

Council Work Session  
January 5, 2011  
Council Chambers

The regular monthly work session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, January 5, 2011, by President of Council Julia Woldorf.

Present were Councilors O'Malley, Sellers, Walker, Warren and Woldorf; Solicitor Paul Cohen and Engineer Maryellen Saylor of Pickering, Corts & Summerson. Mayor O'Brien was in attendance for the Executive Session prior to the meeting, but left before the Council meeting began. Councilor Burke was excused.

### **Amendments to the Agenda**

Added to the agenda was discussion of the recent snow removal.

Ms. Woldorf removed the playground equipment installation from the agenda because additional information was required before a decision could be made.

### **Public to be Heard**

Bob King, 242 S. Chancellor Street, spoke in support of the updated Open Space Plan. As co-chairman of the Environmental Advisory Council, Mr. King oversaw the drafting of the Newtown Borough Open Space Plan and he encouraged Council to consider the use of the Open Space funds for property along Newtown Creek.

### **Snow Removal**

Mr. Sellers addressed the recent snow removal and associated issues. Scott Dengler of Scott's All Seasons explained that his company handles snow removal on Emergency Routes first, then secondary roads and municipal parking lots, with sidewalks and alleys [on Borough property] hand-shoveled. Residents/property owners are required to remove cars from the Emergency Routes for 24 hours before, during, and after a snowstorm in order for those areas to be plowed. Mr. Dengler noted that some individuals did not remove their vehicles, which created difficulty in clearing. Another on-going issue is snow blowers that are blowing snow back into the streets and creating icing situations. During the recent snowstorm, Mr. Dengler's crew worked for 27 hours until 4 pm Monday afternoon when he was told to refrain from further plowing, unless required by the police department. Mr. Dengler's normal routine is to pushback to the curbs after the initial plowing is complete, but he was asked not to do that with this storm. He noted the cost would have been approximately \$2500 and Mr. Walker responded that historically the Borough has pushed back the snow on the secondary roads. In addition, Mr. Walker asked if cars not removed received tickets. Ms. Woldorf responded that the police committee would speak to the Chief about the matter. Mr. Sellers suggested using the PEG channel to advise the residents of their responsibilities. Mr. Sellers wanted it clarified that the Borough is only responsible for clearing handicapped ramps on/or adjacent to its own properties and that property owners should clear ramps on their own properties.

## **Engineer's Report – Maryellen Saylor, Pickering, Corts & Summerson**

The engineer recommended that Payment #3 for the Frost Lane project be approved, noting that Newtown Township has already approved payment. The maintenance period began on the date of the Township's approval.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, to approve Final Payment #3 for \$9,190.50, which is release of the 5% retainage for the Frost Lane Project.

The curb ramps for the Newtown Artesian Water Company project at Washington Avenue and State Street are still under review by PennDOT.

The engineer completed the pedestrian study report at Lafayette Street and Lincoln Avenue with a recommendation for removal of the handicapped ramp and re-grading of the area. Letters were hand-delivered to the neighbors regarding the project.

FEMA is looking for input/comments on non-technical issues from elected officials on their updated FEMA flood insurance rate maps. Ms. Saylor noted that some municipalities have found missing information that was previously on the maps and this could cause complications with flood insurance. Council will ask the Planning Commission and Environmental Advisory Council to review the maps.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize the engineer to review the FEMA maps, in a timeframe not to exceed eight hours.

## **Open Space Plan**

The County requires that in order to qualify for Open Space funding, municipalities must adopt an Open Space Plan consistent with their guidelines. Council will adopt a resolution for the Open Space Plan at the Council Meeting on Tuesday. The next step would be applying for reimbursement for the costs incurred in updating the Open Space Plan.

## **Traditional Neighborhood Development Ordinance Modifications**

The Planning Commission voted to approve the revised draft of the proposed Traditional Neighborhood Development (TND) Ordinance and recommended advertising the Zoning Ordinance amendment for adoption. Mr. Cohen noted that the Bucks County Planning Commission reviewed the draft and the Borough Planning Commission incorporated their comments into the revised draft.

Mr. O'Malley reminded Council that he requested a public presentation on the TND ordinance and Chairman Woldorf offered to make the presentation at the next Council meeting.

## **Budget and Finance – Gerard O’Malley**

- ❖ A motion was duly made by Councilor O’Malley, seconded by Councilor Walker, and carried unanimously, to approve the professional services invoices for November as outlined in the Treasurer’s e-mail dated December 28, 2010.

## **Solicitor’s Report – Paul Cohen**

- Stormwater Management Ordinance

The Solicitor reported that he and the engineer reviewed the Neshaminy Stormwater Ordinance that was recently adopted by the Department of Environmental Protection (DEP) and the Borough must amend and adopt their version by May 2011. Mr. Cohen noted that under the new ordinance no development is exempt from providing a proposal about stormwater management regardless of how small the project. The Borough may adopt a version that permits an informal presentation without engineered drawings, but ultimately the applicant will incur costs for review by the Borough engineer to assure that the plan addresses additional runoff. Mr. Cohen will prepare an adoptable version of the ordinance for the Borough highlighting the optional provision.

- Sidewalk Ordinance

Mr. Cohen reported that he and the engineer have completed the section on design standards and adopting ADA compliance language. Council must determine who is responsible for handicapped ramp replacement costs, the owner of the property or the Borough, when a sidewalk repair/replacement is required. Mr. Cohen recommended writing an ordinance, which references ADA standards but does not specifically address curb ramps. Mr. Cohen will supply Council with a draft of the ordinance and discussion will continue at the February work session.

- Noise Ordinance

Last month Mr. Cohen distributed a noise ordinance draft and noted that this ordinance includes objective criteria, which should improve enforcement of the ordinance. The Solicitor would like input from Council about any additional concerns. Mr. Sellers asked if the proposed ordinance covers the issue of “straight pipes” for motorcycles, as “straight pipes” do not comply with inspection laws.

- Hold Harmless Letter

A recent judicial ruling regarding the procedure for preliminary hearings and arraignments requires the use of specific equipment, which includes a “live-scan” instead of an inkblot fingerprinting system. If a police department does not have that equipment, they are required to use a municipality that does provide that equipment. As a result, all processing for Newtown Borough goes through the Upper Makefield Police Department and Upper Makefield has requested that the Borough sign a “release and hold harmless” letter. Mr. Cohen is in the process of confirming with the Borough’s insurance carrier that they concur and Council will need to authorize the signing of the requested letter at the Council meeting on Tuesday.

- Waiver of Fees

Mr. Cohen noted that the new Special Events Ordinance allows Council to waive the application fee for an event and the cost for police coverage provided the event will benefit a charitable organization or is a Borough sponsored event. Mr. Cohen suggested that Council not waive fees for all parades, but should review each event on a case-by-case basis.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, that the requirement of fees for applications under the Special Events Ordinance would be addressed on a case-by-case basis and any prior motions to the contrary are repealed.

For the record, Mr. Cohen announced that an executive session was held prior to the meeting for discussion of potential litigation and personnel matters.

### **Old Business**

Mr. Warren reported on the applications for appointment/reappointment that were received and noted that of the four applicants for the two positions on the Planning Commission, Chairman Woldorf preferred two individuals, but Mr. Woldorf felt the decision is up to Council. Discussion of the applicants and a formal vote on the appointments/reappointments will occur on Tuesday night.

The Solicitor noted that the 2011 Fee Schedule and the Fee-in-Lieu of Trees Ordinance were advertised.

Ms. Woldorf asked for a progress report on the Newtown Creek grant and the SMART transportation grant at the meeting next week.

Ms. Woldorf will be scheduling a meeting to discuss updating the Borough website.

Mr. Sellers reported that he and Mr. Warren have been in communication with owners of The Blackhorse Tavern regarding the issue of noise complaints.

Mr. Sellers received three proposals for the police station generator, but he is awaiting clarification on two of the quotes. The information will be in the Councilors mailboxes by the weekend for review in advance of the council meeting.

### **New Business**

Mr. O'Malley raised the idea of setting up a Newtown Borough Facebook page.

Ms. Woldorf announced that the Greater Philadelphia Chamber of Commerce is holding a breakfast meeting on January 25, 2011, to discuss development of the waterfront and surrounding area if anyone wishes to attend.

The 100<sup>th</sup> Anniversary Conference of the PSAB will be held in Hershey, PA this spring, if anyone would be interested in attending.

Ms. Woldorf announced that she sent letters to Cpl. Warunek and Officer Rosenfeld in response to their merit commendations.

### **Public to be Heard**

No one wished to be heard at this time.

There was a motion to adjourn at 8:55 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

IN ATTENDANCE

Gema Duarte	Bucks County Courier Times
Jeff Werner	The Advance
Warren Woldorf	440 E. Washington Ave.