

Council Meeting  
October 13, 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, October 13, 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, Sellers and Walker; Mayor O'Brien; Solicitor Donald E. Williams, and Engineer Larry Young of Gilmore & Associates, Inc. Councillor Woldorf arrived at 7:14 PM.

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

- **Recognition of the Council Rock Newtown Athletic Association Teams**

Mayor O'Brien read a Proclamation recognizing Council Rock Newtown Athletic Association managers, coaches and the ten and eleven year old District Teams as Eastern Pennsylvania State Champs and the manager, coach and twelve year old team as Eastern Pennsylvania State runners-up.

- **Recap of Linton Memorial Park Safety Meeting**

Mayor O'Brien reported on the Linton Memorial Park Safety meeting held to discuss a recent incident at the Park involving a photographer and children. It was later determined that it was a local photographer taking pictures of the park, not the children, but parents were concerned about ongoing issues with park safety. During the discussion, the following suggestions resulted:

1. Community education, including increased communication through the website, the press, social networks, etc.
2. Sensor lights
3. Fencing along Old Skunky at the back of the park
4. More prominent signage displaying the park hours
5. A Town Watch program
6. Check list for adults and children with instructions on how to address situations
7. More cooperation with Newtown Township
8. Police more aggressively engaging with the teenagers
9. Increased police patrols, particularly in the spring and fall

- **Chief of Police Park Safety Proposal**

Council received Chief Wojciechowski's Park Safety Proposal and Mayor O'Brien explained some of the key points in the proposal. The Chief plans to add extra officers during late spring and early fall to patrol the park and there will be strict enforcement of the curfew ordinance. He suggested creating a Town Watch program and training volunteers to participate in pairs while patrolling. The Chief also suggested video surveillance equipment at Linton Memorial Park, the Borough Police Station and Newtown Borough Hall.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Walker, and carried unanimously, to have the Police Chief's Safety Proposal available to the public and posted on the website.

Council scheduled a special meeting for November 17, 2009, at 7 P.M., to discuss the Chief's Safety Proposal.

- **The Police Report for September 2009 was presented**

The Mayor reported that the police purchased ENRADD equipment to assist in speed enforcement and five officers received training on use of the unit.

**Special Events**

- 1 Mile Fun Run/5K Run-Walk – October 10, 2009, 9 A.M. – Sponsored by the Newtown Library Company – Mayor O'Brien reported that 250 individuals participated in the event and he thanked all the volunteers who assisted with the run.
- Goodnoe Halloween Parade – October 30, 2009, 2:30 P.M.
- Newtown Borough Halloween Parade – October 31, 2009, 9-11:30 A.M., with registration beginning at the Stocking Works

**Amendments to the Agenda**

Mr. Craig announced postponement of the Newtown Corporation report until November.

**President's Report – Mark A. Craig**

Council ended in a tie vote at the Work Session regarding approval for a banner at St. Luke's Episcopal Church. Since the Mayor was unable to attend the meeting, he was unable to break the tie that evening. At the recommendation of Solicitor Williams, there was a revote of the original motion.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and carried with Councillors Craig, Walker, Sellers, and O'Malley voting aye and Councillors Jaslow and Woldorf voting nay, to approve St. Luke's Episcopal Church's placement of a holiday services banner for Christmas and Easter, which will follow the typical rules for temporary banners.

Mr. Craig announced the scheduling of two special meetings for discussion of the Comprehensive Plan and the comments submitted by various boards and committees. The dates are October 20, 2009, at 7 P.M. in Ettenger Hall of the Newtown Presbyterian Church and November 19, 2009, at 7 P.M. in Wesley Hall of the Newtown United Methodist Church. Discussion of Chapters 1-9 of the Draft Comprehensive Plan will be at the October 20 meeting and Chapters 10-17 at the November 19 meeting.

Mr. Craig reported that the first scheduled meeting of the Bucks County Tax Collection Committee is November 5, 2009, at 6 P.M. in the Pearl Buck Room of the Library in Doylestown.

### **Correspondence**

Mr. Craig acknowledged a letter from the Newtown Historic Association requesting permission to place the Borough time capsule in the basement of Borough Hall. Council agreed to the request.

### **Newtown Traffic Safety Week – Gerard O’Malley**

Mr. O’Malley reported that the Newtown Joint Traffic Committee put together a very good plan for raising awareness around pedestrian safety. The Committee recommended proclaiming a Safety Week with a combination of outreach to schools, media and with stepped up enforcement by the police of the crosswalks, particular those along Sycamore Street in the Township and Washington Avenue in the Borough.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Sellers, and carried unanimously, to approve Resolution 10-13-09, recognizing *Newtown Halloween Pedestrian Safety Week 2009*, October 23-30, 2009.

### **Public to be Heard**

As a Newtown Township resident, Neil Morris wanted to share with Council his perspective on the issue of park safety and cameras. He felt in speaking to individual Council members, that the issues were more about the lack of detail on the use than on the use itself. Mr. Morris also wanted to know what he could do help facilitate better communication with Council members on this issue. Mr. Craig explained that the Chief’s proposal included much of the information that is necessary to make a decision. Mr. Craig suggested that anyone with questions submit them to Mayor O’Brien prior to the meeting on November 17, in order that questions be answered before the meeting.

Jon Guy, 110 S. Congress, thanked Gerard O’Malley for spearheading the Traffic Safety Week and Bob Walker for overseeing the painting of the crosswalks. Mr. Guy expressed his feelings regarding the importance of personal involvement in community decisions and his frustration about the delay in decision making by Council.

Resident Karen White was disappointed that Council had not made a decision regarding the camera issue. Ms. White asked for suggestions on what the public can do to assure a decision by Council at the November 17 meeting.

John Burke, 301 S. Norwood Avenue, asked whether it would be possible to have the special meeting on park safety on October 20 instead of the Comprehensive Plan meeting, since he feels that park safety is a more critical issue at this time.

Paul Salvatore, 148 N. Elm Avenue, reminded the public that the Halloween costume judging begins at 9 A.M. at the Stocking Works prior to the Halloween Parade. Mr. Salvatore also reminded the public of the *Pedals for Progress* bike collection that scheduled for November 7, from 9 A.M. until Noon, in the parking lot across from the Olde St. Andrews Church on Sycamore Street. All 3<sup>rd</sup> graders in the Council Rock School District will receive dictionaries from the Newtown Rotary Club. In addition, Mr. Salvatore noted that First Night, with a theme of *The Power of the Pen* commemorating the 250<sup>th</sup> anniversary of the Newtown Library Company, will expand activities into additional venues this year, which will include Chandler Hall, Newtown Movie Theatre, St. Mark's A.M.E. Zion Church and Zebra Striped Whale.

Mr. Salvatore asked the engineer about the status of the Old Skunky study. Mr. Young reported that he is completing some fieldwork and he will schedule a public meeting in November to discuss Gilmore's recommendations.

Mr. Salvatore announced that Tina Leck is the Christmas Parade Chairman and he said the Committee is looking for anyone interested in participating in the parade. The event will take place on December 6 and will include Sycamore Street, as well as State Street.

Mr. Morris, of Taylor Avenue, spoke again about making a decision on security cameras. He was trying to understand the steps required for Council to vote on the issue. Mr. Craig explained that Council could make a motion at the Special Meeting scheduled for November 17.

### **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 2009-027 H Applicant: First National Bank & Trust, 9 W. Centre Avenue**

The applicant was seeking a Certificate of Appropriateness for the installation of a sign to be mounted above the Operation Center's main entrance, noting that the letters would be stud mounted, with a space between the stone and letters not to exceed 1 inch.

#### **COA 2009-029 H Resident Joseph McByrne, 102 S. Chancellor Street**

The applicant was seeking a Certificate of Appropriateness for the installation of a metal fence along the front of the property, noting that the posts would be of the design submitted in Photo A and the rails would be of the design submitted in Photo B.

#### **COA 2009-030 H Applicant: Paul Mataras, Annie B's Bakery Café, 201 S. State Street**

The applicant was seeking a Certificate of Appropriateness for the replacement of window awnings, lettered signage on an awning on each street frontage, one window sign on one street frontage, and one hanging sign at the corner of the building.

### **Amendment to COA 2008-011-H Applicant: Thomas McInerney Consulting, 10 N. State Street**

Mr. McInerney spoke to Council about his application. He agreed that the contractor had not followed the approved COA, but to make the necessary changes would be very costly. Mr. McInerney agreed to HARB's suggestions, but wanted Council's approval without returning to HARB with revised drawings. He was looking for a Temporary Certificate of Occupancy in order to move into the building, with an agreement to make the required changes. The Solicitor indicated that Council could not make that determination and that it was a matter for the Zoning Officer.

- ❖ 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 deny the amended application to the previously approved COA 2008-011, for changes to windows, window surrounds, and cornices, which were installed but not in accordance with the original COA approval and with the recommendation that the applicant return to HARB with detailed revised drawings; that the six windows on the north elevation closest to State Street be replaced with simulated light wood windows with 3 1/2" wood casing that is part of the windows; that all existing window and door surrounds be changed from Azek to wood; and that the trim, including corner boards and rake boards, on the side and rear of the building be changed from Azek to wood.

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

Mr. Young reported that the Newtown Artesian Water project is nearing completion, but because PENNDOT has not yet approved the curb ramps, the water company will mill out the temporary paving and install a permanent patch. The actual paving will take place after ramp completion in the spring.

A public meeting to discuss possible options for addressing problems with Old Skunky will be scheduled in November. Mr. Young noted that most of the issues raised in the questionnaire were erosion problems rather than flooding. Mr. Walker felt that Council should review the Old Skunky study draft prior to the public meeting, so that they are aware of what will be presented to the public.

Ms. Woldorf again raised the issue of whether the Newtown Station Home Owners' Association is aware of their obligation to maintain the open space and storm water basin, which includes monthly inspections of the basin and after every rain event. Solicitor Williams reported that he and the Engineer asked Toll Brothers to notify the Home Owners' Association of their responsibilities. Council asked for copies of the correspondence that had taken place, which Mr. Young will supply.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor O'Malley, and carried unanimously, to accept the improvements as per the approved plans by Toll Brothers, Inc. for Newtown Station, contingent on Toll Brothers posting the 18 month Maintenance Bond.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve Payment #1 to Harris Blacktopping, Inc., for the Lafayette Street resurfacing project in the amount of \$63,153.91.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Payment #1 to Harris Blacktopping, Inc. for the Frost Lane Rehabilitation project in the amount of \$94,522.06.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve Change Order #1 to Harris Blacktopping, Inc. for additional curbing on Frost Lane in the amount of \$726.40.

Council discussed having the Borough Engineer review The Promenade traffic study. Mr. Sellers asked that Mr. Young's review of the traffic study include an overview of the good and bad points in the study and what might be suggested as alternatives.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor O'Malley, and carried unanimously, to approve the review of The Promenade traffic study by Gilmore & Associates in an amount not to exceed \$1000.

The Jefferson Street project is almost ready for closeout, but some outstanding sidewalk issues remain.

### **Presentation of Minutes**

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to approve the September 2, 2009, Work Session minutes.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to approve the September 8, 2009, Council 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 August 2009, totaling \$158,755.96.

### **Environmental Advisory Council – Julia Woldorf**

Ms. Woldorf reported that the Heritage Conservancy is assisting with revision of the Borough's Open Space Plan and a draft will be forthcoming.

### **Newtown Area Telecommunications Committee – Gerard O'Malley**

Mr. O'Malley reported that representatives from Comcast and Verizon attended the meeting, but there was nothing significant to report.

### **Personnel Committee – Julia Woldorf**

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to appoint Michael Piacentino, 13 Watson Mill Drive, to fill an unexpired term on the Environmental Advisory Council, through December 31, 2010.

Ms. Woldorf announced that there was an opening on the Newtown Corporation Board and anyone interested in applying should contact her.

### **Planning Commission – Warren Woldorf**

Planning Commission Chairman Warren Woldorf reported that the Commission reviewed the proposed ordinance for Fee in Lieu of Trees. The Commission was concerned that the fees were not sufficient and asked the Shade Tree Commission to review the ordinance again.

There was discussion about revision of the Traditional Neighborhood Development to address mixed use.

### **Police Committee – Robert Walker**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to approve the promotion of James Warunek to the position of Corporal, effective October 16, 2009, with a salary increase to be reflected in the next contract.

Mr. Walker noted that the new Collective Bargaining Agreement reflects a change in the medical plan and a \$1500 medical reimbursement has been added to address deductibles, resulting in a substantial savings to the Borough. Mr. Sellers noted that even with the proposed salary increases the Newtown Borough police department salaries are still below 50% of comparable police departments.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve the Collective Bargaining Agreement with the Newtown Borough Uniformed Officers covering the period from January 1, 2010-December 31, 2013.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve the Police Chief's Agreement for the period January 1, 2010-December 31, 2013.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to approve an update to the Non-Uniformed Newtown Borough Personnel Policy to reflect changes to the health care coverage that include the establishment of Healthcare Direct Reimbursement up to \$1500 per calendar year, per employee.

### **Recreation Board – Julia Woldorf**

Ms. Woldorf reported that Music Fest was a great success and the Board will consider plans for future music events.

Council recently approved a new shed to replace the existing shed in Linton Memorial Park. Plans are to replace it by the end of the year, but the Zoning Officer explained that only one accessory structure is permitted on the property. Based on that information, the Board discussed removal of the existing shed prior to the building of the new one.

### **Shade Tree Commission – Gerard O'Malley**

Mr. O'Malley reported that the Shade Tree Commission will review the comments of the Planning Commission on the proposed Fee-in-Lieu of Trees Ordinance. The Commission plans to plant additional trees on the Congress Street side of The Brian S. Gregg Memorial Park and they will oversee tree maintenance of trees in the municipal parking lot. With a concern about the loss of street trees, the Commission will look for creative ways to encourage the replanting of street trees in the right-of-way by property owners. Mr. O'Malley would like to discuss the issue of State Street trees and how best to address the responsibility for those trees.

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

Mr. O'Malley thanked Council for their support of the Newtown Pedestrian Safety Week in conjunction with the assistance of the Newtown Borough Police Department.

Mr. O'Malley reported on his meeting with the Delaware Valley Regional Planning Commission regarding the Smart Transportation grant and asked for time on the November work session agenda to outline the process that will be required.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Woldorf, and carried unanimously, to authorize the Engineer to attend a Traffic Committee meeting to discuss the Alternate Yield at N. State Street and Edgeboro Drive, as well as a multi-way stop at Penn and Lincoln, not to exceed two hours.

### **Solicitor's Report – Donald E. Williams**

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried unanimously, to advertise an ordinance for a 4-way stop at Liberty Street, Jefferson Court and Jefferson Streets.
- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried unanimously, to accept the terms and conditions of the engagement letter from Reed Smith and authorize funding of \$2500, plus expenses.

## **Old Business**

Ms. Woldorf reported that the Historic District Work Group met and identified properties currently not included in the Historic District, but which might meet the criteria. Work group members are meeting with small groups of property owners in those areas to judge community support before moving forward. In addition, the group is researching overlay ordinances, which could help protect historic structures outside the Historic District from demolition. The group is also researching grant funding.

Mr. Walker reviewed the budget schedule and reminded Council of the October 22 budget meeting. He noted that the police contract weighed heavily into construction of the budget. Ms. Woldorf asked about making the draft budget available to the public. She asked the legal status, since it is a public activity. The Solicitor noted that the Borough Code spells out the entire process for the budget and drafts do not normally fall into the list of documents available to the public. Once the budget is completed, then it should be available for public review. Council members made the following suggestions: see the progress of the budget meeting and then consider release of the budget after the meeting or provide a copy of the budget for the meeting only, which would be returned at the end of the meeting.

Ms. Woldorf asked if Gilmore had completed the playground inspections. Mr. Jaslow was unclear about Council's direction and noted that there is no requirement to complete inspections on a regular basis. Mr. Walker said he would speak to Gilmore about the inspections.

## **Public to be Heard**

John Burke, 301 S. Norwood Avenue, asked about completion of the Old Skunky study and felt that Council should have the study prior to discussion of the Comprehensive Plan, since the previous Comprehensive Plan discussion seemed to center on Old Skunky. Mr. Burke suggested waiting for discussion of that section of the Comprehensive Plan until the study is available.

Paul Salvatore, 148 N. Elm Avenue, asked if the Borough professionals had reviewed the Comprehensive Plan. Mr. Craig noted that the Engineer was never authorized to review the Plan, but neither the HARB or Zoning reviews have been received. Mr. Salvatore voiced concern about a conflict of interest because two members of the Planning Commission and the liaison live along Old Skunky and he felt that the engineer should review the plan for accuracy. Mr. Salvatore agreed that there are storm water management issues, but he was concerned that only Old Skunky is addressed in the Comprehensive Plan.

The meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

IN ATTENDANCE

Jennifer Pennington	524 Penn Street
Bill Heinemann	35 N. Chancellor Street
Isabel Godwin	144 Liberty Street
Diane LeBas	104 Penn Street
Paul Salvatore	148 N. Elm Avenue
Jim McAuliffe	545 E. Centre Avenue
Jon Guy	110 S. Congress Street
Warren Woldorf	440 E. Washington Avenue
Petra Schlatter	The Advance
Karen White	Chancellor Street
Judy & Bob Musto	118 S. Congress Street
Neil Morris	Taylor Avenue
Frank Brassell	538 Penn Street
John Burke	301 S. Norwood Avenue
Mary Ginty	149 N. State Street
Bob Abrahamson	241 S. Chancellor Street
Joe & Kathie McByrne	102 S. Chancellor Street
Danny Adler	Bucks County Courier Times