

Council Work Session
September 2, 2009
Council Chambers

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

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, September 2, 2009, by President of Council Mark Craig.

Present were Councillors Craig, Jaslow, O'Malley, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Donald E. Williams and Engineer Larry Young. Councillor Sellers arrived at 6:20 P.M.

Mr. Craig announced that an Executive Session was held on August 27, 2009, for discussion of Collective Bargaining. He also announced that a Special Council Meeting will be held on September 24, 2009, at 7 P.M. to discuss the Comprehensive Plan.

Public to be Heard

Resident and business owner Joe Lucas, 191 Andrew Drive, asked Council for assistance in obtaining his Temporary Certificate of Occupancy. Mr. Lucas explained that he received a letter from the Engineer outlining issues that need to be addressed before a Temporary Certificate of Occupancy would be recommended. Several of those items are being addressed and Mr. Lucas agreed that he would install the sidewalk and plant the requested trees, but requested additional time for completion of the work. Engineer Young agreed that there were outstanding issues and Solicitor Williams will look into the matter and speak with the Zoning Officer.

Patty Lovi asked about the waiving of fees for parades. Mr. Craig noted that fees were waived for all 2009 parades and discussion will be held as part of the budget process about parade fees going forward.

Market Day – Committee/Board Tables

Ms. Woldorf asked about the EAC having a table at Market Day. Mary Callahan, representing the Historic Association, explained that no tables are available for the actual event, but a table could be set up on State Street, assuming the specific property owner approves the placement. Ms. Woldorf noted that the EAC would be willing to coordinate sharing the table with other interested committees.

Tax Collection Committee Delegate

Mr. Craig explained that under the new legislation for tax collection, each municipality is responsible for appointing a delegate to the Tax Collection Committee for their respective district. The delegate will have a vote for appointing a tax collector. The recommendation is to appoint Robert Walker and Gerard O'Malley to share the responsibility. A resolution will be required and a formal appointment will be made at the meeting on Tuesday.

Engineer's Report – Larry Young

- General Projects Update

Mr. Young met with Frank Tyrol regarding the status of the Phillips Court project and reported that there would be \$12,000 escrow release to Mr. Tyrol.

Newtown Station is ready for acceptance of improvements and will be posting funds for the 18 Month Maintenance Bond. Mr. Young noted that the Homeowners Association is responsible for inspection of the storm water facilities on a monthly basis and after each storm event, which includes pipes, grates and culvert openings. A maintenance record must be kept and submitted to the Borough on an annual basis. With regard to issues raised by Ms. Woldorf, the fence has been ordered and will be installed. Nine hundred wild flower plugs were planted, but were mistakenly mowed down. Signage will be installed to address further mowing and if the plants do not grow, Toll will replace them during the maintenance period.

The “Yield Analysis” has been completed at Edgeboro and N. State. The conclusion was that a “Yield to Oncoming Traffic” would not be appropriate because of the site distance. The suggestion was to install “Road Narrows” signs. In response to Mr. O’Malley’s suggestion of a lower speed limit, Mr. Young said a speed study would be required to substantiate the need and Ms. Woldorf suggested a speed bump.

- Street Projects

Mr. Young reported on the recent construction accident at the Lafayette and Norwood intersection. Ms. Woldorf questioned the placement of the curb ramps in relation to the construction drawings. Although meeting PennDot approvals and ADA standards, Mr. Young agreed to speak to the contractor.

Mr. Young noted that the STS Company is looking for approval from PennDot for retrofitting curb ramps with a new material and the representative would like to have the Borough use the material as a test product on the ramps that meet the slope requirement. A plan will be developed over the next year to work handicapped ramps into future road projects and as long as the Borough shows the intent to address the issue of compliant ramps, that would meet the requirements of PennDot.

The Frost Lane project is in progress and should be completed within two weeks. The Newtown Artesian project is one month ahead of schedule, but the restoration of the curb ramps at the intersections was not part of the original bid, so may be delayed while awaiting approval from PennDot before applying for those bids.

2010 Budget Schedule – Robert Walker

Mr. Walker reminded Council of the September 7 deadline date for budget submissions. As part of the budget packet there was a recommendation to increase the Local Services Tax from \$25 to \$52. Mr. Walker noted that Newtown Borough has one of the lowest LST taxes and the action will raise an additional \$40,000 for the Borough.

Approval of Professional Bills

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve the July professional services invoices.

Discussion of Minutes

Mr. Craig asked if Council had reviewed the document from PSAB regarding the handling of minutes. The August 11, 2009, minutes were submitted to Council for review and Council decided that the minutes were a good compromise of summarizing the comments. To make corrections on specific details is easy, but in response to the question of how to handle a difference in "wording," Mr. O'Malley suggested that Council President make the final decision. Council should receive the minutes a full week prior to the Council meeting and submit changes so that a final draft can be forwarded no later than the Friday before the meeting.

Special Events – Dennis O'Brien

Two special event requests were submitted, one for the Goodnoe Halloween Parade and the other for the Borough Halloween Parade. Council had no issues with either request.

Solicitor's Report – Donald E. Williams

Mr. Williams recently moved his office to New Hope and introduced Paul Cohen, from Jenei & Cohen.

Solicitor Williams distributed copies of the Zoning Hearing Board decision for The Promenade on Sycamore Street.

Mr. Williams reported on the status of various pending ordinances. The SALDO fee-in-lieu of trees ordinance was reviewed by the Bucks County Planning Commission and their suggestions should be reviewed by the Borough Engineer and the Newtown Borough Planning Commission.

A sidewalk ordinance which addresses the ADA requirements for curb ramps was distributed to Council and could be authorized for advertising at the next meeting. Mr. Walker raised the question of curb ramp responsibilities when sidewalk work is required of a property owner. Prior to ADA requirements, the sidewalk work stood alone, but intersection ramps now must be considered and whether the property owner or the Borough should be financially responsible for the improvements needs to be determined. The ordinance also addresses the issue of bollard placement and the ADA requirements for bollards.

The Pre-Registration of Deeds previously addressed acknowledgement by new property owners of their Historic District placement. Because of the new state mandated changes in the deed registration process, Mr. Williams suggested a Use Registration Permit, which would give the Borough the ability to clarify the property owner's knowledge of the property being in the Historic District.

With regard to the need to address public art, Mr. Williams suggested an amendment to the sign ordinance. Mr. Jaslow noted that there are other types of public art besides murals, so a sign ordinance amendment would not deal with all types of public art. Mr. Sellers suggested using the existing ordinance with a review of the sign

definition and craft something more suitable to address murals and mosaics with a Special Exception. Mr. Williams will craft an ordinance using the Special Exception approach.

Public to be Heard

Resident Judy Musto addressed Council about a man taking pictures of 7th and 8th grade children at Linton Memorial Park. The incident was upsetting because when the man was approached he became defensive and then left the area, driving past the girls as they entered one of their homes. A prior confrontation involved threats by older boys to a younger group of children and Ms. Musto is concerned about addressing these types of issues before there are further incidents. Ms. Woldorf felt that the Chief should be asked for his assessment of the situation and how he expects to address it. Council decided that a public meeting with the Chief should be scheduled to discuss this specific event and the Mayor will coordinate that meeting, but it should not be a televised meeting. Resident Warren Woldorf voiced concern and agreed that it is a real issue regardless of the decision on cameras. Another resident felt that if security cameras would be a deterrent, then she would support them, and she had not heard other suggestions that would prevent such incidents. Ms. Woldorf wanted to know what issues are faced in the Park, what the Chief has done about them and what the actual volume of issues are. If the Chief came to Council requesting another officer to ride a bicycle by the Park on a random schedule, then she would want to discuss the possibility, but she feels that watching a camera would still require an officer to come to the Park to address a particular incident. Council agreed that complete discussion of security and safety at the Park is needed and the security camera discussion is only part of the issue. In order to avoid breaking the Sunshine Law it was decided that only the President, Vice-President and one other member of Council would attend with the Mayor.

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

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

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
Paul Cohen	Jenei & Cohen
Mary Callahan	113 Court Street
Karen Iman-White	124 S. Chancellor Street