

Reorganization Meeting of Council  
January 4, 2010  
Chancellor Center

### **Swearing In Ceremony**

The Honorable Donald Nasshorn conducted the swearing-in-ceremony and administered the Oath of Office to Mayor Dennis O'Brien, Tax Collector Judith S. Musto, and Councilors-Elect Perry Warren, John S. Burke, and Robert Walker.

Councilors took their seats at the table. Mayor O'Brien called the January 4, 2010 Re-Organization Meeting of Newtown Borough Council to order. A Moment of Silence was followed by the Pledge of Allegiance.

Mayor O'Brien entertained nominations for President of Council. Councilor Burke nominated Gerard O'Malley. Councilor O'Malley declined. Councilor O'Malley nominated Julia Woldorf. Mayor O'Brien called for further nominations. There being none, Councilor Sellers made a motion to close the nominations for President, seconded by Councilor Warren, which was unanimously approved.

Mayor O'Brien called for a roll call vote. Councilor O'Malley, Councilor Sellers, Councilor Warren and Ms. Woldorf voted yes, Councilor Burke and Councilor Walker voted no. Having received the required majority of votes, Ms. Woldorf was elected President of Council.

Mayor O'Brien entertained nominations for Vice-President of Council. Councilor Walker nominated Mike Sellers. Mr. Sellers declined the nomination. Councilor Sellers nominated Perry Warren for Vice President of Council.

Mayor O'Brien called for further nominations. There being none, Councilor O'Malley made a motion to close the nominations, seconded by Councilor Sellers, which was unanimously approved.

Mayor O'Brien called for a roll-call vote. The motion was approved 6-0. Councilor Warren, having received a unanimous affirmative vote, was elected Vice-President of Council.

Mayor O'Brien vacated his chair and turned the meeting over to the newly elected President of Council, Julia Woldorf.

### **Remarks from Councilors**

President Woldorf asked Council members if they wished to address the public at this time. Councilor Warren thanked his supporters and residents for the opportunity to serve the Borough, noting that he was a second generation Councilor, as his grandfather Charles W. Roberts had been on Borough Council. Councilor Burke thanked his family and the community for their support. Councilor O'Malley congratulated the new officers and thanked them for their service to the Borough. He said he was optimistic that Council

would work together for the good of Newtown. Councilor Sellers said he shared Councilor O'Malley's optimism for 2010 and 2011. He cited the quote at the top of the agenda, and said there were many upcoming challenges and opportunities. Councilor Walker recognized the service and contributions of Councilors Rand Jaslow and Mark Craig, and said he hoped they would stay involved in the Borough. He thanked all his supporters who worked on his campaign. Councilor Woldorf thanked Council for supporting her for Council President. She said her goals were to improve communication through use of the cable channel and website, to seek new ways to communicate, to address pedestrian safety and other issues of daily life and to continue fiscal transparency and responsibility.

### **Council Affirmed:**

Council discussed the question raised by Councilor Sellers of changing the starting time for Council Work Session. Councilor O'Malley said that 5:00 was difficult for those commuting, and suggested 6:00 or 7:00 P.M. Councilor Sellers said he received feedback from the public that the previous early time of 5:00 P.M. was inconvenient for those who wished to attend the meeting. Councilor Burke favored an earlier time as more convenient for families. Councilor Warren agreed that an earlier time was better for him personally, but that the later time was better for the public. Mr. Walker suggested Council consider setting a prompt stop time for Council meetings.

A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried 4-2, with Councilor Burke and Councilor Walker voting nay, to set the schedule of meetings of Council as follows: Council meets the Wednesday prior to the second Tuesday for Work Session at 7:00 PM in Council Chambers. Unless otherwise advertised, all regular semi-monthly meetings of Council will be held on the second Tuesday and (where applicable) the fourth Thursday, in the auditorium of The Chancellor Center, 30 North Chancellor Street, commencing at 7:00 PM. All regular meetings of Boards, Commissions and Committees of Council are advertised and will be held in the Council Chambers unless otherwise advertised.

A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to name as official newspaper(s) for legal notices and employment advertising, the Inter-County Newspapers (*The Advance*); *Bucks County Courier Times*; and if needed, *The Intelligencer* and/or the *Philadelphia Inquirer*.

A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to name the following financial institutions as depositories for the Borough of Newtown: The First National Bank & Trust of Newtown and Pennsylvania Local Government Investment Trust (PLGIT).

A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to adopt mileage reimbursement, when authorized by supervisor and/or President of Council for employees and elected officials at 50.0 cents per mile as set by the IRS.

A motion was duly made by Councilor Walker, seconded by Councilor Sellers, and carried unanimously, for the resolution to authorize designated officials to execute documents and

sign checks for First National Bank and the Pennsylvania Local Government Investment Trust. Members of the Finance Committee and Borough Secretary will be named later.

### **Appointments**

A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to appoint Marcia M. Scull to serve as Secretary, at will or at the pleasure of the Council.

A motion was duly made by Councilor Warren, seconded by Councilor Burke, and carried unanimously, to appoint Patricia A. Ours to serve as Treasurer, at will or at the pleasure of the Council.

President Woldorf noted that the current Borough Engineer and Borough Solicitor have resigned their positions. A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to table until the Council meeting of January 12, 2010, the appointment of the Borough Engineer and Borough Solicitor. Interviews will be scheduled with qualified candidates, with decisions to be made at the January 12, 2010, Council Meeting.

A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley to appoint Keystone Municipal Services to serve as Building Inspector, Code Enforcement Officer, HARB Administrator and Zoning Officer, at will or at the pleasure of the Council. Councilor Walker asked why there had been no interviews for a provider of these services. Councilor Sellers said that there were a limited number of firms providing the services that Keystone provides. Councilor Warren noted that Council had been provided with a draft contract for consulting services that had not yet been reviewed by Council or the Solicitor. Councilor Walker noted that the change in the Borough fee schedule as recommended by Keystone was an open issue. The motion carried unanimously.

A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried unanimously, to appoint Mary Jane Leonard as Chairperson of the Vacancy Board for a 1-year term through December 31, 2010.

### **Committee Reappointments**

A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to re-appoint John A Duggan, Jr., 510 Lafayette Street, to the Environmental Advisory Council for a 3-year term through December 31, 2012. Councilor Warren said he was particularly impressed with Mr. Duggan's resume and qualifications.

A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to re-appoint Robert A. King, 242 S. Chancellor Street, to the Environmental Advisory Council for a 3-year term through December 31, 2012.

A motion was duly made by Councilor Sellers, seconded by Councilor Burke, and carried unanimously, to re-appoint Kevin Edmonds, 117 N. Lincoln Avenue, to the Historic Architectural Review Board for a 3-year term through December 31, 2012.

A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to re-appoint Paul Gouza, 536 E. Centre Avenue, to the Joint Historic Commission for a 4-year term through December 31, 2013.

A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to re-appoint Patrick Foster, 113 S. Norwood Avenue, to the Newtown Area Telecommunications Board for a 3-year term through December 31, 2012.

A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to re-appoint Debbie Donofry, 16 S. Norwood Avenue, to the Planning Commission for a 4-year term through December 31, 2013.

A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to re-appoint Heather Lewis, 118 Liberty Street, to the Recreation Board for a 5-year term through December 31, 2014.

### **Zoning Hearing Board Appointments by Resolution**

A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried unanimously, to approve Resolution 1-04-10-A, appointing Kimberly O'Neill to the Newtown Borough Zoning Hearing Board through 12/31/2010.

A motion was duly made by Councilor Walker, seconded by Councilor Burke, and carried unanimously, to approve Resolution 1-04-10-B, appointing Thomas Dillione to the Newtown Borough Zoning Hearing Board through 12/31/2011.

A motion was duly made by Councilor O'Malley, seconded by Councilor Walker, and carried unanimously, to approve Resolution 1-04-10-C appointing, Charles F. Swartz to the Newtown Borough Zoning Hearing Board through 12/31/2012.

### **Announcement of Openings on Boards and Committees**

President Woldorf announced openings on the Building Code Board of Appeals and Environmental Advisory Council, and asked those interested to contact Council.

### **Mayor's Report**

Mayor O'Brien gave his Top Ten Wishlist for 2010.

### **Application for Zoning Hearing Board for 516 E. Centre Ave.**

President Woldorf cited a memo to Borough Council, the Mayor, Solicitor and Secretary, from JoAnne Brown of Keystone Municipal Services, dated January 4, 2010, which stated that the January 5, 2010 hearing had been postponed until February 2, 2010. Councilor Woldorf noted that Council needed to decide whether to send the solicitor to the hearing, as voted by the previous Council.

A motion was duly made by Councilor Sellers, seconded by Councilor O'Malley, and carried unanimously, to oppose the application and to send the Borough Solicitor to the hearing on February 2, 2010.

### **Discussion regarding Reopening the Budget**

Councilor O'Malley said that, as a member of the Finance Committee, he did not want to reopen the budget although noting that it was the right of Council to reopen a budget passed by a previous Council. He complimented Councilor Walker and Borough Treasurer Pat Ours for their work on the budget. Councilor O'Malley said that the only two expenses he was concerned with were the donation to Newtown Corporation and capital expense for surveillance cameras.

### **Surveillance Cameras**

Councilor Warren cited the previously held public meeting regarding the discussion of surveillance cameras, noting that good reasons were given both for and against the camera installation. He said privacy issues were of concern to him, relative to the First and Fourth Constitutional Amendments, and said that many courts have found in favor of cameras in areas of high crime. He said perhaps cameras could be installed constitutionally, but that Council should not abridge the rights of citizens.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Sellers, and carried 4-2, with Councilors O'Malley, Sellers, Warren and Woldorf voting aye, and Councilors Burke and Walker voting nay, to reverse the action of the prior Council, providing for the purchase and installation of a surveillance camera at Linton Park, and that there be no purchase, installation or operation of surveillance cameras in the parks or on the streets of the Borough.

Councilor Walker said the budget could be changed without reopening unless there was a 10% change. He said that the motion on the floor was out of order, as it did not involve the reopening of the budget. Councilor Sellers said tonight was the first opportunity for the new Council to take on an issue of previous Council approval and, as an alternative to reopening the budget, Councilor Warren's motion did not change the budget, only sought to reverse the approval of the expenditure.

Councilor O'Malley said he voted in December to go forward with the cameras at Borough Hall and the police department and that recommendation and action should go forward immediately.

Borough resident Patti Lovi, N. State Street, asked if the public could be heard after discussion of a motion, before the vote was taken. It was Ms. Lovi's understanding that this was past practice. Councilor Sellers said that the time for public to speak was during public comment or at the discretion of Council.

Borough resident Paul Salvatore said he assumed that Council followed Roberts' Rules of Order. President Woldorf said that Council decides which rules of order they would follow and that it is not mandated by the state. Ms. Woldorf said that Council would need to decide which rules of order they would follow. Council agreed to public comment on the issue.

Borough resident Charles Swartz, Washington Avenue, noted that when the issue of cameras was voted on previously, there were three separate motions, covering installation at Borough Hall, at the police department and at the park.

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor O'Malley, and carried 4-2, with Councilors O'Malley, Sellers, Warren and Woldorf voting aye and Councilors Burke and Walker voting nay, that all actions related to the purchase and installation of surveillance cameras at the Police Department and at Borough Hall and the proposed integration of the surveillance network with the Council Rock District be suspended until the newly constituted Police Committee reviewed with due haste the matter and made recommendations to the Council.

Regarding the donation to the Newtown Corporation, Councilor O'Malley said that since the donation was less than 10% of the budget, any change would not require re-opening the budget.

### **Approval of Professional Invoices**

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor O'Malley, and carried unanimously, to approve the professional invoices as presented.

### **Other Business**

#### Newtown Corporation

Councilor Walker noted that Council has been invited to a joint meeting with the Newtown Corporation and Township Supervisors on January 28, 2010, and said that Council should decide as a group whether or not to attend. Councilor O'Malley said he may be unable to attend.

President Woldorf said the Borough has been working on its relationship with the Newtown Corporation and recommended the topic be discussed at the January 12, 2010, Council meeting, with an invitation to the Newtown Corporation Board to attend the meeting, before deciding the Borough's relationship with the Newtown Corporation.

Councilor Sellers agreed and said he would particularly like to have the Borough appointed board members present to answer questions regarding the executive director's dismissal. Councilor Walker suggested limiting the time for discussion of the issue. President Woldorf said the issue would be placed on the January 12, 2010, meeting agenda and the Board of Directors of the Newtown Corporation would be contacted.

Councilor Sellers made a motion to request the attendance at the January 12 meeting of Borough appointed Board members; there was no second. It was decided that the Borough appointed Board members would be invited to attend the next meeting.

### **Next Board Meeting**

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to approve a second Council meeting on January 12, 2010, to be recorded and broadcast.

Councilor O'Malley said he and Councilor Walker have been working on the Pickering Field Use Agreement, and requested it be included on the January 12, 2010 meeting agenda.

Councilor Sellers requested that the issue of the Stocking Works development and State Liquor Store be placed on the agenda for the meeting of January 12, 2010.

### **Public to be Heard**

Borough resident John Guy, S. Congress Street, said he was discouraged with the vote of Council to undo the action regarding cameras taken by the previous Council without public comment. He said it set a bad tone. He read a letter from Borough resident Charles Marchion, N. State Street regarding the ethical standards of Council members.

Borough resident Paul Salvatore, N. Elm Avenue, said he was disappointed in Councilor Seller's referral to a "new majority" on Council, saying that Council should represent everyone, regardless of political affiliation. He said that the surveillance cameras were not a party issue, and he did not like the newspaper coverage that suggested it was. He said it was time to put politics aside.

**Executive Session:** President Woldorf announced that there would be an executive session held on Wednesday, January 6, 2010 to discuss personnel issues and interview candidates for Borough Engineer and Borough Solicitor.

**Call for adjournment of Re-Organization Meeting:** A motion was duly made by Mr. Sellers to adjourn the meeting. The meeting was adjourned at 8:37pm.

The next meeting of Council is the regular semi-monthly meeting on Tuesday, January 12, 2010, 7 pm, Chancellor Center. The agenda will be posted on the Borough Website.

Respectfully submitted,

Leslie Dunleavy  
Acting Secretary

### In Attendance:

Jim McAuliffe 545 E. Centre Avenue  
Diane Le Bas 104 Penn Street  
Bill Heineman 35 N. Chancellor Street  
Paula Zimmerman 21 S. Lincoln Avenue  
Josh Horenstein  
Caroline Bennett 28 Liberty Street  
Edith Gowin  
Paul Salvatore 148 N. Elm Avenue  
Patty Lovi 151 N. State Street  
Bill Foster and Jen Pennington 524 Penn Street  
Bob King 242 S. Chancellor Street  
Warren Woldorf 440 E. Washington Avenue  
John Guy 110 S. Congress  
Marybeth, Erin and Bridget Burke, 301 S. Norwood  
Judy Musto, 118 S. Congress Street  
Liz Warren 149 Andrew Drive

Philip Nodore Manis Plains, NJ  
Vincent Nosillo Morristown, NJ  
Charles Swartz 3223 Washington Avenue  
Kati Sowiak 121 S. Chancellor Street