

Council Work Session  
July 8, 2009  
Council Chambers

**An Executive Session was held following the meeting for discussion of Personnel,  
Litigation & Collective Bargaining.**

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, July 8, 2009, by President of Council Mark Craig.

Present were Councillors Craig, Jaslow, O'Malley, Sellers, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Brad Lare and Engineer Larry Young.

**Public to be Heard**

Resident Dan Knott of 206 N. Chancellor Street asked Council about the legality of hanging of banners on State Street for various Borough events as he has volunteered to do in the past. After discussion and comments from Council members, consensus was that Mr. Knott should not hang banners for future events, as hanging banners on utility poles and wires is not permitted.

Mr. Knott asked if Council had addressed safety issues raised during the Pickering Field baseball discussion. The Borough's insurance carrier inspected the Field and they were comfortable with the height of the fencing, but the inspection by Keystone Municipal Services has been delayed due to contract issues.

Janet Beasley, 27 Court Street, voiced concern about the Zoning Hearing Board decision for 31 S. State Street and asked Council to consider appealing that decision. Ms. Beasley felt that there are various flaws in the decision, including that the property has two front sides and that Mr. Glazier qualifies for financial hardship. Ms. Beasley is worried about the possible impact on the Borough. Mr. Craig noted that the issue would be addressed in Executive Session.

**Newtown Artesian Water Company – George Forsyth**

Mr. Forsyth reported that replacement of the existing water main on North State Street will begin July 13, 2009, and is projected to continue into October. The crosswalk on the North side of Greene Street may be eliminated due to grade issues at that location. ADA compliance will be addressed whenever physically possible. Council wanted assurance about ADA curb ramp compliance and wanted to see the final curb ramp plans when they are completed by the Engineer for Newtown Artesian. The road will be open to local traffic throughout the project and only 200 feet a day will actually be inaccessible. Mr. Forsyth reported that the work will begin at Jefferson Street and work its way down to Washington Avenue, noting that the Washington Avenue intersection work will be completed during nighttime hours to eliminate traffic issues at that location. Marv Kaplan of the Shoe Café, Bill Quinn of 3-D Printing and Matt DeBartolo of the Capelli Salon voiced concerns about patron accessibility for parking, delivery of supplies and water interruption during the project. Mr. Forsyth assured the business owners that the water company would try to assist their customers and alleviate problems whenever possible. Tractor-trailers will be able to exit at Jefferson Street after making their deliveries.

## **Engineer's Report – Larry Young**

- **General Projects Update**

All of the lights have been installed at Newtown Station, but two of the bollards are not working. Sod will be installed where patios and walkways have been completed.

The lights at Philips Court will be working by the end of next week and the South State Street light was repaired by McCarthy contractors.

The Engineer reported that instead of preparing counts at each potential multi-way stop sign site, Gilmore decided to study the busiest of the intersections, which was at Lincoln and Penn. The intersections were all measured for sight distance, but only the intersection at Jefferson and Liberty Streets warranted a multi-way stop, based on sight distance. Mr. Young explained that after the study was completed, it was determined that the traffic volume was not enough to warrant multi way stops at any of the other intersections that were being considered. The question was raised whether accident history at that specific intersection might affect the ability to meet the necessary criteria and Mr. Young agreed to obtain additional information. Jennifer Pennington, a member of the Traffic Committee, felt that there is language in the Transportation Planning Code that pedestrian safety can override the traffic counts, but Mr. Young explained that this is on a case-by-case basis and that other factors must also be considered.

- **Street Projects**

Mr. Young reported that bids were opened for the Lafayette and Frost Lane street projects. With regard to the Lafayette project, handicapped ramps at the intersection of Lafayette and Norwood were not in the original budget, but they are required for this project. The low bid from the nine bidders was \$66,477.80. Although the bid is above the projected budget estimate, there is nothing more that can be removed from the project to lower the cost.

The Frost Lane project low bid was \$81,576.90, which includes drainage at the intersection of Frost Lane and Edgeboro Drive. Various options were discussed which included rebidding the project, only doing the intersection drainage work or changing some of the materials and/or pipe sizes to lower the cost. There were also concerns related to the upper section of Frost Lane that is shared by Newtown Township and Newtown Borough. Mr. Young contacted the Newtown Township Manager about addressing that section and the information was forwarded to Ron Weaver, the Public Works Director. Mr. Young was asked to breakdown the drainage element for the project so that Council can make a decision at the Tuesday Council meeting.

## **State Street White Lights**

Mr. Jaslow explained that before the State Street Lighting Project began, the Newtown Retailers Association and the Joint Downtown Newtown Corporation approached Council asking to use auxiliary lighting to light the street. The lighting was approved on a temporary basis and was to be reviewed after a year, at which time an extension was granted until the State Street lighting project was complete. Mr. Jaslow feels that Council must make a determination whether the lights should remain or whether it reverts to the way it was prior to Council's temporary approval. Unfortunately, lights are appearing on fences, windows and other various places. The

original recommendation was from a HARB application that Council approved. Council consensus was to review the original HARB application to see what conditions were specified. Paul Salvatore recalled that lights had been placed in the State Street trees for years, but they were no longer being installed and the retailers were looking for a lighting replacement. If the temporary approval was declared null and void, then those who wished to continue with the lights would need to apply to HARB for approval. Mr. Jaslow will research the original application and return to Council with his findings.

### **Promenade Update – Rand Jaslow**

Mr. Jaslow reported on the Zoning Hearing Board meeting for The Promenade, noting that as a condition of granting the variance, information will be provided to and they will consult with the Borough regarding traffic impact at the time of land development. The developer was granted a variance for a 40' high structure, two parking spaces would be required for each residential condominium units, the exterior of the structure would be subject to HARB review and 25 residential units were approved.

### **Discussion of Minutes**

Mr. Craig explained that it has been customary for the Borough to have more detail in the minutes of their meetings, and as a result, those reading them have a better understanding of the dialogue and discussion that has gone on. The suggestion was that perhaps a middle ground could be considered. After discussion and comments from Council, the consensus was for the Secretary to change the format for the next two months and summarize the commentary from the meeting, eliminating individual comments, but including the major points. In addition, a digital recording device will be researched, particularly for use during the work session. Public comment will include who spoke and what their topic included, but not verbatim wording.

### **Security Cameras**

It was suggested to move the discussion of security cameras to a Council meeting in order to take place in a more public forum. Mr. Craig explained that there are actually two separate issues, one the cameras for the police department, which is a more urgent matter, and secondly the security cameras for Linton Memorial Park. Discussion will continue at a Council meeting.

### **Approval of Professional Invoices – Robert Walker**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to approve payment of the Professional Services bills under memo dated June 11, 2009, and with additional remittance to Curtin & Heefner for T-Mobile legal expenses.

### **Old Business**

Mr. Craig reminded Council that a motion was made at the previous Council meeting regarding a page in the 325<sup>th</sup> Anniversary book, but someone needs to take ownership of the project. Mayor O'Brien was given the responsibility to follow-up.

Ms. Woldorf again raised the issue of an inspection at Pickering Field and she was unclear why that inspection had not taken place. In addition, she asked about inspections at the Borough parks. Both of the inspection

matters are being negotiated with Keystone Municipal Services as part of their contract discussions, but indemnification is the issue at this point. Mr. Walker reported that Selective Insurance had reviewed Pickering Field and had no issues with the fence height. The insurance company did make recommendations regarding mulch under the playground equipment at Linton Park.

### **New Business**

Mr. Craig discussed a Special Events request for a Washington Avenue Block Party. Chief Wojciechowski voiced concerns about the closing of major thoroughfares for the event and had recommended using one of the Borough parks instead. After discussion by Council, it was suggested that the committee consider an alternate venue.

Consideration of the purchase of ENRADD equipment for the police department will be placed on the Council agenda for next week.

### **Public to be Heard**

Paul Salvatore, 148 N. Elm Avenue, voiced support for the purchase of the ENRADD equipment and use of any signage that would make people aware of reducing their speed. Mr. Salvatore noted that the Newtown Township Supervisors are attempting to reduce the speed limit from the by-pass all the way into the Borough.

Resident Isabel Godwin commented that a 4-way stop sign should be considered for the Liberty and Jefferson Street intersection, which the Engineer had previously noted was the only intersection that warranted one because of sight distance.

There was a motion to adjourn at 7:30 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

### **IN ATTENDANCE**

Janet Beasley	27 Court Street
Paul Salvatore	148 N. Elm Avenue
Diane LeBas	104 Penn Street
Warren Woldorf	440 E. Washington Avenue
Jeanne Haeckel	123 Penn Street
Bill Heinemann	35 N. Chancellor Street
Mary Jane Leonard	446 E. Centre Avenue
Jennifer Pennington	524 Penn Street
John Burke	201 S. Norwood Avenue
Charles Swartz	323 E. Washington Ave.

Matt DiBartolo  
Dan Knott  
Maryalice Hagan  
Tim Chicirda  
Bill Quinn  
Charles Hughes  
Isabel Godwin

13 N. State Street  
206 N. Chancellor St.  
Washington Ave.  
The Advance  
3-D Printing  
24 S. State St.  
144 Liberty Street