

Council Meeting  
October 12, 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, October 12, 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.

Ms. Woldorf announced that an Executive Session was held at 6:30 P.M. prior to the meeting for discussion of personnel and litigation.

### **Mayor's Report – Dennis O'Brien**

Mayor O'Brien presented a Proclamation to the Newtown Little League team and its coaches for winning the Pennsylvania State Championship and for being awarded the Team Sportsmanship Award by the Eastern Region Little League at the Mid-Atlantic Regional Championship in Bristol, Connecticut.

- The Police Report for September 2010 was presented

Mayor O'Brien reported that officers conducted a speed enforcement detail using the ENRADD device with 34 citations written. Officers also conducted a DUI detail under a state grant.

Four incidents of graffiti have occurred at Linton Park since the *Boots on the Ground* program ended at the end of September.

Councilor O'Malley requested that a representative of the Newtown Borough Police Department attend the Joint Traffic Committee meeting on Thursday evening to discuss safety and pedestrian issues.

### **Special Events Reminder**

- Halloween Parade – October 30, 2010, 9-11 A.M.- Beginning at the Stocking Works and ending at the Newtown Theater
- Holiday Parade – December 5, 2010, on State Street and Sycamore Street

### **Amendments to the Agenda**

There were no amendments to the agenda.

### **President's Report – Julia Woldorf**

Ms. Woldorf reported that the State has completed its audit of the Borough's pension plans and there were no findings. It was brought to the Borough's attention that Act 44 and Act 51, which affect pension plans, were passed and that the Borough Solicitor should review them to see whether any changes are required to the Borough pension plans.

Ms. Woldorf announced that the polling place for Ward II has been changed from the Mercer Street garage to the Newtown Sewer Authority at 15 S. Congress Street and that new voter registration cards will be received by Ward II voters.

The topic of discussion at the Bucks County Borough's Association meeting was the anti-discrimination ordinances of New Hope and Doylestown. The Borough's Association meeting in November will discuss green building ordinances, in particular Doylestown Borough's ordinance which includes permit rebates for contractors for green building techniques and use of materials.

### **Correspondence**

A letter was received from Joint Historic Commission chairperson Lorraine Pentz regarding preservation of the Toll House in Newtown Township.

A letter was received from Pennsylvania Clean Way regarding a project to keep Pennsylvania beautiful and a survey about illegal dumping sites in Bucks County.

Representative Steve Santarsiero requested that Newtown Borough broadcast a DVD of a college financial planning seminar on the Borough public access channel.

In addition, Representative Santarsiero sent notice of a hearing that will be held at LaSalle University Bucks County Center regarding the environmental impact of gas drilling.

Ms. Woldorf received notice of the October 15, 2010, deadline for input on the Borough Code revision project from the Pennsylvania State Association of Boroughs (PSAB).

Notice was also received from PSAB regarding House Bill 1231 regarding worker's compensation for volunteer firemen. In summary, the bill would allow firefighters to receive compensation should they get cancer, but without the requirement to prove that it was job related. PSAB asked that letters opposing the bill be sent to Sen. Chuck McIlhinney.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor O'Malley, and carried unanimously, to authorize the President of Council to send a letter to Sen. Charles McIlhinney on behalf of Newtown Borough Council opposing Senate House Bill 1231.

### **Public to be Heard**

Noelle Finley, 35 Court Street, addressed Council regarding noise issues at Court and Centre Avenue generated by The Black Horse Tavern. Ms. Finley reviewed the Borough noise ordinance but is concerned that the Borough does not have decibel meters that would help monitor the noise levels. Mr. Sellers suggested speaking to the Zoning Officer and the Chief of Police and he offered to speak directly to the restaurant owners.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to review the current [noise] ordinance for effectiveness and make appropriate suggestions for enforcement.

### **Open Space Plan – Sue Myerov, Heritage Conservancy**

Ms. Myerov provided a power point presentation of the Open Space Draft Plan. She discussed the properties that could be considered for Open Space and outlined the process for review and adoption of the Open Space Plan. Areas along the Newtown Creek and the old Septa rail corridor were considered possible options for the Borough's \$234,000 in open space funds. Environmental Advisory Council member Dr. Henry D'Silva provided Council with an article about using open space for community gardens.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, to send the draft of the Newtown Borough Open Space Plan to the Bucks County Open Space Committee for review.

### **Certificates of Appropriateness**

#### **COA 10-034-H      Applicant:    Global Home Improvement, Inc., 207 Penn Street, McCafferty residence**

The applicant was seeking a Certificate of Appropriateness for an amendment to the most recently approved amendment to approved COA #2010-034 to change the painted tin roof to a real copper roof.

- ❖ 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 Certificate of Appropriateness 10-034H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

#### **COA 10-037-H      Resident Monica Morgan, 93 E. Centre Avenue**

The applicant was seeking a Certificate of Appropriateness for the installation of a freestanding trellis.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Walker, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign Certificate of Appropriateness 10-037-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 10-038-H Residents Jonathan & Susan Guy, 110 S. Congress Street**

The applicants were seeking a Certificate of Appropriateness for the installation of a handicapped ramp with 2 x 2 cedar balustrades to be as shown in the photograph submitted September 22, 2010, the porch floor to be replaced with wood decking and the decking of the ramp to be of composite.

- ❖ A motion was duly made by Councilor Burk, 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 Certificate of Appropriateness 10-038H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 10-039-H Applicant: Keith Coleman, 210 S. State Street, Hamilton Building Supply Company**

The applicant was seeking a Certificate of Appropriateness for the replacement of two wood doors, one on Penn Street and one on S. State Street, with the proposed hardware on the two new doors and returning to HARB for hardware on the existing doors.

- ❖ 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 Certificate of Appropriateness 10-039H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 10-040-H Applicant: Joshua Dowd, 127 S. State Street, MK Plus**

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

- ❖ 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 Certificate of Appropriateness 10-040H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 10-041-H Applicant: Pasquale T. Deon, Sr., 5-11 S. State Street, Temperance House**

The applicant was seeking a Certificate of Appropriateness for the replacement of a cedar shake roof with rolled standing seam metal roof, noting the upper main roof would be slate gray Slateline shingles, the pent roof would be flat seamed painted tin, the upper and lower roofs of the recessed portion of the building would be standing seam painted tin, the dormer roofs would be the same shingle as the main roof, all exposed flashings to be painted metal, and gutters and downspouts to be replaced in kind.

- ❖ A motion was duly made by Councilor Burke, seconded by Councilor Warren, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign 10-041H Certificate of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer, with a change in the pent roof to a standing seam roof no more than 1” high and the width of the panel to be similar to the 1890 photograph.

**COA 10-042-H            Applicant: Gasper Landscapes, Inc., 130 S. Chancellor Street, Ward residence**

The applicant was seeking a Certificate of Appropriateness for the installation of steps, wall, patio and fencing, noting the fence location would be as clarified on the site plan at the meeting; the cedar fence, gate and arbor will be painted; the fence and gate will be scalloped and all existing wrought iron fencing will be removed.

- ❖ 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 Certificate of Appropriateness 10-042H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 10-043-H            Resident Nicholas Squillace, 116 Jefferson Street**

The applicant was seeking a Certificate of Appropriateness for the replacement of a tin roof with asphalt shingles like the main roof of the residence.

- ❖ 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 Certificate of Appropriateness 10-043H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**Engineer’s Report – Maryellen Saylor**

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to approve the 5% retainage release [\$4,974.84] for the 2009 Frost Lane Rehabilitation project to Harris Blacktopping, Inc.

General Projects Updates

The Newtown Artesian Water Company’s State Street/Washington Avenue ramps are still in the process of being redesigned, but the ramps should be constructed and installed by the end of 2010.

With regard to the handicapped ramp removal at Lafayette and Lincoln, PennDOT requires a pedestrian study before the work can be done. Ms. Saylor was asked to provide Council with a cost for the pedestrian study/report and an estimate for removal of the ramp.

Ms. Saylor reported that the 2010 Frost Lane project is progressing despite weather delays, rock encountered during initial construction and conflicts with sanitary sewers.

**Traditional Neighborhood Development Ordinance Update**

Ms. Woldorf reported that a review of the Borough's Traditional Neighborhood Development Ordinance was received from the Bucks County Planning Commission (BCPC). In order to make the recommended changes and meet the deadline required to return it to the Bucks County Planning Commission for review at their December 1, 2010, meeting, Ms. Woldorf suggested that Council send the draft and comments to the Borough Planning Commission with the requirement that a revised ordinance be returned to Council for the November 3, 2010, work session and action at the November 9, 2010, meeting. Ms. Woldorf felt that the recommendations could be easily incorporated to make the ordinance consistent with the existing ordinance and produce a product that would protect the town.

Mr. Walker voiced concern that the process was being rushed and that it should not be date-driven. Since Council had already spent a substantial amount of money for a consultant's review and it appeared from the BCPC's response that, in his opinion the draft missed by a fairly wide margin, Mr. Walker was concerned that the same thing might happen again.

Mr. Sellers commented that the comprehensive review from the BCPC was, in his opinion, a roadmap for making the necessary changes. If the Borough Planning Commission feels that they are unable to meet the deadline, they could let Council know.

Mr. Woldorf responded that he felt there was sufficient information from the BCPC for the Borough Planning Commission to make the changes within the requested timeframe.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried with Councilor Walker voting nay, to authorize the Newtown Borough Planning Commission to review the Bucks County Planning Commission review comments and redraft the Traditional Neighborhood Development Ordinance before the November Work Session.

Mayor O'Brien left the meeting at 8:40 P.M.

### **Junior Councilor Program – John Burke**

Mr. Burke said there are four potential applicants for the position of Junior Councilor. Only one of the individuals is a Borough resident and Council must decide whether the position should be restricted to a Borough resident.

### **Presentation of Minutes**

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried unanimously, to approve the minutes of the September 6, 2010, Work Session Meeting.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Walker, and carried with Councilor Sellers abstaining, to approve the September 14, 2010, 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 Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of September 2010 totaling \$128,906.04.

Mr. O'Malley reminded the public of a Special Budget Meeting scheduled for October 21, 2010, at 7:00 P.M. in Council Chambers.

### **Personnel – Perry Warren**

Mr. Warren announced that the Borough had volunteer openings for a Grants Facilitator, a member of the Environmental Advisory Council, the Building Codes Board of Appeals and two openings on the Newtown Corporation.

### **Shade Tree Commission – John Burke**

As a Tree City USA, Newtown Borough is required to plant and maintain trees in order to retain its status. Mr. Burke thanked Glenn Blakely of Isaac Newton's for the donation of five trees that will be planted in the municipal parking lot.

### **Traffic Committee – Gerard O'Malley**

The Joint Traffic Committee (Newtown Township and Newtown Borough) would like to emphasize the importance of pedestrian safety again this year and the Committee would like to adopt a resolution recognizing pedestrian safety.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to adopt Resolution 10-12-10A designating the week of October 25-31, 2010, as *Newtown Halloween Pedestrian Safety Week.2010*.

### **Solicitor's Report – Paul Cohen**

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to adopt Resolution 10-12-10B regarding appointment of Keystone as Earned Income Tax and Local Services Tax collector pursuant to Act 32 transition.

The Newtown Township Conditional Use Hearing for LaStalla has been rescheduled to October 27, 2010. The restaurant has continued to play amplified music, which is in violation to their approved liquor license. Council decided to send a letter to the Liquor Control Board regarding the lack of compliance.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to authorize the President of Council to send a letter to the Pennsylvania Liquor Control Board asking them to undertake enforcement action against the LaStalla Restaurant for lack of compliance with their liquor license.

### **Old Business**

Mr. Sellers reported that he had obtained two proposals for re-pointing the North brick face of the Newtown Borough police station, which is in need of repair.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to accept the proposal of Everett F. Johnson, Sr. & Son, Inc., dated October 12, 2010, to re-point and repair the north face of the Newtown Borough Police Department for the total sum of \$3845.50.

Ms. Woldorf reported on Chief Wojciechowski's request for an emergency buzzer in the Borough Office. It is not possible to coordinate the buzzer with the existing security system, but would involve a monitoring service at an approximate cost of \$30/month.

With regard to the Newtown Creek Coalition Grant, the Borough receives \$12,100 and must provide \$12,100 worth of matching funds, both monetary and in-kind services. Newtown Township and the Newtown Corporation are also to provide in-kind services.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, to authorize the President of Council to send a letter to Newtown Township and the Newtown Corporation asking for a written itemization of how they intend to meet the matching requirement for the Newtown Creek Grant.

### **New Business**

Mr. Sellers reported that an Eagle Scout project to rebuild the platform used for the Memorial Day Parade speakers will be brought to Council at the November work session.

Ms. Woldorf asked the status of the Long Term Parking Committee and asked Mr. O'Malley if he would consider working with them or consolidate the committee into the Traffic Committee. He said he would speak to Mr. Walker and report at the November work session.

### **Public to be Heard**

No one from the public wished to be heard at this time.

The meeting was adjourned at 9:22 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

ATTENDEES

Warren Woldorf	440 Washington Avenue
Jeff Werner	The Advance
Jim McAuliffe	545 E. Centre Ave.
Jon Guy	110 S. Congress St.
Robert King	242 S. Chancellor St.
Jeffrey Ward	130 S. Chancellor St.
Kevin O'Shea	245 Stanford Pl.
Nicholas Squillace	116 Jefferson St.
Noelle Finley	35 Court St.
John Perna	201 S. State St.
Henry D'Silva	6 Jefferson Ct.
Will Hess	Temperance House
Council Rock Newtown Little League Team	