

Council Meeting
October 11, 2011
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 11, 2011. 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 Dennis O'Brien and Solicitor Paul Cohen.

Mayor's Report – Dennis O'Brien

Police Report for September

Mayor O'Brien presented the September police report. The police ran random DUI details with several citations issued for possession of drugs and narcotics. He reported that security went well at the Newtown Beer Fest with only three citations issued.

Since Council asked to be updated on the enforcement of parking regulations, Mayor O'Brien reported that in September 2010, 171 parking citations were issued and in September 2011, 314 parking citations were issued. This shows a significant increase and Mayor O'Brien will provide the written details to Council tomorrow [October 12].

Special Events

Newtown Library 5K Run – October 22, 2011 – 8 A.M
Newtown's Halloween Art Scene – October 22, 2011 – 9AM-2 PM – Window painting,
Pumpkin decorating and "Cupcake Wars"
Newtown Brew Fest – October 22, 2011 – 12:30-5:30 PM
Newtown Halloween Parade – October 29, 2011 – 10 AM

Amendments to the Agenda

There were no amendments to the agenda.

President's Report – Julia Woldorf

Ms. Woldorf had no formal report but she welcomed all those in attendance.

Public to be Heard

Paul Salvatore thanked the League of Women Voters for sponsoring the Candidates Forum that took place last night [October 10] and thanked those who attended. Mr. Salvatore referred to some questions that he felt arose from the Forum, including an issue with the SEPTA lot that indicated the possibility of hazardous waste there. Mr. Salvatore asked for clarification or evidence of whether

there were hazardous materials on the lot, as noted on campaign material. Ms. Woldorf said that *Public to be Heard* is to be used to bring issues before Borough Council, not to discuss campaign issues, so if there is an issue that he would like Council to look into he should state the issue and Council would consider looking into it. Mr. Salvatore said that if there are hazardous materials, children play across the street and he does not feel that it is an unfair question to ask. Solicitor Cohen responded that Council is not obliged to respond to any questions during the public comment period, but the question could be raised and a determination made for the next meeting. Mr. Salvatore's comment was that material is being dispersed that says there are hazardous materials and a letter was received from SEPTA saying there are not.

Report on Newtown Beer Fest – Newtown Fire Association

Zack Dunkleberger, representing the Newtown Beer Fest Committee, reported on the tremendous event and thanked everyone involved with making it such a tremendous success. The Committee decided to give back to the community by donating profits from the Beer Fest to the Newtown Fire Association, earmarked for truck replacement. In addition, the Committee chose to donate \$5000 to the Newtown Library Company and \$5000 to the Newtown Historic Association. Recognizing that funding and revenues have been down for municipalities, the Committee also decided to work with Newtown Borough and the businesses to start a *State Street Beautification Fund*, with donations added each year from the Beer Fest. The funds could, after a proposal to the Committee, be used for the purchase of flowers, benches, lighting or whatever the Borough and businesses felt necessary and the Committee would start the fund with a \$5000 donation. Mr. Dunkleberger said that this event put Newtown on the map, as many non-residents commented to Committee members that this Beer Fest was the best they had ever attended.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-025H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-025-H Applicant: Sharon L. Brown, 6 West Washington Avenue, Highly Recommended Salon

The applicant was seeking a Certificate of Appropriateness for a new wall sign for Sharon Brown's Highly Recommended Salon.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Walker, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-026H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-026-H Applicant: Evan Connolly, 330 S. State Street, Creative Strategy Group

The applicant was seeking a Certificate of Appropriateness for a wall sign for Creative Strategy Group, to be mounted on an existing stone structure with the sign anchored to the stonewall in the mortar joints and the sign letter material of HDU foam.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-027H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-027-H Applicants: Robert & Edith Celeste, 125 N. Lincoln Avenue, residence

The applicants were seeking a Certificate of Appropriateness for the construction of a residential porch addition, noting that latticework screening would be added under the rectangular shaped area under the stair landing only, and the balusters on the side elevation would be the “Square Baluster Option,” as labeled on one of the side elevation drawings.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-028H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-028-H Applicant: Tom Marotta, 201 S. State Street #4, Kazaam Interactive

The applicant was seeking a Certificate of Appropriateness for a new hanging sign and bracket for Kazaam Interactive, which would be painted black and mounted in the mortar joints of the building.

Prior to voting on the motion, Ms. Woldorf asked HARB member Mike Hutchinson about the railings on the property at 1 S. Lincoln Avenue, because she observed that the railings had already been installed. Mr. Hutchinson explained that they were not approved and the applicant was to return to HARB for their approval. Mr. Hutchinson and Mr. Burke said that it was their understanding that Mr. Dumont installed the railings because he needed a temporary Certificate of Occupancy, but he understood that if HARB did not approve them, he would remove them. Mr. Warren asked Mr. Hutchinson if he would change his recommendation for approval based on the installation of the railings, but Mr. Hutchinson responded that he did not have a problem because Mr. Dumont will still need to return to HARB. Mr. Burke also clarified that the motion did not include the railings, only the porch guardrail.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-029H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-029-H Applicant: Jim Dumont, 1 S. Lincoln Avenue (formerly 400 E. Washington Avenue, Lot #2)

The applicant was seeking a Certificate of Appropriateness for a porch railing and light fixtures with the following details:

- The porch guardrail was being approved; the step railings were not approved, with the expectation that the applicant would return with detailed stair railing design.

- The balusters would be as presented, with the cap rail stained and the cap sub-rail and all below to be painted white.
- There would be a 5/8” round on the top edges of the cap rail.
- The balusters would be spaced 3” apart
- The front porch sconce lights would be as presented, #E on the submission, labeled on the Woodside Hills cut sheet as “0L5701 BK Wall Lantern.”

Ms. Woldorf asked about a continuing education program that was mentioned in the HARB minutes. Mr. Burke responded that Mr. McAuliffe is looking at the costs. HARB members are required to have credits toward continuing education each year and five members have not yet met the requirement for this year. The idea is to provide an in-house program that might even be open to the public. Mr. O’Malley said that money remains in this year’s budget and he suggested having the training this year.

Anti-Discrimination Ordinance

Solicitor Cohen announced the public hearing regarding an ordinance of the Borough of Newtown, County of Bucks, Commonwealth of Pennsylvania, establishing the Newtown Borough Human Relations Commission and prohibiting discrimination in Housing, Employment, Public Accommodations and Access to Educational Institutions. It was advertised in The Advance of Bucks County on September 22, 2011; advertised in the Bucks County Courier Times on September 29, 2011; and lodged with the Bucks County Law Library on September 16, 2011. A full copy of the ordinance was available to the public at the Bucks County Law Library, as well as at Borough Hall and with both of the newspapers in which it was published. The ordinance was duly advertised as required by the Borough Code and the ordinance was discussed at several prior meetings.

Ms. Woldorf asked for a motion to adopt the ordinance, which was followed with comments from Council members and the public.

Ms. Woldorf expressed her support for this ordinance, which she brought before Council this summer. Ms. Woldorf was pleased at the response that she received from both in and without the Borough and said it was an important step for the Borough take, saying to the community that the Borough is open and welcoming. She also said that Council will make it their duty to assure that people are not discriminated against.

Mr. Walker wanted it noted for the record that the PSAB (Pennsylvania State Association of Boroughs) organization passed a resolution supporting passage of legislation amending Act 222, 1995 PA Human Relations Act, dealing with practices of discrimination due to race, color, religion, ancestry, age or natural origin by employers and employment agencies, etc. From Mr. Walker’s perspective, PSAB is supporting the Human Relations Act at the state level, not necessarily at the Borough or municipal level. It was his personal belief that this type of legislation is best served at the highest levels of government, not at the lowest levels of government and he felt that action should be taken at the Pennsylvania or Federal level. He noted that he would be voting against the ordinance.

Ms. Woldorf said that the resolution passed by PSAB was taken to the annual conference by the Bucks County Association of Boroughs and the state organization chose to put it on the list of resolutions passed this year. Ms. Woldorf said that it meant the PSAB would be lobbying the

legislature to pass it on a state level, which does not mean that they do not support similar passage on the local level as a demonstration of support for the state level.

Mr. Sellers said that the sentiment expressed in the Resolution is important because PSAB, which represents all the boroughs, thought it was important enough to support the legislation moving forward. Mr. Sellers said nothing speaks louder than local political sub-divisions who feel that it is important enough to enact this type of legislation on a local level. He felt that with additional municipalities enacting this, the profile of this type of legislation will become so persuasive that Harrisburg will be moved to adopt it on a state level, which Mr. Sellers said should have been done in the first place. Mr. Sellers said that Council speaks for the people of Newtown in doing this.

Mr. O'Malley referred to his previous reading of Lyndon Johnson's remarks when President Johnson signed the Civil Rights Bill in 1964 and said that "This Civil Rights Act is a challenge to all of us to go to work in our communities and in our states..." and Mr. O'Malley said that it is up to us [at a local level] to act if the state is not acting.

In response to a comment from a public speaker at last month's meeting asking Council members to ask the leaders of the faith community for their position on this ordinance, Mr. Warren asked the Rector of St. Luke's Church for his feelings. In the minister's written response, he said that "...we do not have to agree with each other in order to extend to each other basic human rights and legal protections with civility and compassion." In addition, he said the proposed ordinance recognizes and protects the faith and practice of religious organizations who may disagree based on conscience.

Ted Martin, the executive director of Equality Pennsylvania, which is a statewide lesbian, gay, bi-sexual and transgender advocacy organization, said it is refreshing to be in a room with elected officials who are willing to talk about and actually address the matter. Mr. Martin said that for ten years officials in Harrisburg have been finding excuses not to deal with this issue, but he felt that Council was sending a strong message of expanding rights and making people feel valued.

Don Berk, Doylestown Councilman and President of the Bucks County Association of Boroughs, agreed with Mr. Walker that the ordinance should be enacted on the state and federal level, but he felt that this stance by Council would encourage both the state and the federal officials to enact this legislation. Passing this type of ordinance will allow people [lesbian, gay, bi-sexual and transgender] to come out without fear of reprisals for who they are and he urged Council to do the right thing.

Borough resident Bob Szwajkos is proud to live in Newtown. Mr. Szwajkos has worked with FACT, an HIV/Aids organization and with New Hope Celebrates, which is a community organization with family oriented activities. He said that Newtown is not an exclusionary environment but an inclusive environment. As a lawyer, he receives phone calls from individuals who have been denied accommodations only because of their orientation. He is a member of TEAM Philadelphia, an organization for all LGBT [lesbian, gay, bi-sexual and transgender] teams in seven different leagues who support the *It Gets Better* program for youths subjected to bullying. On behalf of other members of the community who are LGBT members he thanked Council for demonstrating that they are at the forefront of the right to pursue life, liberty and the pursuit of happiness in our jobs, homes and families.

Jim Schneller of the Philadelphia Metro Task Force asked Council to examine their conscience and look at the trends. Mr. Schneller said it is a beautiful country when people can get together to talk

about advances made by various minorities. He is, however, troubled by the infusion of the homosexual philosophy with the youth and feels that morality and ethical schooling are disappearing. It was his feeling that the typical pressures of political correctness kept a large number of people from attending this meeting and that Council was trying to do Harrisburg's work. Mr. Schneller asked if the interest in such an ordinance came from Council's constituents and asked what the impetus for this was. In his opinion, he warned that statutes intended to create agencies always create costs. He also noted that although 22 townships have passed this, that amounts to only 1% of the state. Mr. Schneller urged Council to make a good decision.

Cicely Smith said that her parents were denied the ability to live in the areas they wanted to because they were an interracial couple, but they fought for their rights. As a transgender person, Ms. Smith said she would have a difficult time choosing which dressing room to use. As a result, she was forced to buy on-line and thus a local store did not receive her business or the municipality her taxes. She said when she feels safe in the stores; she will shop in the stores. She commented that change is always scary but it is not always wrong.

Borough resident Rev. Shelly Davis recalled the words of Martin Luther King when he said that none of us is free, until all of us are free. Rev. Davis said that she and her partner have never been denied housing, and with employment, it took her quite some time to find a position as a lesbian clergy person, because she was most often discriminated against by people of faith. Moving into the Borough, she wondered how welcoming it would be and she sees this ordinance as a tremendous opportunity for the Borough to be clear about its welcoming and that rights are available to all citizens of the Borough.

Donna Morabito said she was glad for the open forum to bring different views forward. While favoring rights and protection of jobs regardless of sexual orientation, Ms. Morabito was concerned about what has happened in other communities who passed this legislation. She also wondered why this ordinance came to Council and questioned whether there had been any complaints. Ms. Morabito said she would be totally appalled and questioned how she would explain to her four-year-old daughter if a transgender individual entered a changing room or bathroom. While this ordinance has excellent intentions, she voiced concern about lawsuits to small businesses and the infringement on individual rights for people with a very strong value system. She asked that Council consider the values and merits of this from both sides and consider the possible costs and logistics of training people for this Commission. Ms. Morabito felt that more time should be given for individuals to come forward and for more consideration of the ramifications before a decision is made.

Marlene Pray, coordinator for the Bucks Equality Coalition, an organization for lesbian, gay, bisexual and transgender rights thanked Council for the attention given to this ordinance. Ms. Pray worked with students from Council Rock and Central Bucks School Districts to open the Rainbow Room for LGBT youth and allies. She said that the steps taken tonight and the potential vote will send a very strong message and that she sees a no vote as a slap in the face. She stated that free training is offered by the Pennsylvania Human Relations Commission. Ms. Pray said this is important for businesses and when Fortune 500 companies are considering communities, they look for great schools and diversity. She said she was proud about the vote to be taken and hoped it was a unanimous vote.

Newtown resident Tim Smith questioned to what degree Council has talked together with the residents and business owners they represent asking for their input. In his opinion, enforcing

something on those who have not had a voice does not appear to be right or proper. Mr. Smith referred to the motto written at the top of the Council agenda and asked Council if they have lived out the motto that they say they live by. Although Council met the legal requirement, he asked if they met the moral requirement to reach out to those they represent and if not they should not pass the ordinance tonight with a clear conscience.

George Wilson works in Newtown and has been involved in numerous fund raising activities. As one of the few openly gay businessmen in town, Mr. Wilson said that this ordinance is, although controversial, needed and welcomed and he thanked Council for passing it.

Nancy Riley said that there is discrimination, sometimes subtle and other times in your face. When she faced discrimination in Doylestown as an openly lesbian woman, Ms. Riley said that she had no place to go. She said that it happens in every town but often times no one knows or hears about it and she thanked Council for their vote.

Borough resident Del Purscell said that what has been heard tonight demonstrates the need to pass this and he hoped that Council would.

Helen Ratner, a resident of Middletown Township and representing the Bucks County Organization for Women, praised Council for their actions. Sometimes the state does not act on things and needs action from the local level, which is what is happening here and she hoped that Council passes the ordinance.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Warren, and carried with Councillor Walker voting nay, to adopt Ordinance #719, an Ordinance of the Borough of Newtown, County of Bucks, Commonwealth of Pennsylvania establishing the Newtown Borough Human Relations Commission and prohibiting discrimination in housing, employment, public accommodations and access to educational institutions.

Presentation of Minutes

Solicitor Cohen clarified that after discussion at the Work Session, Council determined that any comments regarding the minutes would be made to the Secretary, but any issues, changes or comments would not receive a response back. It would give the Secretary the opportunity to look into those comments, so that she could respond at the meeting.

Mr. O'Malley questioned what the process would be going forward when, from his perspective, the previous system for approving minutes seemed to be working. He asked whether the comments were to be discussed now or should Council read the comments.

Mr. Cohen said that his understanding of the process was that the Secretary would circulate a draft of the minutes to Council. Council would review those minutes and determine whether they had any comments. If there were any substantive comments, they would be communicated to the Secretary, so that the Secretary would be prepared at the meeting to respond to those comments and any changes would be raised at the meeting. Mr. Cohen felt that the prior process which allowed communication on comments did not create a problem. A question was raised about the Sunshine Law and PSAB provided an opinion about drafts being shared prior to the meeting. Mr. Cohen said

that Council is free to adopt their own procedure and he did not feel that the prior procedure was a problem unless there was direct communication between Council members. Mr. Cohen said that he would follow-up with PSAB to get clarification with regard to Council's former policy.

Ms. Woldorf noted that there were very few comments/changes for the Work Session and Special Meeting on the 22nd, so she suggested approving those. Discussion on the minutes from September 13, 2011, minutes would be postponed until the November Work Session.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to approve the September 7, 2011, Council Work Session Meeting minutes as amended.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Sellers, and carried unanimously, to approve the September 22, 2011, Council minutes as amended.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and 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 September 2011 totaling \$ 213,930.57.

Mr. Walker reminded Council that discussion of the preliminary budget would be on October 27, 2011, at 7 P.M. in Borough Hall.

Personnel Committee – Perry Warren

Mr. Warren said that two applications were received to fill an unexpired term on the Planning Commission and one application was received to fill an unexpired term on the Recreation Board.

Mr. O'Malley said it is always difficult when two citizens come forward to apply for one position, but based on Mr. Craig's previous experience with the development at Newtown Station, he felt that he might be a good candidate for the Planning Commission during the Stockburger project and Mr. Walker and Mr. Burke concurred.

Ms. Woldorf supported appointment of Ted Schmidt because she felt that he has an interest in what is going on in the community and as a regular at Starbucks, she said that he knows what is going on at that end of town and has some different ideas.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Sellers, with Councillors Burke, O'Malley and Walker voting nay, and Councillors Sellers, Warren and Woldorf voting aye, with Mayor O'Brien breaking the tie by voting nay, to appoint Ted Schmidt to fill an unexpired term on the Planning Commission.

Since the motion failed, another motion was then made.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried with Councillor Woldorf voting nay, to appoint Mark Craig to fill the unexpired term on the Planning Commission through December 31, 2014.

Mr. Warren then made a motion regarding the Recreation Board.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to appoint Dana Pikul to fill an unexpired term on the Recreation Board through December 31, 2011.

Mr. Warren announced that there are three vacancies on the Environmental Advisory Council. For 2012 he expects two openings on HARB. He is awaiting responses from various board members whose terms expire as to whether they wish to be reappointed. In addition, 3-5 positions on the Human Relations Commission need to be filled and he said anyone interested in serving should contact the office or provide a letter of interest.

Mr. Walker reminded Council that vacancies still exist on the Newtown Corporation Board.

Planning Commission – Michael Sellers

Mr. Sellers referenced the October 4, 2011, letter from the Chairman of the Planning Commission regarding signage. In an attempt to help the Newtown business district, the Planning Commission discussed signage and recommended a revised procedure to allow directory signs to an existing directory sign structure without going through the HARB review process and HARB Chairman McAuliffe concurred.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to authorize the Solicitor to draft an amendment to the HARB Ordinance and any other portion of the Zoning Ordinance requiring it, to waive the customary COA review requirements for applicants requesting to install new name plaques on existing and approved directory signs.

Streets, Lights & Properties – Michael Sellers

Mr. Sellers reported that the ramp at Lafayette Street and Lincoln Avenue is slated for removal as early as tomorrow [October 12], weather permitting.

In addition, Mr. Sellers reported that with completion of the handicapped ramps at the intersection of Washington Avenue and State Street by Newtown Artesian, pedestrian crosswalk line striping is necessary. Although inconvenient, some diversion of traffic will be required for several days in order to complete the work. The Borough police department will be handling traffic control and minimizing the inconvenience to the traveling public.

Solicitor's Report – Paul Cohen

Multi-Family Dwelling Unit Parking Regulations Ordinance

Solicitor Cohen announced the public hearing to adopt Ordinance #717, the Multi-Family Dwelling Unit Parking Regulations Ordinance. The circulated title is An Ordinance of Newtown Borough, Bucks County Pennsylvania, amending the Newtown Borough Zoning Ordinance by revising the method of calculating fractional parking spaces and modifying the off-street parking requirements for residential uses by requiring overflow parking spaces for townhouse-attached style dwellings to be located off-street and establishing off-street parking requirements for multi-family dwelling-apartment style dwelling units. This ordinance was advertised on September 26, 2011, and October 3, 2011, in the Bucks County Courier Times. Lodged with the Bucks County Law Library on September 28, 2011, and a full copy of the ordinance was available to the public at the Law Library, the Borough Hall and at the newspaper in which it was published. This ordinance was originally prepared by the Borough Planning Commission and has been reviewed by the Bucks County Planning Commission as referenced in their most recent review letter dated September 7, 2011.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to adopt Ordinance #717, the Multi-Family Dwelling Unit Parking Regulations Ordinance.

Amendment to SALDO and the Zoning Ordinance

Mr. Cohen said that an amendment to the Sub-Division and Land Development Ordinance, Zoning Ordinance and Stormwater Management Ordinance was discussed at prior meetings. The purpose of the ordinance is to update the three planning ordinances to be consistent with their definitions and requirements. In addition, it is to update the Stormwater Management Ordinance to eliminate requirements for small projects, less than 1000 square feet, as recently permitted by the Bucks County Planning Commission and to update items from the Engineer's review of the ordinance. Mr. Cohen received additional comments from the Borough Zoning Officer and recommended circulating the draft with the Zoning Officer's comments to the Borough Planning Commission, giving them an opportunity to review and comment, before forwarding it to the Bucks County Planning Commission.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to authorize the Solicitor to forward the draft ordinance, along with Zoning Officer Jo-Anne Brown's comments dated October 10, 2011, to the Borough Planning Commission for their review.

Parking Permit Ordinance

Mr. Cohen explained that the Parking Permit Ordinance addresses relatively modest modifications to the existing Parking Permit Ordinance. Based on previous Council discussion, Mr. Cohen added that the Newtown Borough Police Chief may refuse to issue a permit to any resident or business to which a permit was previously issued during the same calendar year if the Police Chief determines that an insufficient number of permits are available for all actual or potential applicants. Mr. Cohen modified the ordinance that requires the fee be pro-rated, depending on the time of the year the permit is applied for, therefore eliminating dealing with the fee schedule.

Mr. O'Malley said he felt the ordinance addresses discussion points from the Long Term Parking Committee. Providing some flexibility for the Chief to be part of the process in determining who receives permits is what the Committee was looking for.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Warren, and carried unanimously, to authorize the Solicitor to advertise an ordinance amending the Parking Permit Ordinance as revised.

Police Pension Plan Ordinance

Mr. Cohen announced a public hearing and said the proposed Ordinance was advertised in the September 29, 2011, issue of The Advance of Newtown, lodged at the Bucks County Law Library on October 7, 2011, and a full copy of the ordinance was available to the public since that time at the Law Library, with the newspaper and Borough Hall.

Solicitor Cohen explained that the ordinance effectively adopts a new agreement with PMRS to govern the pension plan. The agreement does not substantively change the pension plan previously in place, except for removal of the Killed in Service benefit, which is now covered by the state. The agreement replaces the existing ordinance, leaving the Borough's pension plan to be solely governed by the agreement with PMRS. Mr. Cohen clarified that within the Ordinance the President of Council is given authorization to sign the agreement.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to adopt Ordinance #718 amending the Police Pension Plan and adopting the new PMRB agreement, as provided by the Pennsylvania Municipal Retirement Board.

Old Business

There was no old business.

New Business

In responding to citizens who e-mailed him, Mayor O'Brien reported that the sign will be replaced at the entrance to town that had the name Newtown misspelled.

Mr. Cohen said that two applications were received by the Zoning Officer for a Conditional Use Hearing submitted by Allan Smith's organization and Council will be required to schedule a hearing on the Conditional Use Application. The Solicitor mentioned that the applicant raised an issue with the charging of an escrow and assessment of professional and/or legal and engineering fees in connection with the application. The Ordinance allows Council to request that both the Borough Planning Commission and the Bucks County Planning Commission review the applications prior to the hearing.

Public to be Heard

Paul Salvatore asked if receiving the Conditional Use Hearing Application prior to voting on the Ordinance for Parking for Multi-Family Dwellings had any affect on that. Mr. Cohen responded that since the Ordinance was already pending, he believed the terms of that Ordinance would apply, but he did not have the exact answer.

Mr. Salvatore repeated his concern that if there is a hazardous issue existing at the SEPTA lot and Council knows about that, they should take action. Mr. Cohen said that he has been in contact with SEPTA and he will be following up with them.

The meeting adjourned at 9:10 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Don Berk	
Ted Martin	
Tim Smith	
Robert Szwajkos	
Marlene Pray	Bucks Equality Coalition
Warren Woldorf	
Jeff Werner	The Advance
Paul Salvatore	
Larry Auerweck	
Marlowe Gordon	
Diane LeBas	
Robert King	
Mary & David Callahan	
Liz Warren	
James Schneller	Philadelphia Metro Task Force
George Wilson	
Bill Berber	
Joyce & Duane Buck	
Patrick Foster	
Audrey Schoenwolf	
Sharon C. Brown	
Michele (Shelly) Davis	
Muriel Gruba	
Cicely Smith	
Donona Morabito	

David & Collin O'Neill
Juliet Hubert
Helene Ratner
Kati Sowiak
Jeffrey Faris
Thomas Tolboy
Mike Hutchinson