

Council Work Session
February 3, 2010
Council Chambers

An Executive Session was held at 6:00 P.M. to discuss personnel and pending litigation

The regular monthly Work Session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, February 3, 2010, by President of Council Julia Woldorf.

Present were Councilors Burke, O'Malley, Sellers, Warren, Walker and Woldorf; Mayor Dennis O'Brien; and Solicitor Paul Cohen.

Public to be Heard

Rand Jaslow, 123 Court Street, discussed his concerns with the engineering firm of Pickering, Corts & Summerson. Mr. Jaslow noted that he was involved with the Newtown Station project, specifically with the course along Old Skunky. Pickering encountered difficulty with the analysis of data supplied by Tri-State engineering. For this reason, Mr. Jaslow is concerned about hiring a firm that was unable to handle the hydrology information for the project.

Karen White, 124 S. Chancellor Street, asked if the incident at Linton Memorial Park would be discussed at this meeting. Mayor O'Brien stated that it would be discussed under New Business.

Jeanne Haeckel, 123 Penn Street, wanted to know the scope of the traffic study for the expanded State Store project and whether a truck delivery map exists, i.e. where trucks are prohibited, where only local delivery is permitted.

Appointment of Borough Engineer

The Councilors discussed their individual concerns about both candidates for the position of Engineer. Mr. Burke felt that Pickering, Corts & Summerson ("PCS") is not as qualified to handle Old Skunky and the development of the Stockburger project. He noted that Cowan & Associates has a record of obtaining grants for projects, which could be a benefit to the Borough. Mr. O'Malley felt that PCS was the better choice for the Borough and the close proximity of PCS was a benefit, as opposed to Cowan who is based in Quakertown. Mayor O'Brien was impressed with Cowan's research concerning the Stocking Works project and felt that they gave a better overall presentation. Mr. Walker felt that the decision on an engineer should be made at the Council meeting in a more public forum, not at a work session. Mr. O'Malley suggested that the Council decision could be explained as an agenda item to the public at the regular meeting. Mr. Sellers also felt that PCS is located closer and has an archival history of the Borough.

Judy Musto, 118 S. Congress Street, commented that important votes have always taken place at a Council meeting and she was surprised at this change in process. Ms. Musto asked about how the rates for both firms compared and Ms. Woldorf explained that the rates are comparable.

Resident Jeanne Haeckel commented that if someone is more qualified in a particular area, it should cost less money because it should take less time for the work to be done and that it would be a prudent decision to hire the firm that has the most expertise in areas needed by the Borough.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Sellers, and resulted in a tie vote with Councilors O'Malley, Sellers and Woldorf voting aye and Councilors Burke, Walker and Warren voting nay, with Mayor O'Brien breaking the tie, to appoint Pickering, Corts & Summerson as the Borough Engineer.

Pickering Field Use Agreement

Mr. O'Malley explained that in discussions with League representatives, it was decided to hold quarterly meetings with Council, on an as-needed basis, to avoid potential communication issues regarding Pickering Field. Fall Baseball, following the format from the Fall 2009 approval, was added to the 4 year usage agreement.

Neighbors Edith Gowin and Catherine Levesque voiced concerns about parking issues during the baseball season. League president Kevin O'Shea said that he reminded coaches and teams to park on N. Lincoln Avenue or at the Chancellor Center to alleviate parking problems on N. Chancellor Street.

Dan Knott felt that fencing should be changed to address the issue of foul balls that damage cars and windows. Mr. O'Shea said that the League is looking at several modifications to the fencing before making a decision.

Questions were raised about the use of the Woll Tract. Ms. Gowin asked if this agreement could address Fall Ball annually, rather than as part of the 4 year agreement, so that the Woll Tract could be considered once it is available for use.

By-laws, Rules of Order and Meeting Reorganization

Ms. Woldorf asked Council to review the proposed by-laws, rules of order and meeting organization information for discussion at the Council Meeting. Ms. Woldorf proposed turning the work session into a business meeting, which would allow for a more efficient use of time at the Council meeting. Ms. Woldorf asked for comments and Mayor O'Brien felt that the Police Report should be given by the Mayor, not by the Police Chief or designated officer. Ms. Woldorf then suggested having the Chief make periodic reports to Council. Mr. O'Malley's overall concern is not being as open and transparent, if business is handled at the Work Session rather than at the Council meeting. Mr. O'Malley noted that there was no mention of a policy for "Public to be Heard" and he would rather err on the side of being less restrictive. Ms. Woldorf also proposed moving the Wednesday Work Session to a business meeting on the fourth Thursday.

Review of Proposals for Police Station and Borough Hall Security Cameras

Mayor O'Brien reported that the Police Committee reviewed five proposals for security cameras and recommended *3i Security Protection's* proposal. The proposal includes six cameras at the Police Station and two cameras at Borough Hall. The system is not connected with Council Rock School District and will strictly be an internal system. Council will make a formal decision at Tuesday's Council meeting.

Traditional Neighborhood Development Ordinance

Mr. Sellers explained to Council that the Planning Commission has developed a revised TND ordinance, which should be moved forward for a formal adoption process. The Planning Commission will develop an RFP to be distributed, conduct an interview process and ultimately recommend to Council a consultant to review the ordinance. In response to Mr. O'Malley's question about a timeframe, Mr. Sellers responded that the TND must be in place before the proposed Stocking Works/Stockburger project can move forward.

Linton Park Incident

In response to Karen White's question regarding the Linton Park incident, Mayor O'Brien asked to move discussion of the issue up on the agenda. He reported that an individual was seen lying in Linton Park and when approached by a neighbor the man ran. A crack pipe with three small bags was found and the police were notified. Ms. White had been advised of the incident and she asked Council if they might revisit the issue of security cameras at Linton Memorial Park. Ms. White voiced concern about a crack head living in the neighborhood and asked what it would take for Council to act on such issues and Ms. Musto echoed her concerns. Ms. Woldorf understood Ms. White's concern but felt that the safety of the park was for discussion at another time. Mr. O'Malley asked the Mayor if the police are patrolling differently and if an increased police presence might help.

Approval of Professional Invoices

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Warren, and carried unanimously, to approve the December 2009 professional services invoices, excluding Invoices #100306 and #100307 from Gilmore & Associates.

Household Hazardous Waste Commitment 2010-2012

- ❖ A motion was duly made by Councilor Walker, seconded by Councilor Warren, and carried unanimously, to approve a commitment of \$356 per year for 2010-2012.

Special Events Request – Dennis O'Brien

Mayor O'Brien presented four special event requests, noting that Chief Wojciechowski approved three of the four events. The Arbor Day event on April 26, the Newtown Lion's Club 5 K Run/Walk on June 12 and the Christmas parade scheduled for December 5, 2010 met with everyone's approval. The April 11, 2010, half marathon race sponsored by the Bucks County Marathon Ventures, Inc. was denied because of the number of streets that would require closure for the event.

Solicitor's Report – Paul Cohen

Mr. Cohen asked Council for clarification on an issue related to 400 E. Washington Avenue and tree removal on the property.

- ❖ A motion was duly made by Councilor O'Malley, seconded by Councilor Burke, and carried unanimously, to affirm Council's February 10, 2009, decision requiring a \$2000 penalty and replacement

of an 8" oak tree, imposing a \$650 penalty for the blue spruce and setting the fee-in-lieu trees for this project for the six trees approved for removal at \$650 for each tree.

With regard to a recent letter regarding ethics issues, Mr. Cohen recommends against adopting a formal ethics policy, as he believes the Public Official and Employee Ethics Act covers the ethical conflicts of interest requirements that might apply to the Council. Mr. Cohen is also concerned about the complexity and enforceability of adopting a policy with additional restrictions. Mr. O'Malley asked if Council should review and affirm that they would follow the Ethics Act and Mr. Cohen offered the suggestion to have Council annually sign an acknowledgement that they have read the Ethics Act. Mr. Walker commented that because of potential decisions being made regarding Old Skunky, he is concerned about the propriety of Ms. Woldorf and Mr. Sellers, as property owners along Old Skunky, making decisions on related issues and he wants a process to require all Council members to disclose any potential conflict of interest. Mr. Sellers wanted it clarified that work was already completed on his property, but he does agree that any potential conflict should at least be raised. Additionally, Mr. Sellers noted that although his commercial property is near the proposed Stockburger project, but not contiguous to the property, it is currently not a conflict. If, however, that situation should change then he would make Council aware of the situation. Charles Machion, the letter writer, wanted it made clear that his point was that any potential conflict should be disclosed.

Old Business

Ms. Woldorf asked Council to review Paul Cohen's retainer letter.

New Business

Ms. Woldorf asked Council to review Chief Wojciechowski's memo regarding security locks for Borough Hall.

Mr. Sellers reported that the Newtown Creek Coalition is no longer associated with the Newtown Corporation. A visioning meeting is scheduled with the Newtown Borough and Newtown Township Planning Commissions on March 2, 2010, at the Chancellor Center and Mr. Sellers is asking Newtown Borough to sponsor the meeting under the Borough's insurance coverage.

- ❖ A motion was duly made by Councilor Sellers, seconded by Councilor Warren, and carried unanimously, subject to confirmation with the insurance company regarding coverage, that Newtown Borough would sponsor the Newtown Creek Coalition meeting on March 2, 2010, at the Chancellor Center.

Public to be Heard

Judy Musto, 118 S. Congress Street, commented that perception is important and how the public feels when they wish to be heard should be considered. Ms. Musto was concerned because it appeared that there was more concern from Council about Pickering Field than about drug use at Linton Park. Ms. Musto recognized that Pickering Field was an agenda item and the incident was not, but Ms. White felt that she was not treated with the same consideration as those concerned about Pickering Field.

Council went into Executive Session for discussion of pending litigation.

There was a motion to adjourn at 9:55 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Warren Woldorf	440 E. Washington Avenue
Charles Machion	147 N. State Street
Catherine Levesque	205 N. Chancellor Street
Jeanne Haeckel	123 Penn Street
Judy & Bob Musto	118 S. Congress Street
Dan Knott	206 N. Chancellor Street
Edith Gowin	202 N. Chancellor Street
Karen White	124 S. Chancellor Street
Rand Jaslow	123 Court Street
Diane LeBas	104 Penn Street
Kevin O'Shea	245 Stanford Place
Michael Sciarretta	13 S. Chancellor Street
Bucky Closser	26 N. Lincoln Avenue