

Council Meeting
May 12, 2009
Chancellor Center

The regular semi-monthly meeting of Newtown Borough Council was called to order at 5:00 P.M. on Tuesday, May 12, 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 Bradford Lare and Engineer Larry Young of Gilmore & Associates, Inc. Solicitor Williams arrived later in the meeting.

Mayor's Report – Dennis O'Brien

- **The Police Report for April 2009**

Mayor O'Brien presented Council with the police report for April and noted that the new Cody report format provides a much more detailed report.

Ms. Woldorf asked if the Borough has a noise ordinance that addresses loud motorcycles. Mayor O'Brien reminded Ms. Woldorf about a work session discussion regarding motorcycles that noted the Borough has a noise ordinance but does not have the equipment or qualified personnel to measure decibels. After that work session discussion, Mr. Sellers spoke to New Hope's manager about their current and proposed ordinance, copies of which were distributed to Council. Mr. O'Malley commented that Council needs to weigh the nuisance factor of noise versus safety and where the Borough police should prioritize its resources.

Special Events Reminder

- Antique Auto Show - July 19, 2009 (Rain date July 26) 10 A.M. – 3 P.M.
- Memorial Day Parade – May 25, 2009, 9-11:30 A.M.
- Old Timers Baseball Game – Noon at Pickering Field
- Bucks County Fireman's Parade – June 13, 2009

Presidents Report – Mark A. Craig

Mr. Craig noted the passing of former Mayor and long time Newtown Borough resident Kingdon Swayne. To honor the many contributions of Mr. Swayne to the Borough, the following motion was made:

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to dedicate a page in the minutes to the memory of Kingdon Swayne.

Dedicated
to the Memory
Of
Kingdon Swayne
1920-2009

Mayor and Long Time Resident

And, in his passing
Family and friends mourn the loss
Of a dedicated mayor, teacher, friend and civil servant

The Planning Commission reviewed the draft of the Newtown Area Joint Comprehensive Plan and sent a list of suggestions to Mr. Craig. A cover letter will be sent with the Planning Commission comments to the Bucks County Planning Commission. Mr. Jaslow referred to the issue of the Northern Bypass that is listed in the PC letter. The Township has categorically denied that there are any plans for a Northern Bypass, so Mr. Jaslow does not see the point of the Borough raising the issue. Mr. Jaslow did suggest mentioning the possible annexation of the Sunoco Gas Station. For explanation to the public, Mr. Craig explained that the Sunoco property is in Newtown Township, but surrounded by Newtown Borough. When Washington Village became part of the Borough, the gas station, as a ratable tax parcel stayed with the Township. In reviewing the plan, Ms. Woldorf also felt that there was very little mention in terms of general traffic circulation and acknowledgement of the issue of large traffic volumes trying to move from place to place. Mr. Craig responded that Item #1, the Newtown By-pass, would be removed and reference would be made to looking at traffic patterns.

Street sweeping will occur May 13, 14 and 15. The project was moved up a week due to scheduling issues.

Correspondence

Mr. Craig read a letter from Council Rock Newtown Athletic Association. The letter notified all coaches and managers of what was expected of them regarding use of Pickering Field and reminding them to be aware of the neighbors and their concerns. There was another letter from the Association thanking the Borough for its yearly donation.

Public to be Heard

Thomas Dillione, 409 Edgeboro Drive, asked Council to reconsider their decision not to submit the Parking Structure grant application. Mr. Dillione felt an updated parking study is needed and with the Stockburger property possibly being developed in the near future, the parking issue will be even more important. Knowing that a grant is available to fund the study and since everyone agreed that the grant should be pursued, he had hoped to see it on the agenda tonight. Mr. Craig explained that after the work session discussion, Council decided to have the Planning Commission involved in reviewing the issue. Mr. O'Malley's understanding was that a needs assessment should be the first step rather than going straight to the engineering design. Mr. O'Malley felt a simple, expedient way would be to have the Planning Commission work with the Parking Committee to prepare another proposal to address the possible need.

Paul Salvatore, 148 N. Elm Avenue, commented that a parking analysis was part of the original proposal, not just a structure, and he is concerned about delaying the process by having another group review the issue. Should a developer come forward for the Stockburger property Council would not have the information required to address potential parking issues. The Borough is going to spend \$29,000 to study Old Skunky and \$24,000 to study Newtown Creek, neither of which have the same economic impact on our community that the Stockburger property would have. Mr. Salvatore would like to use the existing proposal, asking that the parking analysis be completed first, and if the need is found, then the structure portion would be addressed.

Judy Musto, 118 S. Congress Street, addressed Council on behalf of the residents who live close to Linton Memorial Park. The residents would have appreciated the opportunity to further investigate the use of video cameras and they do not believe that the grant application should have simply been dismissed as "big brother watching" without at least hearing from the residents and the borough police department. When one considers

that neighbors adjacent to Pickering Field had five or more meetings to discuss Fall baseball before Council unanimously approved the request, it seems unfair not to extend the same courtesy to residents living close to Linton. With regard to Pickering Field, the suggestion was made by a Borough Council member that perhaps an engineering study should be done to determine whether it is even safe to have a baseball field in a residential area. If the concern is truly safety, then by all means, the primary focus should be on Linton Park rather than on Pickering Field. For the sake of comparison, at one park there are adolescent boys participating in games with adult supervision, but at Linton Park parents and their children are regularly exposed to graffiti on the bronze sculpture, the benches and tables. Found in the park are condoms, aerosol cans, beer cans and trash which blow into neighbors yards. The teens are unsupervised and do not hold back in front of young children or adults in using foul language and inappropriate behavior. The Borough as a community should be looking at ways to restore and retain the same quality of life that it has always enjoyed.

Noelle Finley, 35 Court Street, supported the comments made by Judy Musto. Mrs. Finley and her husband made a conscious decision not to bring their children to “Lion and the Lamb” after 3 P.M. because of children who are not “age appropriate” for that Park and exhibit very aggressive behavior. When Mrs. Finley heard about the security camera discussion, she was not surprised at how many Council members agreed that it was a wonderful place to visit. Unfortunately, there are times that children cannot be brought to the Park because the language is so terrible. The behavior is, while not illegal, definitely not appropriate for teenagers in daylight hours and certainly not for children to see. As a mother, she would love to have a camera there and she wanted Council to be aware that there are families in the Borough who are concerned.

Jon Guy, 110 S. Congress Street, spoke in support of neighbor Judy Musto. Mr. Guy felt that Council actually failed the community by dismissing the discussion on surveillance cameras without any further public comment. To some extent, he considers himself a libertarian and very sensitive to privacy issues regarding placement of video surveillance cameras, however there was no discussion for potential placement of cameras. The discussion was started and squashed very quickly without even the ability to consider that this might be a positive change for the community and something that might assist the police in performance of their duties. The police cannot be everywhere at all times with one officer on patrol, especially when there is no established place for teenagers and youth to congregate. Mr. Guy walks frequently in that area and he is disturbed by the type of trash that he sees. It hints at activities that need to be checked. The fact that the entire discussion ended without any further comment or opportunity for further debate when you consider the amount of time spent, and in his opinion wasted, on the Fall ball discussion. Mr. Guy hopes that the next time something like this comes up, that Council actually pursues it rather than squashes it.

Mr. Guy wanted to remind the public that the American Legion collects old flags, there is a drop box at the Legion Hall, where they are properly disposed of. He also wanted to remind all veterans to attend or participate in the Memorial Day Parade and “Treat it as your military duty to attend.” It will be held at 9 A.M. on Memorial Day.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, 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 2009-012-H Nathalie & Jason Glazier, 31 S. State Street, Color Me Mine

The applicant was seeking a Certificate of Appropriateness for the installation of a new 8' x 11" wall sign of wood and/or sign foam, to be mounted in the same location as the former "Miller Performance" sign.

COA 2009-013-H Jeffrey Wong, 40 Court Street, Cevallos & Wong, LLP

The applicant was seeking a Certificate of Appropriateness for the installation of a wall mounted 38" w x 29.38" h urethane foam board sign with vinyl lettering, to be located to the left of the Court Street entrance door and if the existing mounting holes cannot be used, new holes will be made in the mortar joints and not in the brick.

COA 2009-014-H Sally Maturana, 222 Court Street

The applicant was seeking a Certificate of Appropriateness for the construction of a single story rear addition, in accordance with the list of specification details for materials as submitted, using design option A on the submitted plans pictured in the rear and left elevation, with true or simulated divided light windows. The addition will replace the existing deck.

Engineers Report – Larry Young, Gilmore & Associates, Inc.

Larry Young reported that DJS has actively been addressing a pre-paving punch list for Phillips Court. The projected date of paving is the end of next week with lighting installation to follow. Mr. Young noted that slate patios at Newtown Station have been installed on the Mill Building units.

In answer to Mr. Craig's question about Newtown Station lighting, Mr. Young responded that Toll Brothers had been notified of approval for the lighting scheme. Seven additional bollards will be installed.

Mr. Young reported that surveying at the road crossings has begun for the Old Skunky Study proposal. A meeting will be scheduled with the property owners along Old Skunky to advise them of the plans. A *Right to Enter* form is currently being reviewed by the Solicitor and a questionnaire will be prepared. Mr. Sellers would like to distribute the *Right to Enter* form to the property owners prior to the meeting which is tentatively scheduled for May 28, 2009.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to approve the Old Skunky Study proposal provided by Gilmore & Associates.

General Projects Update

Mr. Young will be looking for formal authorization to advertize for bids for the Frost Lane and Lafayette Street projects at the June Council meeting. In addition, he reported that the truncated dome mats at the State Street intersections were redone last week.

Presentation of Minutes

Mr. Jaslow commented that over the past months there has been a growing tendency by Council to have the minutes become more and more detailed. He suggested that minutes are supposed to be an official record of what happens at a meeting, not what is said. If there is something germane to a motion or something germane to discussion by Council, then that should be noted in the minutes. It is "minutes" not hours. Ms. Woldorf agreed that Council should decide how detailed the minutes should be, noting that they could be motions only

and the other extreme is that some municipalities post transcripts of their meetings on-line. Perhaps at an upcoming work session, minutes could be discussed.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to approve the Work Session Minutes for the April 6, 2009, meeting as amended.

Ms. Woldorf requested that the minutes of the April 14, 2009, be tabled. As a follow-up to the discussion about detailed minutes, Ms. Woldorf commented that this is a very long set of minutes and there are areas which she feels need changes and she believes it would be more appropriate to table the discussion until next month. Mr. Craig reminded Council that the Open Records Seminar indicated that draft minutes are available to the public for review until the minutes are formally approved, but the draft minutes would not be posted on the website. Ms. Woldorf would be willing to create “dummy” minutes from which Council could use them as a base for discussion at the work session.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried with Councillor Walker voting nay, to table approval of the April 14, 2009, Council minutes.

COMMITTEE REPORTS

Budget & Finance – 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 April 2009, totaling \$137,071.88.

Mr. Sellers commented that future bills will be reviewed in advance by Council before approval. Mr. Walker explained that if questions arise, then the week before the work session those questions could be resolved and then reviewed at the work session with a request for authorization to pay.

Joint Historic Commission – Julia Woldorf

The Joint Historic Commission reviewed and approved a request from the Recreation Board for demolition of the old shed at Linton Memorial Park. Since that time, the Recreation Board is reconsidering whether they wish to have the shed demolished. The Board may place a new shed at the Park and refurbish the old one.

Long Term Parking Committee – Gerard O'Malley

The April meeting was a brainstorming session about the possibilities for tapping into the Stockburger site on State Street for potential parking access. The Department of Community and Economic Development grant was discussed and there was a unanimous conclusion at the work session that the proposal as submitted needed to be readdressed. Assessing the need should be the first step which would include parking demand, parking circulation and current parking inventory. Objectives and feasibility would be the following steps.

Personnel Committee – Julia Woldorf

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor O'Malley, and carried unanimously, to appoint Scott Barr, 428 E. Washington Avenue, to the *Environmental Advisory Council*, to fill a 3-year term through December 31, 2011.

Police Committee – Robert Walker

Mr. Walker announced that Chief Wojciechowski would be making a report at the June Council meeting. Mr. O'Malley asked if the Chief and the Police Committee could look into the issues at Linton Memorial Park that were raised earlier in the meeting.

Streets, Lights & Properties – Robert Walker

Mr. Walker reported that he would be meeting with the Borough's insurance carrier to make a physical inspection of all Borough properties.

Zoning – Rand Jaslow

Mr. Jaslow referenced the monthly zoning report which had been distributed. He noted that the Zoning Hearing Board had granted variances for 31 S. State Street. The written decision has not been received.

Solicitor's Report – Donald Williams

Solicitor Williams explained the Zoning Hearing Board request for 516 E. Centre Avenue. Mr. Jaslow is concerned that the variance requests are substantial and Ms. Woldorf concurred adding that the division of lots into smaller pieces will lead to loss of our small town charm. Mr. Sellers felt that the Borough should stand behind its zoning ordinance.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to send the Solicitor to oppose the Zoning Hearing Board application for 516 E. Centre Avenue.

With regard to the Open Space contract, Mr. Williams is awaiting a response from the Heritage Conservancy to some of his comments.

As a result of discussion at the Work Session Executive Session, Mr. Sellers asked about action to be taken on Mr. Levin's letter.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried unanimously, to authorize independent Counsel Jay Levine, of Reed Smith, to direct correspondence to the prior Solicitor to protect the interests of the Borough as discussed in their letter dated April 8, 2009.
- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried unanimously, to request that Counsel Jay Levine submit a fee proposal with respect to notification of Selective Insurance regarding the Douris matter.

Old Business

Mr. Craig reminded the public that June 9, 2009, a representative from Bucks County will address Council about the status and condition of the Newtown Dam.

Mr. Craig noted that a packet of information is available on security cameras and could be distributed to Council. Mr. Sellers suggested that if the subject of cameras is going to be revisited, it would be helpful to have materials to review prior to that discussion. More importantly, he feels that our police chief should attend to discuss the safety issues, the need and to interact with Council. Mr. Walker suggested having Chief Wojciechowski discuss the issue during his presentation at the June Council meeting.

Mr. Walker suggested having discussion on the grant process at the next work session to formalize the process.

Ms. Woldorf asked Mr. Jaslow if Keystone had inspected the fencing at Pickering Field, to which he responded he had not had the opportunity to speak to Keystone. Ms. Woldorf asked Mr. Walker to have the insurance agent look at Pickering Field.

Mr. O'Malley noted that the police chief had reviewed the loading zone ordinance and that ordinance is now ready for discussion or action.

Ms. Woldorf asked the status of the Comprehensive Plan and Mr. Craig reminded her that the various boards and committees would be reviewing the plan with comments being forwarded to the Planning Commission.

New Business

Mr. Sellers reminded everyone that the Newtown Creek Coalition would be meeting this Saturday in Borough Hall and would be reviewing the results from the recent Visioning Session.

Mr. Sellers referenced the Newtown Dam Emergency Action Plan report. Representatives from Bucks County will be attending the June Council meeting and that will be an opportunity to understand more about Newtown Dam and the implications from the report.

Public to be Heard

Bill Heinemann, 35 N. Chancellor Street, thanked Council for honoring Kingdon Swayne by dedicating a page in the minutes. Mr. Heinemann noted that his Memorial Service will be held May 30, 2009, at 1 P.M. in the George School Meeting House.

Mr. Heinemann again suggested forming an Ad Hoc committee to look at the issues surrounding Linton Park. Cameras might be part of the answer, as might lighting, but a committee approach could bring different perspectives to the issue.

Diane LeBas, 104 Penn Street, noted an incident at Linton Park which involved several police cars. Ms. LeBas commented that the sign with park hours refers to the small, enclosed children's park. She does not believe that there is adequate signage to justify police action. Mr. Jaslow said that he believes there is a wooden sign that faces Penn Street, which designates park hours, but Council will verify that fact.

Charles Swartz, 323 E. Washington Avenue, voiced concern about the traffic light at Lincoln Avenue and Washington Avenue. He questioned the placement of the light and the “No turn on red” sign. The traffic signal is not visible when coming south on Lincoln Avenue because of the PECO pole placement and the “No turn on red” sign.

Mr. Swartz mentioned police coverage for the upcoming Fireman’s Parade on June 13, 2009. Council had agreed not to charge local groups for police coverage at parades. Mr. Swartz asked if Council would consider waiving fees for that event. With the number of participants and fire companies involved that day, it would showcase our police department, which he feels is one of the best in the area.

Noelle Finley, 35 Court Street, commented on the recent Zoning Hearing Board meeting, which involved the Borough’s prior Solicitor and zoning officer. Ms. Finley was very surprised and disappointed that the applicant received the three variances that they did. She agrees with Mr. Sellers about upholding the Borough ordinance.

Janet Beasley, a Court Street resident, urged Council to appeal the decision of the Zoning Hearing Board. She feels it is a matter of parking, height and residential versus retail use on that property. That property affects both her and the Finleys very dramatically and she is concerned because other property owners on State Street have commented to her that this decision might give them leverage to do the same type of project.

Paul Salvatore, 148 N. Elm Avenue, spoke on behalf of the Newtown Business and Professional Association and thanked all those who participated in Welcome Day.

With regard to Linton Memorial Park, Mr. Salvatore acknowledged that the youth do not have a place to go and many are brought into Newtown by their parents and dropped off. The answer is find a place for them and the Community Development Corporation has been meeting for the past year with a goal to do something and perhaps find a Community Center.

Mr. Craig reminded Council of the Executive Session schedule for Thursday, May 14, 2009.

The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 Washington Ave.
Jim McAuliffe	545 E. Centre Ave.
Peter Ciferri	The Advance
Mary Alice Hagan	203 E. Washington Avenue
Isabel Godwin	144 Liberty Street
John Burke	301 S. Norwood Avenue
Diane LeBas	104 Penn Street
Jon Guy	110 S. Congress St.

Eric Johnson
Jennifer Pennington
Isabel Godwin
Judy Musto
Sally Thompson
Paul Salvatore

242 S. State St.
524 Penn St.
144 Liberty St.
118 S. Congress St.
200 N. Chancellor St.
148 N. Elm Avenue