

Council Work Session
April 6, 2009
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Monday, April 6, 2009, by President of Council Mark Craig.

Present: Councillors Craig, O'Malley, Sellers, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Donald Williams and Engineer John Genovesi. Councillor Jaslow was excused.

Council Rock Newtown Athletic Association

Before starting his presentation, Paul Jacob wanted to clarify a misleading newspaper article which implied that the CR Newtown Athletic Association supported patio style dining. Mr. Jacob noted that when he appeared before Council previously, one of the residents raised that issue and the Association responded that they were willing to include in their use agreement that it patio dining would be prohibited and it was never their intention. Mr. Jacob also explained that a Pickering Field sign had been removed from the fence last year. Someone had written on the back of the sign that it was not permitted by Borough ordinance. Mr. Jacob spoke to Councillor Sellers at that time, who indicated that it was not removed by Borough employees and to his knowledge there was no prohibition for the sign. The sign states "no soft toss and no dogs." The Association would like to put the sign back up to help prevent damage to the fence and the field. Mr. Craig suggested speaking to the Zoning Officer to confirm that it met the ordinance requirement. Resident Edith Gowin recalls that the agreement requires that signs be removed at the end of each day. Regarding Fall baseball, Mr. Jacob presented Council with the Association's proposal. Taking into consideration the concerns of the neighbors, the Association felt they had developed a compromise proposal. The request is for 3 weekends in the Fall during September and October, with 3 proposed rain date weekends. The hours would remain 8:30 A.M. until dusk, as per the Borough agreement. Mayor O'Brien requested that September 6, 2009, remain open for a Borough event. Mr. O'Malley asked if the schedule could be posted on the snack shack to advise the public and Mr. Jacob said it could also be posted on their website. Councillor O'Malley commended the Association for their compromise in asking for 3 weekends rather than their original request for 8 weekends. Mr. O'Malley feels that the Association listened to the concerns and the fact that the snack shack physical changes are not happening and the weekends have been scaled back is a big step. Emmitt Gowin asked why the tournaments could not be held at the other 3 large fields in Newtown Township rather than using Pickering and the response was that all the fields would be necessary for the tournament. Resident Sally Thompson asked if the League would consider moving the 2011 Fall ball to the Woll Tract in Newtown Township. Mr. Jacob responded that he felt that could be a discussion when the Woll tract becomes available and that the current request is only for Fall 2009. Mr. Sellers feels that whatever is decided now will be somewhat of a template going forward and he feels that the Recreation Board should review the overall issue and provide their insight. Resident Harry Tomlinson voiced concern about traffic and parking asking that Council consider those issues when making their decision. Mr. Tomlinson wanted assurance that when the new agreement is developed, the Association will be responsible for putting away equipment. Paul Salvatore asked for confirmation that the Association maintains Pickering Field. Mr. Craig responded that the Association receives a \$5000 donation from Newtown Borough, but mowing, trash pick-up, soil/grass improvements, port-o-potty rental, fence replacement and all other maintenance items are paid for by the Association. Resident Judy Musto presented Council with a petition that had been circulated

to neighbors surrounding Pickering Field and to residents of Newtown Borough. The petition included 90+ names of individuals who support Fall Ball and Ms. Musto commented that the Association provides youth the opportunity to play ball even if not able to make the cut for school teams. She sees this as something very positive for the youth of the community. Resident Dan Knott said that with the current agreement, the League has the entire Spring and Early Summer and there is not one day available for the community. Although he knows that the field is open all day before 5 P.M. when games begin, he still feels it is very exclusionary and it is hard on the community...the neighbors are impacted. Ms. Woldorf suggested scheduling another meeting to discuss the issues prior to the Tuesday Council meeting. Mr. Craig felt that an additional meeting was not necessary, but if Ms. Woldorf wanted to organize a meeting that would be fine. Mr. Walker noted that the scope of the meeting should be limited to the Fall Ball request and anything related to the contract should be tabled for the time being. Ms. Woldorf felt that the proposed extension would bring up some of those issues and it would be appropriate to talk about how they would relate to 2009 Fall Ball.

Special Events

Mayor O'Brien presented three special event requests and Paul Jacobs explained the plans for the *Old Timers Game*. Council was comfortable with the proposed events.

- Old Timers Game – May 25, 2009, 19th Century baseball game at Pickering Field following the Memorial Day Parade
- Reenactment at the Bird in Hand – May 30, 2009
- Market Day – September 19, 2009

Banner Request

In the absence of Lydia Lewis, Secretary Scull presented Ms. Lewis' request to place a banner in front of Friends Boarding Home.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to approve a banner placement in front of the Friends Boarding Home at the corner of Centre and Congress, from April 15-May 15, 2009, to serve as publicity for their fund raiser.

Engineer's Report – John Genovesi

Prior to the meeting Mr. Genovesi had provided Council with information regarding ADA requirements. Councillor Sellers suggested that Council review the information and discuss it at the May work session.

A pre-construction meeting was held at the Newtown Artesian Water Company with the Engineer regarding Newtown Artesian's plan for water main replacement on State Street from Jefferson Street to Washington Avenue. The water mains date back to the late 1800's and it will be a large project, which they anticipate beginning within the next two weeks. A detour will be in place from 9 A.M. to 3 P.M., allowing local traffic only, and the work will continue into July. Council wanted assurance that the property owners will be notified of the proposed work and Mr. Genovesi noted that the Water Company had met with many of the business people about the project. Mr. Craig suggested having a Water Company representative attend the next Council meeting to discuss their plans and he asked whether Newtown Artesian was aware of the ADA requirements for replacement of curb cuts at intersections. Mr. Genovesi apprised the Water Company of that fact at the

preconstruction meeting. Council was concerned that Welcome Day, the Memorial Day Parade, the Bucks County Fireman's Parade and the Antique Auto Show might be affected by the project. Mr. Genovesi discussed those events with the Water Company and they realize that their construction has the potential of creating problems and they will take those events into their planning process.

Mr. Genovesi discussed the Fee-in-Lieu of Trees issue related to the 400 E. Washington Avenue project. A revised draft letter has been prepared for review by the Solicitor. The condition for approval references that the fees will be decided by the Engineer and his recommendation is \$650 per tree. The Shade Tree Commission has recommended revised fees to Council that will be incorporated into a new ordinance, but the 400 E. Washington project would not fall under those new fees.

With regard to the Quad I and Quad II sidewalks, Mr. Genovesi prepared a draft letter for those property owners who have not yet completed their sidewalk repairs. It was suggested that before the letter is sent the sidewalk ordinance should be amended to include driveway apron repairs, since the ADA requirements now include aprons if they intersect with a section of sidewalk that needs work. The Borough could go out for bid and have prices to include in the letters simultaneous with changes being made to the ordinance.

The Traffic Committee would like consideration of an alternate yield on Edgeboro Drive. Mr. Genovesi is requesting permission to field survey the area and give a cost estimate. Mr. O'Malley would also like to have the Engineer review the Committee's request for stop signs. Council will give formal authorization at the Tuesday meeting.

Traffic Committee Recommendations

The Traffic Committee would like to have additional pedestrian sentinels placed. The pedestrian sentinels are proposed for placement at Washington/ Elm, Centre/Lincoln and Greene/State Street, but a survey of those areas must be done prior to placement. Mr. O'Malley's recommendation is to ask for a survey of Centre/Lincoln and Greene/State Street, as the Washington Avenue and Elm sight has already been surveyed. Mr. O'Malley would like to have the Traffic Committee presentation posted on the website. It was unclear at the Council meeting whether the posting was to be done immediately or after review by the Police Chief and Engineer. Council agreed to post it now. Committee member Jon Guy reported on a meeting with Chief Wojciechowski, John Genovesi, Bob Walker and himself to discuss crosswalk design. The conclusion was to use "zebra stripe" lines, but there is a possibility that the existing lines will need to be ground down before repainting. Committee member Jennifer Pennington asked if there would be any type of "warning" when the new multi-way stop signs are first installed. The Engineer will be asked to address that question.

Comprehensive Plan Review

Mr. Craig referred to Planning Commission Chairman, Warren Woldorf's plan review schedule. Ms. Woldorf suggested that the May 4, 2009, Planning Commission meeting be a joint meeting with Council to begin discussion and review. Mr. Woldorf said that he did not know how involved the last Council was with the Comprehensive Plan and Mr. Craig stated that they were very much involved with a series of meetings and the plan was broken down into segments for purposes of review. Mr. Craig suggested that Council be given an outline of the changes in the new plan from the previous plan or at the least a summary. Mr. Sellers felt that was unnecessary and that Council should read the plan and draw their own conclusions. Mr. Walker has read the plan and from an expectation standpoint, he wants to know how the previous plan was followed and

whether the new plan is achievable over the next ten years. From a budget perspective, Mr. Walker commented that recommendations from the plan also need to be taken into consideration and he does not want to shortcut the process of review. Ms. Woldorf again suggested a joint meeting on May 4, 2009, and if Council requires additional meetings to address specific issues those meetings could be scheduled. Ms. Woldorf asked that the Comprehensive Plan be placed on the Borough website and copies be available for purchase or review at the Borough office. Reporter Diana Bowen recalled two very well attended public meetings for the prior Comprehensive Plan where the plan was reviewed section by section.

Solicitor's Report – Donald E. Williams

Mr. Williams reported that two ordinances will be considered for adoption at the Tuesday Council Meeting. Mr. Williams requested that at that meeting an Executive Session be held for discussion of personnel and labor/collective bargaining.

Old Business

Ms. Woldorf reported that the original meeting date for the T-Mobile Conditional Use Hearing is no longer possible. May 11, 12 or 13 were the next choices and after narrowing the date to May 13, Mr. Truelove realized he was not available. Mr. Walker suggested holding the hearing on the Council meeting date of May 12 with the Council meeting to start at 5 P.M. and the hearing to follow. Council agreed and Ms. Woldorf will confirm that date with Mr. Truelove.

Mr. O'Malley reported that Newtown Corporation Chairman, Dick Weaver, spoke to the Long Term Parking Committee about a proposal for a Department of Community and Economic Development parking structure study. Mr. O'Malley will provide copies for Council and would like to discuss the issue at the next work session.

New Business

Ms. Woldorf reported that the Recreation Board feels a shed is needed at Linton Memorial Park. The Board has agreed to shift budget money from "Music in the Park" to purchase of a shed. This would be in the amount of approximately \$5000 and the Board is looking to Council for agreement, which was received.

Public to be Heard

Resident Diane LeBas asked Council if there were projected changes to the Earned Income Tax given the current economic situation. Mr. Craig reported that Council has not received an update from Berkheimer.

Isabel Godwin asked if copies of the Comprehensive Plan would be available for purchase and it was confirmed that there would be copies.

The meeting was adjourned at 7:20 P.M.

Respectfully submitted,

Marcia M. Scull

Borough Secretary

IN ATTENDANCE

Peter Ciferri	The Advance
Patty Lovi	151 N. State Street
Paul Salvatore	148 N. Elm Avenue
Daniel Knott	206 N. Chancellor St.
Edith & Emmit Gowin	202 N. Chancellor St.
Sally Thompson	N. Chancellor St.
Mary Alice Hagan	Washington Ave.
Paul Jacob	2075 Leedom Drive
Kevin O'Shea	245 Stanford Place
Tom Rogers	7 Millstone Drive
Joel Grosso	18 Hunters Way
Jim Hanahan	212 N. Chancellor Street
Catherine Levesque	208 N. Chancellor Street
Diane LeBas	104 Penn Street
Warren Woldorf	440 E. Washington Avenue
Jen Pennington	524 Penn Street
Jon Guy	110 S. Congress Street
Diana Bowen	Bucks County Herald
Harry Tomlinson	Lincoln Avenue
Dottie Sconyers	N. Chancellor Street