

Council Meeting
November 10, 2009
Chancellor Center

President Mark Craig called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, November 10, 2009. Mr. Craig asked those in attendance to join him in a moment of silence followed by the Pledge of Allegiance.

Present: Councillors Craig, Jaslow, O'Malley, Walker and Woldorf; Mayor O'Brien; Solicitor Paul Cohen, and Engineer Larry Young of Gilmore & Associates, Inc. Councillor Sellers was excused.

Mayor's Report – Dennis O'Brien

- **The Police Report for October 2009 was presented**
Mayor O'Brien reported that random traffic details were conducted using the new ENRADD equipment and 43 traffic citations were issued.

During *Pedestrian Safety Week*, the police department issued various warnings and citations, including failure to stop for pedestrians in crosswalks.

Special Events

- Christmas Tree Lighting & Santa House – November 27, 2009 - 6:30 P.M.
- Newtown Historic Association Open House Tour – December 5, 2009
- Newtown Holiday Parade – December 6, 2009 – 2 P.M.
- Chanukah Parade – December 13, 2009 – Noon
- The Newtown Library Company will sponsor various events during their 250th Anniversary

President's Report – Mark A. Craig

Mr. Craig announced that a Public Safety Meeting, including discussion of cameras at Linton Memorial Park, is scheduled in Ettenger Hall at the Newtown Presbyterian Church on November 17, 2009, at 7 P.M.

A meeting is scheduled for November 19, 2009, at 7 P.M. in Borough Council Chambers to discuss the second half of the Comprehensive Plan.

Mr. Craig distributed a copy of a letter to the Newtown Township Supervisors regarding Council's concerns about the proposed Promenade development. The letter specifically addresses the Promenade Traffic Study that did not take into consideration the impact of the project on Newtown Borough streets and includes suggestions from the Borough Engineer.

Council will discuss the Newtown Corporation donation at the December Work Session. Mr. Craig reminded Council that the by-law changes were on the CD provided by Ms. Ortwein and he suggested that everyone review those changes prior to the work session.

Correspondence

Mr. Craig encouraged Council and the public to attend the Veteran's Day program scheduled at 9 A.M. on November 11, 2009, in the auditorium at Council Rock High School North.

Public to be Heard

Paul Salvatore, 148 N. Elm Avenue, congratulated all the newly elected officials on their recent win and thanked all those who participated in the process. Mr. Salvatore also thanked the community for their support of the *Pedals for Progress* bicycle drive.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, 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 2009-034-H Applicant: Jolly Bansal, Tobacco Leaf, 15 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of a 3' x 4', 2" thick signboard hanging sign and new aluminum bracket, to be mounted on the brick façade, noting that the scroll work in the metal bracket would be increased from 1/8" to 1/4" thick and the dimension of the bracket frame would be decreased to 1 1/4" – 1 1/2"

COA 2009-035-H Applicant: Everett F. Johnson & Son, Cordes & King, 27 S. State Street

The applicant was seeking a Certificate of Appropriateness for façade renovations to the law offices of Cordes & King, noting that the roof would be asphalt or wood shingles, the bead board below the storefront window would remain, and the gable retained.

COA 2009-036-H Applicant: Thomas McInerney, McInerney Consulting, 10 N. State Street

The applicant was seeking a Certificate of Appropriateness for corrections to exterior renovation work, which had been completed but is not in compliance with HARB approved COA 2008-011, but with the exception of the corrective measure on the soffit and cornice represented on the proposed design view submitted and dated October 28, 2009, and noting the use of the historic sill-nosing on the trim detail submitted and dated October 28, 2009.

Engineers Report – Larry Young, Gilmore & Associates, Inc.

Mr. Young provided prices for matting under the swing set at Linton Memorial Park. The matting must conform to the 16' safety zones on all sides of the swing. Eighteen inches of mulch would be required, but would be less expensive than rubber matting. The rubber matting, however, would be less apt to compress, thus lasting longer.

Approvals:

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Certificate of Completion #6 to Toll Brothers for Newtown Station, Phase I, in the amount of \$60,125.63.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to approve Certificate of Completion #5 to Toll Brothers for Newtown Station, Phase II, in the amount of \$176,670.66.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Payment #2 to Harris Blacktopping, Inc. for the Lafayette Street project in the amount of \$3,323.89.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Revised Change Order #3 for the Jefferson Street project to Harris Blacktopping, Inc. in the amount of \$1,287.40.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve retainage release to Harris Blacktopping, Inc., for the Jefferson Street project in the amount of \$3,240.52.

Presentation of Minutes

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to approve the September 24, 2009, Special Work Session minutes.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to approve the October 7, 2009, Work Session Minutes.
- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to approve the October 13, 2009, Council Minutes.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to approve the October 22, 2009, Special Meeting Minutes.

COMMITTEE REPORTS

Budget & Finance – Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of October 2009, totaling \$202,117.37.

- ❖ **Year 2010 Budget**

A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to direct the Secretary to advertise the Year 2010 Proposed Budget in the amount of \$2,466, 919.

Prior to making the motion for the 2010 Tax Rate Ordinance, the following motion was moved for from the Solicitor's Report to this point in the meeting.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Ordinance #697 increasing the Local Services Tax from \$25 to \$52, effective January 1, 2010.

- ❖ **Year 2010 Tax Rate Ordinance**

A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to direct the Secretary to advertise an Ordinance setting the Tax Rate for Year 2010 as follows: General Fund 3.5 Mills; Lighting Fund 1.0 Mills; Fire Tax Fund .875 Mills; Street Improvement Fund .625 Mills; Earned Income Tax @1%; Realty Transfer Tax @1%; and Local Services Tax @ \$52.00.

- ❖ **Year 2010 Tax Ordinance Fixing Salaries**

A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to direct the Secretary to advertise an Ordinance Fixing Salaries and other compensation for elected tax collector, auditor and Council appointees for Year 2010.

Long Term Parking Committee – Gerard O'Malley

Mr. O'Malley noted that the main topic of discussion was the possibility of a grant for a parking study. There was a suggestion to expand the Committee's vision and look at a joint Township/Borough parking study or overall transportation circulation study.

Newtown Corporation – Christine Ortwein

Ms. Ortwein reported that the expansion of this year's Holiday Parade will include Sycamore Street and noted that there are additional holiday activities planned by the Newtown Corporation.

Ms. Ortwein updated Council to the status of the Newtown Corporation's priority list and action plan by providing them with a handout. The expansion of the Economic Structuring Committee, along with an action plan of the development of the strategic plan for the Newtown Business Commons Association and the community visioning for the Newtown Creek have been completed.

Personnel Committee – Julia Woldorf

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to appoint Frank Brassell, 538 Penn Street, to fill an unexpired term on the Newtown Corporation, through December 31, 2012.

Ms. Woldorf reported that she would be contacting those individuals who had expiring terms. She mentioned an issue regarding staggered terms for the Zoning Hearing Board members and noted that alternates do not have set terms. She wished to address both issues.

Streets, Lights & Properties – Robert Walker

Mr. Walker reported that Newtown Artesian will place a temporary rough coat surface on North State Street for the winter, with actual paving to be completed in the Spring after the crosswalks are completed.

Traffic Committee – Gerard O'Malley

Mr. O'Malley commented that the *Pedestrian Safety Week* held at the end of October achieved the objectives of the Traffic Committee by helping raise awareness. Mr. O'Malley thanked Mayor O'Brien and Chief Wojciechowski and said the Committee would consider a similar event next year.

Mr. O'Malley reported on a meeting regarding the recently received Smart Transportation Grant. Part of the process includes passing a Resolution, as follows:

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Jaslow, and carried unanimously, to approve Resolution 11-10-09 authorizing Newtown Borough Council to enter into the "Pennsylvania Community Transportation Initiative Reimbursement Agreement-Planning Activities" for the Pedestrian Bicycling Study, and authorizing the President of Borough Council to sign the TCDI project #069175 agreement and be bound by the terms of the agreement, subject to the review and consultation with the Solicitor of the agreement and all attachments.

Mr. O'Malley announced plans for a special meeting of the Traffic Committee to review The Promenade Traffic Study. This meeting will take place before the Newtown Township Supervisors scheduled meeting.

Zoning Report – Rand Jaslow

Mr. Jaslow reported that the Zoning Hearing Board granted a variance request for a side yard set back at 26 N. Lincoln Avenue.

It was announced that the Zoning Hearing Board will now hold its meeting on the 1st Tuesday of each month.

A Zoning Hearing Board application requesting a variance from the rear yard setback to enclose a deck with a sunroom was received for a property on Federal Lane. Mr. Jaslow noted that the existing footprint will be used and that there was no date for the hearing at this time.

Solicitor's Report – Paul Cohen

Mr. Cohen announced that the Jodi Smith Zoning Hearing Board application for Centre Avenue will be heard on January 5, 2010. Council had previously voted to send the Solicitor to oppose the application.

An Executive Session was held prior to this meeting to discuss a personnel matter and the pending appeal for 31 S. State Street.

Mr. Cohen provided documents related to the ordinance, the advertising, the letter to the Law Library and letter from Gilmore & Associates regarding the proposed multi-way stop.

Resident Paul Salvatore, 148 N. Elm Avenue, voiced concern about the sign placement, since parked cars sometimes block the view.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Jaslow, and carried unanimously, to approve Ordinance #696 for a multi-way stop at Liberty, Jefferson Court and Jefferson Street.

Old Business

Ms. Woldorf commented on the Transportation and Community Development Grant discussed at the Work Session. It could provide money for planning around transportation issues. With interest in the idea of a Regional Transportation Hub, reactivation of the R-8 Line, the Rails to Trails consideration and the possibility of interaction with developers, Ms. Woldorf asked Council for input on pursuing this grant. Mr. O'Malley suggested the possibility of using the grant in conjunction with revisions to the Traditional Neighborhood Ordinance. Mr. Jaslow and Mr. Walker voiced concern about defining the amount requested, since the Borough would be responsible for a 20% match. Ms. Woldorf did not know the amount at this time. Further discussion will take place at the November 17, 2009, special meeting.

Mr. O'Malley reported that tree trimming in the Municipal Parking Lot will take place and new trees planted along N. Congress Street before the end of the year.

Mr. Craig announced the removal of the old shed at Linton Memorial Park and thanked John Shanahan for donating his services. A new shed is planned for the same location.

The Bucks County Tax Collection Committee had its first meeting and Mr. O'Malley reported that the Committee received draft by-laws for discussion and future adoption.

New Business

There was discussion about a temporary secretarial replacement while the Borough Secretary takes medical leave for 4-6 weeks. The individual will handle basic reception and secretarial duties, but not minute taking.

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

The meeting was adjourned at 8:50 P.M.

Marcia M. Scull
Borough Secretary

Bill Heinemann
Diane LeBas
Paul Salvatore
Jim McAuliffe
Warren Woldorf
Frank Brassell
John Burke
Christine Ortwein
Jolly Bansal
Eric Johnson
Thomas McInerney
Perry Warren
Jeff Warner

IN ATTENDANCE
35 N. Chancellor Street
104 Penn Street
148 N. Elm Avenue
545 E. Centre Avenue
440 E. Washington Avenue
538 Penn Street
301 S. Norwood Avenue
Newtown Corporation
Tobacco Leaf Shop

10 N. State Street
149 Andrew Drive
The Advance