

Council Meeting
February 12, 2008
Chancellor Center

The regular semi-monthly meeting of Newtown Borough Council was called to order at 7 P.M. on Tuesday, February 12, 2008, by Council President Mark Craig. President 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 Glenn D. Hains; Solicitor Donald E. Williams and Engineer Karyn Witkowski of Gilmore & Associates, Inc. Mr. O'Malley arrived late due to inclement weather.

Mayor's Report – Glenn D. Hains

Mayor Hains acknowledged a letter from Senator Arlen Specter congratulating Newtown Borough on being an official "Tree City USA" for 2008. This is the 20th year that Newtown Borough has received this designation.

Mayor Hains reported on plans for the Arbor Day Program scheduled for April 25, 2008, through the joint efforts of Newtown Township and Newtown Borough. He also reported that the Newtown Business & Professional Association plans to hold their "Welcome Day" event on May 18, 2008.

- **The Police Report for January 2008 was presented**

President's Report

President Craig reported that a meeting, arranged by Representative Steil, is scheduled for February 14, 2008, at 2 P.M. with PennDot. Attending the meeting will be Engineer Witkowski, a traffic specialist from Gilmore & Associates, a police department representative and Councillors Jaslow, O'Malley and Walker. The meeting will discuss signal synchronization and pedestrian crossing signal issues.

Mr. Craig noted that since parking issues were a result of the Comprehensive Plan Survey and although there are always two sides to the issue, parking needs to be discussed. He is hoping for a joint initiative between the Long Term Parking Committee and the Planning Commission. Mr. Sellers agreed that although there is a diversity of views on the parking issue, discussion is necessary and the public should be involved in the process.

Correspondence

Mr. Craig announced that the Borough had received formal notification of a \$25,000 grant from the Department of Community Development for the Old Skunky Study. Mr. Walker reminded Council that a discussion on additional matching funds should take place at the Work Session.

Mr. Craig acknowledged correspondence that Leslie Dunleavy is resigning from her position as secretary to the Zoning Department. Mr. Sellers is working with Rich O'Brien of Keystone Municipal Services regarding a replacement.

Public to be Heard

Paul Salvatore, 148 N. Elm Avenue, asked about the Planning Commission appointments. Ms. Woldorf stated that the process is ongoing and she is not prepared to make a recommendation at this time. When asked about a timeline, Ms. Woldorf noted that she does not have all the materials together, but anticipates making a recommendation at the March Council Meeting. Mr. Salvatore asked Ms. Woldorf if she had received the required information from all three applicants and if they were all still considering serving and she responded yes to both questions.

Kevin Zlock, 15 Watson Mill Lane, addressed Council about concerns related to construction/inspection issues related to his new Toll Brothers home at Newtown Station. Mr. Zlock made settlement on the home in September, but is concerned about numerous safety issues related to the construction. Mr. Zlock noted that Mike Imperial, the building inspector, made an unofficial visit to his home but voiced concern because the inspector will not schedule any future meetings without a Solicitor in attendance. Toll Brothers addressed some of the outstanding issues but required specific code information before going any further. Mr. Zlock referred to the expert he had hired to determine the perceived violations and Solicitor Williams felt Mr. Zlock's expert should be the individual to explain to Toll the issues involved. Solicitor Williams agreed to help facilitate a meeting with Toll Brothers, the building inspector and himself to determine how to proceed, but noted that Mr. Zlock's issues are ultimately with Toll Brothers.

Mark Zlock, brother of Kevin Zlock, questioned the building inspector's reluctance to meet with him without a Solicitor in attendance. Solicitor Williams' suggested that perhaps Mr. Imperial was simply uncomfortable with the situation.

Debbie Donofry, 16 S. Norwood Avenue, asked about the recent meeting on follow-up issues with Toll Brothers and requested a timeline. Ms. Witkowski responded that Toll was to have contacted Ms. Donofry directly about signing the agreement and placement of the stone.

Subdivision and Land Development Plans

- Solicitor Williams reported that Edward Murphy, representing Toll Brothers, had granted an extension for the Final Subdivision and Land Development Plan for Newtown Station through the end of March 2008.
- President Craig reported that Donna Wengiel, representing the Mancuso/Coldwell Banker Lot Consolidation and Land Development Plan had granted an extension through March 2008.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Woldorf, 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 Certificates of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer

COA 2007-061-H Applicant Newtown Fire Association, 14 Liberty Street

The applicant was seeking a Certificate of Appropriateness for the modification of the south elevation to accommodate a new area for antique fire truck display, noting the addition of a small base water table below the siding to match the size of the bases on each column, with downspouts located on either end of the elevation and 3/4" chamfered posts.

COA 2008-002-H Applicant DeFrehn Corporation, 505 E. Washington Avenue

The applicant was seeking a Certificate of Appropriateness for the replacement of a wood shake roof with Timberline 30 year shingles.

COA 2008-003-H Applicant, DeFrehn Corporation 145 N. State Street

The applicant was seeking a Certificate of Appropriateness for the replacement of a slate roof with GAF Slateline shingles.

COA 2008-004-H Resident Thomas Curry, 308 E. Washington Avenue

The applicant was seeking a Certificate of Appropriateness for the replacement of a chain link fence with a red cedar framed tongue and groove board fence with lattice topper (total height 6') along the driveway, and red cedar framed tongue and groove board fence (6' total height – no topper) along the western property line.

COA 2008-005-H Resident Steve Gansky, 137 N. Lincoln Avenue

The applicant was seeking a Certificate of Appropriateness for the installation of a pre-fabricated Dutch barn style garden shed, exterior material to be gray and brown asphalt shingles, placed as indicated on the site plan submitted and dated January 23, 2008.

Application COA 2008-001-H was withdrawn as the Historic Architectural Review Board noted that driveways are not reviewable by HARB.

The applicant was seeking a Certificate of Appropriateness for the replacement of an existing asphalt driveway with EP Henry pavers, Coventry Stone II style, color Harvest Blend.

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

General Projects Update

Ms. Witkowski reported that she plans to submit a monthly status report of all projects handled by Gilmore & Associates, Inc.

Payment #6 to McCarthy Masonry & Concrete, Inc for the State Street Project

Ms. Witkowski reported that this would be the final payment for McCarthy Masonry & Concrete for the State Street Project. Mr. Walker had asked Ms. Witkowski to explain the payment release process to Council. She explained that as the contractors complete certain items, they request payment for those items.

The engineer then recommends payment to Council, while holding 10% retainage until the project reaches 50% completion, at which point the retainage drops to 5%. The contractor then requests a punch-list from the engineer and submits the closeout documents. After successful project completion, the engineer will recommend final payment. The contractor then enters the maintenance period and submits a bond for 10% of the total contract amount and the bond is for 18 months. There will be a review at 12 months and 6 months later the bond expires, unless there are outstanding issues.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Sellers, and carried unanimously, to approve Payment #6 to McCarthy Masonry & Concrete, Inc. for the State Street Project for \$32,572.20.

Presentation of Minutes

Since there was not a quorum of Councillors at the January 24, 2008, who also attended the December meetings, President Craig asked for clarification from Solicitor Williams regarding the legality of the approval of the December minutes. Mr. Williams stated that the approval was legal and the wording of the motion, which included the abstention of the newest Councillors, was acceptable.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to approve the minutes of the January 7, 2008, Reorganization Meeting of Council with the following correction:
- ❖ Council tabled the approval of the minutes from the January 24, 2008, Council Meeting at the request of Mr. Sellers.

COMMITTEE REPORTS

Beautification & Revitalization Board – Liaison Julia Woldorf

There was no meeting.

Budget & Finance – Robert Walker & Gerard O'Malley

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 January 2008, totaling \$53,186.80.

2008 Fee Schedule

Councillor O'Malley asked for clarification on what fees had been changed/added since last year. Secretary Scull noted that the garage sale permit fee had been removed, the geo-thermal system fee of \$250 was added, the 2008 Gilmore & Associates engineering fees were updated and the hourly rate for the new solicitor was added.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve Resolution 2-12-08A, the 2008 Newtown Borough Fee Schedule.

Mr. Walker reported that the Pennsylvania Local Government Investment Trust (PLGIT) had made a presentation to Council at the work session. Johnson, Kendall & Johnson will be making a presentation at the March Work Session on the Borough's insurance coverage.

Environmental Advisory Council – Julia Woldorf

There was no meeting.

Joint Historic Commission – Liaison Julia Woldorf

Chairperson Lorraine Pentz reported that the Joint Historic Commission recommended approval of the partial demolition for 505 Penn Street.

Long Term Parking Committee – Liaisons Gerard O'Malley

There was no meeting but Councillor O'Malley suggested that the committee work with the Newtown Borough Planning Commission as they develop the Comprehensive Plan to coordinate efforts to address parking concerns. Mr. O'Malley's long-term vision is to see the Long Term Parking Committee evolve into a Traffic and Parking Committee with additional members. A task force or joint committee with Newtown Township to discuss traffic issues would also be a consideration.

Newtown Area Telecommunications Advisory Commission – Liaison Gerard O'Malley

Councillor O'Malley reported that the Commission discussed the pros and cons for having public access channels.

Mr. O'Malley reported that he and Mr. Sellers met with Council Rock Superintendent Mark Klein to discuss options for televising Council meetings. A live broadcast of the meetings was an option, but considerably more expensive and it would require an additional \$1500-5000 in equipment. Another option was to record the meetings to DVD and replay them at predetermined times. This option would require two technicians at \$45/hour each and would include set-up, close down and meeting time. The Council Rock School Board would need to approve this action. Resident Patti Lovi asked if the replay could be available as a download or "streaming video." After a digital file is made of each meeting, other options might be available for public view.

Newtown Corporation – Michael Sellers

Mr. Sellers reported on the January 29, 2008, Joint Meeting with Newtown Borough Council and the Newtown Township Board of Supervisors. Among issues discussed was parking and traffic. An April joint meeting is scheduled on April 29, 2008.

Newtown Creek Coalition – Michael Sellers

There was no meeting.

Personnel – Julia Woldorf

Councillor Woldorf provided a re-draft of the Committee Appointment Policy that she presented to Council at the Work Session. Ms. Woldorf noted that a timeframe should be established for the retention of letters and resumes. Council will discuss the policy/process at the March work session.

Ms. Woldorf plans to produce a user-friendly list of descriptions and information for each Borough committee or board. Anyone interested in applying to a particular committee would be able to review the information. Ms. Woldorf noted that some positions do not have term limits and that issue should be addressed.

Planning Commission –Liaison Michael Sellers

Mr. Sellers reported on the application from Toll Brothers to build garages for the Mill Building site. The Planning Commission recommended denial of the application and Toll Brothers has now granted an extension until the end of March. Mr. Craig questioned the notification process, and in particular, whether Toll Brothers had made formal notification to neighboring property owners regarding the proposed garage plans. Ms. Woldorf asked the process for having the Fire Marshal review projects. Although Ms. Woldorf was concerned that there was no Fire Marshal review of the revised plan, Solicitor Williams noted that her statement was not necessarily correct, as he recalls a Fire Marshall review. Mr. Craig asked the Secretary to confirm the issue of the review and distribute copies to Council. Mr. Craig asked Mr. Williams to clarify the issue of requiring Storm Water review for the revised plan for Toll Brothers.

The Planning Commission is continuing their review of the Comprehensive Plan, with the assistance of the Bucks County Planning Commission, and the intention is to have a draft completed by mid-summer 2008, followed by a series of reviews and public meetings.

There was discussion about the Storm Water Management Ordinance and its 300 sq. ft. requirement, which has been problematic since the adoption of the Ordinance. The Planning Commission is looking for direction from the Bucks County Planning Commission and other mandates coming from the Commonwealth to address the issue. Residential building projects are affected by the requirements and resident Cathy Triverio is looking for assistance with her specific project. Waivers from the Storm Water Ordinance are an option, but there is no clear-cut procedure in place to apply for those waivers. The Zoning Officer, engineer and Mr. Sellers are creating a process.

Police Committee – Robert Walker & Mark Craig

Mr. Walker reported on the pedestrian sentinels. The sentinels will be removed before snowstorms and then replaced after the snow is plowed. The sentinels at Lincoln Avenue and Centre will not be replaced until construction at Newtown Station is completed. In order to place sentinels at Washington Avenue and Elm Avenue crosswalks must be marked and a study completed, with the report to be forwarded to Harrisburg.

Recreation Board – Liaison Julia Woldorf

There was no meeting.

Southeastern Bucks League of Municipalities – Rand F. Jaslow

There was no meeting.

State Street Committee – Rand F. Jaslow

Ms. Witkowski gave an update for the State Street Committee. Approximately \$26,000 in funds remain from the State Street grant, which the Committee requests be spent for 4 benches, 13 (22 gal.) pole mounted trash receptacles, 3 (33gal.) free standing trash receptacles and cigarette butt containers. The benches will be made by a local craftsman and will not replace privately owned benches.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Jaslow, and carried, with Councillor O'Malley abstaining, to approve the purchase of benches, trash receptacles and cigarette butt containers as recommended by the State Street Committee within the guidelines and acceptability of state regulations and of the DCED State Street Grant.

Streets, Lights & Properties – Robert Walker & Gerard O'Malley

Mr. Walker reported that a “ponding” problem exists at Liberty and Greene Streets. A survey will be required to determine how to proceed and what the cost will be. Newtown Artesian Water Company will be contacted, since work completed by them may have contributed to the problem. Mr. Walker reported he was awaiting an estimate for the replacement of bulbs for the new State Street lights.

Zoning, Planning & Ordinance – Michael Sellers

Mr. Sellers reported that he continues to work on system issues within the Zoning Officer. Zoning Officer Brown is addressing outstanding code issues. Mr. Sellers will revisit the relationship with Keystone in addition to fees payable issues and delineation of responsibilities.

Solicitor’s Report – Donald E. Williams

Zoning Hearing Board Application of Joseph Lucas, 199 Sterling Street

Solicitor Williams outlined the Zoning Hearing Board application of Joseph Lucas requesting a special exception and three variances to construct an office building/contractor’s warehouse at 199 Sterling Street. Council chose to defer discussion on the issue until the March Council meeting. Mr. Sellers asked if the Solicitor would review the application and make a recommendation to Council before the March meeting.

Resolution Authorizing Safety Deposit Box Access

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to approve Resolution 2-12-08B authorizing access to the Newtown Borough safety deposit box by designated member or officers.

Mr. Craig asked that all Councillors review the Solicitor’s Retainer letter and note if there are any questions.

New Business

Councillor Sellers commented on the Bucks County Commissioners letter reporting Newtown Borough’s share of the Open Space funds would be \$373,534. This is the Borough’s opportunity to investigate the best ways to utilize the funds.

Ms. Woldorf referenced a letter regarding the Delaware Valley Regional Planning Task Force report and noted that Newtown Borough had not commented on the report, but the deadline for responses is March 1, 2008. Mr. Craig noted that the report was to have reviewed the Swamp Road-Stoopville Road concerns. While the report included substantial road improvement information, the Swamp Road-Stoopville Road issue was not completely addressed.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Woldorf, and carried unanimously, to have the Council president draft a letter to Representative David Steil, expressing Council’s desire for the DVRPC to continue, and that the primary road ways that were the genesis of the study were not addressed and that looking forward traffic issues that affect Newtown Borough be considered.

Public to be Heard

Paul Salvatore, 148 N. Elm Avenue, liked Mr. O'Malley's idea of taping the Council meetings. Mr. Salvatore commented that traffic calming with striping at intersections might be effective, as motorists attention is drawn to such changes making them more aware. Mr. Salvatore also commented on making the appointment process as simple as possible and that it is important for the applicants to know what to expect. He feels Council should handle interviews themselves in the case of multiple applicants and since the transparency issue has been raised, this would keep the process open to the public. Mr. Salvatore suggested a quarterly Newtown Borough newsletter, which would be a way of reaching those individuals who do not have computer or cable accessibility. Mr. Craig asked that Mr. Salvatore supply Council with the contact information for the organization who handles newsletter publications.

Sally Thompson, a resident of North Chancellor Street, voiced concern that the website is difficult to navigate. Ms. Thompson suggested increasing the font size and making the website more user-friendly. Mr. O'Malley reported that he had met with Dennis O'Brien to discuss ideas about updating the website and to optimize a new look and information. Mr. O'Malley noted that several individuals have expressed interest in assisting with the website and with the NATAC. Ms. Thompson expressed support of televising the Council meetings and felt that it would help educate the public.

Resident Lorraine Pentz asked about Mr. Walker's reference to the changing of lights. He explained that Council is considering changing the type of bulb in the new State Street lights to give a softer appearance. Ms. Pentz concurred that she would approve of the change, as she finds the current lights garish.

Debbie Donofry voiced concern that Toll Brothers was required to obtain signatures for easement access from the Newtown Station neighbors and that never occurred. Mr. Craig asked the Solicitor to review the issue.

Motion to adjourn at 9:35 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 Washington Avenue
Danny Adler	The Courier Times
Paul Salvatore	148 N. Elm Avenue
Sally Thompson	N. Chancellor Street
Phil & Mary Alice Hagan	E. Washington Avenue
Eric Johnson	242 S. State Street
Steve Gansky	137 N. Lincoln Avenue
Kevin Zlock	15 Watson Mill Lane

Patti Lovi
Deb Donofry
Jim McAuliffe
Fran Zlock
Mark Zlock
Warren Dallas
Mary Jane Leonard
Cathy Triverio
Lorraine Pentz
Dave Pannepacker

151 N. State Street
16 S. Norwood Ave.
545 E. Centre Avenue
198 N. Chancellor Street

Newtown Fire Association

117 N. Chancellor Street
98 Penn Street