

Council Work Session  
March 3, 2010  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, March 3, 2010, by Vice-President of Council Perry Warren.

Present were Councilors Burke, O'Malley, Sellers, Warren and Walker; Mayor Dennis O'Brien; Solicitor Paul Cohen and Engineer Maryellen Saylor. Ms. Woldorf was excused.

Mr. Warren announced that an executive session would be held following the meeting for discussion of litigation, personnel and real estate.

### **Amendments to the Agenda**

Mr. Warren added discussion on the letter to PennDot regarding the Promenade Traffic Study and discussion regarding the Planning Commission's Request for Proposal for the TND Ordinance to the agenda.

### **Public to be Heard**

Tina Leck, representing the Newtown Business and Professional Association, discussed a change in date for Welcome Day. The Association's original Special Events Request was to hold Welcome Day on June 6, 2010, with a rain date of June 13, 2010. The organization now wishes to use the June 13, 2010, date with no proposed rain date.

### **Recreation Board Skate Park Donation – Christine Edmonds**

Christine Edmonds, a member of the Recreation Board, approached Council about a proposed Skate Park in Newtown Township. The cost is approximately \$80,000 and Newtown Township has agreed to a 4 x 1 match of any donations made. Ms. Edmonds asked Council if the Recreation Board could donate \$500 that had been budgeted for bike racks, which would amount to \$2500 with the Township match. She also asked if the Borough would consider an additional donation of \$500. To help with fundraising, Ms. Edmonds has also been selling t-shirts.

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to approve a commitment to reallocate funds from the Recreation Board budget previously designated for bike racks, for a donation in the amount of \$500 to the Newtown Skate Park.

### **Pickering Field Use Agreement**

Mr. O'Malley and Mr. Walker provided Council with potential changes to the Council Rock Newtown Athletic Association Facility Usage Agreement. They recommended leaving Fall Ball in the 4 year agreement, but agreed that the affiliated teams should be listed and defined. The Solicitor recommended not inserting wording about movement to the Woll tract when it is completed.

Edith Gowin, 202 N. Chancellor Street, asked why a one-year Fall Ball approval was not being considered. Mr. O'Malley explained that because the Fall Ball program went well last season, he saw no reason to change the agreement.

Dan Knott, 206 N. Chancellor Street, felt that the proposed four-year agreement is exclusive to the CR Association and he would like to see Council reconsider that. Mr. Knott voiced concern about the use of a public address system because he feels that it is very loud and causes tension with the neighbors. In the past, it had been used during tournaments, but the use has since been expanded. Mr. Knott was upset at the "dragging" of the infield, which generates dust that filters into the neighbors' homes and he would like to see the League wet down the infield before "dragging."

Donna Gusty, 7 S. Chancellor Street, thought it was wonderful to have the field available for the children playing ball, but felt it would be nice for families to also be able to use it.

Paul Salvatore, 148 N. Elm Avenue, commented that he rarely sees other people using the field when the League is not there and he noted that there are other parks available, such as Linton Memorial Park, Gregg Memorial Park and even Goodnoe School, which have additional playground equipment to use. He would rather encourage organized sports to keep kids out of trouble.

Sally Thompson, 200 N. Chancellor Street, said that the heavy tarps that are placed on the field discourages others from using the field. Ms. Thompson also feels that additional leagues have been added that has increased the use of the field. Mr. O'Malley responded that the League needs to prepare a list of affiliated teams that are permitted to play and he noted that there must be a Newtown team on the field at all times.

Mr. O'Malley asked Solicitor Cohen if it would be feasible to have changes made to the agreement for discussion at the Tuesday Council meeting, to which Mr. Cohen responded yes.

### **Snow Removal Budget**

Mr. Walker reported that snow removal for 2010, not including the past Friday snowstorm, totals \$107,000. The total budgeted snow removal for 2010 was \$70,000, which puts the Borough \$37,000 in the hole. The December snowstorm was approximately \$30,000. Mr. Walker and Mr. Warren complimented *Scott's All Seasons* for their handling of the snow. Mr. Sellers thanked George Stockburger for allowing the Borough to deposit the removed snow on his property and for allowing residents to park cars on his lot to keep Borough streets clear for snowplowing. Mr. Warren and Mayor O'Brien noted the extra efforts of many citizens who took the initiative to clear ramps and fire hydrants.

Donna Gusty asked that the handicapped ramp at the corner of the Newtown Library and the corner of Washington Avenue and Chancellor Street near the Presbyterian Church be kept clear of snow. Mr. Sellers explained that because of the massive amount of snow, it was impossible to clear the ramps because there was no place to put the snow and specialized equipment would have significantly increased the already high cost of snow removal.

## **Engineer's Report – Maryellen Saylor**

Ms. Saylor attended the Neshaminy Watershed Advisory meeting and noted that the Bucks County Planning Commission is hoping to have approval of their plan by the DEP by the end of June. Municipalities have six months from that point to enact storm water management ordinances in compliance with the plan.

With regard to the Frost Lane project, Ms. Saylor had been asked not to proceed until discussion at the work session. Mr. Sellers explained that this project is primarily located in Newtown Township and it is matter of the Township taking the lead to schedule it. Ms. Saylor should confirm with the Township that they are going to proceed with the project.

The Old Skunky study has been 70% completed by Gilmore & Associates, but who will finish the study needs to be determined. The timeframe established by the grant for completion also needs to be clarified.

Chris Gusty explained to Council that he is having flooding issues in the basement at his commercial property at 252 S. State Street. Mr. Gusty feels that something significant has changed which is causing the excessive flooding and he is asking Council to address the issue. Mr. Sellers suggested ruling out the possibility of a breach in the storm water facilities at Sterling and State Streets.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to authorize a site visit by the engineer to investigate if there is any municipal source contributing to the flooding at 252 S. State Street.

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

The Newtown Library 5K Run is scheduled for October 9, 2010, using the same route as last year.

The Mayor reported that Chief Wojciechowski would like to purchase video cameras for the police cars. Because of the \$5000 cost, it was suggested that money could be budgeted in next year's budget. Council was given quotes and asked to consider the request.

Mr. Walker asked about the need to replace police radios and if there was any County money available. Mr. O'Brien responded that the County Commissioners have some money, but a formal request needs to be made.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to authorize President of Council to send a letter to the Bucks County Commissioners asking for consideration to release any available funds for the purchase of police radios.

Mayor O'Brien referred to the four bids that were received for a new police car. The recommendation of the Police Committee was to purchase a 2010 Ford Expedition. Money has been set aside for the past three years for the purchase of a new vehicle. The Expedition is recommended because of its larger size, the better resale value and the ability to handle well in the snow. A formal motion will be made at the Council Meeting.

Mayor O'Brien noted that of the \$11,000 budgeted for security cameras in Borough Hall and the Police Station, only \$9,000 was required. Chief Wojciechowski recommends using the additional \$2000 for extra police coverage.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to approve 110 hours of extra police coverage using the \$2000 left over from the police security camera budget to fund the expense.

### **Smart Transportation Grant Proposal – Gerard O'Malley**

Mr. O'Malley explained to Council that the Smart Transportation Grant reimbursement agreement required the signature of the new Council President since the time lapse was more than that required since the signing by previous President Craig. A motion will be made at the Council Meeting to reapprove the signing of the agreement and approving a Request for Proposal for the grant work.

### **Approval of Professional Invoices**

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Warren, and carried unanimously, to approve the January 2010 professional services invoices.

### **Tax Certification Fee Increase – Judy Musto**

Tax Collector Musto requested that Council approve an increase in the tax certification fee to \$35. Newtown Borough currently has one of the lowest tax certification fees within the surrounding municipalities and especially within Council Rock School District. The certification work includes researching the past three years taxes for a property before closing on the sale of a property. To put the issue in perspective, Ms. Musto explained that for her collection of \$4.5 million dollars a year for the school district, she is paid only \$5,000. Solicitor Cohen noted that an increase would include amending the ordinance and amending the Borough Fee Schedule.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to draft an ordinance and amend the 2010 fee schedule increasing the fee for tax certification, with the fee amount to be determined.

### **Streets, Lights & Properties – Michael Sellers**

Mr. Sellers would like Council to review his memorandum regarding proposed security locks for Borough Hall and discuss the issue at the next work session.

Mr. Sellers reminded Council that the Police Station lease will soon be up for renewal, which is automatic for another 5 years unless notice is given by May 2010. A reasonable rent is paid to the Fire Association, but the Borough is responsible for all maintenance and improvements to the building. There are improvements to the building that need to be made in the future that would involve substantial expenditures. Council needs to discuss renewal of the lease and Mr. Sellers would like to have Chief Wojciechowski involved in the discussion at the next Council work session in April.

Several sconces in the South State Street lighting fixtures need replacement and Mr. Walker presented Council with two sample sconces, one costing \$10 and one costing \$60. Mr. Sellers commented that unless Council has a problem, we will look into replacing them on an as needed basis.

## **Request for Proposal – Michael Sellers**

Council received a copy of a modified Request for Proposal from the Planning Commission for the Traditional Neighborhood Development ordinance amendment. Mr. Sellers is looking for approval from Council to send the RFP to four consultants.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize sending the Request for Proposal for a consultant to review the Traditional Neighborhood Ordinance modification.

## **Letter to PennDot**

Mr. O'Malley explained that Council had decided to send a letter to PennDot regarding concerns outlined by Gilmore & Associates about The Promenade Traffic Study. Ms. Woldorf drafted a letter and asked Council to review it.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Sellers, and carried unanimously, to authorize President of Council to send a letter to PennDot regarding concerns related to The Promenade Traffic Study.

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

Mr. Cohen reported that the Liberty Street Emergency Parking ordinance has been advertised and will be on Council's agenda for adoption next week.

Two tax appeals have been filed and Council Rock School District has appealed those assessments. Mr. Cohen wants guidance from Council regarding how to handle tax appeals.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to work with Newtown Township Solicitor Jeffrey Garton to draft an ordinance to modify the existing Newtown Area Telecommunications Advisory Commission ordinance.
- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to ratify and affirm the Mayor's Declaration of Emergency on February 25, 2010, due to the snowstorm, as per Section 75-5 of the Newtown Borough Code.
- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to authorize the Solicitor to prepare a correction to the existing ordinance listing the Mayor at the top of the list for declaring emergencies, with the President of Council listed second.

Mr. Cohen reviewed the Articles of Incorporation and the minutes leading up to the formation of the Newtown Corporation. The Corporation was not formed as an affiliate of Newtown Borough or Newtown Township, but as an independent non-profit corporation. Mr. O'Malley noted that the only Borough involvement is the appointing of Borough members to the Corporation. Mr. Cohen stated that there are other possible legal options available to the Borough as an interested party or to the Borough through its appointed directors.

In response to Shawn Ward's question about whether Newtown Corporation would be discussed in Executive Session, the response was yes.

With regard to adoption of by-laws and rules of order for Council, Mr. Cohen provided Council with an opinion noting that Council is authorized to adopt when appropriate. As a matter of practicality, the rules should remain somewhat flexible but those proposed rules and by-laws will be modified over time and he will provide comments as they progress.

**Old Business**

There was no old business discussed.

**New Business**

Mr. O'Malley asked about a presentation regarding the R-8 line and it was noted that Ms. Woldorf plans to have representatives at the April Council Meeting. Resident Joe Lovi voiced concern about the reactivation of the line because of the excessive cost.

Mr. Sellers reported on the Newtown Creek Coalition meeting held on March 2, 2010, and noted that specific projects would be coming back to Newtown Borough and Newtown Township.

**Public to be Heard**

Paul Salvatore, Interim Director of the Newtown Corporation, reminded Council of the Unification Brunch to be held March 7, 2010, at Homewood Suites.

Council went into Executive Session for discussion of litigation, personnel and real estate.

There was a motion to adjourn at 9:35 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 E. Washington Avenue
Joe Lovi	151 N. State Street
Judy Musto	118 S. Congress Street
Dan Knott	206 N. Chancellor Street
Edith Gowin	202 N. Chancellor Street

Diane LeBas	104 Penn Street
Danny Adler	Bucks County Courier Times
Jeff Werner	The Advance
Sally Thompson	200 N. Chancellor Street
Tina Leck	182 Durham Road
Paul Salvatore	148 N. Elm Avenue
Shawn Ward	501 Coachwood Court
Chris & Donna Gusty	252 S. State Street
Jerry Schenkman	Newtown Township Supervisor