

Council Work Session
October 7, 2009
Council Chambers

An Executive Session was held following the meeting for discussion of Pending Litigation

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, October 7, 2009, by President of Council Mark Craig. President Craig announced that Mayor O'Brien would not be attending the meeting, so the discussion on Park Safety would be moved to the Tuesday Council Meeting.

Present were Councillors Craig, Jaslow, O'Malley, Sellers, Walker and Woldorf; Solicitor Donald E. Williams and Engineer Larry Young of Gilmore & Associates.

Public to be Heard

Resident Jon Guy, 110 S. Congress Street, asked Council for their support of the proposed Newtown Traffic Safety Week and thanked Mr. Walker for his assistance in having the crosswalks painted before the event. With regard to pedestrian safety, Mr. Guy urged Council to take decisive action to improve the walkability of Newtown, which could be improved with greater enforcement of the most dangerous crosswalks. Mr. Guy felt strongly that the addition of cameras would assist in that enforcement and he asked Council to reconsider the camera option as soon as possible.

Temporary Banners for St. Luke's Episcopal Church

Representatives of St. Luke's Episcopal Church asked Council to approve temporary banners to advertise the Christmas Bazaar (December), a Choir Camp (June) and Vacation Bible School (August). A fourth event banner was recently approved for the Fall Festival in October.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Walker, and carried unanimously, to approve banners for three upcoming events at St. Luke's Episcopal Church, with each banner to be placed two weeks prior to each event and removed within two days after the event.
- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and ended in a tie vote, with Councillors Jaslow, Woldorf and Craig voting nay and Councillors Sellers, O'Malley and Walker voting aye, to approve St. Luke's using the basic banner to advertize special worship service hours.

Since the Mayor was not in attendance to break the tie, it was noted that he could make the decision within five days or the Mayor could ask the vote to be retaken at the Tuesday Council meeting.

Temporary Banners for Newtown Library Company

The Newtown Library Company asked Council for approval of four small banners to be hung on decorative metal garden flag stands to recognize the events planned throughout the year for the 250th Anniversary of The Library Company.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Walker, and carried unanimously, to approve The Newtown Library Company banners for placement 30 days prior to each event.

Shed Request – Recreation Board

Recreation Board Co-Chair Heidi Adams presented Council with several bids that were received for a new 10 x 10 shed in Linton Memorial Park. After discussion, the following motions were made:

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to waive the permit fees for construction of the shed in Linton Memorial Park.

Mr. O'Malley and Mr. Walker raised questions about removal of the existing shed and Ms. Adams noted that the Recreation Board would be discussing the issue at their quarterly meeting on Thursday.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to accept the bid of Tall Oaks, Inc. to build a shed in Linton Memorial Park in the amount of \$3200, with the installation of the pad by Waitkus Design in the amount of \$500, and including a roof donated by Jeff DeFrehn, plus the appropriate tax and with the condition that the total bid not exceed \$3922.

Peg Channel Request – Mark Craig

Mr. Craig referenced a request from the PA House of Representatives Democratic Caucus to broadcast Representative Santarsiero's cable television show on the Borough's PEG channel. It was noted that strict rules exist about what content may be discussed and what content is prohibited.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Woldorf, and carried unanimously, to approve the cable show of Rep. Santarsiero on the Borough's PEG Channel, conditioned on the fact that it conforms to the standards set by the House of Representatives.

Newtown Corporation Donation

Mr. Craig reminded Council that last year the decision to donate \$5000 to the Newtown Corporation was conditioned on Council's review of changes to the Corporation by-laws. Since changes were made since the Newtown Corporation DVD was given to Council and they had not had the opportunity to review the newest changes, it was decided to discuss the donation at the October 22, 2009, special work session.

Park Safety

Mr. Craig had explained earlier that Mayor O'Brien would present the Park Safety issue and recap the previous public meeting at the Council meeting on Tuesday. Another meeting will be scheduled in November to further discuss safety issues with the public.

Newtown Traffic Safety Week

The Joint Traffic Committee proposed holding a *Newtown Halloween Pedestrian Safety Week 2009*. Mr. O'Malley explained that one of the suggestions was to use decoys at the crosswalks, however the District Attorney's office voiced concern about that approach. Both Chief Wojciechowski and Newtown Township Police Chief Pasqualini support the overall proposal, but have concerns about the decoy operation. With that concern in mind, Mr. O'Malley suggested using a different approach, perhaps an "observe and enforce" operation. Traffic Committee member Jen Pennington felt strongly about the need for partnering with law enforcement officials and educating the public about the "Yield to Pedestrian" laws. A resolution will be prepared for approval at next week's Council meeting designating October 23-30th as Safety Week.

Engineer's Report – Larry Young, Gilmore & Associates

- General Projects Update

The State Street Water Main project is near completion but because PENNDOT has not approved the handicapped ramps, paving will be delayed. Newtown Artesian will mill the temporary patches and restore the trench. The top layer will be milled next spring when the ramps are installed.

Mr. Young advised Council that Toll Brothers had satisfied all items on the punch list and he recommended acceptance of the improvements at Newtown Station. The only items remaining are signage and "no mow" signs for the basin. Mr. Sellers voiced concern about the maintenance of the area at the top of the detention basin. He wanted assurance that the Homeowners Association knew that maintenance was their responsibility. It was suggested that the Borough define a list of maintenance items for the Home Owners Association and have them sign it before the final release to Toll Brothers.

The Lafayette Street project has been completed and a request for release of 95% of the payment will be made at the Council meeting with 5% being held for retainage.

The Frost Lane project is close to completion and there will be a change order for curb replacement.

With regard to the Old Skunky project, a town meeting will be scheduled next month to discuss Gilmore's comments.

Ms. Woldorf raised the issue of ponding in several areas of the Newtown Station project on Penn Street and she asked the Engineer to inspect those areas.

Mr. Sellers reported that a large tree had fallen across the Newtown Creek and he was concerned about having someone remove the tree. Mr. Young reminded him that it is the property owner's responsibility, but Mr. Sellers wanted the Engineer to look at in terms of a waterway problem.

Comprehensive Plan Meetings

Council decided to schedule two special meetings for discussion of the comments received on the Comprehensive Plan. Those dates are October 20, 2009, and November 19, 2009, at 7 PM with a location to be determined.

The Promenade Traffic Study

Mr. Craig acknowledged receipt of both The Promenade traffic study and the revised traffic study. Council asked Mr. Young to review that study and provide input. It was suggested that perhaps the developer might be approached to pay the review costs of the Borough engineer.

Approval of Professional Bills

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve the August 2009 professional services invoices.

Solicitor's Report – Donald E. Williams

Mr. Williams referred to the Zoning Hearing Board application for 26 N. Lincoln Avenue. Mr. Sellers commented that Council had previously decided not to oppose the application as the variance request was deemed diminimus.

Mr. Williams reported that Ed Murphy will now be representing Jodi Smith in the 516 E. Centre Avenue Zoning Hearing case.

Mr. Sellers asked the status of the two Temperance House appeals and Mr. Williams reported that the cases had been reactivated.

Old Business

Ms. Woldorf asked for an update on the S. Lincoln Avenue house that had the fire. Mr. Jaslow spoke to the Zoning Officer, who advised that there were no ordinances that would address the concerns of the neighbors. Ms. Brown did state that an inspection of the premises by the Building Inspector and the Fire Marshall prohibited the property owner from re-occupying the home at this time. Outside maintenance can be addressed with zoning regulations, but there is nothing to prohibit her bringing animals back into the home. Although raised by Ms. Woldorf, the Vacant House Ordinance does not apply in the case of fire. Solicitor Williams suggested adopting the International Property Maintenance Code, which is a broad code that would give the Borough the ability to address this type of situation.

New Business

Mr. Craig noted that the Little League teams will be recognized at the Tuesday Council meeting The 10 and 11 year olds became the State Baseball Champions and the 12 year olds were runners up.

Mr. Sellers asked the status of the Pickering Field lease renewal and Mr. Walker will take responsibility with the assistance of Mr. O'Malley for negotiating the lease.

Mr. Walker raised the question of pre-buying of fuel oil from William Fabian & Sons. After discussion, Mr. Walker was asked to obtain 1-2 additional quotes before a decision is made.

The split rail fence behind the Newtown Commons is in disrepair and Mr. Walker asked Council members to look at the fence before deciding on a partial or full replacement.

Public to be Heard

Bill Heinemann, 35 N. Chancellor Street, asked about replacement of the street trees and the asphalt patches in the sidewalk in the block of N. State Street near Borough Hall. Mr. Walker explained that the patches will be fixed and Mr. O'Malley said the Shade Tree Commission has been discussing the street trees with the property owner.

There was a motion to adjourn at 7:00 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 E. Washington Avenue
Bill Heinemann	35 N. Chancellor Street
John Burke	301 S. Norwood
Barbara Stollsheimer	277 Saxony Drive
Veronica Wallace-Mele	18 Amity Court
Isabel A. Godwin	144 Liberty Street
Heidi Adams	212 E. Washington Avenue
Jen Pennington	525 Penn Street
Jon Guy	110 S. Congress St.
Sally Thompson	200 N. Chancellor Street
K.A. Stewart	
Kati Sowiak	121 S. Chancellor Street