Council Meeting
June 8, 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, June 8, 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 May 2010 was presented
  The police conducted several random *Driving Under the Influence* details with twenty-three traffic citations issued.

  On May 13 Chief Wojciechowski, three officers from the Borough department and additional officers from outside the Borough provided coverage for *Bike Night* held at the Clubhouse Bar & Grill.

  The Police Memorial Service was held on May 24, 2010, at St. Andrew's Catholic Church with members of Council attending.

  Extra police coverage was provided for the Memorial Day Parade and during Pedestrian Safety Week seat belt checks were conducted.

  Officer George Rushinko received a letter of commendation from a Borough resident for his assistance during an emergency at their home.

- Special Events Reminder
  Welcome Day – June 13, 2010 from 11 A.M.-4 P.M., sponsored by the Newtown Business and Professional Association
  Antique Auto Show – July 18, 2010 from 10 A.M.-3 P.M., sponsored by the Newtown Business and Professional Association

The Mayor reported that there are no events planned for July 4th this year.

Amendments to the Agenda

Ms. Woldorf reported that an Executive Session would be held following the meeting.

Ms. Woldorf noted that the Newtown Corporation discussion was removed from the agenda. The Borough and Newtown Township have been working together to resolve the issues and Ms. Woldorf is optimistic that they are making progress.

President's Report – Julia Woldorf

Ms. Woldorf reminded the public and Council of the Special Joint Meeting of the Planning Commission and Borough Council at 7 P.M. on June 24, 2010, in Council Chambers regarding proposed modifications to the Traditional Neighborhood Development Ordinance.

Ms. Woldorf reported that there will be no July Work Session.

Lions Club 5K Walk/Run – Bob Wright

Bob Wright, representing the Lions Club, reminded Council and the public of the Lions Club 5K Walk/Run scheduled for 9:30 A.M., June 12, 2010. The Lions Club has offered a challenge to Council Rock North and Council Rock South High Schools to participate in a "challenge run." Funds raised from this event will go to the "Athletes Helping Athletes" organization and "Leader Dogs for the Blind."

Public to be Heard

Joe Lovi, speaking on behalf of the Newtown Fire Association, announced that the Fire Company is sponsoring *Newtown Blues and Brews* to be held September 25, 2010. Tickets are currently on sale at several locations and on-line. The net proceeds will be split between purchase of a new fire truck, $5000 donated to the Newtown Borough Police Department for purchase of a police car video camera and the rest placed in a trust account for the completion of the State Street project. Information is available at www.newtownbluesandbrews.com.

Ted Schmidt of North Lincoln Avenue presented a petition to Council requesting an ongoing campaign promoting pedestrian safety in accordance with the motor vehicle laws of the state of Pennsylvania. Mr. Schmidt feels that traffic is increasing, as is the danger and he would like Council to address the issue.

Certificates of Appropriateness

- A motion was duly made by Councilor Warren, seconded by Councilor Walker, 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 2010-020-H Residents Bill & Linda Heinemann, 35 N. Chancellor Street

  The applicants were seeking a Certificate of Appropriateness for the replacement of a storm door and two light fixtures.

COA 2010-021-H Residents Dan & Paula Everitt, 109 E. Washington Avenue

The applicants were seeking a Certificate of Appropriateness for the replacement of storm windows, installation of a cedar lattice fence, and installation of a fountain, noting window details presented in the updated submittal of May 26, 2010 and noting that the aluminum storm/screen units would be traditionally installed.

COA 2010-024-H Applicant: 101 S. State Street LLC/B. Michael Pilon, Black Horse Tavern

The applicant was seeking a Certificate of Appropriateness for the installation of a trash barrier fence, hanging sign and menu board sign, noting the menu board will be 24"h 20"w, painted black, located next to the first window on the Centre Avenue side of the building and anchored in the masonry joints and with all fencing material to be wood.

- A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board to deny the following Certificate of Appropriateness and following their recommendation for remedial action.

COA 2010-022-H Applicant: Keith Coleman, 201 S. State Street, Hamilton Building Supply

The applicant was seeking a Certificate of Appropriateness for the replacement of windows, but with HARB denying the application and suggesting that the applicant hire an architect specializing in historic preservation to assess all the windows for the possibility of repair.

Status of Temporary Occupancy Permit for Lucas Plumbing, 250 S. Lincoln Avenue

Code Enforcement Officer Brown explained that Mr. Lucas filed a Record Plan in November of 2008. Construction continued until September of 2009 when Mr. Lucas was issued a Temporary Use and Occupancy certificate. The building construction was complete at that time, but the site had numerous outstanding issues. Gilmore & Associates, the engineer at the time, provided a list of those items in a letter. Mr. Lucas signed the letter acknowledging his agreement to those conditions and the timeframe, which would expire April 30, 2010. Those items were not resolved as of April 30, 2010, and Pickering, Corts & Summerson (PCS) had now become the Borough engineer. PCS reviewed the status, detailed their findings in a letter with an extended timeframe of May 31, 2010, and requested an "as-built" plan of Mr. Lucas' project. After another site inspection, it was noted that the "as-built" still had some missing items and a discrepancy still existed between the Record Plan and what was actually constructed. Ms. Saylor's May 25, 2010, letter listed the remaining outstanding items. Two options exist at this time. Mr. Lucas can submit an amended final plan, pay the relevant fees and escrow for review by the Engineer, Borough Planning Commission, Zoning Officer and County Planning Commission and obtain a final approval. His other option would be to change his site to match the Recorded Plan, which would include removal of various items. Ms.

Brown requested Mr. Lucas be given until July 15, 2010, to choose one of the options given in order to avoid a citation process.

Mr. Lucas felt that there was confusion between the letters issued by both engineering firms. Gilmore & Associates had agreed to several on-site changes that resolved various issues, but the letter from PCS did not recognize those changes and listed additional items that required compliance. Mr. Lucas was frustrated with what he perceived to be inconsistencies between the two engineering firms and their review of compliance issues.

Mr. Sellers voiced concern with the process, because Council is now considering submission of an amended plan, to essentially take what is a violation of the approved record plan and make it right. If Mr. Lucas deviated from the record plan in a significant way, then he must produce something [from Gilmore] saying that it was approved, because Mr. Sellers would consider that type of proof in considering this issue.

Mr. Cohen suggested that Mr. Lucas proceed under a standard land development application, but that Council could deem it appropriate to waive preliminary plan approval and proceed to final approval. Mr. Cohen raised the question of whether the SALDO ordinance should be revised to have a process in place for submitting revised plans.

Engineer Saylor noted that several items shown on Mr. Lucas's property on the Record Plan are now on the SEPTA property. When the amended plan is submitted Ms. Saylor noted that it may make sense from a functional standpoint, but Council should be aware of the difference in the two plans.

- A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to waive the preliminary plan approval for the revised plan to the Lucas property at 250 S. Lincoln Avenue and allow the application to proceed to final approval.

Frost Lane Paving Project Presentation – Maryellen Saylor

Ms. Saylor reported that the Frost Lane road project includes widening, curbing and storm sewer improvements on Frost Lane from Congress Street to Lincoln Avenue and connecting into Linton Hill Road. This is a joint project between Newtown Township and Newtown Borough. Newtown Township plans to advertise within the next week for bids and have the bid opening on July 7, 2010. Solicitor Cohen will work with Township Solicitor Garton on a joint municipal agreement for this project. Ms. Saylor noted that the original estimate for the project was based on a concept drawing and site visit. The estimate now is based on the actual design and an increase in the storm water piping. This amounts to a cost of $170,000 +/-, which is $30,000 higher than the original estimate. Mr. Walker questioned the amount of additional storm sewer work being completed on the Township side, as opposed to the Borough side, and asked why the Borough should split the cost 50-50, if that is the case. Ms. Woldorf noted that the curbing and driveway apron issues are greater on the Borough side of the project. In answer to Mr. Sellers' question, Ms. Saylor responded that the costs for labor and materials had not been broken down as attributable for each municipality. Mr. Sellers commented that the overall benefit is even for both municipalities. Mr. Walker asked that the residents be informed well in advance of the plans, so that they can make any necessary arrangements prior to the start of work. Ms. Woldorf asked when the residents would be contacted

to see if they had any special needs with regard to storm water issues or driveway apron placement. Council asked the engineer to prepare and send a letter to all residents regarding the project as soon as possible. A new curb ramp will be installed at the intersection of Lincoln Avenue and Frost Lane and the Mayor questioned the placement because it appears to change the configuration of the entire intersection.

- A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to authorize the Newtown Township engineer to advertize and bid the Frost Lane project.

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

The Engineer asked Council for authorization to submit the MS-4 Report. Ms. Saylor explained that this report deals with municipal methods of preventing pollution and water run-off using public education and awareness programs.

Resident June Hilbert asked how the public is informed and how frequently. Ms. Saylor noted that brochures are available at Borough Hall and the website has links for the Department of Environmental Protection and the Environmental Protection Agency that discuss pollution prevention for waterways. Council is discussing the possibility of stenciling the inlets to make the public aware before they dump anything into the inlets. Ms. Hilbert suggested that having an article in the newspaper would reach a broader group of people.

- A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried unanimously, to authorize the Engineer to submit the MS-4 Year 7 Report to the Department of Environmental Protection (DEP).

Regarding the Newtown Artesian Water Company State Street project, Ms. Saylor reported that she spoke with the design engineer about the curb ramp installation. The as-built plans will be submitted to PennDOT for review, since there are concerns about the alignment of some of the ramps with others at the Washington Avenue and State Street intersection.

- A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to direct the President of Council, with the assistance of the Engineer, to direct a letter to PennDOT with comments, questions, concerns or criticisms of the handicapped ramp plans prepared by Gannett Fleming, Inc. for the Newtown Artesian Water Company.

Ms. Saylor updated Council about the Neshaminy Watershed Ordinance. The Bucks County Planning Commission has been working with DEP to prepare a model ordinance. After DEP approval, each municipality will have 6 months to enact a similar ordinance to address their community's individual needs. The intent is to find a more sensitive and practical approach for residents who wish to proceed with small additions and projects.

Public Hearing to Adopt Comprehensive Plan

Mr. Cohen wanted to confirm on record that the Resolution was approved for advertising and was advertised in The Advance of Bucks County on May 20 and 27, 2010, with a full and complete copy of the Resolution, along with the proposed amended Comprehensive Plan and provided to and available to the public at the offices of The Advance, as well as the Bucks County Law Library, where it was filed, and at the Newtown Borough office. The Borough has complied with the requirements of the Municipalities Planning Code and with Section 302D of that code, which requires a public hearing for adoption.

Mr. Sellers noted that the review by the Newtown Borough Planning Commission of the Comprehensive Plan, originally adopted in 1999, began approximately two years ago. Mr. Sellers commented that this Comprehensive Plan is a road map for the Borough for the next 10 years.

Planning Commission member Bill Heinemann was very supportive of having this Comprehensive Plan approved after all the time that has gone into the review process.

Mr. Walker commented that it is incumbent upon this Council to identify who is responsible for the oversight and implementation of the various aspects outlined in this Comprehensive Plan. From a budgetary standpoint, Mr. Walker felt that someone should be responsible for requesting money to implement specific items. Mr. Walker suggested that a quarterly or six-month report should be presented to Council with what specifically needs to be done, perhaps by the Chair of the Planning Commission. Mr. Sellers noted that the Comprehensive Plan includes a grid and timeframe that can be used to follow the progress.

- A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to adopt by Resolution 06-08-10, a revised and amended Comprehensive Plan for Newtown Borough, Newtown, Bucks County, Pennsylvania.

Presentation of Minutes

- A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried unanimously, to approve the May 5, 2010, Work Session Minutes.

- A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to approve the May 11, 2010, Council Meeting Minutes.

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 May 2010, totaling $164,313.01.

Streets, Lights & Properties – Michael Sellers

Mr. Sellers explained that an inspection, known as an audit, of the Borough's playgrounds should be performed periodically to assess the safety of the equipment and prioritize any problems for maintenance and/or correction of problems. Mr. Sellers received a proposal from Betsy Caesar, a certified playground inspector, for an audit of the Borough's playgrounds. In response to questions asked at the Work Session, Mr. Sellers explained that playgrounds need only be audited one time to determine compliance with the standard of care. A re-audit is only necessary if there is a natural disaster, severe vandalism or if significant changes are made to the playground. Subsequent inspections should be made on a regular basis, as needed, and Ms. Caesar would charge $250 for inspection of each playground at that time.

Mr. Walker asked if there is a timeframe for taking remedial action once a problem is identified, since the budget will be affected. Mr. Sellers noted that Ms. Caesar's proposal prioritizes the need for remedial action.

Mr. O'Malley did not feel that inspection of Pickering Field was necessary, since the issue of the fencing/netting was already being addressed by the Little League. He also questioned that the proposal references equipment and Pickering Field does not have equipment. Mr. Sellers clarified that the bleachers, fencing and backstop fall into that category.

- A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to accept the proposal of Betsy Caesar dated May 26, 2010, for the playground safety audit for Newtown Borough at a fixed fee of $1750, plus automobile travel expenses of 50.5¢ per mile.

Mr. Sellers announced that PECO will be trimming trees in the Borough and hang tags will be placed on doors.

Bucks County Hazardous Waste Drop-Offs are scheduled for June 12th at the Upper Buck Vo-Tech School, July 10th at Central Bucks South High School and August 14th at Bucks County Technical High School in Bristol.

Solicitor's Report

- A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to advertise an ordinance creating a 4-way stop at the intersection of South Lincoln Avenue and Penn Street.

- A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to advertise an ordinance restricting parking on the West side of S. Chancellor Street between Sterling and S. State Street.

- A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to authorize the Solicitor to advertise an amendment to the Newtown Borough zoning ordinance regarding fence permit fees and for the applicability of dimensional requirements for condominiums.

Old Business

Council directed the Treasurer to send the previously authorized Newtown Skateboard Park donation directly to Newtown Township, rather than to the Newtown Corporation. The Skateboard Park Fund has received approximately $16,000 in donations and pledges to date. Supervisor Jerry Schenkman explained that the first two sets of bids received for the concrete pad work were much higher than anticipated and the project is again being re-bid.

Mr. Sellers asked the Mayor about pedestrian safety and the number of citations issued. Mr. Sellers feels that the enforcement component needs to be increased by the police department.

New Business

Ms. Woldorf raised the issue of a liaison with Newtown Artesian Water Company and with the Newtown, Bucks County Joint Municipal Authority. Mr. Sellers offered to serve in that position.

Public to be Heard

June Hilbert, 117 S. Congress, emphasized her concerns about pedestrian safety, particularly at the intersections on State Street. Since there seems to be confusion about the "pedestrian buttons," she suggested having all traffic stop in all directions and then let pedestrians cross with an audible signal. In addition, she is worried about cars parking in front of the fire hydrant at Starbucks and anyone making a right hand turn from Centre Avenue has difficulty avoiding the parked car. She feels that the signage should be changed from "No Parking" to "No Parking, Standing or Idling." Ms. Hilbert feels that the crosswalks on State Street need to be repainted and she hopes that Council will address some of these issues.

Tony Godwin, 144 Liberty Street, planned to comment on the same issue as Ms. Hilbert. He feels that the lights at the State Street intersections should be reprogrammed, because pedestrians do not realize that they are vulnerable to turning traffic. Mr. Godwin has observed many of the same incidents occurring as had Ms. Hilbert.

Council went into Executive Session at this point and Ms. Woldorf indicated that they would not be returning.

The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Joe & Joanne Lucas	191 Andrew Drive
Gerilyn Williford	Macedonia Baptist Church
Bob Wright	Lion's Club, 41 Betts Drive, Washington Crossing
Danny Adler	Bucks County Courier
Jerry Schenkman	66 Copperleaf Drive
June Hilbert	117 S. Congress Street
Dan Everitt	109 E. Washington Avenue
Phil Hagan	203 E. Washington Avenue
Bill Heinemann	35 N. Chancellor Street
Warren Woldorf	440 Washington Avenue
Harry & Becky Betz	30 S. State Street
Dave & Mary Callahan	113 Court Street
Jeff Werner	The Advance
Joshua Horenstein	21 S. Lincoln Avenue
Patty & Joe Lovi	151 N. State Street
Jim McAuliffe	545 E. Centre Avenue
Bill Smith	Newtown Jewelers
Margaret Danese	528 Centre Avenue
Ted Schmidt	32 N. Lincoln Avenue