

Council Meeting
November 13, 2007
Chancellor Center

The regular semi-monthly meeting of Newtown Borough Council was called to order at 7 P.M. on Tuesday, November 13, 2007, by Council President, Marjorie E. Torongo. President Torongo asked those in attendance to join her in a moment of silence followed by the Pledge of Allegiance.

Present: Councillors Craig, Jaslow, King, Smith and Torongo; Mayor Glenn D. Hains; Solicitor Thomas J. Walsh, III; and Karyn Witkowski from Gilmore & Associates, Inc.

Mayor's Report – Glenn D. Hains

❖ Recognition of Lois Weasner

Crossing Guard Lois Weasner recently retired after 36 years of service to the children of Newtown Borough. Mayor Hains presented her with an award recognizing her dedication as a crossing guard. Many Newtown families were in attendance to show their appreciation to her for watching over their children.

• The Police Report for October 2007 was presented

• Community Events

The Mayor reported on the successful Bike Safety Fair that was recently held at The Chancellor Center. He also reminded the public of the Historic Association House Tour scheduled for December 1, 2007. A collection of antique signs will be on display in Council Chambers at Newtown Borough Hall during the Tour.

Presentations – Mark A. Craig

Councillor Craig recognized the volunteer efforts of Council Rock High School North student James Sturner. Mr. Sturner was responsible for watering the newly planted State Street trees and he received *LINCS* credits for his efforts.

Councillor Craig presented Eric Johnson of the Newtown Theatre Restoration Committee with a check for \$520 from the Recreation Board. The money was collected during the Movies in the Park events this past summer. Mr. Johnson was very appreciative of the donation. He reminded the public that The Newtown Theatre, in addition to showing movies, is also hosting live performances several times during the year and Christmas Movies will be shown, beginning December 1, 2007, at a cost of \$1.00.

Amendments to the Agenda

- An Executive Session will be held following the meeting for discussion of personnel. The meeting will reconvene after the Executive Session.
- Approval of minutes from the October 25, 2007, Special Budget Meeting

Correspondence

President Torongo acknowledged a donation of \$100 from citizens of Newtown Borough to be used for maintenance at The Brian S. Gregg Memorial Park.

President Torongo then read a letter of resignation from Councillor Richard B. Tomlinson from his position on Borough Council. Ms. Torongo explained the process that would be followed to fill the position. It will include advertising on the Borough website, television channels and in the newspaper. Resumes will be accepted and by state law the Borough Council position must be filled within 30 days. Interviews will be held at the Borough Council Work Session on December 5, 2007.

- ❖ A motion was duly made by Councillor Craig, seconded by Councillor Jaslow, and carried unanimously to accept with deep regret the resignation of Councillor Richard B. Tomlinson from Newtown Borough Council.

Public to be Heard

Michael Sellers, 210 S. Chancellor Street, speaking on behalf of the Councillors-Elect, said they look forward to working with Council and serving Newtown Borough. He also thanked those Councillors who will be leaving for their service. Mr. Sellers commented on the resignation of Mr. Tomlinson, noting that he would have preferred this resignation to have taken place in January and asking for fair interviews to take place and that the Councillors-Elect be included in the process. Ms. Torongo reiterated that all interviews would take place at the Public Work Session and that Council is following the process for appointment which is dictated by the State.

Dave Callahan clarified that the Tree Lighting would take place on November 30, 2007, at 7:30 P.M. in the Fire House Parking Lot. The Historic House Tour will take place on December 1, 2007, and on December 2, 2007, a Holiday Parade will be held. The parade will begin at 2 P.M. at the Stocking Works and will include a Cookie Contest to be held prior to the Parade. Patti Lovi added that Midnight Madness will be held December 14, 2007, from 9 P.M. until midnight.

Final Plan Approval for the Minor Subdivision & Lot Line Change at 247 & 255 S. State Street, TP #28-004-015 & 016

Don Marshall, representing applicant Frank Tyrol, addressed Council asking for Final Plan Approval for the Minor Subdivision and Lot Line Change for 247 & 255 S. State Street. Resident Donna Gusty voiced concern about storm water issues, as she and her husband own a property directly across the street from the proposed project. Engineer Witkowski assured her that there would be no run off. After lengthy discussion, the following motion was made:

- ❖ A motion was duly made by Councillor Craig, seconded by Councillor Jaslow, and carried unanimously to approve the Final Plan Approval for the Minor Subdivision and Lot Line Change at 247 and 255 S. State Street, subject to the Solicitor's Letter dated November 19, 2007, which is attached.

Certificates of Appropriateness

- ❖ **A motion was duly made by Councillor Jaslow, seconded by Councillor Craig, 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 2006-042-H Residents Joseph & Noelle Finley, 35 Court Street

The applicants were seeking an amendment to the previously approved Certificate of Appropriateness #2006-042, as noted in Mr. Hutchinson's letter dated October 24, 2007. The requested changes were:

- Installation of Moiré black fiberglass shingles instead of slate repairs on the main house roof and addition.
- Installation of painted tin metal roofs instead of zinc at previously identified locations.
- Installation of ½" x 8" beveled cedar siding with 6" exposure instead of Dutch siding at the addition.

COA 2007-055-H Resident, Peter Cadorett, 150 N. Congress Street

The applicant was seeking a Certificate of Appropriateness for the replacement of a cedar shingle roof on the original house with synthetic, textured, variegated slate roof material, using 70% dark gray, 20% light gray and 10% red; and installation of aluminum or copper plain round downspouts and aluminum or copper ½ round gutters.

COA 2007-057-H Applicant Donna Gusty, Newtown Library Company, 114 E. Centre Avenue

The applicant was seeking a Certificate of Appropriateness for the installation of a new wood or MDF sign approximately 15" wide and 17" high, to be mounted on an existing lamp post, noting that a new metal arm may be produced to match the existing arm on the lamp post, a sway chain will be attached to the bottom of the sign and all hardware will be painted black.

COA 2007-058-H Applicant Kaitlin Sicile, Boutique Belle Abeille, 29 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of a new carved double-sided oval high density urethane sign, approximately 30" by 27", mounted with screw eyes from existing front bracket in a new location to the left side of the display window; clarifying that the colors of the hanging sign would differ slightly from the submitted sketch, with the thin border being lighter raspberry color and the interior background being the darker eggplant color; all lettering, the outside border and sign edge would be gold leaf color and the bumble bee would be gold raised in relief with purple highlights; and the installation of a 43" gold decal on the front center window would be outlined in black.

- ❖ **A motion was duly made by Councillor King, seconded by Councillor Jaslow, and carried unanimously to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign the following Certificate of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.**

COA 2007-054-H Applicant Paul Blancato, The Lion and the Unicorn, 17 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of an awning with printed logo/store name, and a smaller window lettering of the logo/store name from a revised sketch dated October 24, 2007.

- The window logo/lettering will be vinyl, the banner white with gold leaf lettering outlined in black, with a black border around the banner
- The awning will be taupe, with 9" white lettering outlined in black on the valance
- The awning will be no longer than 6' in length as allowed; the valance will be 12" deep.
- The awning will be fixed.

Engineer's Report – Gilmore & Associates, Inc. – Karyn Witkowski

General Projects Update

Karyn Witkowski reported that she is working with Toll Brothers on various outstanding issues. Solicitor Walsh has been working with Toll Brothers on agreements for the improvements along Old Skunky. The lighting manufacturer has suggested addressing the State Street bollard issue by bypassing the ballast with a different type of bulb. Councillor Craig voiced concern that since PennDot completed the Washington Avenue Street Project there has been puddling at the intersections. Ms. Witkowski will obtain PennDot contact information to follow-up on the matter. Resident Julia Woldorf again raised the issue of muddy water coming from upstream. Although Councillor Tomlinson had explained to her at the Work Session that the water was coming from the remodeling of the Roberts farmhouse, Ms. Woldorf asked that the Newtown Township Engineer be contacted to verify the source of the water.

Change Order #1 for Bray Brothers, Inc. – Greene Street Project

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Jaslow, and carried unanimously to approve Change Order #1 in the amount of \$324.50 for Bray Brothers, Inc for the Greene Street Improvement Project.

Payment Authorization #1 & Change Order #1 to Blooming Glen Contractors, Inc. for the Norwood Avenue Project

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Craig, and carried unanimously to approve change order #1 to Blooming Glen Contractors, Inc. for the Norwood Avenue Street Improvement Project in the amount of -\$5,746.05.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Craig, and carried unanimously to approve payment authorization #1 to Blooming Glen Contractors, Inc. for the Norwood Avenue Street Improvement Project in the amount of \$27,723.66.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Craig, and carried unanimously, to approve the minutes of the October 3, 2007, Council Work Session.
- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Craig, and carried unanimously to approve the minutes of the October 9, 2007, Council Meeting.
- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor King, and carried unanimously to approve the Special Budget Work Session Minutes of October 25, 2007.

COMMITTEE REPORTS

Beautification & Revitalization Board – Robert A. King

There was no meeting.

Budget & Finance – Donald P. Smith

Consolidated Report

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Craig, and carried unanimously, to approve, subject to audit, the consolidated expenditure report for the month of October 2007, totaling \$269,785.79.

Year 2008 Budget

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Jaslow, and carried unanimously to direct the Secretary to advertise the Year 2008 Proposed Budget in the amount of \$2,561.946.

Year 2008 Tax Rate Ordinance

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Jaslow, and carried unanimously to direct the Secretary to advertise Ordinance #684 setting the Tax Rate for Year 2008 as follows: General Fund 3.5 Mills; Lighting Fund 1.0 Mills; Fire Tax Fund .875 Mills; Street Improvement Fund .625 Mills; Earned Income Tax @1%; Realty Transfer Tax @1%; and Local Services Tax @\$25.00.

Year 2008 Tax Ordinance Fixing Salaries

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Jaslow, and carried unanimously to direct the Secretary to advertise Ordinance #685 Fixing Salaries and other compensation for elected tax collector, auditor and Council appointees for Year 2008.

Allocation of 2007 Excess Interest for the Uniform Pension Plan

- ❖ A motion was duly made by Councillor Smith, seconded by Councillor Jaslow, and carried unanimously to allocate the 2007 Excess Interest in the amount of \$23,631.16 for the Uniform Pension Plan to the Municipal Account.

Councillor Smith explained that since the Non-Uniform Pension Plan is a Defined Contribution Plan the \$5,906.47 Excess Interest will go directly into the individual member accounts.

Environmental Advisory Council – Robert A. King

Councillor King reported that EAC member John Duggan gave a very informative power point presentation on leaf recycling. Although Newtown Borough is not required to provide leaf recycling, the EAC is pursuing the possibility of piggybacking with Lower Makefield on their existing leaf recycling program. Leaf recycling is quite expensive, but might be more cost effective if combined with a neighboring municipality.

Joint Downtown Newtown Corporation – Liaison, Mark A. Craig

Councillor Craig reported on the successful Brewfest fundraiser recently held at The Stocking Works, with 2000 people in attendance. Several new businesses opened recently and participated in the AHA! Friday Event with ribbon cutting ceremonies. Councillor Craig noted the Historic Walking Tour, which will also draw attention to the Newtown community.

Joint Historic Commission – Robert A. King

Councillor King reported that Ethel Hibbs is retiring as secretary to the Joint Historic Commission after many years of service and "...her institutional memory will be missed." With regard to previous reports on the leaking roof at the Toll House, it appears that the manager of The Village at Newtown is willing to repair the roof.

Long Term Parking Committee – Liaisons Robert A. King & Donald P. Smith

There was no meeting.

Newtown Area Telecommunications Advisory Commission – Liaison, Donald P. Smith

Councillor Smith reported that Comcast (Channel 22) and Verizon (Channel 31) are now providing public access channels for Newtown Borough. Franchise negotiations with Comcast are continuing and should be nearing completion.

Personnel

Councillor King reported that there are still openings on several boards and Resident Gerard O'Malley noted an individual who is interested in serving on the Environmental Advisory Council.

Planning Commission – Rand F. Jaslow

Councillor Jaslow reported on the Planning Commission recommendation for approval of the Tyrol Subdivision. How to approach an overall review of the Comprehensive Plan with suggested changes was also discussed. There was a brief discussion of the Mancuso subdivision plans and the Solicitor reported that the Mancuso plan applicants were requesting a waiver of fees. Council will not grant any waiver for this application, but the Solicitor spoke to the Zoning Officer about not accepting any future applications without the required fees being submitted at the same time. The Planning Commission plans to discuss the storm water management ordinance at its next scheduled meeting in December, since Council is looking for their recommendations on possible modifications to the Ordinance.

Police Committee – Marjorie E. Torongo

There was no report.

Recreation Board – Mark A. Craig

Councillor Craig reported on a successful 5K Run, which was followed by Music in the Park.

Southeastern Bucks League of Municipalities – Rand F. Jaslow

Councillor Jaslow was unable to attend the last meeting and has not received minutes from that meeting, so no report was given.

State Street Committee – Rand F. Jaslow

The committee did not meet

Streets, Lights & Properties – Richard B. Tomlinson & Donald P. Smith

There was no report

Zoning, Planning & Ordinance – Mark A. Craig

There was no report.

Solicitor's Report – Thomas J. Walsh, III

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor King, and carried unanimously, to authorize advertising a reenactment of the Emergency Services Tax Ordinance #682 to comply with the new Local Services Tax provisions.

Old Business

Councillor Craig attended a Regional Planning Task Force meeting where discussion centered on the recently distributed report. The report was developed based on concerns for Swamp Road and Stoopville Road and yet the report did not address these roadways.

Public to be Heard

Speaking on behalf of the Newtown Rotary Club Paul Salvatore reported that 230 Bikes were donated during the Pedals for Progress event and he thanked Dave Callahan for providing tents because of the inclement weather. Breakfast with Santa will be held on December 8 and 15, 2007, and the Angel Tree project will also continue this year. Mr. Salvatore thanked Council for the way they handle their business and commented that he knows Council will address the replacement of the Council position in the same way they have addressed committee appointments by basing their decision on ability not party affiliation.

An Executive Session was held for discussion of personnel.

Council reconvened and the following motion was made:

A motion was duly made by Councillor Smith, seconded by Councillor Craig, and carried unanimously to increase the hourly wage for Recording Secretary from \$12.50 to \$13.50 an hour.

Motion to adjourn at 8:20 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Robert Walker	2 Jefferson Court
Julia & Warren Woldorf	440 Washington Avenue
Danny Adler	The Courier Times
Diana Bowen	The Advance
Marty Ginty	149 N. State Street
Michael Sellers	210 S. Chancellor Street
Jim McAuliffe	545 E. Centre Avenue
Paul Salvatore	148 N. Elm Avenue
Eric Johnson	242 S. State Street

Helen Labolito	6 Parkview Court
Don Marshall	221 S. Chancellor Street
Frank Tyroll	One Burns Lane
Lois Weasner	29 N. Chancellor Street
Sandy Weasner	29 N. Chancellor Street
Donna Gusty	7 S. Chancellor Street
The Burns Family	35 Crittenden Drive
The Williams Family	318 N. Elm Avenue
Deb & Brielle Reich	101 N. Norwood Avenue
Lisa & Nicholas Grushow	303 N. Elm Avenue
James Sturner & Family	250 High Street
David Callahan	113 Court Street
Alicia & Violet Myles	Liberty Street
Gerard O'Malley	313 Washington Avenue
Michael Jones	422 Edgeboro Drive
Karen Quigley	424 Edgeboro Drive
Patty Lovi	151 N. State Street
Pat Ours	629 Crescent Street
Rosemary Wuenschel	26 N. Lincoln Avenue