

Council Work Session  
December 2, 2009  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, December 2, 2009, by President of Council Mark Craig.

Present were Councilors Craig, Jaslow, O'Malley, Sellers and Woldorf; Mayor Dennis O'Brien; Solicitor Donald Williams and Engineer Larry Young of Gilmore & Associates. Councilor Walker was excused.

### **Public to be Heard**

Several students from Bucks County Community College addressed Council regarding a request that Council consider putting all power lines underground. First to speak was Carleen Stintson, who felt that it would be safer for people and animals and more aesthetically appealing. Engineer Young explained that many of the lines are existing infrastructure. When asked if Council could force individuals with new construction to place all wiring underground, Mr. Young and Councilor Jaslow explained that it is extremely expensive and individuals can not be forced to absorb that kind of expense. Some developers and some groups of neighbors have chosen that approach, but for individuals it would be very expensive. Kyle Wolf thanked Council for listening to their request. Ms. Woldorf suggested that the group contact the Newtown Borough Environmental Advisory Council.

### **Brick Hotel Request for Waiver**

Brick Hotel owner Verindar Kaur asked Council to consider waiving the Fee-in-Lieu of Parking that she is required to pay. Ms. Kaur feels that the fee, in these economic times, is a hardship especially considering that business at the restaurant is already down. Mr. Craig explained that the fee was instituted under previous ownership when additional outside seating had been added. After discussion by Council, it was noted that this was strictly a zoning issue and the zoning requirement for this property should be checked by the Zoning Officer, as Council is unable to grant zoning relief. Ms. Kaur could also apply for a variance from the parking requirement, which would involve an application before the Zoning Hearing Board. Joe Swerk, a resident of Lafayette Street, suggested that Council look at other properties with this same issue.

### **Newtown Corporation**

Mr. Craig explained that the Borough's donation to the Newtown Corporation for 2009 and 2010 was contingent on receiving information about proposed changes to the Newtown Corporation by-laws involving appointment of board members. Ms. Ortwein provided Council with by-law changes. Mr. Jaslow still voiced concern that no member of Council should serve as a Board member, only in a liaison position. Ms. Woldorf's perception was that the Newtown Corporation was doing more to support Newtown Township rather than Newtown Borough. Ms. Ortwein asked Ms. Woldorf for specific examples, since she felt strongly that the focus of Newtown Corporation has been the Main Streets area with updating of the map, the website and inclusion of the Retailers Association into the Newtown Corporation. Patti Lovi and Paul Salvatore both spoke about the board members working together for the Christmas Parade with a diversified group to promote and

include both State Street and Sycamore Street in the planning. Mr. O'Malley agreed that he feels the focus is with the downtown area, but does have concerns about the tracking of activities and goals for the Newtown Corporation. In response to Mr. O'Malley, Mr. Sellers and Ms. Woldorf's concerns about the use of the Newtown Corporation logo during the election, Mr. Salvatore apologized for the oversight noting that the Board had no knowledge of its use and explaining the logo was simply used as a symbol to recognize the Borough's 325<sup>th</sup> Anniversary. There was no intention of implying support of candidates by the Newtown Corporation. Mr. Sellers commented that perhaps the time has come for Newtown Corporation and Newtown Borough and Newtown Township to cut their ties. After additional discussion, Council decided to postpone a final decision until the December Council meeting.

### **Engineer's Report – Larry Young, Gilmore & Associates**

Mr. Young reported that a supplemental analysis of the Promenade Traffic Study had been received.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Jaslow, and carried unanimously, to authorize the Engineer to draft a response to the supplemental analysis of the Promenade Traffic Study at a cost not to exceed \$500.

Mr. Young noted that a new product for handicapped ramps has been offered to the Borough as a test project. After discussion and concerns regarding liability and indemnity issues, Council decided to investigate insurance coverage before making a decision.

A draft report of the Old Skunky Study has been forwarded to Council for review.

### **Special Events Request – Dennis O'Brien**

Mayor O'Brien discussed the proposed Special Events form for the Chanukah Parade scheduled for December 13, 2009, from Noon until 1 P.M. Council had no concerns regarding the proposed event.

### **Approval of Professional Bills**

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Jaslow, and carried unanimously, to approve the October 2009 professional services invoices.

### **Temporary Secretary Hiring**

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Woldorf, and carried with Councilors Woldorf, Sellers and O'Malley voting in favor, Councilors Craig and Jaslow voting nay, to hire Karolyn Fischer as temporary secretary at a salary of \$14.50 per hour.

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

The Solicitor will have a draft ordinance prepared for the next Council meeting regarding a restricted parking area on Liberty Street.

## Old Business

Ms. Woldorf voiced concern about the handling of Zoning Hearing Board communication with Council. There needs to be clarification of the notification process and Solicitor Smith and Charles Swartz will be contacted.

Mr. Jaslow looked into the possibility of placing the Borough Ordinances on our website. General Code has the ability to post that information since they codify for Newtown Borough.

## New Business

Mr. Craig reported that the Reorganization Agenda needs to include specific appointments and Ms. Woldorf noted that she would handle that agenda.

There was no public comment.

There was a motion to adjourn at 7:20 P.M.

Council went into Executive Session following the meeting for discussion of pending litigation.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

## IN ATTENDANCE

Warren Woldorf	440 E. Washington Avenue
Paul Salvatore	148 N. Elm Avenue
Perry Warren	149 Andrew Drive
Chris Ortwein	Newtown Corporation
Carleen Stintsman	Bucks County Community College
Kyle Wolf	Bucks County Community College
Damian Gentile	Bucks County Community College
Marc Cavin	Bucks County Community College
Patti Lovi	151 N. State Street
Kati Sowiak	Chancellor Street