

Council Work Session  
December 7, 2011  
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, December 7, 2011, by President of Council Julia Woldorf.

Present were Councillors O'Malley, Sellers, Walker, Warren and Woldorf; Mayor O'Brien; Solicitor Paul Cohen; and Engineer Maryellen Saylor of Pickering, Corts & Summerson. Councillor Burke was excused.

### **Announcements – Julia Woldorf**

Ms. Woldorf announced that there have been problems with the Borough website for the past few weeks. She suggested that anyone with urgent issues should contact the Borough Secretary and she will relay the message to the appropriate member of Council.

Ms. Woldorf said that Council would hold an Executive Session following the abbreviated Work Session to discuss the Conditional Use Hearing. Council would then return to convene the Hearing.

### **Public to be Heard**

Paul Salvatore asked Council for permission to hang a 4 x 6 ft. banner on South State Street near the Clubhouse to promote the *First Night Newtown* celebration.

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the *First Night Newtown* committee application to place a 4 x 6 ft. banner at the location on South State Street just beyond the Clubhouse, for a period beginning December 8, 2011, through January 1, 2012.

### **Engineer's Report – Maryellen Saylor, Pickering, Corts & Summerson**

#### Frost Lane Drainage Issue

Ms. Saylor explained that a drainage ditch exists at the end of Frost Lane where it meets Edgeboro Drive. There has been erosion and scouring at that location and a meeting was held with the Newtown Township engineer to see if the Township would be willing to share in the expense of the project [as the Frost Lane project was a joint project between the Borough and the Township].

### Goodnoe School Expansion

Ms. Saylor and Ms. Woldorf met with Council Rock School District representatives about the proposed Goodnoe School expansion project to voice the Borough's concern regarding stormwater entering the Borough from the project. The School District agreed to keep the Borough informed and will supply a copy of the drainage plan and application. Ms. Woldorf wished to clarify that the school expansion will be on the East side of the school to replace the modular classrooms and on a small area on the West side. Because of previous problems during the last expansion at Goodnoe, the Borough raised concerns about stormwater, particularly in Washington Village. The School District plans to install two additional stormwater management facilities next to the expansion project and the existing basin will have additional work completed to capture more water.

### Fee-in-Lieu of Tree for 400 E. Washington Avenue

After removal of a tree on the property at 400 E. Washington Avenue during the house construction, there has been ongoing discussion about whether there should be a tree replacement or whether the builder should pay a fee-in-lieu for the tree. Ms. Saylor felt that there might not be enough room to plant another tree and she suggested having the Shade Tree Commission provide input before Council makes a decision.

### **Centre Avenue Bridge Letter**

Ms. Woldorf said that PennDOT has plans for renovations to the Centre Avenue Bridge. She circulated a draft letter to Council and asked them for authorization to send it to PennDOT noting the Borough's concerns. Those concerns include a request that as much of the original stone be used during the renovation of the walls, that the basement walls of the McMaster House appear to be connected to the bridge and that a walk-way currently exists on the South side of the bridge, which is not shown on the project drawings. In addition, the Borough would like to know the timing of the project, how long the road closure would be and how long the project would take to complete.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried unanimously, to authorize the President of Council to send a letter [to PennDOT].

### **Budget and Finance – Gerard O'Malley & Robert Walker**

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to approve the Professional Services Invoices for October, with the exclusion of the Pickering, Corts & Summerson Quad I sidewalk bill.

### **Old Business**

Mr. O'Malley reported that the Pedestrian Circulation Transportation Initiative is nearing completion and he circulated a draft final report to Council and the Mayor. Jacobs Engineering will make a brief presentation at the Tuesday Council Meeting on the project.

### **New Business**

There was no new business.

## **Public to be Heard**

Paul Salvatore thanked everyone who attended the Holiday Parade. Forty different organizations took part with well over 1000 individuals involved and he commended the citizens of Newtown Borough and Newtown Township for supporting the event.

Cathy Fink said that she and her husband were the individuals who realized that the Centre Avenue Bridge was connected to the basement wall of the McMaster House. She wanted to make sure that they take extra care during the renovations, particularly with the date stone, so that it does not get lost during the project. Ms. Woldorf stated that correspondence she received refers to replacing the original date stone after completion of the project.

There was a motion to adjourn at 7:49 P.M.

Council then went into Executive Session for discussion of the Conditional Use Hearing. Ms. Woldorf noted that the Hearing would begin immediately following the Executive Session.

## **Conditional Use Hearing for Steeple View LP**

Solicitor Paul Cohen opened the Steeple View LP Conditional Use Hearing and introduced Timothy Duffy, representing the applicant, Steeple View LP. Mr. Cohen suggested ending the hearing at 9 P.M. tonight and continuing the hearing at another scheduled time, if necessary. Notice of the hearing was then publically read into the minutes. Mr. Cohen asked if any individuals wished to have party status, but he noted that it is not a requirement if one only wishes to speak or ask a question. Mr. Allen Toadvine, representing Temp LLC, and John Koopman, representing Newtown Township asked for party status. Counsel Duffy opposed both requests and questioned the basis for their desire for party status. After further discussion the following motion was made:

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor O'Malley, and carried unanimously, to overrule Counsel and allow party status for Newtown Township.

Councillor Walker made a motion to overrule Counsel Duffy and allow party status for Temp LLC, but it died for lack of a second.

Councillor Sellers made a motion to deny party status for Temp LLC and it died for lack of a second.

At this point, Council went into Executive Session to discuss the issue of a motion for Temp LLC. Council reconvened after the Executive Session and they made the following motion:

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Warren, and carried with Councillor Sellers voting nay, to overrule Counsel's objection and grant party status to Temp LLC.

A court reporter recorded all testimony throughout the Hearing; therefore, the Borough Secretary did not keep detailed minutes since a full transcript of the hearing would be provided. The Conditional Use Hearing was continued until 7 P.M. on January 10, 2012, at which time additional testimony would be taken and questions asked.

There was a motion to adjourn at 9:05 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary  
IN ATTENDANCE

Jeff Werner  
Warren Woldorf  
Paul Salvatore  
Larry Auerweck  
Bob King  
Gema Duarte  
Mark Craig  
Jeanne Haeckel  
Cathy & Larry Fink  
Bob Bartels  
Scott Hamilton  
Rosemary Tottoroto  
Ray Mathis  
Jim McAuliffe  
Adrienne DiGiovine  
Bob & Judy Musto  
Karen White  
Dave & Mary Callahan  
Bill Smith  
Bob Rodowicz  
Allen Toadvine  
Ted Schmidt  
Tony Godwin  
Caroline Bennett  
Margaret Danese  
Lorraine Pentz  
Jayne Spector  
Craig Smith  
Allan Smith  
John Koopman  
Marlowe Gordon  
Diane LeBas  
Judy Norkin  
Terri Keane  
Maureen Harrison

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