

Council Meeting
July 12, 2011
Newtown Sewer Authority

President Julia Woldorf called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, July 12, 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 June

Officers using a grant for DUI stops served several citations. The "Boots on the Ground" continues, particularly on Friday, Saturdays and Sundays and an extra officer has been on duty for the *Movies in the Park*.

Special Event Reminders:

Movies in the Park – Continuing every Tuesday thru August 9 in Linton Memorial Park
Antique Auto Show – July 17, 2011, 10 A.M. – 3 P.M.

Chief Wojciechowski recommended hiring the following individuals as part-time non-civil service police officers:

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to hire Brad Lee Smeltzer as a non-civil service police officer, pending completion of his background investigation and at an hourly rate to be set in accordance with the typical part-time rates.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to hire Anthony C. Petrongola as a non-civil service police officer, pending completion of his background investigation and at an hourly rate to be set in accordance with the typical part-time rates.

Amendments to the Agenda

Mayor O'Brien added the hiring of two part-time police officers to the agenda.

President's Report – Julia Woldorf

Ms. Woldorf reported that the State Street merchants would be invited to the August 3, 2011, Work Session to discuss issues that the business community is facing at this time. Invitations will be sent and the business owners will be asked in advance for any subjects that they would like to have discussed at the meeting.

Correspondence

A letter was received from Jim Casey of the American Legion thanking the members of Borough Council who participated in the Memorial Day Parade this year and for the Borough's assistance in making Memorial Day another success in support of our veterans.

Public to be Heard

Since parades were discussed at the work session, Paul Salvatore wanted to give some background on the four traditional parades that have been held in the Borough and noted the recent addition of the Chanukah Parade. The Memorial Day Parade has always been sponsored by the Legion and honors those who have fallen in combat. The next parade is the 1st Fourth Parade, which began as a Newtown Township/ Newtown Borough joint initiative, with the idea of having a community event. The Halloween Parade is actually the Borough's parade and the Borough pays for the ribbons and Mayor's Trophy. It began as a Friday night parade, but moved to Saturdays for safety reasons. The Holiday Parade was originally run by the Businessman's Association, then the Business and Professional Association. It was then taken over by the Retailers Association until it disbanded. The Newtown Corporation then took over responsibility for organizing the parade. They are all community parades with the goal of bringing people to town and showcasing Newtown in a positive light and he noted that never have any of the parades been charged for police coverage. Mr. Salvatore felt that as a community, we have to decide what we are willing to absorb and what should be reimbursed. Mr. Salvatore agreed with Mr. O'Malley's comment at the Work Session about working cooperatively, perhaps with donations from the community. These groups are made up of citizens giving their time and effort to their community. He commented that if this is not worked out, the community suffers.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-016H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-016-H Residents Jeff and Cheri Wishing, 415 E. Washington Avenue

The applicants were seeking a Certificate of Appropriateness for a porch addition using Option A for the porch roof design, as indicated on the plan, noting that the cross gable over the entry would end the porch; the rolled asphalt roofing would not be red as indicated on the plan and the light fixture would be the "Knight's Helmet" style.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-018H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-018-H Applicant Griffith Exteriors, Inc., 114 N Lincoln Avenue, the Parr residence

The applicant was seeking a Certificate of Appropriateness for the replacement of a slate roof with Slateline asphalt shingles.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Sellers, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-019H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-019-H Kevin & Christine Edmonds, 117 N. Lincoln Avenue

The applicants were seeking a Certificate of Appropriateness for the installation of a portion of wood fencing with a lattice top.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the minutes of the June 8, 2011, Work Session Meeting.

COMMITTEE REPORTS

Budget & Finance – Gerard O'Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of June 2011 totaling \$ 135,070.97.

Mr. Walker noted that Council received the year-to-date budget information. A budget schedule will be distributed prior to the August Work Session.

Streets, Lights & Properties

Mr. Sellers said that quotes for demolition and replacement of a portion of the sidewalk at Lafayette and S. Lincoln Avenue are stilling be sought.

With regard to the Penn Street sinkhole and repairs being made by the Borough's public works contractor, the Solicitor reported that his research found that the Borough Code makes an exception for public works, related to a repair or maintenance of public works, as opposed to an addition or extension, and that the contract is not subject to the advertising and bidding requirements of the

statute. That does not preclude Council from bidding, to ensure that they are receiving the best price.

In reviewing the contract [with Scott's All Seasons], Mr. Cohen voiced concern that the contract was from 2004-2005 and was not an automatically renewing contract, so technically he said there is no contract at this point, but Council might wish to look into rebidding the contract for future work.

Mr. Sellers said the estimated cost was \$4800 and the engineer would be providing a detailed description of the project.

Ms. Woldorf felt that Council should get three bids, not simply go with the assumption that Scott's bid would be low. Mr. Sellers felt that Scott [Dengler of Scott's All Seasons] already has intimate knowledge of the problem and the other bidders would not have the appreciation that Mr. Dengler does of the project.

Mr. O'Malley asked if the Borough would be obligated to accept the lowest bid, considering that the Borough might lose Scott's expertise, if his bid was not the lowest. The Solicitor said that the Borough would be able to consider his expertise in making their decision.

A motion was made and later withdrawn to request two additional bids after receipt of the Engineer's written description of the project. In discussing the motion, Mr. Sellers said that the Engineer could find some additional contractors to supply bids, but Mr. Walker was concerned that the additional costs of involving the engineer's time in the bidding process might not be prudent. Mr. Walker also questioned the possible cost to have Scott remove and replace the plates for the other contractors to see the area.

Mr. Sellers said there is a strong rationale for giving Scott the description and having him supply a firm price for the August meeting and, if acceptable, scheduling and getting the work done.

Mr. Warren felt that there is a rationale for the bidding process and he leans toward that, but he also felt that there is rationale for a case like this, where there is an exception for public works. The expediency and wealth of knowledge that Scott brings to a relatively small project justifies the exception.

It was decided to wait and make a decision at the August Work Session.

Website Committee – Julia Woldorf

Last month Ms. Woldorf circulated a draft Request for Proposal (RFP) for a website redesign, but she was still looking for a cost range for the RFP and a timeframe for receipt of the RFPs. The website committee felt that \$2,000-5,000 would probably be an appropriate price range, however only \$1000 had been budgeted for 2011. If a cost range is not included in the RFP, Ms Woldorf is concerned that the Borough might receive proposals far above what they can afford. Council agreed that Ms. Woldorf should include a statement indicating that the Borough's budget is limited and asking for an itemization of the costs, as the Borough might consider building the website incrementally.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor O'Malley, and carried unanimously, to circulate a Request for Proposal with a budget of \$2000-5000 to be paid over a period extending into 2012, for development of a Borough website.

Solicitor's Report – Paul Cohen

Parking Structure Ordinance

The Solicitor announced a public hearing to consider adoption of an ordinance amending the Newtown Borough Zoning Ordinance by establishing a use description for parking structures in the Borough. A full copy of the ordinance was lodged with the Bucks County Law Library on/or about June 29, 2011, and notice of the hearing was advertised in the Bucks County Courier Times on June 28, 2011, and July 5, 2011.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to adopt Ordinance #714 for Parking Structure Definition/Use.

Noise Ordinance

The Solicitor announced a public hearing to consider adoption of an ordinance amending the Borough of Newtown Noise Ordinance #609 to eliminate Sunday restrictions, to correct the existing ordinance to shift enforcement authority to the Newtown Borough Police and to modify the enforcement procedure and penalties. A full copy of the ordinance was lodged with the Bucks County Law Library on June 29, 2011, and notice of the hearing was duly published in the Bucks County Courier Times on June 28, 2011.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to adopt Ordinance #715 amending the Noise Ordinance.

Fee Schedule

Currently the Fee Schedule contains two sections, one related to Impervious Surface Permits and the other for Stormwater Drainage Plans, both of which would be covered in a single permit. The ordinance acknowledges the adoption of the Fee Schedule, as well as the adoption of the current Stormwater Management Ordinance. Mr. O'Malley was glad to see that the escrow fee was removed for small projects, as he felt it was a burden to the property owners.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Burke, and carried unanimously, to authorize the Solicitor to consult one more time with the Zoning Officer and Engineer, and then upon satisfactory consultation, to then advertise the Resolution changing the Borough Fee Schedule to reflect Stormwater Management Fees at the August 9, 2011, Council Meeting.

Sidewalk Ordinance

After many Council discussions and input from the Borough Engineer, the Solicitor asked for the following motion:

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Warren, and carried unanimously, to authorize the Solicitor to advertise the Sidewalk Ordinance for adoption at the August 9, 2011, Council Meeting.

The Solicitor noted that there was an Executive Session prior to the meeting to address potential litigation and personnel matters.

Old Business

Mr. O'Malley reviewed the packet of information from the Delaware Valley Regional Planning Commission regarding a Transportation and Community Development Initiative grant program and felt that there was nothing relevant to the Borough at this time, but perhaps it might be considered next year.

Mr. Sellers made the following motion related to Phillips Court. The Solicitor noted that the developer indicated that they intend to prepare a proposal to replace the lights and Mr. Cohen will contact him. The motion is being made in case the developer does not take action.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried with Councillor O'Malley voting nay, to authorize the solicitation of bids for light fixture replacement at Phillips Court, in accordance with specifications provided by the Borough Engineer.

New Business

The Mayor provided Council with a request from Ben Douglas for a handicapped parking spot at 207 Court Street. Ms. Woldorf explained the process is to submit the request to the Police Chief and Council then approves the request by Resolution. The spot would not be for the exclusive use of Mr. and Mrs. Douglas, but would be available to anyone with a handicapped tag.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve Resolution 07-12-11 granting a handicapped parking space at 207 Court Street.

Public to be Heard

No one wished to be heard at this time.

The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES
Warren Woldorf
Jeff Werner
Jim McAuliffe
Paul Salvatore
Larry Auerweck
Marlowe Gordon
Diane LeBas
Noelle Finley
Jeff and Cheri Wishing
Gema Duarte