

Council Meeting
December 13, 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, December 13, 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; Solicitor Paul Cohen and Engineer Maryellen Saylor.

Recognition Plaques – Perry Warren

Vice-President Warren presented plaques to Julia Woldorf and Michael Sellers thanking them for their four years of service to Council and the Borough.

Mr. O'Malley added his personal thanks and said how much he enjoyed working with Ms. Woldorf and Mr. Sellers over the past four years. He felt that they had truly been leaders in the Borough and on Council. He said that Ms. Woldorf had been an excellent president and would be missed and Mr. Sellers would be missed for his planning expertise and legal input.

Mayor's Report – Dennis O'Brien

Police Report for November

Mayor O'Brien presented the November police report.

At the end of last month's meeting, the Mayor asked for contributions for a defibrillator. He thanked Nancy Terry and her husband and Larry and Ann Auerweck for their \$500 donations toward the purchase of AED units for the police department.

Special Events

Mayor O'Brien thanked all of the Holiday Parade committee members and noted that it was one of the best parades in a long time. He then reminded the public about the First Night Newtown Event which would be held on December 31, 2011.

Amendments to the Agenda

Discussion of the Anti-Discrimination Ordinance was added to the Personnel Committee Report and calendar dates for solicitor interviews was added to New Business.

President's Report – Julia Woldorf

Ms. Woldorf thanked Borough Council for their accomplishments during the past two years and expressed her hope that the new Borough Council would continue to build on the foundations laid by this Council.

Correspondence

Ms. Woldorf reported that in response to her letter to PennDOT regarding the Centre Avenue Bridge restoration, she received an e-mail from Mr. Beckerman advising that her letter was forwarded to the appropriate individuals and providing her with contact information.

Ms. Woldorf reminded the public that the Borough e-mail is still experiencing problems and she suggested that the Mayor place a notice on the Borough website, advising individuals to contact the Borough office directly.

Public to be Heard

Paul Salvatore announced that *First Night* buttons were on sale and information on the event could be found on the www.allaboutnewtown.org website. Mr. Salvatore also thanked Ms. Woldorf and Mr. Sellers for their service to the community.

Diane LeBas thanked Ms. Woldorf and Mr. Sellers for their many hours of work on behalf of the community. Ms. LeBas said that she knows how thorough Ms. Woldorf is in her work and when she hears an analysis by Mr. Sellers, she said it is formed by a very thorough knowledge of and appreciation for the law.

Jacobs Engineering Presentation

Mr. O'Malley introduced Jennifer Duval of Jacobs Engineering who would present the process that was followed for the grant study, which is now nearing completion. The intent of the Integrated Transportation and Circulation Study was to find new smart transportation ways to increase pedestrian and bicycle traffic in town, with a focus on pedestrian safety.

Ms. Duval presented some project background, talked about the stakeholders they have worked with while going through the process and outlined some of the next steps. Jacobs Engineering began work with the Traffic Committee to identify the goals for the study, which included enhanced mobility and connectivity in the Borough and the promotion of safety. The first stakeholders meeting involved putting together a list of the perceived issues and concerns for the Borough. The engineers reviewed the data, which included PennDOT and Borough crash data and regional traffic and roadway patterns, and determined the functioning of those roads. A second meeting was held in July, which included a presentation of their existing concerns, with ideas for improvement. Residents identified areas of cut-through traffic, speeding, and intersections that are not functioning properly. Jacobs Engineering compiled a list of twenty-seven ideas for consideration, with descriptions, typical uses, cost estimates and recommended locations. The draft report was discussed at the third stakeholders meeting in November, with a presentation of their proposed recommendations and discussed comments. The high priority locations were Washington Avenue, South State Street, Lincoln Avenue, the intersection of Lincoln Avenue and Washington Avenue

and the intersection of South State Street and Centre Avenue. From a safety standpoint Penn Street and Edgeboro Drive were additional areas of concern.

General cost estimates were included in the report, as were some funding sources. Plans are to issue the final report by the end of the year. Mr. O'Malley noted that it would be up to Council to implement the recommendations.

Certificates of Appropriateness

HARB Chairman Jim McAuliffe clarified that vinyl letters have been approved in the past for signs and either painted or vinyl letters would be acceptable for this application.

- ❖ 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 the President of Council to sign COA 2011-033-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-033-H Applicant: Dan Lacey, 14 S. State Street, Real/Pro Real Estate, LLC

The applicant was seeking a Certificate of Appropriateness for two wall signs for a real estate office, one on the front façade and one on the rear elevation of the building with painted or vinyl letters and the color wrapped around the edges of the signs. The sign on the front façade would be mounted between the moldings to fit between the window sash openings.

- ❖ 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 the President of Council to sign COA 2011-024-H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

Amendment to COA 2011-024 Residents Kevin & Christine Edmonds, 117 N. Lincoln Avenue

The applicants were seeking an amendment to Certificate of Appropriateness #2011-024 for a change in the placement of the windows on the south elevation of the previously approved new garage, noting that the four windows on the lower level would be relocated to place two on the first level and two on the second level, and the gothic window would be closer to the peak of the gable.

Mr. Burke announced that a HARB training session would be held on either December 19, 2011, or December 27, 2011, from 5-8 P.M. at Borough Hall. The seminar would be open to the public.

Newtown Creek Watershed Conservation Plan

Mr. Sellers explained that in order to close out the Community Conservation Partnership Grant, two actions are required, a Resolution and a request for inclusion on a river registry. The December 5, 2011, letter, from Terry Hough of DCNR contains a review of the draft plan and he commended Newtown Borough and its partners on their excellent work on the plan. It will be used to guide

future river conservation recommendations. Mr. Sellers explained that placing the Newtown Creek on the registry elevates the prominence of the Creek for future grant funding purposes.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to approve Resolution 12-13-11 closing out the Community Conservation Partnership Grant Project.
- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to request by petition the inclusion of the Newtown Creek on the Pennsylvania Rivers Conservation Registry and authorize Council President to execute the necessary form provided for that purpose.

Engineer's Report – Maryellen Saylor

Update on Newtown Station Bollards

Ms. Saylor reported that the Newtown Station Condo Association has not yet reached a decision on whether they wish to retain the bollards.

Sidewalk Survey

Ms. Woldorf explained that there was confusion regarding which sidewalk Quadrant was to have been surveyed. Ms. Saylor said that it was her understanding from the Work Session meeting that she was to determine with the Borough Secretary which Quadrant had the most recent survey. After review of her office file, Ms. Saylor determined that the Quadrant I sidewalks were last surveyed in September 2004, which she confirmed with the Borough Secretary. Based on that information, the inspector began a review of the Quadrant I sidewalks and an Excel Spreadsheet was prepared with the field data, as it was gathered. The survey was 50% complete when the question arose about which quadrant was to have been inspected and inspections were stopped at that point until there could be clarification. Because of the confusion, Pickering revised the original invoice by 50% and Ms. Saylor requested that the revised invoice be approved.

Mr. Burke's recollection of the work session discussion was not which quadrant was to have been inspected, but that the engineer was to follow up with inspections for those individuals who had received sidewalk repair letters to ascertain whether the work was completed or whether follow-up letters were required. It was not his understanding that all sidewalks would be inspected again. Mr. Burke voiced concern that if there were actually 10 sidewalks that remained in the Quadrant I list and now there are 72 sidewalks requiring repair, which is a significant difference.

Ms. Saylor recalled that so much time had passed since the original letters were sent that she understood that all the sidewalks were to have been reviewed, since more sidewalks might have developed problems.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Warren, and carried with Councillor Walker voting nay, to approve the Pickering, Corts & Summerson invoice #17, dated November 14, 2011, with a 50% reduction and total due of \$1,997.50.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the November 2, 2011, Council Work Session Meeting minutes.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the November 9, 2011, Council minutes.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and Robert Walker

Councillor O'Malley gave a brief presentation of the budget process and where the Borough stands at this point with the 2012 budget. Mr. O'Malley noted that it had been a difficult year for many municipalities, as revenues were down and expenses continued to rise. He explained that of the Borough budget the General Fund is really the operating fund. As with personal budgets, the expenditures are for priority items, which for the Borough is public safety. This is followed by the daily operations of the Borough and taking pride in the historic architecture of the Borough, the areas of zoning, HARB and Planning Commission are important areas. In addition, street projects are necessary to keep the infrastructure intact and well maintained.

The majority of the General Fund revenue comes from the Earned Income Tax, Real Estate Transfer Tax and Local Services Tax, which is projected for 2012 at \$850,000. Approximately \$276,944 will come from the Borough's Real Estate Tax.

The expenditures for the police department from the General Fund is approximately 56% or \$611,000, and public works accounts for \$202,000 or 14% of the budget and that includes snow removal, trees, parks and solid waste.

After reviewing all areas of expenses and looking to cut as much as possible and making assumptions about revenue, there was still a fairly significant deficit in the Operating Fund. In order to balance and effectively manage the budget, the Borough cut expenses, but ultimately made the decision to increase the millage. In a similar situation last year, the Borough utilized the Reserve Fund to make up the difference and \$60,000 will be used this year. A median based home assessed at \$40,000 would pay \$4,427 to Council Rock School District, \$877 to Bucks County and \$160 to Newtown Borough. The projected 3-mill increase would be approximately \$129 on the median based home.

Rather than earmark part of the General Fund as a donation to the Ambulance Squad, the decision was made to create an Ambulance Fund at .25 mills.

Resident Diane LeBas commented that so much of the budget comes from the Real Estate Transfer Tax and she noted that with a poor real estate market, that is something outside of the Borough's control.

Consolidated Report

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of November 2011 totaling \$119,624.75.

Year 2012 Budget

Mr. Sellers voiced concern about the proposed budget and restated his feeling that anything that was a non-collective bargaining pay increase should have been kept flat. In addition, he was not in favor of establishing the Ambulance Squad into a separate levy because he is concerned that the number will continue to increase. It is Mr. Sellers feeling that this tax increase might be extremely significant to some residents and it troubles him. He suggested looking at the budget and eliminating some of the contributions for 2012. He also suggested taking more from the Reserve Fund for current budget adoption purposes for this Council and pass a budget that does not raise taxes or have an Ambulance Squad levy and then have the new Council in January re-open the budget and make their own decisions.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried with Councillors Warren, Woldorf and Sellers voting nay and Mayor O'Brien breaking the tie with a yes vote, to approve the Year 2012 Budget of \$2,371,124.00, as proposed.

Year 2012 Tax Rate Ordinance

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried with Councillors Warren, Woldorf and Sellers voting nay and Mayor O'Brien breaking the tie with a yes vote, to approve Ordinance #720 setting the Tax Rate for Year 2012 as follows: General Fund 6.25 Mills; Lighting Fund 1 Mill; Fire Tax Fund .875 Mills; Street Improvement Fund .625 Mills; Ambulance Fund .25 Mills; Earned Income Tax @ 1%; Realty Transfer Tax @ 1%; and Local Services Tax @ \$52.00.

Year 2012 Tax Ordinance Fixing Salaries

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried with Councillors Woldorf and Sellers voting nay, to approve Ordinance #721 Fixing Salaries and other compensation for elected tax collector, auditor and Council appointees for Year 2012.

Long Term Parking – Gerard O'Malley

Mr. O'Malley suggested deferring discussion to the Solicitor's Report.

Personnel Committee – Perry Warren

Mr. Walker said that he felt the Anti-Discrimination Ordinance has a discriminatory aspect to it, noting that individuals in an appointed political position are not allowed to serve on the Human Relations Commission. He suggested amending the ordinance so it has no discrimination in it.

Mr. O'Malley disagreed, saying that one can choose not to be an elected/appointed political individual. He said that this is the one committee where you absolutely do not want to have politics slip in.

Mr. Warren said that he did not believe that a committee person of a political party is a protected class and Solicitor Cohen agreed with Mr. Warren. Mr. Cohen added that it is obviously exclusionary but he does not believe that it is discriminatory or in violation of any state or federal law.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Sellers, and carried unanimously, to appoint Linda Heinemann to a 3-year term on the Human Relation Commission through December 31, 2014.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor O'Malley, and carried unanimously, to appoint Harry Betz to a 3-year term on the Human Relations Commission through December 31, 2014.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor O'Malley, and carried unanimously, to appoint Robert Szwajkos to a 2-year term on the Human Relations Commission through December 31, 2013.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to appoint Aryeh Weinstein to a 2-year term on the Human Relations Commission through December 31, 2013.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to appoint Mary Miller to a 1-year term on the Human Relations Commission through December 31, 2012.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried unanimously, to appoint Amy Moore to fill an unexpired term on the Recreation Board through December 31, 2012.

Mr. Warren noted that all Personnel Committee correspondence has been through the Borough e-mail and since it has not been working since late November, he suggested that anyone who might have e-mailed interest in a position to that account should copy the Borough Secretary or make a call to the office.

Solicitor's Report – Paul Cohen

Temporary Signage for State Street

In response to the question of temporary signage for State Street, Mr. Cohen said that the ordinance does not give Council the power to waive the requirement, which clearly prohibits temporary signage. He also spoke with Jo-Anne Brown, Zoning Officer, who explained that she had concerns about signs interfering with pedestrian traffic and noting that the sidewalk widths are inconsistent throughout State Street. Short of a change in the Zoning Ordinance to specifically allow temporary signs, they are not permitted.

Phillips Court Update

With respect to the lighting at Phillips Court, the lights were received in November and the developer's attorney was to look into the installation, but as of this date, they are not installed. There is still money in escrow if the developer defaults on the installation.

Bucks County Planning Commission Review of SALDO and Zoning Ordinance Amendments

The Bucks County Planning Commission reviewed the proposed changes to SALDO, the Stormwater Ordinance and the Zoning Ordinance and provided a modest number of comments. Mr. Cohen will consult with the Engineer on the comments. He noted that the Zoning Officer recommended that instead of there being one ordinance, the changes should be adopted as three separate ordinances, since it simplifies the attachment of updates to those ordinances. Council agreed with that suggestion and Mr. Cohen will make the necessary changes and distribute to Council before advertising for adoption.

In response to Ms. Woldorf's question about clarity in the ordinance regarding the cumulative addition of impervious surface, Mr. Cohen suggested adding language to clarify that issue.

Parking Permit Ordinance

The Ordinance was re-advertised and Mr. Cohen announced the public hearing for Ordinance #722. The Ordinance modifies the ordinance expanding eligibility for all-day parking permits in the municipal parking lots. It was duly advertised in The Advance on November 24, 2011, and lodged at the Bucks County Law Library on November 23, 2011.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to adopt Ordinance #722 amending the Parking Permit Ordinance.

Police Chief's Agreements

Mr. Cohen explained that the Chief's contract was previously amended to provide for pension language and this current amendment would bring the 2011 contract into compliance with the agreement of the parties, the Chief and Council, regarding the use of his holiday pay.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the second amendment to the 2011 Employment Agreement for Police Chief Anthony Wojciechowski.

Mr. Cohen said that the 2012 Agreement is essentially the same as the current agreement, with changes made regarding salary, adopting the holiday and pension language.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the 2012 Employment Agreement for Police Chief Anthony Wojciechowski.

Proposed Parking Ordinance Changes

Mr. Cohen circulated a draft of a proposed ordinance designating several additional 15-minute parking spaces in various locations and three 30-minute parking spaces on Centre Avenue. The Long Term Parking Committee agreed with these changes, as did Chief Wojciechowski.

SEPTA Lot

Mr. Cohen said that he had contacted SEPTA with regard to use of the lot and they had requested a proposal, which included screening, and reiterating that they did not wish to see the lot used for parking of any vehicles. If Council wishes to pursue the use of the lot, some expenditure for screening would be required and a proposal created.

Old Business

Mr. Warren said that Mr. Cohen would be leaving his position as Borough Solicitor at the end of the month and he thanked him for his service to Council and the community.

New Business

Mr. Walker explained that scheduling for interviewing of potential Solicitor candidates is necessary. Because of a potential conflict with other reorganization meetings on January 3, 2012, Council decided to schedule interviews on January 4, 2012, beginning at 6 P.M.

Mr. Sellers noted that the Washington Avenue bridgework is proceeding, but because of weather issues affecting the original schedule, the contractor agreed to delay the completion until after the holidays. This was done in consideration of the business owners and the inconvenience to residents. The contractor had been helpful in providing signage for the one business most directly affected and Mr. Sellers voiced his appreciation for their assistance.

Public to be Heard

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

The meeting adjourned at 8:50 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES
Warren Woldorf
Jeff Werner
Paul Salvatore
Larry Auerweck
Diane LeBas

The Advance

Robert King
Jessica Kadylak
Bill Heinemann
Mary Hunter
Jim McAuliffe
Sally Thompson
Dan Lacey

The Patch