

Council Meeting
December 8, 2009
Chancellor Center

President Mark Craig called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, December 8, 2009. Mr. 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 O'Brien; Solicitor Donald Williams, and Engineer Larry Young of Gilmore & Associates, Inc.

Special Recognition

Vice-President Woldorf acknowledged Councilor Craig's 12 years of service to Council and Councilor Jaslow's 8 years of service by presenting them with plaques honoring their dedication to the Borough. Councilor Jaslow thanked his wife, the Borough staff and all committee/board volunteers. Mr. Jaslow thanked the citizens of Newtown for allowing him the privilege and honor of serving the residents of Newtown. Councilor Craig thanked his family for their support and also thanked the citizens for allowing him to serve. Mr. Craig noted how many projects had been accomplished during his 12 years of service which included two Comprehensive Plans, the building of two parks, the establishing of historic guidelines, the redevelopment of the Frost Watson site and the fight and successful preservation of the Chancellor Street school building.

Mayor's Report – Dennis O'Brien

- **The Police Report for November 2009 was presented**

Special Events

- Chanukah Parade – December 13, 2009 – Noon
- Santa House – Every Saturday & Sunday from 2-4 P.M.
- First Night Newtown – December 31, 2009
- Welcome Day – June 6, 2009 (Rain date June 13) – 11 A.M.-4 P.M.

Mayor O'Brien noted that he had researched several issues related to the proposed security cameras since the November 17, 2009, meeting. Mr. O'Brien felt that his questions had been answered and Chief Wojciechowski had prepared a security policy proposal. Ms. Woldorf asked that all of the Mayor's information be shared with Council. Solicitor Williams reminded Council that the public must be afforded the opportunity to speak prior to action on any motion.

Discussion ensued and Mr. Jaslow took his original motion from the November 17, 2009, Special Meeting and broke it into several separate motions.

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor O'Malley, and carried unanimously, to purchase and install security cameras in 2010 for the Newtown Borough police station, as proposed in Chief Wojciechowski's proposal.

Ms. Woldorf and Mr. Sellers voiced concern about the need for security cameras in Newtown Borough Hall and felt that other options should be considered.

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried with Councilors Craig, Jaslow, O'Malley and Walker voting aye, Councilors Woldorf and Sellers voting nay, to purchase and install a security camera in 2010 in Newtown Borough Hall.

Mr. Sellers voiced concern about the integration details, asked who else had access to the system and felt that the proposed camera policy was not complete. He asked that discussion be deferred until the new Council members are seated. Mr. O'Malley had jurisdictional concerns with regard to the integration issues. The Mayor clarified that a firm has offered their services for integration at no cost to the Borough, but Mr. Sellers would like to see something provided in writing.

Peter Cadorette, 150 N. Congress, had philosophical concerns about the use of cameras in public spaces, the cost involved and the use of the Council Rock system in particular.

Bill Heinemann, 35 N. Chancellor Street, asked about storage of the images and the chain of custody, should the tapes be required for evidence. Would the Council Rock IT department need special training?

Jennifer Cadorette, 150 N. Congress Street, works in IT and commented that any system is "hackable" and that is not okay with her.

Diane LeBas, 104 Penn Street, was concerned about jurisdictional issues with Council Rock School District, Newtown Borough and the police department.

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried after the Mayor broke a 3-3 tie vote, with Councilors Craig, Jaslow and Walker voting aye, Councilors O'Malley, Sellers and Woldorf voting nay, to integrate with the Council Rock security system.

Mr. O'Malley noted that there are many good aspects of the proposed plan, but he would prefer to address the options, including lighting, education and Town Watch first. Mr. Sellers did not see the need and does not feel that cameras deter crime. Mr. Craig noted that the Chief and neighbors surrounding the park are concerned about quality of life issues, not just crime. Ms. Woldorf felt that the issue requires a more personal approach from our police department and more adult supervision.

Joe Lovi, 151 N. State Street, felt that there are other tools which could be implemented immediately to expedite the process of security and safety.

Kati Sowiak, 121 S. Chancellor Street, asked whether CVS had been approached about placing cameras in their parking lot. Ms. Sowiak wanted assurance that the surrounding property owners would not have privacy issues if the Borough camera was installed, but she felt that a camera would be intrusive.

Frank Brassell, 538 Penn Street, asked what needs to happen before the Council becomes pro-active as opposed to reactive. In his research, he noted that aside from privacy issue concerns, cameras have been found to be, at the least, a moderate deterrent.

Sue Bannon, 204 Penn Street, reminded Council of the neighborhood petition supporting the installation of cameras. As a 23 year resident of Penn Street, Ms. Bannon noted the impact that CVS and Starbucks have had on the surrounding area. Ms. Bannon said the changes in the neighborhood need to be addressed and she respects the Chief, who does not take things lightly, but who is responsible for the protection of our residents.

Joe Swerk, 318 S. Norwood Avenue, commented that he feels Council is second guessing the man that the Borough has entrusted to protect us and the Chief would not be asking for an additional tool to do his job if he did not feel it was necessary.

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried after the Mayor broke a 3-3 tie vote, with Councilors Craig, Jaslow and Walker voting aye, Councilors O'Malley, Sellers and Woldorf voting nay, to purchase and install a surveillance camera in Linton Memorial Park in 2010, as outlined in the Chief's security proposal, subject to bidding requirements.
- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried unanimously, to accept the remainder of the Chief's security proposal and implement those items as soon as possible, subject to legal compliance: education, enforcement, town watch, manpower, policy and procedures.

Amendments to the Agenda

Mr. Craig announced that an Executive Session would be held following the meeting for discussion of pending litigation.

President's Report – Mark A. Craig

Mr. Craig consulted with the Chairman of the Zoning Hearing Board regarding the communication process for notifying Council and the Borough Solicitor of each hearing and the scheduling of a monthly date for Zoning Hearing Board meetings. That date will now be the 1st Tuesday of each month at 7 P.M. Mr. Craig clarified that no hearing date would be set between the acceptance of an application and the next scheduled Council meeting, so that Council would have the ability to discuss the application prior to a hearing. The Zoning Officer will notify Council as soon as a Zoning Hearing Board application is received.

Public to be Heard

Charles Swartz reminded the public that the 325th Anniversary Yearbook is available for sale at the First National Bank and the Newtown Hardware House, with Patti Lovi noting that the cost was \$30.

Patti Lovi, 151 N. State Street, on behalf of the Holiday Parade Committee, a sub-committee of the Newtown Corporation, thanked everyone for their participation in the Holiday Parade. Over 800 marchers participated, with approximately 30 groups involved.

Certificates of Appropriateness

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor 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 2009-037-H Jeffrey Ward, resident at 130 S. Chancellor Street

The applicant was seeking a Certificate of Appropriateness for the installation of aluminum storm windows, in off-white color to match the paint of existing window frames.

COA 2009-038-H Applicant: Mark Silverman, The Silverman Group, 317 S. State Street

The applicant was seeking a Certificate of Appropriateness for the installation of a new carved 32" x 54" double-sided sign with blue background and silver leaf lettering and logo. The sign will not be high gloss, but will have a matte or satin finish. Sign will use existing lighting and posts, and would be of the same size but slightly different in shape than the existing sign.

Engineers Report – Larry Young, Gilmore & Associates, Inc.

Mr. Young forwarded the Traffic Engineer's review of the supplemental analysis of The Promenade at Sycamore Traffic Study to Council.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to direct the President of Council to send the Engineer's letter dated December 8, 2009, to PennDOT voicing their concerns related to the Traffic Study for The Promenade.

Mr. Young reported on issues related to the 400 E. Washington Avenue development. The Conservation District was notified about recurring problems with erosion and sediment controls and the developer must correct the problems.

Mr. Young reported that Newtown Township has appropriated funds for the shared Frost Lane improvements with Newtown Borough.

After discussion, Council decided that they would not move forward with the proposed retrofit of several handicapped ramps, because the proposed new material could be a potential liability issue, since this material would be applied as a test project.

Presentation of Minutes

- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor O'Malley, and carried unanimously, to approve the October 20, 2009, Special Comprehensive Plan Meeting minutes.
- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor O'Malley, and carried unanimously, to approve the November 4, 2009, Work Session Minutes.

COMMITTEE REPORTS

Budget & Finance – Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of November 2009, totaling \$172,999.20.
- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried with Councilor O'Malley voting nay, to release the 2009 donation of \$5000 to the Newtown Corporation.
- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried with Councilor Woldorf voting nay, to approve a donation of \$5000 to the Newtown Corporation, as reflected in the 2010 budget, contingent on successful engagement Township supervisors regarding the mission of the Newtown Corporation and what it would plan to accomplish in the next year.

Mr. Walker noted that he had asked Joseph Swerk, of the Newtown Ambulance Squad, to make a presentation at the February Work Session regarding the services that the Squad provides to the community.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Walker, and carried unanimously, to increase the donation to the Newtown Ambulance Squad from \$8,000 to \$10,000, with the additional \$2000 coming from the Operating Reserve Fund.
- ❖ **Year 2010 Budget**
A motion was duly made by Councilor Walker, seconded by Councilor Woldorf, and carried unanimously, to approve the Year 2010 Proposed Budget in the amount of \$2,466,919.

❖ **Year 2010 Tax Rate Ordinance**

A motion was duly made by Councilor Walker, seconded by Councilor Jaslow, and carried unanimously, to direct the Secretary to approve Ordinance #698 setting the Tax Rate for Year 2010 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 @ \$52.00.

❖ **Year 2010 Tax Ordinance Fixing Salaries**

A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to approve Ordinance #699 Fixing Salaries and other compensation for elected tax collector, auditor and Council appointees for Year 2010.

- ❖ A motion was duly made by Councilor Jaslow, seconded by Councilor Walker, and carried unanimously, to approve payment to George Sengpiel for professional services.

Newtown Corporation – Christine Ortwein

Ms. Ortwein thanked Andy Errico's family for his donation of the Borough Christmas tree. She also thanked all those involved with the tree lighting and Santa House. Ms. Ortwein noted that Newtown merchants are having a "Holiday Giveaway" this year and Ms. Ortwein thanked all those who are participating.

Ms. Ortwein also provided Council with a handout noting the Newtown Corporation's priority projects and accomplishments for 2009.

Personnel Committee – Julia Woldorf

Ms. Woldorf reported that she had contacted all board members whose terms expire at the end of 2009. There is an opening on the Building Code of Appeals board and there will be an opening on the Environmental Advisory Council.

Ms. Woldorf announced that Council is accepting proposals for Solicitor and Engineer. Councilor Walker questioned the request for Engineer proposals, since Council had not discussed that issue prior to this Council meeting. Mr. Walker understood the request for Solicitor proposals, since the current Solicitor submitted his resignation. Ms. Woldorf made a motion to request proposals for both positions and later withdrew the motion.

- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor Sellers, resulting in a tie vote, with Councilors O'Malley, Sellers and Woldorf voting aye, Councilors Craig, Jaslow and Walker voting nay, to request proposals for the Borough Engineer for 2010. Motion failed when the Mayor elected not to vote and defer to the Reorganization meeting.

Ms. Woldorf made a motion to request proposals for the Borough Solicitor for 2010 but after further discussion, she withdrew her motion.

Planning Commission – Michael Sellers

Mr. Sellers reported on the Stocking Works II presentation at the Planning Commission meeting. The Stockburger property on the west side of State Street has been sold to developers, but Mr. Sellers clarified that the Stockburger service center and properties along Court Street were not part of the sale. Developers Allan Smith and Robert Hillier discussed their plans for mixed use of the property, including retail, offices, condominiums and a parking garage. In addition there are plans to relocate the State Store from Centre Avenue to the new State Street location. The Planning Commission and developers agreed that a traffic study should be addressed at the beginning stages of the project rather than later. The Planning Commission is continuing their review of the Traditional Neighborhood Development ordinance in order to move the project forward. Mr. Smith asked Council for an accelerated process in handling the State Store project, as the current location is too small for the Liquor Control Board to renew their current lease. If the Council feels retaining the State Store is a priority, then Mr. Smith is asking for Council's help in that process. The remainder of the project would go through the normal channels and process.

Shade Tree Commission – Gerard O'Malley

Mr. O'Malley reported that the application for *Tree City USA* is being prepared, trees will be planted along North Congress Street and tree maintenance will be completed with trees in the municipal parking lot. Mr. O'Malley noted that a State Street tree in the right-of-way has died and he asked whether the tree should be replaced by the Borough or the property owner. The Solicitor will look into the matter.

Streets, Lights & Properties – Robert Walker

Mr. Walker announced that the *Preserve America* sign will be installed at a location on the east end of Washington Avenue just before entering the Borough.

Traffic Committee – Gerard O'Malley

Mr. O'Malley reported that the Joint Ad Hoc Traffic Committee met in November to prepare a letter for the Newtown Board of Supervisors. The Borough Traffic Committee will draft a request for proposal to move the Smart Transportation Grant forward.

Solicitor's Report – Donald Williams

The Solicitor drafted an ordinance to prohibit parking on Liberty Street. The authorization to advertise will be delayed until January.

The Solicitor advised that two tax assessment appeals for properties in Newtown Borough have been received from the Council Rock School District. Mr. Williams suggested discussing them during the Executive Session.

Old Business

There was no old business.

New Business

Mr. O'Malley thanked both Mr. Craig and Mr. Jaslow for their service to the Borough. He noted that their insight and institutional knowledge will be missed.

Mr. Sellers agreed with Mr. O'Malley's comments and noted that although Council members did not always agree, he felt that they respected each others opinions.

Public to be Heard

Paul Salvatore, 148 N. Elm Avenue, reminded the public of the Angel Tree project, with 100 families identified as in need of help in the Council Rock School District. The trees can be found at the Newtown Post Office or the Northampton Library. Mr. Salvatore asked anyone interested in fulfilling a wish to take an Angel and return the gifts by December 18, 2009.

Mr. Salvatore reminded the public of *First Night Newtown*, noting that if *First Night* Buttons are purchased in advance, various retailers are offering discounts to those individuals making purchases at participating businesses when wearing their buttons.

The meeting was adjourned at 10:50 P.M.

Marcia M. Scull
Borough Secretary

	IN ATTENDANCE
Bill Heinemann	35 N. Chancellor Street
Diane LeBas	104 Penn Street
Paul Salvatore	148 N. Elm Avenue
Jim McAuliffe	545 E. Centre Avenue
Warren Woldorf	440 E. Washington Avenue
Frank Brassell	538 Penn Street
John Burke	301 S. Norwood Avenue
Christine Ortwein	Newtown Corporation
Perry & Liz Warren	149 Andrew Drive
Jeff Warner	The Advance
Danny Adler	The Bucks County Courier Times
Charles & Janie Swartz	323 E. Washington Avenue
Peter Cadorette	150 N. Congress Street
Krisin Hard	
Sonya Aronawitz	349 S. Lincoln
Robin Jaslow	123 Court Street
Marianna Vierra	123 Court Street
Joe & Patti Lovi	151 N. State Street
Kati & Ray Sowiak	121 S. Chancellor Street

Mary Callahan
Charlotte & Katherine Craig
Judy Musto
Marty Ginty
Joe Swerk
Josh Horenstein

113 Court Street
117 E. Washington Street
118 S. Congress Street
149 N. State Street
318 S. Norwood Avenue
21 S. Lincoln Avenue