

Council Meeting  
February 14, 2012  
Chancellor Center

President Robert Walker called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, February 14, 2012. Mr. Walker asked those in attendance to join him in a moment of silence, followed by the Pledge of Allegiance.

Present: Councillors Auerweck, Burke, King, O'Malley, Walker and Warren; Mayor Dennis O'Brien and James McNamara, filling in for Solicitor Bolla.

### **Police Report – Chief Anthony Wojciechowski**

Chief Wojciechowski presented the January 2012 police report noting that the DUI arrests are down almost 30%, which is in line with a cross-section of Pennsylvania. Two hundred twenty-one incident reports were written for the month of January, but historically, January and February are slower crime months. In response to resident concerns, several of the traffic details were carried out at Sterling and State Street.

In reviewing the recent Traffic Study, the Chief looked at the possibility of implementing some of the study suggestions. Although speed bumps/humps were suggested, the Chief found in talking to chiefs in other municipalities, that there are unexpected problems that can arise from their use. Stormwater run-off often occurs, residents complain of noise issues created by cars hitting the bumps and liability issues are an additional problem. The residents of the 500 block of Penn Street expressed concern regarding perceived speeding/traffic in that area and the Chief placed a device to monitor vehicular traffic. He said that a staggering 5,697 cars used the area in the course of two days, but surprisingly the average speed was only 23.62 mph. The device will also be used on Edgeboro Drive, as many children live along that block and residents have voiced concern about the speeds there.

The Long Term Parking Committee discussed the possibility of adding parking kiosks in the Borough. Chief Wojciechowski went to Doylestown Borough, discussed with the Chief how effective the kiosks have been, and saw the kiosks in operation. Although the initial expense was approximately \$12,000 per kiosk, they quickly paid for themselves. New Hope Borough has successfully used them and has received annual revenue of approximately \$700,000 from their use.

Councillor O'Malley thanked the Chief for being pro-active in enforcement and in gathering information related to the various issues.

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

Mayor O'Brien reminded the public that on February 20, 2012, at 8 PM at the Newtown Movie Theater there will be a free program on the history of the abolitionist movement

in Newtown. Choirs from the AME Zion and the Macedonia Baptist Church will perform.

### **Amendments to the Agenda**

A report from the Long Term Parking Committee was added to the agenda.

### **Appointment of Borough Engineer – Perry Warren**

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Auerweck, and carried unanimously, to reappoint Pickering, Corts & Summerson as the Borough Engineer.

### **Public to be Heard**

Diane LeBas addressed the issue of the SEPTA lot at Lincoln Avenue and Penn Street. Ms. LeBas noted that rather than maintain the eyesore, she would like to see pursuit of a suggestion made during the election to turn the lot into a recreational area. However, she also agreed with the suggestion that this potential public space be tested to determine if it is safe and if there are health hazard, then they should be remedied as soon as possible.

Resident Ralph Rogers asked Council last October why, in his opinion, he was singled out to remove his vehicles from the SEPTA lot. Receiving no answer, he asked again in November and was asking again now, why he was singled out. Mr. Walker responded that the other individuals did remove their vehicles, but it had been difficult to find contact information for those owners. SEPTA contacted the Borough about their use of the lot, since it was private property, and the Borough acknowledged that they had overstepped by storing equipment and salt there and it was all removed. Mr. Walker apologized to Mr. Rogers on behalf of Council assuring him that it was not intentional.

### **Certificates of Appropriateness**

- ❖ A motion was duly made by Councillor King, seconded by Councillor Burke, 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 2012-002-H Resident June Hilbert, 117 S. Congress Street**

The applicant was seeking a Certificate of Appropriateness for the replacement of existing wood fencing with wrought iron fencing, and replacement of existing wood stairs with masonry stairs.

**COA 2012-003-H Residents Kalman & Beryl Katz, 120 N. Chancellor Street**

The applicants were seeking a Certificate of Appropriateness for renovations to an existing porch and stairs, and the installation of light fixtures, as pictured in the application presented at the meeting by Mr. Katz.

**COA 2012-004-H Applicant: Michael Hutchinson, 222 Chancellor Street, Fraher/Ettori residence**

The applicant was seeking a Certificate of Appropriateness for the construction of a two-story rear addition, noting that the existing windows on the sun porch would be repaired, the proposed north (side) elevation and the proposed south (side) elevation were recommended; the Hardiplank siding would be smooth; the crown molding on the north and south elevations of the addition would be removed; and noting that the rear elevation is not under HARB purview.

**COA 2012-005-H Applicant: Keith Coleman, 201 S. State Street, Hamilton Building Supply**

The applicant was seeking a Certificate of Appropriateness for the replacement of three existing doors and hardware.

Mr. King explained that the following application was denied by HARB because the door did not fit the opening properly and was not appropriate for the house. The HARB recommendation was to replace the door with the original door. The applicant addressed Council and read a prepared statement requesting relief because of a disability with his eyesight and noting that the glass door afforded him better light.

The application for the following COA was tabled and the applicant was advised to return to HARB with the alternative plan that he proposed to Council.

**COA 2012-001-H Resident Richard Leedes, 107 S. Chancellor Street**

The applicant was seeking a Certificate of Appropriateness for replacement of the front door of his residence. *The new door had already been installed.*

*HARB recommended denial of the application, as presented, noting that the new door does not fit the opening and is not appropriate to the house, and adding a recommendation to replace the original door in kind or install another door that is more appropriate to the house.*

**Presentation of Minutes**

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor King, and carried unanimously, to approve the January 4, 2012, Council Work Session Meeting minutes.
- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Auerweck, and carried unanimously, to approve the January 10, 2012, Council minutes.
- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Warren, and carried unanimously, to approve the January 26, 2012, Special Council Meeting minutes.

## **COMMITTEE REPORTS**

### **Budget & Finance – Gerard O’Malley and Robert Walker**

#### **Consolidated Report**

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Burke, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of December 2011 totaling \$135,345.91.

### **Long Term Parking Committee – Gerard O’Malley**

Mr. O’Malley announced that the Committee will meet the 1<sup>st</sup> Tuesday of each month. The Committee discussed the possibility of using kiosks for the municipal parking lots and they will continue to research the idea of paid parking with kiosks. In addition, they discussed residential parking issues on Centre Avenue, Court, Penn and Mercer Streets and will speak to the Chief about how enforcement has affected the problem or whether Residential Parking Permits should be considered. The Committee decided it wanted to work on a parking management plan with a multi-pronged approach to parking management in the Borough, including possible usage of parking in private lots.

A request was made to extend the valet parking pilot program an additional 90 days, roughly March through May, with a reduction in cost for the service from \$8 to \$5. The same three parking spaces would be utilized for the drop-off at the corner of S. State Street and Washington Avenue.

Although Mr. King did not have a problem in concept with valet parking, he voiced concern whether an additional three months would make a difference in the success of the program. He questioned whether it was the marketing of the program, but the general perception in the community was that it had been a failure.

Mr. Burke felt that the reduction in the cost might make a difference in the success of the program and he thought it was worth extending for the three months.

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Auerweck, and carried unanimously, to extend the designation of three parking

spaces at the corner of S. State Street [for valet parking drop-off] for a period of three months, March through May.

### **Environmental Advisory Council – Perry Warren**

Mr. Warren said that the Environmental Advisory Council would like to send a letter to several universities requesting students to assist in a Green House Gas Inventory.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to authorize sending a letter to several specific universities requesting assistance with a Green House Gas Inventory.

### **Personnel Committee – John Burke**

Mr. Burke said that two applications were received for the Planning Commission position and in his opinion, it is important to enlist as many different volunteers from the community as possible. Mr. Warren said he felt both applicants would serve well, but he would like to see Ted Schmidt appointed to the position. Mr. Walker noted that Mr. Schmidt currently serves as Chair of the Shade Tree Commission.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor King, and carried with Councillor Warren voting nay, to appoint Susan L. Bannon to a 4-year term on the *Planning Commission* through December 31, 2015.

Mr. O'Malley questioned the appointment for *Vacancy Chair* being only one year and Solicitor McNamara confirmed that it is an annual appointment.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried unanimously, to appoint Donald Smith as *Vacancy Chair* through December 31, 2012.

### **Solicitor's Report – James McNamara**

Mr. McNamara confirmed that Mr. Bolla advertised the proposed ordinance and lodged it at the Bucks County Law Library.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Burke, and carried unanimously, to approve Ordinance #723 amending the Parking Ordinance by changing designated 15-minute parking spaces to 30-minute parking spaces.

Mr. McNamara announced that the Steeple View LP Conditional Use Hearing would be continued until March 27, 2012, at 6 PM, at the Chancellor Center, so that the applicant could revise the plan. The meeting originally scheduled for February 23, 2012, was cancelled at the applicant's request.

### **Old Business**

Mr. O'Malley announced that the final report of the Traffic Study was received and distributed to Council for review. The Committee will discuss the study, prioritize items and make recommendations to Council.

Mr. Warren noted that there is a potential conflict with dates for two Council Work Sessions. The April 4th Work Session falls during Council Rock School District's spring break and the July Work Session falls on 4<sup>th</sup> of July. It was decided that the April Work Session date would remain but the following motion was made regarding 4<sup>th</sup> of July.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor King, and carried unanimously, to cancel the July Work Session.

### **New Business**

With mixed emotions and much deliberation, Mr. O'Malley announced his resignation from Borough Council. He said that he has balanced family, work and Council responsibilities in the past, but he now had the good fortune of being given a new position in his firm which will involve an expanded scope of responsibility and international travel. Although this was a difficult decision, Mr. O'Malley felt that he would not be able to devote the time needed to effectively serve the residents of the Borough. He said that if he could not give the job his all, he would not be satisfied with himself and the residents would not be satisfied with him. He thanked the residents of the Borough for their support over the past four years, saying that it was an honor to serve them.

Mr. McNamara suggested that Mr. O'Malley extend the effective date of his resignation in order to afford Council more time to find a replacement.

Mr. Walker said that it was with a great deal of regret that Council would accept his resignation. He said that Mr. O'Malley has made a significant contribution to Council and has continued to do the right thing for Newtown Borough. Filling his shoes will be a challenge, but Mr. Walker said that, although a tough decision to make, Mr. O'Malley made the best decision for his family and his family should come first.

### **Public to be Heard**

Diane LeBas thanked Mr. O'Malley for his dedication, intelligence and hard work and wished him and his family the best.

Kevin McCormick, 255 S. State Street, addressed Council with concerns related to traffic and speeding in front of his home. Mr. McCormick suggested adding a "Yield to Pedestrian" sentinel at that location as a reminder to slow down. Mayor O'Brien told him that the Chief reported earlier in the meeting that several speed enforcement details resulted in citations at that location and his concerns are being addressed.

The meeting adjourned at 8:22 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

ATTENDEES

Warren & Julia Woldorf

Jeff Werner

*The Advance*

Diane LeBas

Jessica Kadylak

*The Patch*

Jim McAuliffe

Ted Schmidt

Dave Callahan

Sally Thompson

Kalman & Beryl Katz

Richard Leedes

Keith Coleman

Kevin McCormick

Mike Hutchinson

Paul Gouza

Mario Canales