

Council Work Session  
October 8, 2008  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, October 8, 2008, by President of Council Mark Craig.

Present: Councillors Craig, Jaslow, O'Malley, Sellers, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Donald Williams and Engineer John Genovesi.

President Craig announced a brief Executive Session for discussion of pending litigation at the end of the meeting. Mr. Craig added to the agenda the discussion of hiring a part-time police officer.

Mr. Craig reported that the Conditional Use Hearing scheduled for October 14, 2008, has been rescheduled for November 11, 2008. David Truelove, the Borough's Solicitor for the Hearing, had a conflict with another municipality that he serves and the meeting date was changed to the November date.

### **2009 Preliminary Draft Budget – Robert Walker, Gerard O'Malley & Pat Ours**

Both Councillors Walker and O'Malley noted that many hours were spent developing the 2009 draft budget and Mr. Walker asked Council to review the draft prior to the October 23, 2008, Budget Work Session. Treasurer Pat Ours reminded Council and the public that the Budget Schedule is posted on the website. The document given to Council today is a working budget and not available for public review. The budget that should be passed in November will be advertised for 10 days prior to adoption in December and available for public review at that time. A summary sheet was provided with an explanation of some of the highlighted items, as well as an explanation of each line item. Ms. Ours asked that if Council had any changes to please advise her by Monday so that she can make the necessary revisions. Mr. Walker noted that the streets budget for 2009 is aggressive and includes four major projects. With regard to one of those projects, Ms. Ours explained that approximately 8 years ago the Borough discovered that an old well existed in the 10 Centre Parking Lot. Four tons of stone was required to fill the well at that time and the area has now sunk an additional foot. Mr. Walker reminded Council of the importance of asking questions prior to the October 23 meeting in order to work productively during the budget work session.

### **Introduction of David J. Truelove**

Mr. Craig introduced attorney David Truelove, who will be handling the T-Mobile Conditional Use Hearing for Newtown Borough. Mr. Truelove noted that the applicant had provided a written extension for their application through the end of November. He explained that the Conditional Use Hearing is similar to the process for Special Exceptions and Zoning Hearing Board applications. The standards are set forth in the ordinance and this particular application, dealing with telecommunications antennas, involves a tower located in the Borough Historic District, which also includes Historic Architectural Review Board approval. Mr. Truelove noted a potential conflict with Newtown Borough's HARB legislation and therefore the ability to restrict cell

towers may be an issue. Ms. Brown asked if anything in the Federal regulations could be referenced regarding the HARB issue. Ms. Woldorf asked whether discussions would take place in executive session, but Mr. Truelove recommended that the entire hearing be held publically, with the exception of an executive session to discuss the process ahead of time. After discussion, it was decided to hold the Council meeting at 6:30 P.M. on November 11, 2008, prior to the Conditional Use Hearing. Mr. Walker voiced concern about the condition of the chimney that would house the antennas and asked if a report would be submitted regarding the structural safety. If so, he felt that the Borough Engineer should have the opportunity to review the report prior to the hearing.

### **Proposed Ordinance for Menu Boards – Michael Sellers & Jo-Anne Brown**

Mr. Sellers explained the proposed ordinance amendment for menu boards. The ordinance addresses establishments where food is cooked on the premises and primarily sold to customers for consumption. He was looking for Councils comments and/or questions. Mr. Craig clarified that the proposed amendment does not include A-Frame signs, as does the recent Newtown Township ordinance. Ms. Brown explained that the difference in sidewalk widths between the Borough and Township precludes addressing those types of signs for the Borough. Ms. Woldorf asked about the term "...readable height" and if this respects ADA requirements. Mr. O'Malley wanted clarification on the language "...shall not be illuminated internally." Ms. Brown explained that indirect lighting could be used, but no neon lighting would be permitted. Solicitor Williams reminded Council that the proposed amendment to the ordinance must be reviewed by the Borough Planning Commission and the Bucks County Planning Commission before advertising for adoption.

### **Engineer – John Genovesi, Gilmore & Associates, Inc.**

- **Old Skunky Study**

Mr. Genovesi distributed copies of the Old Skunky project outline and objectives and asked Council to review the proposal and e-mail him with questions and/or suggestions. Council will discuss the proposal at the November work session.

- **Jefferson Street Project Change Order**

Mr. Genovesi explained that new ADA handicapped ramp requirements from PennDot have necessitated a change order for the Jefferson Street project. Liquid fuels funds will offset some of the expense associated with the project.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve a change order for the Jefferson Street reconstruction project in the amount of \$25,283.60.

Ms. Woldorf asked about the wall between the Foley and Campbell residences. Mr. Genovesi explained that slate will be placed on top of the wall with a 2' high wooden fence on top.

Mr. Sellers asked the status of the Newtown Station lighting issue and Mr. Craig reported that he had received calls from residents asking when the lighting issue will be resolved. Mr. Genovesi will continue to seek answers from Mr. LeGreca.

Resident Doug Levin addressed Council regarding his proposed sidewalk repair. Mr. Levin wants an exact cost for inspection fees before he signs the permit application. Mr. Genovesi tried to explain that the reason an escrow is required rather than a set amount is because individual projects can differ significantly depending on various factors, including materials, size of the project and whether the plan review results in changes needing to be made and then re-reviewed. In answer to Mr. Levin's question about how Gilmore bills for inspection time, Mr. Genovesi was clear that the standard billing procedure for municipal engineering firms in general is to bill from the time the inspector leaves the location where he was notified until he completes the inspection at the site. Mr. Levin felt that he was overbilled for his sidewalk and although the bill was ultimately corrected as a billing error, he objects to what he feels were excessive inspection fees. Mr. Genovesi noted that it was more than just a sidewalk and involved a low garden wall, paving stones in the driveway, the sidewalk, curbs and calls from Mr. Levin's contractor to the inspector to check on specific issues. Mr. Genovesi will prepare an estimate of the costs.

### **Cool Cities – Rand F. Jaslow**

Mr. Jaslow noted that the Cool Cities program was developed to organize and standardize the process to reduce the carbon footprint by creating guidelines and procedures to address the problem. By virtue of its small size, the Borough would find it easy to participate in this program, as the guidelines would present minimal cost and/or disruption to implement. The first step is adopting and signing the US Mayor's Climate Protection Agreement, which Council should review and consider for adoption at the October Council Meeting. Council should then assign the task of review, recommendation and implementation of guidelines to a committee, such as the Environmental Advisory Council, with a liaison so that Council can approve suggested measures. The EAC would be able to provide recommendations that Council could apply to its municipal assets and property, develop guidelines for its residents to participate in saving energy and money, while helping reduce the pollution to our environment. It would also be important for the EAC to work with the Planning Commission and HARB to develop recommendations for changes to our building code for new construction and additions to existing structures, even in the Historic District. The Borough should also establish a method and procedure for reviewing and considering new materials for use on historic structures. Mr. Jaslow was looking to Council for supporting this initiative.

### **Borough Newsletter – Rand F. Jaslow**

Mr. Jaslow reviewed several companies that publish municipal newsletters. Although many of the companies have similarities in producing newsletters, only one company involves no cost to the municipality. All firms would work with a designated point person with regard to the lay out, however they will not be involved in the content or writing of the articles, other than providing "filler," if necessary. An advertising policy would need to be established to treat potential advertisers in a uniform manner, assuring no offensive material, political advertising or any ads that might imply official endorsement. Mr. Jaslow recommended that Council approve *Printmasters*, who is currently publishing Newtown Township's newsletter, to prepare the Borough's twice-yearly newsletter. Council will consider his recommendation at the next Council meeting.

### **Discussion of Ad Hoc Committee Size - Julia Woldorf**

Ms. Woldorf discussed establishing a size for the Ad Hoc Long Term Parking Committee which never had a designated number of members. Mr. O'Malley suggested capping the committee at five members, because once

a committee becomes too large it begins to lose its effectiveness. Ms. Woldorf questioned the number of existing members and unofficial members that are currently involved, but Mr. O'Malley felt that if someone was interested in serving he would welcome their involvement.

Ms. Woldorf reported that in November she would be contacting all committee members whose terms would be expiring to determine if they were interested in being reappointed. She would then advertise in December for those open positions.

### **Solicitor's Report – Donald E. Williams**

Mr. Williams reported on his research regarding the Right-to-Know law and determined that a Resolution would suffice and would be less expensive than an Ordinance to address the matter.

### **Old Business**

- Mr. Craig reported that the civil service process for hiring a full time police officer had been completed. The Police Committee will be meeting with the two applicants on Monday and Council will interview the candidates at 6 P.M., October 14, 2008, in Executive Session prior to the Council meeting.
- Ms. Woldorf presented Council with a revised Open Space Update Proposal from the Heritage Conservancy. The original proposal had a considerably higher cost and Ms. Woldorf asked the Conservancy to revise it. The alternate proposal is significantly lower and focuses on the areas of expertise that would be required in terms of technical assistance needed to write the Plan. The assumption is that the Environmental Advisory Council, and whatever larger committee the EAC chooses to develop, would be responsible for the remainder of the writing and assembling of the Open Space Plan. Ms. Woldorf would like Council to make a decision at the Tuesday Council meeting whether Council wishes to accept the proposal. Mr. Craig asked if EAC had reviewed the proposal and Ms. Woldorf indicated that they had not. Mr. Jaslow noted that the original Open Space Plan was written by the Bucks County Planning Commission and questioned why the Borough would not be using their services for the project. Ms. Woldorf reported that the PECO Green Region grant would be a 50/50 match grant, although the deadline is November 1, 2008, for applying and asked Council if they wanted her to pursue that grant. Council felt that it would be a good idea.
- Ms. Woldorf reported on the Newtown Township work session meeting where a presentation was made by the McGrath Corp. on their proposed plans for the old Acme site. The ground floor would be high-end retail, with 32 condominiums above. The proposed plan would include parking in the rear of the property and underground as well. Because of the enormous size and the proposed 56' height, the developer was directed to revise the plan, but Mr. Jaslow commented that he felt the Township Supervisors were willing to work with the developer in order to achieve an acceptable plan.
- The meeting regarding the historic overlay district went very well and Ms. Woldorf reported that Lynn Bush, of the Bucks County Planning Commission, has been invited to the next meeting to discuss the pros and cons, in addition to various ways to approach the issue.
- Mr. Sellers reported on the Sketch Plan that was presented to the Planning Commission by George Stockburger which proposes 26 townhouse units. After suggestions from the Planning Commission

regarding design and reconfiguration to provide additional open space and greater appreciation of the Newtown Creek, the applicant agreed to review the plan and return to the Planning Commission. Mr. O'Malley brought up the issue of mixed use. Mr. Sellers noted that the subject was discussed but discussion centered more on residential use.

### **New Business**

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Jaslow, and carried unanimously, to follow the recommendation of Mayor O'Brien and Chief Anthony C. Wojciechowski and hire, at will, as a non-civil service part time police officer, David Lee, subject to the day to day supervision of Chief Wojciechowski or the officer in charge in the absence of Chief Wojciechowski, pending Municipal Police Officers' Education & Training Commission certification, at a starting salary of \$15.00 per hour.

### **Public to be Heard**

Paul Salvatore, a member of the Long Term Parking Committee, reported that discussion involved the possibility of making the municipal lots "paid" lots. Before moving forward, the Committee would like feedback from Council about pursuing the idea. Mr. Salvatore suggested having a brief discussion at the Council Meeting.

Mr. Craig reminded Council to let the Secretary know whether they would be making their committee reports before she prepares the agenda.

The meeting was adjourned at 7:20 P.M.

### **An Executive Session was held for discussion of pending litigation.**

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

### **IN ATTENDANCE**

Diana Bowen	Bucks County Herald
Peter Ciferri	The Advance
Doug Levin	110 Centre Avenue
Paul Salvatore	148 N. Elm Avenue