

Council Meeting
July 14, 2009
Chancellor Center

President Craig announced that an Executive Session would be held following the meeting for discussion of Personnel, Litigation, Collective Bargaining, and Real Estate.

President Mark Craig called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, July 14, 2009. 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 E. Williams and Engineer Larry Young of Gilmore & Associates, Inc.

Mayor's Report – Dennis O'Brien

Police Report for June 2009

Mayor O'Brien presented Council with the June 2009 Police Report. The officers conducted Seat Belt Compliance checks and "Driving under the Influence" details, funded from grants received by the Newtown Borough Police Department.

Special Events Reminder

- Antique Auto Show – July 19, 2009 – 10 A.M. - 3 P.M.

Amendments to the Agenda

Mr. Sellers asked that the Planning Commission give a brief report.

Presidents Report – Mark A. Craig

- Newtown Dam & Evacuation Plan – Don Harris, Emergency Services Coordinator

Mr. Craig wanted to clarify that a recent newspaper article was incorrect when it stated that the Borough had kept no file on the Newtown Dam, because he noted that this was the first year Newtown Borough had received any information on the dam. Mr. Craig then introduced Don Harris, Emergency Services Coordinator, who explained the process for dealing with potential emergencies, such as a failure with the Newtown Dam. Mr. Harris explained that it is an earthen dam and short of a major catastrophe, such as an earthquake or plane crash into the dam, there should be no problems. There is regular monitoring of the dam by Bucks County and should the water level come within five to eight feet of the top, there would be notification of the Emergency

Services Department and all persons on the contact list. In response to the question of holding drills, Mr. Harris explained that it would not be feasible, since there are so many variables. A basic concept is required, but any plan would need to be adapted to the specific circumstances of the event. Telephone notification of residents is part of the PA Ready system and those who have unlisted phone numbers can have their numbers registered and information could be included in a newsletter or on the government access channel. If Council desires to have a phone notification “drill,” Mr. Harris would be willing to organize the efforts.

- Security Camera Discussion

Mr. Craig reminded Council that Chief Wojciechowski had requested replacement of the security cameras in the police department and he asked for security cameras in Linton Memorial Park, both as a deterrent and as a way to monitor safety at the park. Council Rock School District offered a cost effective solution to the Borough by allowing sharing of their infrastructure to allow use of cameras with internet accessibility. Local service providers are willing to connect cameras at no cost because they recognize the safety value they would provide. Mr. Craig explained that Council is not moving forward on any specific proposal, but he wants input from Council and the community before making any decision.

- Stockburger Proposal

Mr. Craig spoke about the recent public meeting to present a proposed project for the Stockburger dealership site, but he wanted to make it clear that there has been no formal proposal presented to Council at this time. Mr. Craig’s expectation is that the Planning Commission will consider this proposal when working with updates to the Comprehensive Plan. In response to Mr. Sellers’ concerns about time constraints for the developers, looking for a positive response from Council and asking the developer to come before Council, both Mr. Craig and Mr. Jaslow reminded Council of their previous decision not to have sketch plans or concept plans brought before Council prior to plans being submitted to the Planning Commission.

Public to be Heard

Charles Swartz, 323 E. Washington Avenue, addressed the issue of Public Comment. Mr. Swartz feels that it should be a time for the public to be heard, but not a time for debate with Council.

Mr. Swartz voiced concern about a recent article that was party oriented. He would like to see Council return to doing the most good for the most people on the issues that affect the Borough. Mr. Swartz was upset that the article referenced previous Councils, inferring that their work was not right.

The recent newspaper article and the political inferences in it upset past Councilman Eric Johnson. Mr. Johnson commented that his fellow Councilmen never talked in terms of following the party line for a vote and he continues to serve on various Borough boards and committees, not as a member of a particular party, but as a volunteer for the good of his town.

Duane Buck, 113 Andrew Drive, voiced concern as a former Councilman, with various members of the current Council that represent Newtown Borough. Mr. Buck referenced articles, rebuttals, and frequent comments about the animosity that has affected Council and in turn the community. This started with the 2008 election

that brought in party politics and Mr. Buck feels that there is no room for party politics in the Borough. Mr. Buck noted that his approach was always to consider how to best support the Borough, not how to make points by putting people down. Mr. Buck asked Council to cooperate for the good of the public and drop party affiliation in their thinking.

Paul Salvatore, 148 N. Elm Avenue, thanked those who spoke before him and commented that we are Republicans and Democrats twice a year and Newtownians the rest of the year. Mr. Salvatore spoke about the newspaper article, how he felt attacked, and how others might not come forward to speak fearing a similar attack. Mr. Salvatore made it clear that he has always challenged authority, not based on party, but when he questioned the job being done.

Janet Beasley, 27 Court Street, addressed Council regarding the recent Zoning Hearing Board decision for 31 S. State Street. Ms. Beasley feels that there is a shared sense of responsibility and that as a community we are custodians of what attracted us to Newtown. The proposed residence would face Court Street and Ms. Beasley feels that the written decision is rife with contradictions.

Diane LeBas of Penn Street wanted to remind Council that the interplay and even opposition of ideas and viewpoints is healthy at the national, state and local levels. Ms. LeBas feels that democracy is the ability to speak out, to write and to air various opinions.

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 2009-018-H Jim Mehling, 405 S. State Street, Mt. Lucas Management

The applicant was seeking a Certificate of Appropriateness for the replacement of three small awning windows on the west elevation with larger bi-part casement units as presented in option A on the submittal elevations.

COA 2009-019-H Jack Kloeber, 127 S. State Street, Kromite LLC

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging sign; they will reuse the previous sign, colors will match the existing and the phrase "Life Science Consulting" will be bold.

COA 2009-020-H Don Bartle, 423 E. Washington Avenue, Residence of Nancy Terry

The applicant was seeking a Certificate of Appropriateness for the replacement of a slate roof with GAF Timberline slate color shingles, and installation of an attic vent fan on the rear of the roof behind the dormer.

COA 2009-022-H Applicant DeFrehn Corporation, 116 N. Chancellor Street,

Residence of David Graham and Jeannine Vannais

The applicant was seeking a Certificate of Appropriateness for the replacement of a slate roof with GAF Slateline shingles, scallop shingles to match existing octagon shapes and tin work at ridge to be replaced with existing.

- ❖ 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 deny the following request for vinyl replacement windows, noting that if the applicant used wood exterior windows with true or simulated divided light windows or restored the existing windows using the existing sash, the applicant could proceed with replacement of the windows without returning to HARB.

COA 2009-021-H Applicant Rich Neher, 418 Washington Avenue, Residence of Bruce and Dorothy Stevens

The applicant was seeking a Certificate of Appropriateness for the replacement of two wood double hung windows with vinyl windows of same size and grid configuration as those being replaced.

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

- General Projects Update

Mr. Young reported that the Phillips Court streetlights would be operational on Thursday. Toll Brothers continues to work through the Newtown Station punch list and they are nearing completion of the project.

Surveying is complete for the Old Skunky project and Gilmore has obtained field data. The Engineer is reviewing the questionnaires to prioritize where problems exist. A town meeting will be scheduled with the residents to discuss their findings.

With regard to the multi-way stop signs, Mr. Young reported that the one intersection at Jefferson and Liberty Streets does not have sufficient sight distance. Mr. Young asked Council if they wanted a report prepared to use as supporting data for making that specific intersection a multi-way stop.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and carried unanimously, to direct the Engineer to prepare a report providing supporting documentation for a multi-way stop sign at the corner of Jefferson and Liberty Streets.

Escrow Releases for Phillips Court

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to approve escrow release #12 for Phillips Court, letter dated July 13, 2009, for \$2,577.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve escrow release #13 for Phillips Court, letter dated July 13, 2009, for \$14,192.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to approve escrow release #14 for the Phillips Court, in for \$22,812, with \$12,000 of that amount being held until verification of an outstanding amount due to the Borough, leaving the actual release at \$10,812.

Street Projects

Mr. Young discussed both the Lafayette Street and the Frost Lane street projects. Council had asked Mr. Young to break down just the drainage cost for the project in consideration of not completing the entire project at this time and/or whether the milling and overlay work could be done easily in a subsequent year without having to tear up the drainage. After looking at the figures and considering all factors, including rebidding the project, Mr. Walker advised Council that sufficient funds exist to complete both projects in 2009, still leaving a significant surplus to start 2010.

The base bids for Frost Lane were as follows: A.H. Cornell-\$127,178, Associated Paving-\$139,082.50, Blooming Glen-\$120,688.85, Gore Con, Inc.-\$87,222.15, J.D. Morrissey-\$122,622.25, K.E. Siefert, Inc.-\$136,875, S & H Landscaping \$95,339.20 and Harris Blacktopping-\$81,576.90

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to authorize acceptance of the bid for the Frost Lane Street Project at a cost of \$99,496.90 from Harris Blacktopping, Inc., which includes the alternate bid.

The bids for Lafayette Street were as follows: A.H. Cornell-\$80,061, Associated Paving-\$97,589.80, Blooming Glen-\$70,750, Bray Brothers-\$90,550, Gore Con-\$67,467.80, J.D. Morrissey-\$90,677.44, K.E. Siefert-\$113,132.80, S & H Landscaping-\$100,149.30 and Harris Blacktopping-\$66,477.80.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Sellers, and carried unanimously, to authorize acceptance of the bid for the Lafayette Street Project at a cost of \$66,477.80 from Harris Blacktopping, Inc.

Ms. Woldorf questioned the reason for the difference between the original estimate for the street projects and the actual bid figures. Mr. Young explained that ADA requirements, specific utility information that was not available when the estimates were calculated and widening the road two feet to make room for drainage, all had an impact on the project costs.

In response to Ms. Woldorf's question of inspection time for the Phillips Court/Barclay Street paving project, Mr. Young explained that it was a difficult paving job that involved raising of inlet and manhole castings, applying a leveling course to Barclay Street before the paving and assuring that the contractor did not skimp on the materials required during the project. Mr. Young clarified that Mr. Kane's inspection time was justified.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to approve the June 1, 2009, Work Session minutes.

Ms. Woldorf asked that a correction be made to the June 9, 2009, minutes, based on her watching the DVD playback of the meeting for clarification. Secretary Scull prepares her minutes from listening to audio tapes, which are sometimes difficult to hear and does not have the ability to watch the DVD at her computer. Ms. Woldorf insisted that the DVD be the defining factor. A motion was made by Councillor Jaslow to approve the minutes as presented, but died for lack of a second. The following motion was made:

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, which resulted in a tie vote, Councillors Woldorf, Sellers and O'Malley voting to approve and Councillors, Walker, Jaslow and Craig voting nay, at which time Mayor O'Brien broke the tie voting to approve the June 9 2009, Council minutes as corrected.

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 June 2009, totaling \$147,600.23.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve, since there will be no August Work Session, the processing of the professional services bills for June.

Long Term Parking Committee – Gerard O'Malley

Mr. O'Malley reported that the Committee discussed signage for the Borough. A follow-up meeting will be held with the Police Chief and Councillor Walker to review those suggestions. Parking study grants were also discussed. The proposed project at the Stockburger site and the potential impact of The Promenade project on Sycamore Street were topics of discussion.

Personnel Committee – Julia Woldorf

Ms. Woldorf announced that there is an opening on the Recreation Board to fill an unexpired term. Ms. Woldorf has received several applications but is requesting that anyone interested in the position should contact her. An appointment will be made at the August 11, 2009, Council meeting.

Police Committee – Robert Walker

Mr. Walker was looking for approval to purchase the ENRADD equipment for the police department, which would improve the department's ability to ticket speeders. Mr. Sellers wanted more information before making a formal decision.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to direct the Civil Service Commission to start the process for promotion of one police officer to the rank of Corporal.

Streets, Lights and Properties – Robert Walker

Mr. Walker reported that LED street lights were installed at the Washington and Lincoln Avenue intersections.

Zoning – Rand Jaslow

Mr. Jaslow attended the Zoning Hearing Board meeting on The Promenade. He reported that the Zoning Hearing Board agreed, as part of the conditions for granting the variances, to stipulate that they would provide

the Borough with all the traffic information and they would consult with the Borough at the time of the Land Development hearing.

The Borough received an application for a Special Exception for retail service use with accessory food service and accessory office use at 201 S. State Street. The use is for a bakery, with no baking on site, and tables for eating pastry, coffee, and tea. No date has yet been set for the hearing but after discussion, Council decided that they would not oppose the application.

Planning Commission – Warren Woldorf

Mr. Woldorf reported that the only topic of discussion at the Planning Commission meeting was a quick review of the comments received on the Comprehensive Plan. Mr. Woldorf said that the Planning Commission would await a response from Borough Council. Mr. Craig asked if Planning Commission had responses on the comments and Mr. Woldorf responded no yet.

Solicitor's Report – Donald Williams

Solicitor Williams announced that Council would discuss the Zoning Hearing Board decision for 31 S. State Street in Executive Session prior to adjourning the meeting.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to approve Ordinance #695 establishing Loading Zone parking spaces as follows: Three parking spaces on the East side of North State Street immediately South of the Borough Parking Lot between the hours of 7 A.M.-10 A.M.; three parking spaces on the South side of Centre Avenue closest to Court Street between the hours of 9 A.M.-2 P.M. and three parking spaces in the area located on the East side of Congress Street between the parking lot exit located on the property identified as TP#28-002-200 between the hours of 9 A.M.-1 P.M.

Old Business

Mr. Craig suggested holding Executive Sessions prior to the Council meetings rather than after the meetings. After discussion, Council decided to hold Executive Sessions at 5:30 P.M. with a break before the start of the Council Meeting at 7 P.M.

Mr. Walker reminded Council and the public of a Household Hazardous Waste Drop-off on July 18, 2009, from 9 A.M.-3 P.M. at the Middle Bucks Institute of Technology, 2740 Old York Road, in Warwick Township.

New Business

Mr. O'Malley reported that the first meeting of the Newtown Borough-Newtown Township Joint Traffic Committee is scheduled for July 15, 2009, in Council Chambers at 7 P.M.

Council went into Executive Session at this point.

The meeting reconvened and the following motion was made:

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Woldorf, and carried unanimously, to direct the Solicitor to file the necessary documents to appeal the decision of the Zoning Hearing Board on the application for 31 S. State Street.

The meeting was adjourned at 11:20 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 Washington Ave.
Jim McAuliffe	545 E. Centre Ave.
Phil Hagan	203 E. Washington Avenue
Isabel Godwin	144 Liberty Street
John Burke	301 S. Norwood Avenue
Jon Guy	110 S. Congress St.
Jennifer Pennington	524 Penn St.
Sally Thompson	200 N. Chancellor St.
Paul Salvatore	148 N. Elm Avenue
Danny Adler	Courier Times
Mary Jane Leonard	446 E. Centre Avenue
Perry Warren	149 Andrew Drive
Janet Beasley	27 Court Street
Eric Johnson	242 S. State St.
Duane Buck	113 Andrew Drive
Jack Kloeker	127 S. State St.
Nancy Terry	434 Washington Ave.
Clare Phillips	Dallas, TX
Charles Swartz	323 E. Washington Ave.