

Council Meeting
September 8, 2009
Chancellor Center

Council held an Executive Session prior to the meeting for discussion of Personnel, Pending Litigation and Collective Bargaining and they held an Executive Session on August 27 for discussion of Collective Bargaining and Personnel.

President Mark Craig called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, September 8, 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 Paul Cohen of Jenei & Cohen, and Engineer Larry Young of Gilmore & Associates, Inc.

Mayor's Report – Dennis O'Brien

- **The Police Report for August 2009 was presented**

Special Events

- Market Day – September 19, 2009 (Rain date September 20) 10 A.M.-4 P.M.
- MusicFest – October 2, 2009 6-9 P.M. – Linton Memorial Park
- 1 Mile Fun Run/5K Run-Walk – October 10, 2009, 9 A.M. – Sponsored by the Newtown Library Company
- Goodnoe Halloween Parade – October 30, 2009, 2:30 P.M.
- Newtown Borough Halloween Parade – October 31, 2009, 9-11:30 A.M.

In response to Mr. O'Malley's suggestion that several of the Little League teams be recognized for becoming state champions, Mayor O'Brien reported that the American Legion had spoken to him about ideas for recognizing the teams.

A meeting will be held on September 10, 2009, at 7:15 P.M. at Borough Hall to discuss an incident that recently occurred at Linton Memorial Park.

President's Report – Mark A. Craig

Mr. Craig reported on a request from the League of Women Voters that the Borough Council agrees to rebroadcast a planned Candidate Forum on the Borough's PEG channel. Council concurred as long as the candidates agree upon the format and location.

Mr. Craig reported that Council Rock School District has notified Council that meetings must end no later than 10:30 P.M. or Council may be forced to find another venue for meetings.

Mr. Craig announced that a Council meeting will be held on September 24, 2009, at 7 P.M. in Council Chambers to discuss the Comprehensive Plan.

Eagle Scout Matt Tentilucci sent a letter and Certificate of Recognition to Borough Council thanking them for their support of his Eagle Scout project in Linton Memorial Park.

Newtown Dam Presentation – Gerald Anderson, Director of Public Works for Bucks County

Mr. Anderson introduced John Swenson of Carroll Engineering, who provided maps showing the potential impact on Newtown Borough if a catastrophic event occurred with the Newtown Dam. The Dam is designed to withstand a Potential Maximum Flood, but plans are in place by the County should there be a failure of the dam. Mr. Anderson noted that there are inspections on a monthly and quarterly basis for six dams. The DEP also inspects all dams and the Newtown Dam was the only one that did not have any recommendations. In response to Ms. Woldorf's question about receiving quarterly reports, Mr. Anderson said that he could provide the reports.

Public to be Heard

Paul Salvatore, 148 N. Elm Avenue, announced that a Borough-wide garage sale will be held on September 26, 2009, with a rain date on October 3, 2009, from 8 A.M. - 2 P.M. There is no fee for participation since several business people are paying for the advertising.

Mr. Salvatore reported that the Rotary Club is sponsoring a Bike Drive on November 7, 2009, from 9 A.M. – Noon. The bike collection will take place in the parking lot across from the Old St. Andrews Church on Sycamore Street. There is a \$10 donation requested to help offset the shipping expense for sending the bikes overseas.

Mr. Salvatore announced that First Night will be celebrating the 250th anniversary of the Newtown Library Company.

Resident Bill Heinemann, 35 N. Chancellor Street, suggested that Council periodically provide the public with performance against budget figures. A verbal or written summary and/or publishing the information on the Borough website would be helpful.

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 2009-024-H Applicant: Glenn Blakely, Isaac Newton's Restaurant
18 S. State Street**

The applicant was seeking a Certificate of Appropriateness for the installation of an awning to span the five windows facing Washington Avenue between the door and awning previously installed, noting that there would be one awning over the window on the far left and a single awning spanning the remaining four windows.

COA 2009-025-H Applicant: Jim McAuliffe, Stocking Works III, 405 S. State Street

The applicant was seeking a Certificate of Appropriateness for the wood fence along the rear of the building (State Street side) to hide mechanical equipment from view, noting that the fence would be painted green to match the base of the building.

COA 2009-026-H Applicant: John Silvers, Academic Coaching, 16 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of two MDO plywood directory signs.

**COA 2009-031-H Applicant: EDW Builders, Inc., Closser & Wuenschel residence
26 N. Lincoln Avenue**

The applicant was seeking a Certificate of Appropriateness for the construction of an enclosed porch addition in place of an existing screened porch.

**COA 2009-033-H Applicant: Jonathan Mount for Jim Dumont, new residence
Lot #2, Washington and Lincoln Avenue**

The applicant was seeking a Certificate of Appropriateness for replacement of previously approved stucco with smooth Hardiplank with a 5" exposure to match the previously approved siding on the rest of the house.

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

General Projects Update

Mr. Young reported that dedication of Newtown Station will be delayed while he reviews a transition report from the engineer for the Newtown Station Home Owner's Association.

The traffic engineer determined that a "Yield to Oncoming Traffic" sign is not appropriate for the Edgeboro Drive/ North State Street curve. The engineer suggested a "Road Narrows" sign and in response to Mr. O'Malley's request that a speed placard be attached below it, Mr. Young responded that a speed study must be done in order to determine the appropriate speed. Mr. Young will provide the costs for renting the equipment for the speed study.

With regard to North State Street, Mr. Young spoke to Newtown Artesian about completing the paving before winter. If Newtown Artesian is unable to resolve the curb ramp issues with PennDot in time for final paving, the Water Company will make sure that the road is in acceptable condition for the winter.

The Lafayette Street ramp will be re-constructed this week, which will delay paving by one week. The Frost Lane project is on schedule. In response to a Frost Lane resident asking about extending his curb, Mr. Young explained that the existing curb stops just before his driveway. The Borough completes curbing only when adjacent to a planned paving project.

Discussion of Lucas Plumbing Project

Mr. Young discussed the concerns raised by Joe Lucas at last Wednesday's Work Session regarding a Temporary Certificate of Occupancy. Mr. Young felt this was strictly a zoning issue and he would recommend that the Zoning Officer issue a TCO with conditions attached for the completion of outstanding items.

Presentation of Minutes

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Jaslow, and carried unanimously, to approve the August 11, 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 August 2009, totaling \$69,301.14.

Mr. Craig explained that the State has mandated that delegates be appointed to a Tax Collection Committee for all municipalities who collect the Earned Income Tax. The Committee will determine how the Earned Income Tax is collected.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Resolution 9-8-09, appointing Robert Walker as primary voting delegate and Gerard O'Malley as alternate voting delegate to the Tax Collection Committee.

In response for an explanation of the tax and the rationale for raising it, Mr. Walker explained the Local Services Tax is assessed on all workers in the Borough to offset the expenses of fire and police protection. The tax would raise approximately \$40,000 in additional revenue. Some Council members were concerned about raising a tax before seeing the proposed 2010 budget. Council decided to advertise the motion but the vote will take place at the November Council meeting.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to authorize the Solicitor to advertise an increase in the Local Services Tax from \$25 to \$52, effective January 1, 2010.

Long Term Parking – Gerard O'Malley

Mr. O'Malley reviewed the Committee's recommendations for directional parking signage with Chief Wojciechowski. Four signs will be installed, three others were not feasible, and an additional sign at the top of West Penn Street will designate additional parking available there. The Committee will continue discussions with the Planning Commission for a parking study.

Personnel Committee – Julia Woldorf

Ms. Woldorf reported that there is an opening on the Environmental Advisory Council.

Police Committee – Robert Walker

Training for all officers in the use of the newly purchased ENRADD equipment is scheduled. ENRADD is a type of speed enforcement equipment.

Streets, Lights & Properties – Robert Walker

The re-painting of crosswalks is almost complete. The Engineer will be inspecting streets for cracked seams in order to help extend the life of the streets.

Zoning – Rand Jaslow

Mr. Jaslow reported that the Preservation Partners Zoning Hearing Board application for 103 N. State Street has been withdrawn. The date for the 516 E. Centre Avenue hearing has not been set nor has one been set for a Zoning Hearing Board application for 26 N. Lincoln Avenue.

An outstanding issue with Keystone Municipal Services regarding indemnification has still not been resolved. The Borough's insurance carrier says the Borough must address playground issues, but because Keystone will not provide the inspection services without indemnification, the inspection has not been completed. Mr. Jaslow proposed notifying Keystone of the Borough's intent to seek another inspection firm unless the indemnification issue can be decided. Gilmore & Associates could provide inspection services in the short-term, if Keystone leaves abruptly, but long-term would be a conflict of interest. Mr. Sellers voiced concern about even a short-term arrangement with Gilmore, but felt that the Borough should send a formal letter to Keystone advising them of Council's intent.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to direct the President of Council to notify Keystone Municipal Services of the Borough's intent to rescind their verbal contract, unless the indemnification issue can be resolved within 30 days.

Mr. Jaslow will speak to Gilmore & Associates about handling the playground inspections in order to resolve the insurance carrier's safety concerns.

Solicitor's Report – Paul Cohen

Mr. Craig introduced Paul Cohen of Jenei & Cohen with whom Solicitor Don Williams is now associated.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried unanimously, to authorize the Solicitor to draft an ordinance for a multi-way stop at the intersection of Jefferson and Liberty Streets.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to authorize the Solicitor to draft a Use Registration Ordinance, for the purchase of property.

Mr. Cohen asked Council if they wished to appeal the decision of the Zoning Hearing Board for The Promenade on Sycamore Street. Council agreed that since the Zoning Hearing Board decision specified that the applicant provide the Borough with the traffic impact study and consult with them on that study, they would not appeal the decision.

Old Business

Mr. O'Malley announced that he planned to attend a meeting on October 8, 2009, in Philadelphia to outline the program for the Smart Transportation Grant administered by the Delaware Valley Regional Planning Commission.

New Business

Mr. Sellers reminded the public of the Newtown Creek Coalition Clean-Up Day scheduled for September 12, 2009, beginning at 9 A.M. at the end of Greene Street near State Street.

Public to be Heard

Resident Jon Guy, 110 S. Congress Street, commented that it was a great meeting.

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Jennifer Pennington	524 Penn Street
Bill Heinemann	35 N. Chancellor Street
Isabel Godwin	144 Liberty Street
Diane LeBas	104 Penn Street
Paul Salvatore	148 N. Elm Avenue
Jim McAuliffe	545 E. Centre Avenue
Jon Guy	110 S. Congress Street
Rosemary Wuenschel	26 N. Lincoln Avenue
Warren Woldorf	440 E. Washington Avenue
John Silvers	16 S. State Street
John Swenson	Carroll Engineering
Sally Thompson	200 N. Chancellor Street
Petra Schlatter	The Advance
Kati Sowiak	121 S. Chancellor Street
Gerald Anderson	Bucks County Public Works