

Council Meeting
April 14, 2009
Chancellor Center

The regular semi-monthly meeting of Newtown Borough Council was called to order at 7:00 P.M. on Tuesday, April 14, 2009, by President Mark Craig. Mr. Craig asked those in attendance to join him in a moment of silence followed by the Pledge of Allegiance.

Present: Councillors Craig, Jaslow, O'Malley, Sellers, Walker and Woldorf; Mayor O'Brien; Solicitor Donald Williams and Engineer John Genovesi of Gilmore & Associates, Inc.

President Craig noted that the Newtown Artesian Water Company's *State Street Water Main Replacement Plan* has been removed from the agenda. Although they had planned to start the project within the next two weeks, Newtown Artesian Water Company is now aware of some ADA requirements and the project will be delayed because of issues raised by PennDot.

Mayor's Report – Dennis O'Brien

- **The Police Report for March 2009**

Mayor O'Brien presented Council with the police report for March and indicated that the Police are stepping up enforcement of the parking violations in front of Starbucks.

Special Events Reminder

- Arbor Day – April 22, 2009 (Rain date April 27, 2009) 10 A.M – Noon, Brian S. Gregg Memorial Park
- Bird-in-Hand Reenactment – May 30, 2009
- Market Day – September 19, 2009

Mayor O'Brien reminded the public that the Firemen's Parade on June 13, 2009, will close down many areas of Newtown Borough since it is a countywide parade with many fire engines involved.

Mayor O'Brien noted that Newtown has once again been named Tree City USA for the 25th year by the Arbor Day Foundation.

Amendments

Mr. Craig stated that an Executive Session will be held following the meeting for discussion of Personnel and Labor/Collective Bargaining.

Mr. Sellers requested that a reimbursement for Department of Conservation and Natural Resources funds be placed on the agenda. Mr. Craig asked that the request be postponed until next month, pending clarification of the grant requirements. Although postponing the funds request, Mr. Sellers asked for authorization to send a letter to DCNR asking for a waiver from the Request for Proposal for a consultant and requesting that the Heritage Conservancy be hired for the project.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to request a waiver from the Request for Proposal for Professional Services from the Department of Conservation and Natural Resources.

Presidents Report – Mark A. Craig

Mr. Craig announced that a Joint Meeting of Council and the Planning Commission will be held on May 4, 2009, at 7 P.M. in Ettenger Hall of the Newtown Presbyterian Church to discuss and review the Comprehensive Plan Amendment draft. The last Comprehensive Plan was adopted 10 years ago and Mr. Craig invited the public to attend this meeting. Mr. Craig referenced the timeline for the review of the last Comprehensive Plan, showing that Council began the process in June 1998, which included several public meetings, with the Plan broken into segments for review and discussion. This first meeting will help define the process that Council will go through so that they can adopt a plan with as much input as possible. Planning Chairman Warren Woldorf circulated a proposed newspaper article and Mr. Craig asked if there were any comments. Mr. Jaslow was concerned that the wording might imply that the May 4 meeting will be releasing the Plan to the public, which would start the 45-day review process. The wording will be reviewed. A refundable deposit was used with the previous plan so that the public could review the document without having to purchase it and that could be used for this plan. A copy will also be available at the Newtown Library.

The T-Mobile Conditional Use Hearing will be held at 7 P.M., May 12, 2009, at the Chancellor Center. The regular Council Meeting will begin at 5 P.M and end at 6:30 P.M. with a short break before the Conditional Use Hearing starts.

Mr. Craig reminded Council and the public that a revised sketch plan for the ACME property will be presented to the Newtown Township Planning Commission next Tuesday and to the Newtown Township Supervisors on Wednesday.

Correspondence

Each year the Bucks County Department of Health requests a letter from the Borough authorizing spraying for West Nile Virus. Mr. Sellers asked if the spraying is for standing water and it was clarified that the letter would request spraying along Old Skunky, as it did last year. Ms. Woldorf asked that the proposed letter be read aloud.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Jaslow, and carried unanimously, to approve a letter to the Bucks County Department of Health authorizing spraying for West Nile Virus.

Mr. Craig received a letter from Gov. Rendell's office urging municipalities to take advantage of stimulus funds to conserve energy and lower costs. In speaking with Lynn Bush of the Bucks County Planning Commission, she explained that the letter was sent to all municipalities but was actually meant for communities over 35,000 residents. Mr. Craig suggested to Ms. Bush that the BCPC take a role in making communities aware of what funds are available.

A copy of the Newtown Area Joint Comprehensive Plan Update was received by the Borough. The Borough has 45 days to review the Plan, with a deadline of May 15, 2009. Mr. Craig asked Mr. Sellers, as liaison to the Borough Planning Commission, to ask the Planning Commission for input. After their review, a letter will be sent under Council signature with their comments.

Newtown Borough received a copy of the Emergency Action Plan for the Newtown Dam. Each municipality is required to post a notice regarding a potential emergency at the Newtown Dam. The earthen dam controls the flow of water down through Newtown Creek and should the dam fail, it could create a catastrophic situation to occur. In his work with the Newtown Creek Coalition, Mr. Sellers is aware of the potential for problems. He suggested reviewing the materials and having a presentation to bring the issue to the public's attention. The Secretary was asked to make contact with Bucks County representatives.

Public to be Heard

Before the public comment period began, Mr. Craig explained that there has been extensive discussion at the work sessions regarding the proposal for Fall Ball at Pickering Field. Mr. Craig is asking for public comment at this time, but Council's discussion and deliberations will take place under the Recreation Board report on the agenda.

Joe Lovi, 151 N. State Street, addressed Council regarding the handicapped ramps. Mr. Lovi asked if Newtown was the only place that has these "leading edge" ramps? Mr. Lovi is concerned because the mats on the ramps cannot be shoveled and are slippery. He also asked if Newtown is the "Beta" test site with the new handicapped ramps, some have curbs and some do not, as on Jefferson Street. Mr. Lovi feels that there is no cost benefit to these requirements, it was a nightmare with ice and he would like to see Council and the Engineer "push back" on implementing these requirements. Curbs trip people and it makes no sense to him that there is no consistency and as taxpayers, we need to "rattle their cages." Mr. Craig did clarify that the standards are specified by the Federal government and interpreted by the State of Pennsylvania and PennDot. While there is some limited flexibility in implementation, the Borough is required to follow these requirements.

Resident Sally Thompson read a letter from Harry Tomlinson, 156 N. Lincoln Avenue, regarding the Pickering Ball Field. Before making a decision about extending the baseball season, Mr. Tomlinson feels that certain issues should first be addressed. There are only 5 acres of open space in Newtown Borough and three of those acres are at Pickering Field. By dedicating six of the eight weekends in the Fall, the Borough would be limiting 60% of their open space to a very small group of boys, ages 13-15. During recent meetings, neighbors have raised safety issues that are unique to a baseball field that lies within a small community and very close to busy streets. Among those concerns are cars and homes being hit by foul balls and children playing close to busy streets while parents watch the baseball games. Jefferson Street's traffic has increased since becoming a shortcut to I-95 and motorists routinely run stop signs. There are also safety concerns about cars being parked too closely to driveways, as residents have trouble seeing oncoming traffic when exiting their driveways. Mr. Tomlinson said that he feels there has been a lack of "neighborliness" in addressing these issues. Many neighbors now feel uncomfortable going to the field during games. If these issues are not addressed, the extension of the League season into the Fall will only exacerbate the situation. He suggests that any decision on Fall Ball be put off until these issues can be resolved.

Myles Kelleher lives at the end of the street from the ballpark and made a simple statement: "Warm Fall in Newtown, Boys yearning to play baseball, who will tell them no?"

Mary Alice Hagan, Washington Avenue, asked if there could be a discussion of specificity of language of the proposed menu board ordinance prior to voting on the matter?

Jim Casey, parade chairman for the Newtown American Legion, was concerned about the proposed water main construction on State Street and how it might impact the Memorial Day Parade scheduled for May 25, 2009, with a ceremony at Borough Hall. Mr. Craig said Newtown Artesian will be asked to contact him directly to address his concerns.

Paul Jacob, representing Council Rock Newtown Athletic Association, thanked Council for their assistance with their baseball leagues. When the Association first approached Council in January with its proposal, their intent was to be transparent, upfront and a good neighbor in the community. The proposal was threefold: renovate the snack shack, construct a paver patio and extend the Use Agreement to include fall baseball. The snack shack is in the process of renovations with limited work to be done after discussions with residents. Instead of extending the front porch, CRNAA agreed to interior renovations, exterior repairs and repainting only. The paver patio project has been placed on hold pending further discussion on engineering issues. Today, Council will be voting on the last proposal for Fall Ball. Although many surrounding leagues host Fall Ball programs every weekend in the fall, CRNAA amended their original proposal to request only 3 weekends during that timeframe. There have been six various Borough Council meetings to discuss the issues. Although having received no complaints from neighbors for the past few years, the issue has now become a lightning rod in the community and a laundry list of problems has been produced including traffic, safety, noise, trash, parking and damage. What started out as minor issues has exploded. The focus remains with the youth in this community, whose only interest is in providing high quality baseball programs, as the Association has done for many years. What gets lost in this conversation is that the boys who play on Pickering Field are part of this community, not outsiders. Pickering Field is maintained at a level that the Borough admits that they would be unable to afford. Pickering Field should be a source of pride and not a source of contention. Mr. Jacobs asked that Council approve their request.

Daniel Knott, 206 N. Chancellor Street, noted that after the first work session, Council recommended an informal meeting with the Recreation Board, concerned citizens and members of CRNAA to work out a compromise. During this meeting, it was pointed out that the Association has 4 of the 5 months through Spring and Summer, April through July. Now they have come back with a compromise for 3 weekends for scheduled tournaments and 3 weekends for rain dates. Mr. Knott asked for the Recreation Board's recommendation and the response was there was no recommendation, to which Mr. Knott said that it showed a lack of responsibility on their part. He feels it is a failure to all of the community when 60% of the open space is leased to a private user group. Mr. Knott feels that there is also a conflict of interest when two members of the Recreation Board used a social networking site to support expansion of the lease agreement to a single organization and he objects to the husband of one of the Recreation Board members using a social networking site to post what he considers misleading information. Mr. Knott wanted to thank Ms. Woldorf and Mr. Sellers for taking their personal time to schedule a meeting with all interested parties, where no one from the League participated. Mr. Craig wanted to clarify that because it was Easter weekend, league officials were out of town and they had notified Council members that they would be unable to attend.

Janie Swartz, 323 E. Washington Avenue, asked Council to review how the Pickering Field land was granted to the Borough and for what purpose. Just because it is league play rather than independent play, the Field is still used for the same purpose, nothing has changed and just because it is organized, that is the only change, and perhaps a little safer. There are many times of the day when the dog walkers and the golfers can use the field and many, many hours of the day when no one is on the Field. She is sorry that the neighbors are inconvenienced, no one wants that, and perhaps the parking issues should be looked at, but it should go back to what the purpose was when Mr. Pickering donated that land. It is very important to remember why there is a baseball field.

Bob Musto, 118 S. Congress Street, wanted to clarify that although 13-15 year old boys have been referenced throughout the discussions, the league is open to girls who wish to play and not limited to only boys. Mr. Musto commented that Pickering Field is a spectacular, 90' baseball field and something to be very proud of in Newtown. He finds it hard to believe that a 90' field is needed to have a family outing, throw a Frisbee, have a catch, play touch football, walk your dog or hit golf balls. Kids the age of his son play tennis baseball at Linton Park for hours and Brian Gregg Park is within walking distance for activities. This is not an extension of someone's front yard, but a baseball park, and what has now been proposed is so much less than originally requested. Regarding the rumors of 200 people attending tournaments, from Mr. Musto's experience in attending other tournaments, it is extremely rare to see more than two people attending for each child. Mr. Musto hopes to see Council side with the League in allowing use of the Field for the three weekends. He is extremely frustrated and seeing it play out in the newspapers has been a terrible thing. Newtown is a great community and he finds it unbelievable how contentious this has become. He wants to see this ended tonight and not dragged on any further.

Chris Levesque, 208 N. Chancellor Street, lives directly across from the ball field. Mr. Levesque noted that he had said "...the field across the street from his house is like my front yard..." but not his front yard. He enjoys it "like" it was his front yard. It is stressful for the neighbors, people have been called crotchety, but living across the street is a blessing, although there has to be a limit on what the field is used for. There does seem to have been some compromise with what the League wants to do, but someone needs to decide on the limits and that is for Council to decide.

Joe Lovi asked the newspapers not to print anything about the ball field, just let it go and let the people talk about it. There are emotions on both sides, but our children do not need to see this. Let Council make its decision and let it die.

Kevin O'Shea, president of CRNAA, agrees with Mr. Lovi about keeping this out of the newspapers. Mr. O'Shea thanked Council for the time spent on what the League thought was a simple request, which instead opened a "can of worms." While meeting the neighbors' requests, Mr. O'Shea feels that the League is also meeting their commitment to those who they have volunteered to serve.

Dan Knott wanted to make one more comment to make the record clear. Mr. Knott said that Pickering Field has not always been a baseball field. The records show that it was once the high school football field, the track field and a playground. Mr. Pickering put that in his will and many families play pick-up football games in the Fall on Sundays, as they were this past weekend.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Sellers, 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 2009-005-H Applicant: Glenn Blakely, 18 S. State Street, Isaac Newton's
Restaurant**

The applicant was requesting that HARB address a proposed color change to approved awnings, noting that the pattern would match the existing awnings and the color would be “wheat vintage.”

COA 2009-007-H Resident Michael Cosack, 21 Greene Street

The applicant was seeking a Certificate of Appropriateness for the installation of fencing to match existing.

COA 2009-008-H Applicant: John Khawam, 5 W. Washington Avenue, Nationwide Insurance

The applicant was seeking a Certificate of Appropriateness for the installation of a wall sign and a hanging sign. Agreeing with HARB’s recommendation the wall sign would be eliminated and a smaller sign, a reduction of the wall sign design, would be mounted mid rail on the entry door.

COA 2009-009-H Resident, Cathy Triverio, 117 N. Chancellor Street

The applicant was seeking a Certificate of Appropriateness for the installation of fencing.

COA 2009-010-H Resident, Cathy Triverio, 117 N. Chancellor Street

The applicant was seeking a Certificate of Appropriateness for a change to previously approved window trim at her residence, amending the dimensions of trim to 5/4 x 6 on the horizontal trim and to 5/4 x 3 on all windows of the new addition.

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Walker, and carried with Councillor Jaslow abstaining, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign the following Certificate of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2009-011-H Resident, Rand Jaslow, 123 Court Street

The applicant was seeking a Certificate of Appropriateness for the replacement of a stockade fence with a new post & rail fence.

Engineers Report – John Genovesi, Gilmore & Associates, Inc.

Mr. Genovesi requested consideration to spend \$1500 to study a proposed alternate yield control where Edgeboro Drive meets North State Street. The site view in both directions at that location is limited and determination of the right-of-way would be necessary in order to make a recommendation for yield control. Mr. O’Malley commented that the Traffic Committee had notified neighbors in that immediate area of the proposal. Mrs. Neubauer, a resident of the area, was very supportive of the project and asked that speed humps also be considered.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to authorize an alternate yield study at a cost not to exceed \$1500.

After discussion at the work session Council decided to authorize the Engineer to go out for bids to complete the Quad I and Quad II sidewalk repairs that have not been completed by the property owners. Mr. Genovesi reported that there was also discussion about revising the Sidewalk Ordinance to include ADA requirements about driveway aprons. The sidewalk specifications will be adjusted to address repairs, such as “jacking” of sidewalks and the inclusion of brick pavers. A motion was made to authorize the engineer to prepare bid documents, but the motion was withdrawn after discussion by Council. It was decided that the ordinance changes should be made before soliciting bids. Mr. Walker reminded Council of the work session discussion that the amendments could be made simultaneous to the bid documents being prepared. Ms. Woldorf asked how many of the sidewalks would be affected by the driveway apron issue, to which Mr. Genovesi responded that there was only one.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to authorize the Solicitor to draft the required changes to the ordinance to address sidewalk and driveway apron repairs.

Mr. Genovesi reported on a meeting with Chief Wojciechowski regarding the Traffic Committee’s recommendation for multi-way stop signs and the placement of sentinels for speed limit signs. PennDot has regulations for justification of multi-way stops and there was discussion on the flashing speed limit signs. One of the justifications for multi-way stop signs is when the intersecting roads have equal traffic volumes. To determine the traffic volume, Engineer Genovesi requested authorization to conduct a traffic count at each of the proposed intersections during three periods of the day. Mr. Jaslow wanted assurance that the Borough’s traffic count would meet the PennDot standards. Ms. Woldorf wanted to know about the impact on the Borough budget with the request for these engineering studies. Mr. Walker noted that they are non-budgeted items and would come from the emergency reserve funds, unless grant funds are received.

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Sellers, and carried unanimously, to authorize the Engineer to conduct a site survey/traffic count for multi-way stop controls and proposed sentinels with flashing speed limit and complete an analysis for a cost not to exceed \$3,180.

With regard to the Jefferson street project and the handicapped ramps, Mr. Genovesi requested approval for a change order and a payment.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve change order #3 in the amount of \$1962.40.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve payment #2 in the amount of \$12,712.60 to Harris Paving.

Mr. Genovesi requested the following escrow releases:

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor O’Malley, and carried unanimously, to approve an escrow release in the amount of \$13,597.33 to JKJD, LLC for the project at 255 S. State Street.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to approve an escrow release in the amount of \$15,803.32 to JKJD, LLC for the project at 400 E. Washington Avenue.

General Projects Update

Mr. Walker and Mr. Genovesi met with Phillips Court resident Jeffrey Cooper regarding his concerns with the unfinished work at the development. The developer has advised that the streetlights will be installed within the next 2 weeks and installation of the new curb along Barclay Street should occur soon.

Ms. Woldorf asked for an update of the Old Skunky study. Mr. Genovesi explained that he has been unable to get back to and update the proposal with the recommended changes. Ms. Woldorf is concerned that engineering studies have not progressed with this project and Mr. Genovesi said he would have information at the next work session.

Mr. Sellers asked if there is a timeline for completion for some of the larger outstanding items at the Phillips Court project. Other than the items discussed in Mr. Genovesi's report about Phillips Court, Mr. Genovesi advised that there is no punch list at this point. A punch list is usually created prior to paving of the road, which is normally when the developer nears the end of the project. The developer has been urged to move ahead, but there are no specific deadlines.

Mr. Sellers referred to last month's discussion of the Engineer's work on the grant for surveillance cameras. Since there had been no authorization for the work, Mr. Sellers asked how the Engineer's bills for the work were being handled and he wanted assurance that there would be no repetition of that going forward because it impacts the budget.

Ms. Woldorf asked about the installation of the lights at Newtown Station. Mr. Genovesi reported that Toll Brothers is waiting on a letter from him, but a Newtown Station resident had raised several issues that Mr. Genovesi wanted to research prior to sending the letter. The resident asked about monuments that were shown on the final plan, but Mr. Genovesi found that in subsequent discussions with Council it was decided that rather than have monuments there would instead be streetlights.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to approve the Council Minutes for the February 10, 2009, meeting.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to approve the Work Session Minutes for the March 4, 2009, meeting.

There was discussion about proposed changes to the March 10, 2009, Council Minutes. In reviewing the audio tape, Ms. Scull determined that one of the proposed changes was incorrect, as it had not been stated verbally. After watching the video tape, Ms. Scull noted that Mr. Sellers had "nodded" agreement but only verbal responses had been reflected in the minutes. Ms. Scull did not feel that body language should be included in the minutes. Ms. Woldorf felt that the video tape indicated his response, but the Solicitor stated it is important for the minutes to be consistent and "the substance is the substance." With the exception of that proposed change, the other changes were addressed.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried with Councillor Jaslow voting nay, to approve the March 10, 2009, Council Minutes as amended.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to approve the T-Mobile Conditional Use Hearing minutes for March 26, 2009.

COMMITTEE REPORTS

Budget & Finance – Robert Walker

Consolidated Report

Ms. Woldorf asked if the bills presented included the Engineer's time for the video surveillance work and Mr. Walker's answer was that these bills do not include those hours.

- ❖ 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 March 2009, totaling \$162,663.25.

Newtown Area Telecommunications Committee – Gerard O'Malley

Mr. O'Malley reported that the Committee discussed the mission and future of the Advisory Committee now that the franchise agreements are in place. This Committee does not have much additional work to do, so discussion included the options of becoming an Ad Hoc committee, disbanding, going into hibernation or continuing. The decision was to continue meeting on a quarterly basis and then determine if any changes should be recommended at the end of this year.

Newtown Corporation – Mark Craig

Mr. Craig reported that the Newtown Main Street Program was recognized with accolades in the monthly Borough's Association publication. Mr. Craig reminded the public about "Restaurant Week" which is occurring next week, with a \$25.00 fixed price menu and 10 restaurants participating. He also announced that Steven Wray, Executive Director of the Economy League of Greater Philadelphia, will be the speaker at the Business and Economic Development luncheon on April 23, 2009, at LaSalle University. Eleven Borough businesses will be recognized at the luncheon for serving the Newtown Community for over 100 years: First National Bank, Newtown Hardware House, Kenderdine & Sons, The Advance, Newtown Artesian Water Company, Stuckert & Yates, Swartz Funeral Home, Newtown Theatre, William Fabian & Son, The Temperance House and The Brick Hotel. The 325th Gala will take place on May 2, 2009, at Chandler Hall with a price of \$70 per ticket. Mr. Craig reported that the Design Committee, along with the Newtown Creek Coalition, hosted a visioning session at the Newtown Theatre related to the Newtown Creek. Discussion of the Creek included what other communities have done to take advantage of their water resources, which included how to address the core area of the Creek.

Mr. Sellers wanted to stress that the Creek meeting was visioning in its pure sense, which was to have everyone hear, see and then come up with their own ideas, which is exactly what happened. Additional meetings will be scheduled.

Mayor O'Brien pointed out that the Newtown Library Company is celebrating its 250th anniversary and should be included in the list of businesses being recognized at the Luncheon.

Personnel Committee – Julia Woldorf

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor O'Malley, and carried unanimously, to appoint Charles Swartz, 323 E. Washington Avenue, to the *Newtown Corporation*, to fill an unexpired term through December 31, 2010.

Currently the only committee vacancy is a position on the *Environmental Advisory Council*. Two letters of interest have been received but no formal applications have been submitted.

Planning Commission – Michael Sellers

Planning Commission Chairman Warren Woldorf wanted it clarified that there is no 45-day review period that is applicable at this time for the Comprehensive Plan.

Police Committee – Robert Walker

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to follow the recommendation of Mayor O'Brien and Chief Anthony C. Wojciechowski and hire, at will, Wayne S. George, as a non-civil service part time police officer, subject to the day-to-day supervision of Chief Wojciechowski or the officer in charge in the absence of Chief Wojciechowski, pending completion of his background investigation.

Wayne George is 45 years old, married with children, and is a resident of Newtown. Mr. George attended Archbishop Ryan High School in Philadelphia, PA where he graduated in 1982. Mr. George received his Act 120 training at Temple Police Academy where he graduated in March 2009. Mr. George was employed with the Burlington County Y.M.C.A. as a personal training and facilities director.

Recreation Board – Julia Woldorf

Ms. Woldorf reminded the public of the Arbor Day celebration which will be held April 22, 2009 at the Brian S. Gregg Memorial Park from 10 A.M. until Noon, with a rain date of April 27, 2009. The Recreation Board is waiting to hear from Matt Tentilucci regarding the dedication of his project at Linton Memorial Park.

The Board is very concerned about the condition of the shed at Linton Memorial Park. Replacement of the shed was originally in the Recreation Board's 2009 budget, but because of a need to scale back, the replacement shed was removed from the budget. The Recreation Board has decided that the shed replacement is necessary and it should be returned to the budget and they are looking at a variety of wooden sheds.

Regarding the possibility of a Department of Conservation and Natural Resources grant that was mentioned at last month's Council meeting, Ms. Woldorf reported that since the Borough currently has an open DCNR grant the likelihood of an application being considered was very slim. The Recreation Board was interested in property behind the CVS, perhaps for a community garden. It was recommended that the Board wait until the next grant application cycle. Ms. Woldorf has been in contact with CVS representatives regarding possible participation, and with Council's approval, she will continue to maintain that contact.

Ms. Woldorf began the discussion of the Council Rock Newtown Athletic Association's request by stating that the Recreation Board chose not to make a recommendation on the request. Ms. Woldorf thanked the residents who attended the Saturday meeting and for the information received. She prepared a report that was shared with Council and all those who corresponded with her by e-mail. Ms. Woldorf said she would not read her entire report, but wanted to touch on some items. After expressing her written interpretation of the various meetings and e-mails she received, she then made a motion to authorize an engineering study of Pickering Field to determine whether alterations should be made to the Field. The motion was seconded by Councillor Sellers and discussion ensued, after which Ms. Woldorf withdrew her motion. During the discussion, Mr. Jaslow asked who would be responsible for alterations to the Field, to which Ms. Woldorf responded we would have to think about that. Mr. Jaslow asked why the Borough should pay for the study if the CRNAA would pay for the work. Mr. O'Malley asked if an engineering study was really needed or if a survey of other fields of similar size could provide the fence sizing information. Mr. Sellers commented that in looking at other fields, backstops are very carefully designed, particularly if they are near a roadway. Mr. Walker suggested that Keystone Municipal Services might be able to supply the necessary information, since the firm handles playground inspections. Although Ms. Woldorf wanted to form one motion for her six written recommendations, Mr. O'Malley felt that since there were a number of issues, he did not feel that they could be combined in one motion. Ms. Woldorf's recommendations included improved fencing, Fall Ball for 3 weekends only, 2010 contract negotiations should not begin until after the end of Fall Ball, the Recreation Board should be directed to manage the use of Pickering Field, Special Event forms should be completed by CRNAA and CRNAA should be asked to remind participants in the baseball program to be respectful of the surrounding neighborhood.

Ms. Woldorf made a motion to approve the request for 3 weekends only for Fall Ball, but after discussion, Mr. Sellers withdrew his second, and the motion failed for lack of a second. Mr. O'Malley commented that he has been inspired by this issue. Since the League approached Council in January with its proposal, there has been a rich discussion...democracy in action. People have been heard and there has been participation and much communication. The frustration that Mr. O'Malley feels is the "us versus them" mentality. Unfortunately, with some of the newer methods of communication, such as Facebook, some hurtful things were said that would not have been said face-to-face. "We are not in opposition to each other, this is Newtown." Mr. O'Malley was very upset with the Courier Times editorial that gave a "thumbs down" to Newtown residents who voiced their opinions in a democratic process. He feels that it was undemocratic for the newspaper to say otherwise. If Council makes a bad decision, he has no problem with a "thumbs down" but he feels it was unfair to give Newtown and its residents a "thumbs down." The League listened and returned with a reasonable compromise, and he feels that Council needs to address the concerns of the residents surrounding the Park. Mr. Craig feels that Newtown is unique in many ways. Churches are increasingly offering services to the community and the residents have to deal with the tradeoff of services versus increased parking concerns. It is important to listen to each other and to make sure that Council incorporates what they hear into ongoing solutions. Ms. Woldorf feels that Council should not lose sight of the larger issue which is that it is a field and people should not be excluded from using it.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to approve the Fall Ball for the Council Rock Newtown Athletic Association, as requested, for three weekends with rain dates in the Fall, under the conditions of the current agreement, with the exception of September 6 and October 10, 2009, which are to be for the exclusive use of Borough activities.

Ms. Woldorf made a motion, seconded by Councillor O'Malley, to have the Recreation Board be given the responsibility of establishing formal and regular communication with CRNAA regarding the activities on Pickering Field and to facilitate communication between the outside associations and Borough residents. Mr. Craig was not comfortable having the Recreation Board coordinate activities. Ms. Woldorf clarified that the intent of her motion is to have the Recreation Board be in charge of the use of Pickering Field. Mr. Jaslow would be in favor of the Recreation Board addressing safety issues, but leaving scheduling as it currently is. The motion was then withdrawn and Ms. Woldorf will speak to the Recreation Board about their involvement with Pickering Field and report at the next work session.

Ms. Woldorf made a motion to have the CRNAA communicate with the neighbors, but there was no second on the motion. Mr. Walker said that CRNAA could be asked, but Mr. Jaslow commented that Council could not force them to talk to the neighbors.

Shade Tree Commission – Gerard O'Malley

Mr. O'Malley reported that the Commission is conducting an ongoing street tree review, noting those trees that require maintenance or removal. Mr. Craig suggested that when letters are sent to property owners, it would be worthwhile to note the recommended shade tree replacement.

Traffic Committee – Gerard O'Malley

Mr. O'Malley reported that the Traffic Committee is considering having a table near Borough Hall on Welcome Day to provide a presence for traffic safety. The table will be "manned" by members of the Committee and will promote pedestrian and traffic safety. The Committee discussed creating a bumper sticker that might say "Slow down for a livable town." Mr. O'Malley mentioned scheduling a joint meeting with the Newtown Township and Newtown Borough Traffic Committees to address common goals.

In 2008, the Committee had asked PennDot for a change in the directional sign posting for I-95 that currently directs people through the Borough rather than to the By-Pass. PennDot has agreed to the change which will occur within the next couple of weeks.

Solicitor's Report – Donald Williams

Mr. Williams explained that the proposed Ordinance repeals the establishment of the Beautification and Revitalization Committee, which Council determined was no longer needed.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried unanimously, to approve Ordinance #693 repealing Chapter 5 of the Code of the Borough of Newtown entitled "Beautification and Revitalization."

Mr. Williams read the proposed change to the zoning ordinance which noted that the sign shall not be more than 5' from grade, the size of the menu board may not exceed 4 square feet, menu boards shall not be lit internally and shall only display the restaurants standard bill of fare, daily specials, features and special events. Mr. Jaslow stated that he is opposed to the motion and feels that it will only add to the sign clutter on State Street and it gives an unfair sign advantage to restaurants. He also feels that it will open the Borough to requests for additional signs.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried, with Councillors Jaslow and Walker voting nay, to approve an amendment to the Zoning Ordinance to permit a wall type sign for use as a menu board by restaurants only.

After discussion about the revisions to the Zoning Hearing Board application for 31 S. State Street, the following motion was made:

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Jaslow, and carried unanimously, to continue to oppose the Zoning Hearing Board application for 31 S. State Street.

Mr. Sellers asked if Council could have an additional memo which specifies the differences between the current application and our current ordinance requirements. Mr. Jaslow commented that it is basically the same plan, just less of it, but a memo will be provided.

Mr. Jaslow asked about the plans for 103 N. State Street, Preservation Partners. He understands that the plans have changed significantly and Council has not reviewed those changes in order to determine if they wish to reconsider opposing the application. It was noted that the application has not been resubmitted, so Council has nothing to review at this time.

Ms. Woldorf asked the status of the Keystone Municipal Services contract and Mr. Williams reported that it has not been resolved.

Ms. Woldorf asked if Mr. Williams had heard from the outside Counsel regarding the matter of George Douris and he responded that Council should hear something shortly.

Mr. Walker reported that Curtin & Heefner had submitted a bill for \$2,166.10 related to the T-Mobile Conditional Use hearing. After reviewing the invoice, Mr. Walker noted that a considerable amount of the total bill, approximately \$1450, involved researching recusal, quorum and memorandums of law on those issues. President Craig asked Attorney Truelove who had requested the research and Mr. Truelove stated that it was his own decision to research the issues. Mr. Sellers responded that it was not a circumstance of Mr. Truelove's making. Since the eleven hours of research was not authorized, Mr. Jaslow offered to speak to Mr. Truelove about the issue but Ms. Woldorf questioned Mr. Jaslow's involvement with anything related to the recusal. Mr. Jaslow then asked that another Councillor address the invoice.

Old Business

Ms. Woldorf reported that the Borough did not receive the Green Region Grant to cover expenses related to revision of the Open Space Plan nor did any of the other Bucks County applicants who applied for funds for the same purpose.

The Historic Work Group met recently and it is in the process of surveying the Borough to determine the relative ages of the properties. After the survey is completed, the group will look at the most appropriate means of protecting specific areas.

Mr. Sellers explained that the revised plan for the ACME property is projecting a height of 49' with a square footage of approximately 83,000 square feet, the height level by ordinance is 32'. For a frame of reference, Mr.

Sellers said that the Law School Admission Council in Newtown Township has a height of 35' and approximately 80,000 square feet.

Public to be Heard

Charles Swartz thanked Council for giving him the opportunity to serve on the Newtown Corporation. Mr. Swartz elaborated on comments from President Craig about upcoming events. On Sunday April 26, 2009, there will be a walking tour and art show of Edward Hicks paintings at Newtown Friends Meeting House and a discussion of Edward Hicks art by a notable art critic. The walking tour will begin at the Friends Meeting House, continue to the Edward Hicks home, on to the Newtown Library and Court Inn and returning to the Friends Meeting House. The time for the event will be from Noon-4 P.M. Mr. Swartz reminded everyone of the Newtown 325th Gala on May 2, 2009, at Chandler Hall and May 3 is Welcome Day.

Resident John Burke, 301 S. Norwood, asked about the study for the multi-way stop signs and whether there is a ratio that must be met in order to install the stop signs. Secondly, if there is a ratio and the Borough does not meet it, is there an alternative? There had been an accident at an intersection near him this past weekend and he is concerned that something must be done.

Resident Jon Guy, 110 S. Congress Street, member of the Borough ad hoc Traffic Committee, responded that there are traffic counts that must be taken under certain circumstances to install stop signs, but the exception to traffic counts is a situation where the streets have approximately the same traffic flow. In order to attest to that a simple traffic count is required, as opposed to a very specific traffic count. Mr. Guy feels that the proposal approved by Borough Council for a study should be sufficient.

Dan Knott, 206 N. Chancellor Street, had concerns about the spraying for the West Nile Virus. Mr. Knott asked if letters would be sent to the community, since people with respiratory problems and small children might be affected. He also asked if the surrounding communities will be sprayed, as he feels that spraying the Borough would be a waste of time if adjacent areas are not included. Mr. Knott asked about the replacement of the shed at Linton Memorial Park. He wanted to know if the Borough knew the age of the existing shed, as it might be historic. Mr. Craig responded that if a structure is in excess of 50 years old, the Joint Historic Commission will research and make a report. Now that the Council Rock Newtown Athletic Association has been approved for Fall Ball, does the Borough now have to ask this primary user group for permission to use the Field? Mr. Craig stated that the approval was for tournaments only, not for practice.

Chris Levesque thanked Council for their time spent on the Pickering Field issue. Although it was a wrong decision for him, he has a great deal of respect for Council's dedication to the Newtown community.

Mr. Craig announced that Council would be entering into an Executive Session, but he would entertain a motion to adjourn, as the Council would not be reconvening.

The meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

Council Meeting
April 14, 2009
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IN ATTENDANCE

Myles & Marianne Kelleher	113 Frost Lane
John Khawam	5 W. Washington Ave.
Warren Woldorf	440 Washington Ave.
Jim McAuliffe	545 E. Centre Ave.
Peter Ciferri	The Advance
Patti & Joe Lovi	151 N. State St.
Diana Bowen	The Herald
Mary Alice	Washington Avenue
John Burke	301 S. Norwood Avenue
Diane LeBas	104 Penn Street
Jon Guy	110 S. Congress St.
Eric Johnson	242 S. State St.
Jennifer Pennington	524 Penn St.
Isabel Godwin	144 Liberty St.
Greg Lewis	118 Liberty St.
Bob & Judy Musto	118 S. Congress St.
Daniel J. Knott	206 N. Chancellor St.
Cathy Triverio	117 N. Chancellor St.
Chris Levesque	208 N. Chancellor St.
Marty Ginty	149 N. State St.
Nancy Kanak	215 N. Congress St.
Janie & Corky Swartz	323 E. Washington Avenue
Paul Jacob	2075 Leedom Drive
Kevin O'Shea	245 Stanford Place
Perry & Liz Warren	Andrew Drive
Sally Thompson	N. Chancellor St.