Completion

  Ms. Saylor reported that Newtown Artesian Water Company has been installing handicapped curb ramps and they anticipate completion by the beginning of next week. Milling and resurfacing will then follow. Mr. Walker questioned why the new ramps are not the same as others recently installed. Ms. Saylor said that it is a PennDOT determination and it took PennDOT 13 months to make the decision for the new ramps, although she agrees that they do not appear to line-up. The ramp placement at Washington Avenue was due to interference with the inlet, traffic pole, and electric box. There needs to be confirmation that PennDOT has inspected the intersections prior to milling and paving.

- MS-4 Authorization

  - ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize preparation of the MS-4 report regarding storm water management by Pickering, Corts & Summerson.

- Neshaminy Watershed Update

  Ms. Saylor reported that the Bucks County Planning Commission invited representatives to attend a three-hour meeting to discuss updates to the Neshaminy Watershed Ordinance and asked if she should attend. Mr. Walker asked if anyone else from PCS would be attending this meeting who could provide the information. When she responded that another engineer would be going to the meeting, Council decided that it would be unnecessary for Ms. Saylor to be present.

- Sidewalk Ordinance

  Solicitor Cohen noted that he and the engineer are working to update the sidewalk ordinance related to ADA and PennDOT compliance. The question arose regarding the responsibility for curb ramp replacement and whether all four corners would require replacement or only the ramp adjacent to a sidewalk that requires work. If full compliance is required, would the Borough help with the expense of a project? In addition, there is question of bollard placement and Mr. Cohen needs clarification as to what was required. The Secretary reminded Council that driveway aprons and the issue of pavers as an accepted material for sidewalks were also to be addressed. Resident Sally Thompson raised a concern about sidewalks crossing the driveway aprons and felt that the issue needs to be considered.

  - ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to authorize the Solicitor to draft an ordinance revising the sidewalk ordinance.

Councilor Walker questioned the $1100 invoice for the review work at the Gusty property at 242 S. State Street. He suggested placing parameters for future work of this type in order to avoid large Borough expenditures. In addition, Mr. Walker asked about the amount of money authorized for review of the Old Skunky report. His

concern was that $750 had already been spent, with an additional $500 authorized for a final review at the last Council meeting. Ms. Woldorf explained that there were three reports to review: the first review was requested when it was unclear whether Gilmore was going to continue the study and Ms. Saylor was asked to help determine if Council needed to hire another consultant and whether the study could be completed; and last month Council authorized her to spend no more than $500 to complete a review of the current draft and final report. Ms. Saylor clarified that the final review would not exceed $500.

Old Skunky Public Meeting Update

Ms. Woldorf reported on the recent public meeting that presented the Old Skunky Study Report. Gilmore is in the process of completing the final version and asked Council for comments on the draft report. A request was made to DCED asking for a grant extension, but Council was notified that an extension was not possible. In researching the issue, it was determined that because the money will have been expended by the grant deadline, that an extension was not necessary.

Newtown Corporation

Mr. Warren referenced Frank Tyrol's letter, dated May 5, 2010, regarding the Newtown Corporation's notification of breaking financial ties with Newtown Borough and Newtown Township. Mr. Warren and Mr. Burke had previously met with representatives of the Newtown Corporation and felt encouraged and cautiously optimistic about the future working relationship. Since that time, the newest board member, Joshua Horenstein, related his frustration at not being able to obtain basic information about the Newtown Corporation from Interim Director, Paul Salvatore. Mr. Salvatore responded that he wanted to provide Mr. Horenstein with accurate information since there appeared to be confusion about the most current approved version of the bylaws. Mr. Horenstein will receive a full packet of information on Friday at 10 A.M.

With regard to the letter, Mr. O'Malley asked for clarification about the "…financial independence of the Newtown Corporation" referenced in the letter. Mr. Salvatore stated that the intention of the original founders was for the board to move to financial independence and he said that the Chairman wrote the letter after an Executive Board meeting on Monday. When asked, Mr. Salvatore responded that the letter was not the result of formal Board action and board member Charles Swartz confirmed that fact.

Mr. Sellers asked about the Certificates of Deposit and the response was that there were two, with an individual value of $25,000, and they both have automatic renewals.

Greenway Grant Approval

- A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously to authorize the President of Council to execute a contract agreement with the Heritage Conservancy with respect to the Newtown Creek Watershed Conservation Plan.

PA-TEC – Fox Chase Rail Reactivation

Council will consider a Resolution regarding reactivation of the Fox Chase Line at the Council meeting next week. Council members received sample resolutions for review.

Approval of Professional Invoices

- A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to approve the March 2010 professional services invoices.

Councilors O'Malley and Walker will discuss the quarterly budget reports at the May Council Meeting.

Solicitor's Report – Paul Cohen

An executive session was held prior to the meeting to discuss litigation regarding the appeal of Jodi Smith/Ann Scherer in the Bucks County Court of Common Pleas Docket #2010-03510 and to discuss real estate matters.

- A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, to authorize the Solicitor to enter an intervention on behalf of Newtown Borough and to enter his appearance in the appeal of the applicants.

The Jefferson Street Ordinance has been advertized and is ready for adoption at the Tuesday Council Meeting.

The Solicitor prepared a proposed amendment to the Ordinance for the Newtown Area Telecommunications Advisory Commission, which he will be sharing with the Solicitor for Newtown Township. The Commission, retroactive to January 1, 2010, would become inactive, until both the Board of Supervisors and Borough Council pass a resolution to reactivate it. If that should happen, the Commission would reorganize under the terms of the Ordinance.

The Solicitor reported that several zoning changes were required related to dimensional requirements for condominiums.

- A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to authorize the solicitor to draft an amendment to the zoning ordinance that will address the issues raised by Council.

The Solicitor is drafting a revision to the Civil Service By-Laws to allow for some flexibility in the Civil Service candidates.

The Comprehensive Plan requires two weeks of advertising prior to a Resolution to adopt the Plan.

- A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, to authorize the Solicitor to advertise twice between May 8, 2010, and June 1, 2010, a Resolution to adopt the Comprehensive Plan.

The Solicitor reviewed a contract by Town Planning Partnership, LLC & Mark Evans for their services to review the proposed Traditional Neighborhood Development Ordinance at a cost of $5,480 plus $250 for expenses. Solicitor Cohen suggested some changes, including a change to the indemnification section. The Solicitor received a modified agreement, but he still has issues with the wording and the fact that they still carry no liability or professional insurance. After further discussion, Council asked the Solicitor to assure that the consultant has insurance in place prior to Council President signing the agreement.

Old Business

The fee schedule needs updating, but the information was not available for this meeting. Mr. Sellers will discuss it at the June work session.

Mr. Walker attended the Tax Collection Committee meeting and reported that Requests for Proposal were sent and there should be three viable candidates by the end of August, with a decision to be made in September. Berkheimer currently handles 95% of the tax collection business.

New Business

Ms. Woldorf reminded Council that the Police Memorial Service is May 24, 2010, at 7 P.M. at St. Andrew's Catholic Church.

After discussion, Council decided to cancel the July 7, 2010, work session meeting due to vacation schedules.

A special joint meeting of Council and the Planning Commission is tentatively scheduled for June 24, 2010, to hear recommendations regarding the Traditional Neighborhood Development Ordinance modifications. The Solicitor will attend that meeting.

Mr. O'Malley discussed the idea of looking for a volunteer grant writer to assist the Borough. Ms. Woldorf will make an announcement at the Tuesday Council Meeting.

Mr. Burke spoke to the principal at Council Rock North regarding the possibility of a Junior Councilor program. He will provide information and once students apply, Council will select an individual to serve in that position.

With regard to the Newtown Creek Coalition cleanup, Mr. Burke asked about liability coverage for individuals volunteering that day. Mr. Sellers noted that the volunteer hours would apply toward the grant requirements but it is not a Borough sponsored event, so coverage is not required. Mr. Sellers reported that George Leck & Sons is donating a dumpster to be placed in the municipal parking lot. Invasive plants along the creek have been marked for removal by the volunteers.

- A motion was duly made by Councilor Burke, seconded by Councilor Warren, and carried unanimously, to waive the dumpster fee for the Newtown Creek Coalition cleanup for May 8-9, 2010, in the main municipal parking lot adjacent to the creek.

Mr. Walker questioned having Pickering, Corts & Summerson review the traffic study for the Stocking Works II project. He based his objection on the fact that Allan Smith has submitted no applications or escrow checks for the proposed project and that he did not feel that the Borough should be expending funds for this review. Mr. Sellers suggested having Mr. Smith escrow funds in advance of a formal submittal, which would allow early review by the engineer at this time. After further discussion, Mr. Sellers offered to speak to Mr. Smith asking him if he would be willing to pay the cost of the engineer's review.

Public to be Heard

Paul Salvatore, Interim Director of the Newtown Corporation, announced a ribbon cutting on Saturday for the new *Rouget's Express* on South State Street.
Mr. Salvatore attended a Sycamore Street Visioning meeting and was disappointed at the low attendance. Considering the concerns about the proposed Promenade development, he was surprised that no one from the Traffic Committee attended the meeting.

Mr. Salvatore asked about the status of the Long Term Parking Committee since they have not met this year. He would like to see the Committee become active again.

Newtown Corporation board member Frank Brassell reminded Council and the public about *Newtown Uncorked*, which is scheduled for May 22, 2010, at the Newtown Swim Club. Tickets for Council members and the Township Supervisors have been set aside and public tickets are on sale.

There was a motion to adjourn at 10:22 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 E. Washington Avenue
Diane LeBas	104 Penn Street
Danny Adler	Bucks County Courier Times
Jeff Werner	The Advance
Sally Thompson	200 N. Chancellor Street
Doug Levin	110 Centre Avenue
Paul Salvatore	148 N. Elm Avenue
Josh Horenstein & Paula Zimmerman	21 S. Lincoln Avenue
Amy Lustig	407 Edgeboro Drive
Frank Brassell	538 Penn Street
Charles Swartz	323 Washington Avenue
Jon Guy	110 S. Congress Street
Jen Pennington	524 Penn Street
Frank Mummolo	122 Blackfriars Circle, Doylestown
Dave Spencer	Langhorne, PA