

Council Work Session
March 4, 2009
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, March 4, 2009, by President of Council Mark Craig and he announced that Councillor O'Malley might be delayed.

Present: Councillors Craig, Jaslow, Sellers, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Donald Williams and Engineer John Genovesi. Councillor O'Malley arrived at 5:20 P.M.

Mr. Craig announced that a presentation by Preservation Partners had been removed from the agenda at the request of the applicant. Mr. Craig commented that it does not make sense to hear a presentation if the revised application to the Zoning Hearing Board has not yet been filed, because Council has no way of knowing what the issues are. Mr. Sellers felt that Council could decide whether to hear the presentation after knowing how the application conforms to the ordinance. Mr. Jaslow voiced concern that in hearing a presentation prior to the Zoning Hearing Board meeting, it might suggest to the applicant an unwarranted impression that Council approves of the application. The Solicitor was asked if Council could deny applicants requests to be placed on Council agendas if the applicants would be going before the Planning Commission or Zoning Hearing Board. Mr. Williams replied that Council could make that decision, but that nothing would prevent the applicant from coming to Council under "Public to be Heard."

Ms. Woldorf asked that the Department of Conservation and Natural Resources grant application be added to the agenda and Mr. Sellers requested an executive session be held at the end of the meeting for discussion of real estate.

Recreation Board Pickering Field

Co-Chair of the Recreation Board, Heidi Adams, reported on the February 24, 2009, meeting with representatives of the Council Rock Athletic Association and neighbors of Pickering Field. The discussion centered on the Association's recent proposal. Ms. Adams reported that the neighbors were opposed to any expansion of the snack shack, but had no problem with in-kind improvements to the existing structure. The neighbors were opposed to the paver patio, as they felt it would create a dining experience on the corner and they did not want to encourage a sit down meal. Plantings and shrubbery, especially around the flagpole, was acceptable and the neighbors requested appropriate plantings around the port-o-potty. Ms. Adams reported that the neighbors were vehemently opposed to any continuation of the playing season past the currently approved July 31 date, as they wished to see the field remain open for residents during the Fall. The neighbors would like to see Sunday usage discontinued in the next agreement and there was discussion about posting the league schedule on the shack so that residents could plan their recreational activities around that schedule. Ms. Adams noted that there were many strong opinions and it was a very frank discussion. Ms. Adams commented that the League came away with the feeling that the Borough residents do not want Little League at Pickering Field. After that meeting, Mr. Craig received a letter from the League requesting to make only in-kind improvements to the snack shack. The Association would still like consideration of the paver patio project, but

fund raising would be required, and the engineer would need to investigate ADA requirements. Mr. Craig received a letter from the Bucks County Joint Municipal Authority noting that they were advised of a pre-existing toilet in the shack and the Borough must be responsible for sewer bills in the future. Mr. Sellers asked if the structure is properly permitted and Mr. Craig advised that the status of permits will be researched. The Association requested use of Pickering Field on March 21 and 22, 2009, from 3-7 P.M. to hold try-outs for the League and Council agreed to their request.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Walker, and carried unanimously, to grant the request of the Council Rock Newtown Athletic Association to use Pickering Field on March 21 and 22, 2009, from 3-7 P.M. to hold try-outs.

Edith Gowin noted that the Association website indicated plans to replace the Pickering Field fence. Mr. Craig stated that no request for a fence had been received and any fence would require a permit. With regard to the paver project, Mr. Craig would like input from the Borough Engineer about the ADA requirements and Mr. Jaslow will pursue the inspection issues with the Code Enforcement Officer.

Ms. Woldorf discussed a Department of Conservation and Natural Resources grant to apply for money to support recreation and land acquisition activities. The Recreation Board expressed interest in pursuing the grant, which is a 50-50 grant that could include in-kind services, and Ms. Woldorf wanted Council's support to move forward.

Community Energy Presentation – Byron Woodman

Byron Woodman of *Community Energy* made a presentation to Council about the PECO Wind program. Community Energy has been building wind farms for approximately 10 years and selling the energy generated by those farms. The value proposition is that if the customer buys regional wind energy, then additional wind farms can be built. *Community Energy* is the marketing arm of PECO Wind program and Mr. Woodman works with municipalities to educate them and encourage participation in the Wind program. A wind turbine generates two commodities, the physical electricity to power the lights and the other is a renewable energy certificate. Ms. Woldorf asked if there is a reduction in cost if a certain percentage of the municipal population participates. Mr. Woodman responded that there would be no reduction in cost since the cost is a tariff-approved price. Environmental Advisory Council member John Burke said that the EAC's understanding was that the municipality would receive a solar panel if a certain percentage of participants from the same zipcode signed up for the program. Mr. Woodman clarified that the municipality would be required to signup, thereby assuming a leadership role, in order to obtain the solar panel. The EAC thought they were to educate the individuals in the Borough's zipcode to help save money to offset the increase in cost and the solar panel would then be provided. Based on Mr. Woodman's review of Newtown Borough's PECO bills, it would cost the Borough approximately \$4500 more annually. EAC member Henry D'Silva suggested that the Borough have an energy audit from an accredited energy auditor to receive detailed information.

Engineer's Report – John Genovesi

Mr. Genovesi reported that the Quad I and Quad II sidewalks have been inventoried. Letters will be sent to those residents who have not completed their sidewalk repairs advising them that if work is not completed the Borough will do the work and bill the property owner. Mr. O'Malley requested that contact information be included in the letter and Mr. Walker said a draft of the letter would be supplied.

The Newtown Station streetlight plan was e-mailed to Council by Mr. Genovesi. The plan resulted from site visits with Council representatives and in agreement with the Home Owner's Association president, Tony Blancato. Mr. Genovesi will ask Toll Brothers to complete the light installation as soon as possible.

Mr. Craig suggested that the engineer review the Comprehensive Plan. There is confusion about the process for review of the Plan and when the 45-day review clock starts. Lynn Bush of the Bucks County Planning Commission indicated to Mr. Craig that it is very unusual to hold a public meeting before the Council has had a chance to review and make comments. The Solicitor will report to Council on Tuesday regarding the correct review process.

Resident Patty Lovi asked the Engineer about several electrical issues in State Street stores that occurred after PECO work was completed at the corner of Washington Avenue and State Street. Ms. Lovi questioned whether the two issues might be related. Mayor O'Brien explained what had happened and that the problems were probably unrelated.

Mr. O'Malley asked the Engineer to follow-up with PennDot on several issues that arose during a previous meeting with PennDot representatives. The issues involved signage on Sycamore Street and a speed study on South State Street.

Solicitor's Report – Donald E. Williams

The Solicitor previously distributed a copy to Council of a Noise Ordinance used by New Hope Borough. Using that as a model, Mr. Williams drafted an ordinance for Newtown Borough using decibels as a method to determine motorcycle noise levels. Mr. Williams asked Council to comment on the proposed ordinance or if they wished to continue with the existing ordinance. Council felt that the existing ordinance might be easier to enforce, but Mr. Sellers offered to speak to Borough Manager John Burke about New Hope's success rate.

Repeal of the Beautification and Revitalization Ordinance will be an agenda item on Tuesday evening for authorization to advertise.

The Solicitor clarified with Shelly Houck of the Borough's Association that the Vacancy Board Chairperson is to be appointed annually. After discussion, it was decided to place the appointment on the agenda for next week's meeting.

Mr. Sellers asked the Solicitor if he had reviewed the lease for the police station and Mr. Williams agreed to follow-up.

Event Fees

Mr. Craig explained that a question arose in December regarding police coverage fees for events. After discussion with the Police Committee regarding the upcoming Firemen's Parade on June 13, 2009, Chief Wojciechowski suggested that there might be alternative ways to provide coverage for events, such as fire police and/or volunteers. Mr. Sellers felt that the events fall into two groups, the pure civic purpose group or those who have no monetary gain and those who might receive a financial benefit from an event. Bill Smith of Newtown Jewelers commented that activities that do not generate income should not be charged fees, but those

groups that have fees or sell tickets should pay for police coverage. Paul Salvatore agreed with Mr. Smith's comments, as did resident Patty Lovi. Mr. Craig suggested looking at alternative options to assist with police coverage and Charles Swartz said that the Newtown Fire Association has a small contingent of deputized fire police who could possibly be utilized for events. A formal decision will be made at the Tuesday Council meeting regarding waiver of fees.

Cyber Liability Insurance

Mr. Walker reminded Council that cyber liability insurance, at a cost of \$2500, is available to cover the Borough's technology platforms. Mr. Sellers expressed the feeling that it gets back to a risk benefit analysis and having checked into the issue himself and seeing no history of claims or lawsuits he does not see a need when the general liability coverage will cover the Borough in the known risk areas. Mr. Walker suggested looking at the issue again during the next budget cycle and seeing if the premium has changed at that time.

Special Events

The Memorial Day Parade is scheduled for May 25, 2009, and the Little League will participate in this year's parade.

The Newtown Lions Club 5K Run is scheduled for June 20, 2009, using the same route as last year. Mr. Craig wanted assurance that flyers will be distributed to all residents along the route, advising of the date and time for the race.

The Bucks County Firemen's Parade scheduled for June 13, 2009, will require a great deal of logistical work and Mr. Walker suggested putting the word out now, listing the event on the webpage and PEG channel. The judging of vehicles will be held at Council Rock High School.

Discussion of Committee Reports

Mr. Craig discussed the method of reporting for boards and committees. In researching the length of the 2007 and 2008 Council meetings, the meetings are running approximately 1 ½ hours longer and Mr. Craig feels that the most time consuming part of the meeting is Committee Reports. The suggestion is for bi-monthly committee reports, unless a committee requires a motion, in which case it would be added to the agenda. Mr. O'Malley agreed with the bi-monthly suggestion, but he feels that the longer meeting length may also be due to more information being reported in meetings versus circulated to Council through reports and minutes. He sees the reporting as a public service, which lets people know what is occurring and he would not like to curtail discussion. The suggestion was made to post committee minutes on the website, in addition to Council minutes, but not all committees have formal minutes. Mr. Craig asked that committees submit minutes for posting on the website.

Old Business

Mr. O'Malley asked how much time would be allotted on Tuesday for the Traffic Committee presentation and Mr. Craig responded that ½ hour should be sufficient.

Authorization to advertise the Menu Board Ordinance should be added to the agenda for next week's meeting, as it was reviewed by the Bucks County Planning Commission and the Borough Planning Commission. Resident Charles Swartz asked about the Borough engineer's review concerning possible "no right turn" from the Municipal Parking lot. Mr. O'Malley reported that the recommendation from the engineer was to not proceed with that change as it could cause potential traffic issues.

Secretary Scull reported on her attendance at an Open Records seminar in Lansdale. The new law involves much more time on the part of municipalities and police departments to respond to these requests and the process for denials is much more detailed than in the past. Information is now available to the public that brings into question security issues and could result in more appeals being sought from denial responses. Ms. Scull explained that requests may be made by fax, e-mail or mail, but not by telephone, as a paper trail must be created for receiving and responding to the requests. The issue of whether audio tapes are available to the public needs to be considered by Council. Council must specify in the Records Retention Policy if tapes are retained for a specific timeframe or if the tapes are overwritten after 30 days. If it is not clearly defined in the Retention Policy, then tapes would be available to the public and a request could be made for a copy of the tapes.

Public to be Heard

Resident Dan Knott asked about the openings on the Environmental Advisory Council and Ms. Woldorf suggested that he pick up a Volunteer application and submit it to her for consideration.

Related to the discussion about audio tapes, Bill Smith suggested the use of a digital recorder for recording the minutes and then storing on a hard drive. Copies could be made on a CD, if requested.

The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Peter Ciferri	The Advance
Patty Lovi	151 N. State Street
Paul Salvatore	148 N. Elm Avenue
Daniel Knott	206 N. Chancellor St.
Edith Gowin	202 N. Chancellor St.
Sally Thompson	N. Chancellor St.
John Burke	301 S. Norwood Ave.
Heidi Adams	212 E. Washington Ave.
Bryan Woodman	Community Energy
Mary Alice Hagan	Washington Ave.
Bill Smith	21 S. State St.

Jim Casey
Lionel Ruberg

American Legion
1382 Newtown-Langhorne Rd.