

Council Meeting
March 8, 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, March 8, 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 and Solicitor Paul Cohen.

Mayor's Report – Dennis O'Brien

Police Report for February

The Mayor presented the February police report.

Amendments to the Agenda

There were no amendments to the agenda.

President's Report – Julia Woldorf

In light of situations around the world, Ms. Woldorf commented that she hopes our [the United States] system of government continues to work as well as it has for the last couple of hundred years.

Correspondence

An invitation from the Bucks County Association of Boroughs was received for its upcoming dinner meeting on March 29, 2011. Since Ms. Woldorf is unable to attend the meeting, she asked if anyone else from Council could attend and represent the Borough.

Public to be Heard

Michael Feit, representing the Newtown Station Homeowner's Association, addressed Council with concerns related to the Maintenance Bond for Newtown Station. The homeowners have outstanding issues with Toll Brothers and since Toll is reaching the end of its 18-month maintenance bond, the Association would like Newtown Borough to include them in any meetings, site inspections or discussion of release of funds. In addition, they would like to be supplied with any present or future "punch lists" provided by the Borough Engineer.

Resident Paul Salvatore reminded Council of Newtown Rotary's 2nd Annual "Hope on the Vine" event, which includes a wine tasting and auction with all proceeds benefiting various Newtown organizations. Newtown Corporation will sponsor Restaurant Week, April 10-14, 2011, which will include a 5th free meal if 4 other meals are purchased that week. Part of the proceeds will help support the fireworks for "First Fourth" this year. Mr. Salvatore also reminded everyone that the Easter Egg Hunt will be held at 9 A.M., April 16, 2011, at Pickering Field.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Walker, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-002H, thereby approving the historical appropriateness of the applications with final approval by the Code Enforcement Officer.

COA 2011-002-H Applicant Deborah Richman, 16 S. State Street, MedEstics

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging sign within the display window for MedEstics.

Councillor Sellers arrived at this time.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried with Councillor Walker abstaining, to approve the minutes of the February 2, 2011, Work Session Meeting.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Burke, and carried with Councillor Walker abstaining, to approve the minutes of the February 8, 2011, Council Meeting.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of February 2011 totaling \$120,873.89.

Mr. O'Malley noted that the Treasurer prepared a 2010 year-end report and a Year-to-Date as of the end of February 2011 and distributed it to all Council members.

Planning Commission – Michael Sellers

Mr. Sellers reported that the Planning Commission reviewed and made comments on several proposed amendments to Borough ordinances. In addition, the Commission discussed the draft use description for a parking structure, which was unanimously supported by the Planning Commission. The Commission recommended that the Zoning Officer become familiar with the content before adoption, as has been the regular process.

Recreation Board – John Burke

Mr. Burke discussed a proposal by Ron Fesmire to apply additional mulch around the newly installed playground equipment in Linton Memorial Park and apply topsoil to areas disturbed during the removal of the old playground equipment.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Sellers, and carried unanimously, to approve the \$673 proposal of Ron Fesmire to take care of those areas mentioned [Linton Memorial Park].

Mr. Sellers noted that Linton Park will be “posted” for a one-day closure while the work is completed at the park.

Mr. Burke reported that he received a Letter of Certification for the park equipment installation, which was shared with Council.

Mr. Burke reminded everyone about the Arbor Day event scheduled for April 29, 2011, from 10 A.M. - Noon and anyone wishing to volunteer time that day may contact Jen Abrahamson. The rain date for the event is May 4, 2011.

Streets, Lights and Properties – Michael Sellers

Mr. Sellers reported that he met with the baseball league [Council Rock Athletic Association] about the use of Pickering Field before the start of the baseball season. Mr. Sellers reported that there had been no response from the Sewer Authority regarding Ms. Woldorf’s letter to them requesting a waiver from the sewer bill at Pickering Field. Mr. Sellers offered to contact them directly.

With respect to streetlights, Mr. Sellers requested that residents report non-working streetlights to the Borough and use the identifying number from each pole when notifying the Borough office. In addition, he suggested that potholes also be reported so that they can be repaired.

The Police Department generator was installed by Knott Electric and training on the equipment will be scheduled soon.

Solicitor’s Report – Paul Cohen

Mr. Cohen reported that an Executive Session was held prior to the meeting for discussion of personnel, real estate and potential litigation. In addition, a hearing had been scheduled for tonight’s Council meeting regarding improvements to 5 S. State Street Enterprises, but Mr. Cohen noted that the hearing has been postponed and will be re-advertised once it is rescheduled.

Mr. Cohen spoke to the Pennsylvania Municipal Retirement Services regarding potential changes to the collective bargaining agreement related to Killed-in-Service benefits. Additional information is required before modifications can be made.

An issue arose regarding unused holiday pay for Chief Wojciechowski. Mr. Cohen asked Council for a motion to resolve the issue.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Warren, and carried unanimously, to enter into an agreement resolving those issues as previously addressed and adjusting payroll to reflect the agreement of the parties.

The Special Event Permit Application was previously discussed, and based on those comments, Mr. Cohen circulated a revised draft. The changes include indicating the \$250 per day permit fee, adding a section asking if a fee waiver is requested and adding language to include a map, if streets require closure for the event.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the Special Event Permit Application, as described.

With respect to the Sidewalk Ordinance, Mr. Cohen received comments from the Borough Planning Commission and the Bucks County Planning Commission, but he has not had time to review those comments. Discussion will continue at the April Work Session.

With regard to the Noise Ordinance, Ms. Woldorf asked for clarification of the difference between noise and noise disturbance. Mr. Cohen explained that “noise” has a more objective standard and “noise disturbance” seems to be more specific to the person hearing the noise. Although there is a subtle distinction, it allows for a little more flexibility in enforcement. Mr. Walker questioned the enforceability of such an ordinance and the need to acquire a measuring device for use by the officers. He suggested contacting surrounding municipalities to determine their success and the Solicitor offered to contact local communities about their experiences. Mr. O’Malley felt having some hourly limitations is helpful and questioned eliminating the hours in the new draft ordinance. He felt that Council should reconsider that particular issue.

The Parking Permit Ordinance was discussed by the Long Term Parking Committee and they felt there was a need for Residential Parking Permits on Court Street, Penn Street, Mercer Street and Centre Avenue. Non-residents would be limited to 2 hour parking on those streets. Further discussion is required on allocation of parking permits for the municipal parking lots.

Ms. Woldorf reported that she had not yet received a response from Keystone Municipal Services to her recent letter regarding the state audit.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried with Councillor Walker voting nay, to authorize the Solicitor to send a follow-up letter to Keystone Municipal Services.

Old Business

There was no old business to be discussed.

New Business

Ms. Woldorf raised the issue of the SALDO and Zoning Ordinances, their many additions and revisions and whether Council members had complete versions of each. Her suggestion was to place electronic versions of each on the website, but she found that electronic versions do not currently exist. Scanning the documents into PDF format would cost approximately \$80 and would make them readily accessible.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried unanimously, to authorize the acquisition of an electronic version of ordinances to-date and created as a PDF web version.

In response to Mr. Walker's question about updating and maintaining the electronic version, Solicitor Cohen responded that it is the obligation of the Borough Secretary to maintain all ordinances.

Public to be Heard

Resident Paul Salvatore asked for clarification about approval of minutes and whether a board member is required to attend the entire meeting in order to vote on minutes. Mr. Cohen said he would look into the matter.

Mr. Salvatore asked whether the Certificate of Completion for the park was required by the insurance company and the response was no, it was a Borough requirement. The question was then asked if this would be required for all work being completed in the Borough. Mr. Sellers responded that the park requirement was specific to the findings of the [park] audit and it was recommended by the park auditor. Related to that question, Mr. Walker asked if the recently installed generator had been inspected. Mr. Sellers responded that he was sure Mr. Knott had done what was necessary in "pulling permits" and therefore it would have been addressed, but he will check into it and respond back next month.

The meeting adjourned at 8:30P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES
Warren Woldorf
Jeff Werner
Jim McAuliffe
Ted Schmidt
Paul Salvatore
Tony Blancato

Michael Feit
Bruce Richman
Larry Auerweck
Linda Piacentino