

Council Meeting  
April 8, 2008  
Chancellor Center

The regular semi-monthly meeting of Newtown Borough Council was called to order at 7 P.M. on Tuesday, April 8, 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 and Walker; Mayor Glenn D. Hains; Solicitor Donald E. Williams and Engineers Robert Solarz and Karyn Witkowski of Gilmore & Associates, Inc. Councillor Woldorf was excused.

### **Newtown Borough Police Department – Chief Anthony Wojciechowski**

Chief Anthony Wojciechowski made a presentation to Council about the Newtown Borough Police Department. The present police department was formed in 1988 and there are currently 5 full time civil service officers and 8 part-time officers. The Chief reported that the department has received Buckle Up, DUI and COPS grants totaling \$11,500. The Borough Police Department was responsible for 47 drunken driving arrests in 2007 and issued 1130 citations filed in District Court. The officers also issued 1391 parking citations during that same timeframe. Chief Wojciechowski reported that he had been successful in having PennDot lower the speed limit to 30 M.P.H. on Washington Avenue and the use of the Pedestrian Crossing signage has resulted in traffic calming on Washington and Lincoln Avenues.

### **Recognition of Chief Anthony Wojciechowski – 20 Years of Service to Newtown Borough**

Following the presentation, Mayor Hains surprised Chief Wojciechowski with recognition of his 20 years of dedicated service to Newtown Borough. President Craig said the Chief was "...a hero in this town and a diligent worker for many years." Mayor Hains noted that the Chief served in the US Air Force and then served 17 years with the Philadelphia Police Department, doing undercover work and as a member of the bomb squad, before coming to Newtown Borough. Mayor Hains presented "Tony" with a clock and plaque from Council. Former Council President Frank Fabian reminisced about the first days of Tony's hiring, as did Diana Bowen. The Chief acknowledged that his success was due to his officers and to his supportive wife, Cheryl. Marcia Scull, former President of Council, stated "...it takes a special person to be a chief in this Borough...and we are blessed to have had him for these 20 years."

### **Mayor's Report – Glenn D. Hains**

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

### **Special Events**

- Reminder: Arbor Day, April 25, 2008, 10 A.M. at the Brian S. Gregg Memorial Park
- Little League Parade – May 10, 2008 (Rain date May 11, 2008)
- Reminder: Re-enactment of the Raid at the Bird in Hand – May 10, 2008
- Market Day – September 13, 2008, 10 A.M.-4 P.M.
- Reminder: Memorial Day Parade – May 26, 2008
- Antique Auto Show – July 20, 2008 (Rain date July 27, 2008)
- First Fourth Parade – July 5, 2008, from 10:30 A.M. – Noon
- Reminder: Borough-wide garage sale May 17, 2008

### **Amendments to the Agenda**

- The Old Skunky Request for Proposal has been removed  
Mr. Craig suggested holding a Special Meeting on May 22, 2008, to discuss Old Skunky and Council concurred.

### **President's Report**

Mr. Craig reminded Council to complete their Statements of Financial Interests and submit them to the Borough Secretary by May 1, 2008.

Mr. Craig reminded Council of the NIMS training course to be held in Penndel on April 19, 2008. All Council members are required to complete the course and this would be an opportunity to fulfill that requirement.

A Special Meeting of Council will be held on April 24, 2008, at 7 P.M. in Council Chambers to discuss the Borough's relationship with the Newtown Corporation and to discuss proposed changes in the by-laws of the organization.

After discussion with Mr. Sellers and Ms. Woldorf, who serves as a member and liaison to EAC, Mr. Craig proposed a policy change that Council members serve only as liaisons to committees, not as members. Mr. Craig feels that it somewhat confuses the role of Council representative to the committees when serving in both positions.

### **Correspondence**

The County of Bucks has asked for a letter authorizing them to spray municipal properties for West Nile Virus.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Sellers, and carried unanimously to approve sending a letter to the County of Bucks granting permission to treat municipal properties for mosquito control and requesting that the area of Old Skunky be included in the control area.

Mr. Craig noted correspondence from the Mancuso's of 114 S. State Street withdrawing their application for land development.

A letter was received from Ed Murphy, representing Toll Brothers, granting an extension until June 15, 2008, for the revised Land Development Plan for Newtown Station.

A letter was received from Vitor Vicente providing information for participation in Community Development Block Grants.

### **Public to be Heard**

Matthew Tentilucci asked Council for a Waiver of Fees for his proposed Eagle Scout project. Mr. Tentilucci plans to construct an EP Henry paver patio and sitting wall in Linton Memorial Park. Gilmore & Associates has offered their services to assist Mr. Tentilucci. Mr. Walker suggested that Mr. Tentilucci consider ways to protect his project from skateboarders, so that his work is not damaged.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor O'Malley, and carried unanimously to approve a waiver of permit fees for Matthew Tentilucci's Eagle Scout project.

Frank Fabian, representing the Newtown Fire Association, approached Council requesting that they consider a reduction in fees for the Newtown Fire Association expansion project. The Association is not looking for a total waiver of fees, but stated that any reduction would be appreciated. Councillor Jaslow felt that a waiver of permit fees would be appropriate but that the cost of inspection and engineering fees should be passed through. Councillor Sellers wanted to verify the total amounts and questioned exactly what fees were proposed for waiver. Mr. O'Malley supported working with the Fire Association but was uncomfortable about committing taxpayer dollars without knowing how much money is specifically being committed. Mr. Fabian felt that the Fire Association is a quasi-governmental agency and Solicitor Don Williams confirmed that the Fire Association does have many of the same features.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously, to waive the administrative fees and pass-through inspection fees to the Fire Company related to this application.

### **Certificates of Appropriateness**

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Sellers, 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 2008-012-H Applicant Liz Warren, 5 W. Washington Ave., Mother of Five Maternity Boutique**

The applicant was seeking a Certificate of Appropriateness for the installation of two 36" x 44" signs, one to be mounted to the front of the building and one to be double sided, mounted to existing post and lit with existing spotlights, noting a change in the shape of both signs to a simple curved top and bottom and straight sides, with painted border to follow the curve on the top and bottom but to be painted as originally presented on both sides of both signs.

#### **COA 2008-015-H Applicant Steven J. Toto, 127 S. State St., Wealth Strategies, LLC**

The applicant was seeking a Certificate of Appropriateness for the installation of one hanging sign, one wall sign to be mounted on the front of the building, and two signs indicating reserved parking to be

hung in the parking garage and on the retaining wall in parking area and noting the directional signs would be mounted on the wall in the parking area.

**COA 2008-017-H Resident Benjamin Stucker, 228 S. Chancellor St.**

The applicant was seeking a Certificate of Appropriateness for the expansion of a rear cedar deck, noting a change to the railings to vertical balusters spaced to code. The 2 x 4 railings would be flat topped and all visible material would be cedar wood.

**COA 2008-020-H Resident Martha Farsje, 113 Greene St.**

The applicant was seeking a Certificate of Appropriateness for emergency repair to a leaking chimney, the existing brick chimney to be encased in stucco and counter re-flashing would be installed so the stucco meets the roof cleanly and gutter adjusted to fit properly.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried, with Councillor Sellers abstaining, 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 2008-016-H Applicant Michael T. Sellers, Esq., 234 S. State St.**

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging directory sign on existing signpost in existing location and one directory plaque sign; existing sign to be repainted.

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

Ms. Witkowski referenced the Jefferson Street paving project and asked authorization to prepare bid documents.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to authorize the engineer to prepare bid documents and specifications to pave Jefferson Street and repair/replacement curbs, sidewalks and curb ramps.

In response to comments at the March Council meeting regarding the lack of sidewalks on Edgeboro Drive, Ms. Witkowski reviewed documents prepared by Pickering, Corts & Summerson and noted that sidewalks could feasibly be installed on Edgeboro Drive.

Mr. Walker noted that property owners are, by ordinance, responsible for installation of sidewalks, but he suggested researching the possible costs.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously to approve Gilmore & Associates obtaining costs for the installation of sidewalks on Edgeboro Drive.

Council discussed at length the approval for a Final Certificate of Completion for the Saslow Subdivision at 111 E. Washington Avenue. Questions were raised regarding replacement of street trees or payment of a fee-in-lieu,

and a possible outstanding HARB issue. The motion was tabled until the engineer could review the plan to clarify the issues.

Ms. Witkowski received a revised Newtown Station lighting plan. She will review the plan and make a recommendation to Council.

### **Presentation of Minutes**

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor O'Malley, and carried, with Councillors Jaslow and Walker voting nay, to approve the minutes of the January 24, 2008, Council Meeting. Secretary Scull noted that she would not sign the minutes, as Council's revisions to the President's Report were substantially different from the actual tape of the meeting.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously, to approve the minutes of the March 5, 2008, meeting of Council.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Sellers, and carried unanimously, to approve the minutes of the March 11, 2008, meeting of Council.

### **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 Jaslow, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of March 2008, totaling \$153,506.26.

#### **Environmental Advisory Council**

In the absence of Ms. Woldorf Mr. Craig reported that the Newtown Borough and Newtown Township EAC's are sponsoring a presentation by the Sierra Club on May 21, 2008, at the Newtown Township Meeting Room.

#### **Joint Historic Commission**

Mr. Craig reported that the Joint Historic Commission approved the demolition at 400 E. Washington Avenue with conditions, but HARB has not yet reviewed the application. The Commission denied the demolition request for a gazebo on N. State Street, which also requires a recommendation from HARB. Council will review the applications at the May council meeting.

#### **Long Term Parking/Traffic Committee – Liaison Gerard O'Malley**

Committee member Paul Salvatore reported that there was discussion on a parking garage and the proposed parking garage study. The Committee is compiling a list of suggestions to present to Council in May regarding parking and traffic issues.

Mr. O'Malley reported that he and Mr. Sellers attended the Regional Traffic Planning Task Force meeting. The final report on the Regional Traffic Study was presented and approved by all member municipalities. It will include an addendum with comments from stakeholders, member municipalities and the public. The Regional Traffic Planning Task Force will begin meeting again in July and will discuss goals and objects since the initial study is now complete.

### **Newtown Area Telecommunications Advisory Commission – Liaison Gerard O'Malley**

Mr. O'Malley reported on a presentation by Verizon about digital service. He also reported that complaints had been received about the Newtown Township meetings broadcast and he spoke to Video Gold about the garbled audio and poor picture quality.

Mr. O'Malley introduced Harry Stevens, Chair of the Joint Telecommunications Commission, who discussed the proposed Comcast Franchise Agreement.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and carried unanimously, to adopt Ordinance #688 authorizing execution of the Comcast Franchise Agreement between Newtown Borough and Comcast of Southeastern Pennsylvania, LLC. The Solicitor noted that the Ordinance was duly advertised.

Mr. O'Malley reported that after he and Mr. Sellers met with representatives of Council Rock School District, a letter was received from Superintendent Klein outlining the complete scope of work and estimated fees to record and rebroadcast Newtown Borough council meetings. Mr. O'Malley checked with Video Gold on the technical capabilities and they verified that there was no issue with broadcasting over our existing system.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and carried unanimously, to begin televising the regular Newtown Borough council meetings, and any special meetings at the Councils' discretion, upon approval of the Council Rock School Board of Directors in completion of a written agreement and agreeable to both Newtown Borough Council and Council Rock School District. The monthly Borough Council meeting will be recorded in digital format suitable for re-broadcasting over the public access cable television channels and will serve as an audio and visual record of the Borough Council meetings.

The question of a timeframe for retaining copies of the meetings was raised. The Solicitor suggested checking with other municipalities about their policies.

Mr. O'Malley reported on the website redesign that is being discussed with an Ad Hoc committee. The committee members are Caroline Bennett, John Leonard, Dennis O'Brien and himself. The plans are for an improved website that can be readily updated and at no additional cost to the Borough.

### **Newtown Corporation – Michael Sellers**

Ms. Ortwein explained that the Newtown Corporation plans to apply for a Preserve America designation. This designation is a White House initiative to recognize communities who have worked to preserve their heritage. The resolution is to show the commitment of the community to their heritage and that it is an ongoing commitment.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Jaslow, and carried unanimously, to pass Resolution 4-8-08, acknowledging that Newtown Borough will protect and celebrate its heritage, use its historic assets for economic development and community revitalization and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Ms. Ortwein noted that the Newtown Corporation has applied for awards recognizing the Newtown Creek Coalition organizational efforts, one for the JDNC stakeholders report and a joint award with the Newtown Historic Association for the Heritage Walk.

### **Newtown Creek Coalition**

Ms. Ortwein reported that the Newtown Creek Coalition wants to apply for a DCNR C2P2 Grant, the deadline being April 25, 2008. The Coalition began discussing it at their January meeting and the Heritage Conservancy is assisting. Fran Rubert of the DCNR suggested applying for a development or implementation grant. The project discussed was the Newtown Common public area space. The objective of the project is to create an attractive and more environmentally sensitive planted bank by replacing the concrete boulders that currently exist at the end of Greene Street and then landscaping to enhance the entire area. The grant is a 50-50 match which can be offset by in-kind services. The grant would require Newtown Borough, as the applicant, to pass a Resolution. Mr. Sellers noted that the grant would be the first concrete step in doing something with Newtown Creek that would make the state aware of the Coalition's work. Council would need to make a decision at the Special Council Meeting on April 24, 2008, in order for Ms. Ortwein to meet the grant deadline of April 25, 2008.

Mr. Sellers reported that water testing is to be conducted in Newtown Creek, in particular below Old Skunky, on April 19, 2008, at 11 A.M.

### **Personnel**

In the absence of the Personnel chairperson, Mr. Craig discussed the proposed Personnel Appointment Process Policy. Mr. Sellers suggested deferring a decision on the policy until next month when Ms. Woldorf would be present for discussion.

Council tabled a motion to appoint Judith S. Musto to the Recreation Board, as the Solicitor wanted to confirm that there was no conflict with Ms. Musto serving as Tax Collector and Recreation Board member.

### **Planning Commission –Liaison Michael Sellers**

Warren Woldorf, Planning Commission Chairman, reported on discussion with the applicant for 400 E. Washington Avenue. The Planning Commission made no formal recommendation and the applicant will be returning with revised plans.

The Planning Commission continued their review of the Comprehensive Plan. Mr. O'Malley spoke to Gail Friedman of the Bucks County Planning Commission related to the review and noted that the Shade Tree Plan has not be updated for some time.

**Police Committee – Robert Walker & Mark Craig**

There was no report

**Recreation Board**

The Recreation Board will be meeting on April 10, 2008.

**Shade Tree Commission – Gerard O'Malley**

Mr. O'Malley reported that the Shade Tree Commission will start meeting on a regular basis, with dates to be confirmed.

**Southeastern Bucks League of Municipalities – Rand F. Jaslow**

There was no meeting.

**State Street Committee – Rand F. Jaslow**

There was no meeting.

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

Mr. Walker reported that the Household Hazardous Waste Recycling dates for 2008 are scheduled and flyers are available in Borough Hall with all pertinent information. Mr. Walker also noted that Borough street cleaning will take place between Welcome Day and Memorial Day.

**Zoning, Planning & Ordinance – Michael Sellers**

Mr. Sellers reported that the Storm Water Management Waiver Form is currently in use. Mr. Sellers also reported that Keystone Municipal Services would inspect Borough playgrounds to assure compliance.

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

Mr. Williams referenced his Solicitor's Report and had nothing else to add.

**Old Business**

Mr. Craig discussed the possibility of providing written reports the Friday prior to the Council meeting and oral reports being made at the Council meeting only on specific issues. Mr. Sellers felt that streamlining the meetings would be beneficial. Council agreed that the Secretary should be informed prior to setting the agenda only if a Committee report is to be made, otherwise a written report should be submitted to Council.

Mr. Walker suggested returning the Work Session to 4:30 P.M. Mr. Sellers would prefer to have an evening Work Session at 7:30 P.M.

**Public to be Heard**

Paul Salvatore, 148 N. Elm Avenue, recently saw a newsletter written by Mr. O'Malley. He asked how he could be added to Mr. O'Malley's mailing list, but he suggested that a Borough newsletter would give everyone on

Council an opportunity to provide their input. Mr. O'Malley noted that his monthly newsletter is sent to contacts that he made during the Fall.

Debbie Donofry, 16 S. Norwood Avenue, reported that she contacted the Bucks County Conservation District after the last rain. Ms. Donofry is hopeful at this point that their erosion issues have been addressed.

Motion to adjourn at 10:00 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
Eric Johnson	242 S. State Street
Patti & Joe Lovi	151 N. State Street
Deb Donofry	16 S. Norwood Ave.
Jim McAuliffe	545 E. Centre Avenue
Warren Dallas	Newtown Fire Association
Frank Fabian	Newtown Fire Association
Duane & Joyce Buck	113 Andrew Drive
Margaret Danese	Centre Avenue
Diana Bowen	The Bucks County Herald
Marge Torongo	3 Barclay Court
Bob King	242 S. Chancellor Street
Rosemary Tottoroto	114 Liberty Street
Ray Mathis	114 Liberty Street
Judy Musto	118 S. Congress Street
Liz Warren	149 Andrew Drive
John Leonard	446 E. Centre Avenue
Marty Moss-Coane	319 E. Washington Avenue
Becky & Harry Betz	
Ron Fesmire	297 Ward Ct., Holland
Caroline Bennett	28 Liberty Street
Kurt Osenland	106 Serene Dr., Holland
Marty Ginty	149 N. State Street
Leslie Dunleavy	Newtown Township
Matt & Joe Tentilucci	1 Sutton Ct., Newtown
Ben Stucker	228 S. Chancellor Street
Steven Toto	127 S. State Street
Cheryl Wojciechowski	

Patricia Ours	Langhorne
Phil Hagan	203 Washington Avenue
Jonathan Mount	
Colleen Rosenfeld	NBPD
James Warunek	NBPD
Jason Harris	NTPPD
Steve Szerlag	NBPD
Patrick Jannini	NBPD
Jules Ferraro	NBPD
Charles F. Swartz	323 Washington Avenue