

Council Work Session  
May 6, 2009  
Council Chambers

**An Executive Session was held following the meeting for discussion of Personnel and Collective Bargaining**

The regular monthly Work Session of Newtown Borough Council was called to order at 5:00 P.M. on Wednesday, May 6, 2009, by President of Council Mark Craig.

Present: Councillors Craig, Jaslow, O'Malley, Sellers, Walker and Woldorf; Mayor Dennis F. O'Brien; Solicitor Brad Lare and Engineer Larry Young.

Mr. Craig acknowledged the passing of Kingdon Swayne, a longtime resident of the community and past Mayor of Newtown Borough. Mr. Craig proposed dedicating a page in the minutes to the memory of Mr. Swayne at the Council Meeting on Tuesday.

**Council Rock Newtown Athletic Association**

Kevin O'Shea, representing Council Rock Newtown Athletic Association, asked to replant an existing flower bed, add some flowering shrubs, plant arborvitae to buffer the portable bathroom and plant boxwood shrubs near the scoreboard.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Walker, to accept the proposal of the Council Rock Newtown Athletic Association with plantings described in their 2009 submission.

**Antique Auto Show – Frank Mummolo**

Frank Mummolo, Chairman of the Antique Auto Show, said the plans for the July 19, 2009, show remain the same with the exception that they are requesting music. The group would like to provide approximately 20 minutes of music per hour for this year's show. Food tents, tables and chairs will be placed in the block between Centre and Washington Avenues. Ms. Woldorf asked that residents be contacted to receive their input about the addition of music and Mr. Mummolo said a flyer would be distributed.

**Parking Study Proposal – Gerard O'Malley**

Dick Weaver, Chairman of the Newtown Corporation, recently met with the Long Term Parking Committee to discuss a parking structure study, similar to that discussed in 2008. Funds would come from a Department of Community and Economic Development grant. The Committee reviewed the proposal and gave overall support for bringing the proposal to Borough Council for consideration. Mr. Weaver noted that this proposal would look at alternate sites for a proposed structure and Pennoni Associates would be assisting with the application to DCED. Even though Pennoni is assisting with the application, Mr. Sellers wanted assurance that the Borough would have the opportunity to go out for bids for the study. Mr. Sellers felt that discussion of a parking garage should be part of an overall planning process involving our business district and that other

committees should be included. He feels that the Planning Commission should be charged with looking at a parking structure proposal and return with their comments. Mr. Craig feels that part of the directive to the Planning Commission should be looking at the experience of other communities to obtain their perspective. Mr. Walker raised a concern about the costs to maintain a parking structure because salt cannot be used for ice and magnesium is extremely expensive. In addition, Mr. Walker raised the issue of water under the parking lot, perhaps springs, and the impact that might have on building a structure. The other question raised was how much of the proposal includes a feasibility study and how much is for a design study. After the discussion, Mr. O'Malley suggested working with the Planning Commission to outline the objectives and determine exactly what type of study and proposal is needed. He added that perhaps the Borough should link the prioritization of the Comprehensive Plan with grant seeking activities. Mr. Sellers commented that grant proposals that are co-sponsored by at least one other municipality have a better chance for consideration, so the Planning Commission should invite Newtown Township to participate in the process.

### **Engineer's Report – Larry Young**

Mr. Craig explained that the downturn in the economy was reflected in the loss of John Genovesi from Gilmore & Associates. Larry Young, Vice President of the Langhorne office of Gilmore, was introduced as the new Borough Engineer.

- **Old Skunky Study Update**  
In reading through the proposal, Mr. Jaslow asked how the “release” agreements would be handled and who would be responsible for obtaining the signatures. Mr. Young explained that a “Right to Enter” form must be signed in order for survey work to be done on the individual properties. Survey work on the roadways is scheduled to begin. Mr. Sellers suggested holding an informational meeting for the property owners, at which time the “Right to Enter” forms could be distributed for signature. Ms. Woldorf voiced concern about the proposed study schedule which is longer than the time remaining on the grant. Mr. Young explained that mapping has already been completed and other work has been done, so he assured Ms. Woldorf that this would not be a problem. Mr. Craig suggested that CVS and SEPTA be added to the list of properties that would require access because of right-of-way issues.
- **General Projects Update**  
Mr. Young reported that he expects the Frost Lane bids to be advertised for this summer. The Lafayette Street milling and overlay project will follow the same timeframe.

McCarthy has been replacing and/or repairing some of the detectable warning surfaces on the curb ramps on South State Street. Mr. Young referenced a recent newspaper article from PennDot about the expense involved with replacement of curb ramps. Mr. Sellers asked about the conflict in curb ramp styles and Mr. Young stated that PennDot will not permit diagonal ramps. Ms. Woldorf asked about a ramp at the intersection of Jefferson and Chancellor and questioned the work because the truncated dome only covers part of the ramp.

Sidewalks in Quadrants I and II need to be completed, but changes are being made to the Ordinance to include driveway aprons and curb ramps. Ms. Woldorf wanted to make sure that Council sees the letter before it is sent to the property owners.

Mr. Craig asked about having the engineer review the comprehensive plan, but Mr. Sellers felt it was unnecessary. Mr. Young noted that Gilmore has reviewed chapters on Transportation and Storm Water in other plans.

### **Solicitor's Report – Bradford Lare**

With regard to the Open Space Contract, Mr. Lare noted that they are awaiting a response to questions asked of Heritage Conservancy regarding the contract.

Mr. Sellers asked the status of the Fire House lease, but Mr. Lare reported that Mr. Williams is the one handling that issue.

Mr. Sellers asked if the Deed in Escrow for the Stocking Works had been placed in the Borough's safety deposit box. Mr. Walker said he would check into the matter.

Mr. O'Malley asked the status of the change to the SALDO ordinance regarding the fees for removal of shade trees. Mr. Lare will follow-up on the ordinance changes.

### **Old Business**

Mr. Walker raised the issue of the Gilmore bill related to the security camera grant. Mr. Sellers reminded Council that it was unauthorized work and he does not feel the Borough should be responsible for the bill. Mr. Walker apologized and took full responsibility for the mistake. Mr. Sellers then brought up the issue of how the Borough pays its bills and he suggested paying normal, recurring expenses but he would like to see copies of all professional bills and all other none routine bills and vote on those payments separately. Mr. Walker suggested discussing the bills at a work session and Mr. Craig felt that Pat Ours should attend those work sessions since she is the one who could answer questions. It was decided that Mr. O'Malley and Mr. Walker would review the bills list and provide Council with a recommendation of those bills to be reviewed and Mr. Walker will speak to Gilmore regarding the security camera grant bill.

The matter of the Curtin & Heefner bill was raised by Mr. Walker. Mr. O'Malley noted that there were some issues with the bill, but he reminded Council that the Borough did hire them as independent Counsel. Mr. Walker questioned the work being done without authorization and since Mr. Jaslow had spoken to Mr. Truelove about reducing some of his previous bills, perhaps he should be approached again. Mr. Sellers supported Mr. Truelove's decision to research issues without authorization in order to be prepared for the T-Mobile hearing. Mr. Jaslow noted that his phone call, which he acknowledged was made in error, should not have caused Mr. Truelove's extensive research. Mr. Craig and Mr. Jaslow voluntarily recused themselves, the T-Mobile counsel acknowledged that he never requested them to recuse themselves and therefore Mr. Jaslow felt that the research was not necessary. Mr. Walker asked for a copy of the written memorandum of law and Mr. Sellers volunteered to speak to Mr. Truelove to obtain it.

### **New Business**

Mr. Jaslow wanted to make sure that everyone received copies of the Zoning Hearing Board application for 516 E. Centre Avenue. Although the hearing date has not been set, Council should decide on Tuesday evening whether they wish to take action on the application.

Mr. Sellers discussed the report on the Newtown Dam that was submitted by the County of Bucks. Should the dam fail, Sycamore, State and several other streets beyond the result would be "...a catastrophe, the magnitude of which Newtown has never seen before." Mr. Sellers feels the public should be aware of the potential and that many of the people in this area do not have flood insurance, but after reading this document, they might determine that they do need to obtain insurance. He also feels that Newtown Township should be aware of what could happen to the Sycamore Street area and the Borough should work with them for a joint presentation on this subject. Ms. Woldorf suggested holding the presentation at the beginning of a Council meeting where it would be televised for public awareness.

Mr. Walker announced that street sweeping will be completed prior to Memorial Day at a cost of approximately \$3000 and Council agreed to advertise so that the public will be aware. He also reported that there will be a walk-about with the insurance company to review the Borough properties.

There was a motion to adjourn at 8:20 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

#### IN ATTENDANCE

Peter Ciferri	The Advance
Patty Lovi	151 N. State Street
Paul Salvatore	148 N. Elm Avenue
Mary Alice Hagan	Washington Ave.
Paul Jacob	2075 Leedom Drive
Kevin O'Shea	245 Stanford Place
Tom Rogers	7 Millstone Drive
Diane LeBas	104 Penn Street
Warren Woldorf	440 E. Washington Avenue
Tom Dillione	409 Edgeboro Drive