

Council Meeting
August 9, 2011
Chancellor Center

President Julia Woldorf called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, August 9, 2011. Ms. Woldorf asked those in attendance to join her in a moment of silence, followed by the Pledge of Allegiance.

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

Mayor's Report – Dennis O'Brien

Police Report for July

Mayor O'Brien presented the July police report. Officers ran random DUI patrols during the month and speed enforcement details were conducted on Lincoln and Washington Avenues with 20 citations issued.

Special Events

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the Special Events Application for the Goodnoe Halloween Parade on October 31, 2011, at 2:30 P.M., noting a shorter route for this year's parade.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the Special Events Application from the Recreation Board for *Music in the Park* on September 23, 2011, from 6-10 P.M. in Linton Memorial Park.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Walker, and carried unanimously, to approve the Special Events Application for the Newtown Borough Halloween Parade on October 29, 2011, at 10 A.M.
- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried unanimously, to approve a change of date for the 5K Library Run from October 15, 2011, to October 22, 2011.

Proclamation

Mayor O'Brien read a proclamation declaring September 2011 as Ovarian Cancer Awareness Month in Newtown Borough.

Amendments to the Agenda

Ms. Woldorf added discussion on a *Growing Greener Grant* application to the agenda.

President's Report – Julia Woldorf

Ms. Woldorf reported on the excellent and well attended Business Roundtable discussion held at the August Work Session. The four main areas of concern were unity, marketing, parking and signage. There were many comments about the need to address parking. With regard to signage, business owners felt that Borough sign restrictions might not be in the best interests of improving business. Ms. Woldorf recommended that the Planning Commission review the sign ordinance and invite members of the business community to attend select meetings where signage would be discussed.

Correspondence

After completing a survey on illegal dumps in Bucks County from the *Keep Pennsylvania Beautiful* organization, Ms. Woldorf received some survey results. The survey identified 123 dumpsites in Bucks County, but none were in Newtown Borough.

Ms. Woldorf received an e-mail from Ms. Delavich of New Hope's Borough Council expressing her pleasure that Newtown Borough is considering passage of an ordinance that provides equal rights to Newtown Borough's lesbian, gay, bi-sexual and transgender (LGBT) community. Ms. Delavich feels that the support for the LGBT community should start in the towns and cities until the politicians at the state and national level understand that people want protection and equality for all.

Public to be Heard

Frank Brassell asked Council to reevaluate the cost of televising the Council meetings. Mr. Brassell raised the issue because the last televised meeting had poor picture quality and was totally inaudible. Since only two individuals noted the problem to the Borough office, he questioned how many people are actually watching the meetings.

Mr. Brassell said that the Newtown Corporation was approached by the Library to help market the 5K Run event because of the change in dates. He also mentioned that at the Business Roundtable, there was discussion of unity, and he wanted Council to remember that collective marketing is provided by the Newtown Business and Professional Association for a small membership fee of \$175. The Newtown Corporation charges no fee to be listed on their website and the Corporation will note any special events and sidewalk sales in their Calendar of Events.

Paul Salvatore supported Mr. Brassell's comments, noting that there are several business associations that have the expertise to help promote business and encourage people to shop locally.

Ralph Rogers, a resident of Centre Avenue, felt that he had been singled out as the only individual not allowed to park in the Septa parking lot on Lincoln Avenue. Zoning Officer Brown contacted him and said that unless he provided approval from Septa to park there, he would not be permitted to do so. Mr. Rogers questioned the vehicles from Scott [Scott's All Seasons, the Borough street maintenance provider] being parked on the lot and said that there is another boat and trailer parked there as well. Ms. Woldorf offered to look into the matter.

Jim Schneller with the Philadelphia Metro Task Force, an affiliate of the American Family Association of Pennsylvania, is a group that arose after the anti-discrimination ordinances began to appear last fall. Mr. Schneller said that the group prides itself on being Christian and wide-open to individuals of all backgrounds, but that they are concerned about morality in the Philadelphia area. Mr. Schneller cautioned Council as he felt that this ordinance is intentionally aimed at the youth and future generations, with leaders caving in to morality and wiping God from everything. His group sees this as an effort to pressure Harrisburg to pass a gay marriage amendment.

Resident Bob Swaitjkos has been active with the LBGT community working throughout the state to bring equality to all citizens. A friend's partner was denied access to visit his partner in the hospital and make decisions concerning medical care. Mr. Swaitjkos said this is a violation of Federal law, as enunciated by the Obama administration. He encouraged the Council to have an open forum and join the other 17 communities throughout the Commonwealth in adopting ordinances that bring equality to all of its citizens.

Diane LeBas felt that Mr. Schneller stated quite clearly that one has to be heterosexual to be a good American and she found that offensive. Ms. LeBas said that the Borough is not a community that believes in that nonsense and it should not let that nonsense go unchallenged.

Certificates of Appropriateness

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-020H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-020-H Resident Joseph White, 143 N. State Street

The applicant was seeking a Certificate of Appropriateness for the replacement of a chain link fence with cedar wood fencing.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign COA 2011-021H, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

COA 2011-021-H Resident Geno Peruzzi, 107 S. State Street

The applicant was seeking a Certificate of Appropriateness for the replacement of an existing front fence gate and addition of a new rear fence gate; both gates will be cedar wood.

Anti-Discrimination Ordinance

Ms. Woldorf asked Council for input about moving forward with a draft anti-discrimination ordinance for Newtown Borough. Council received anti-discrimination ordinances from New Hope, Bethlehem and Doylestown Borough prior to the Work Session for review.

Mr. O'Malley felt that this type of ordinance speaks to the kind of town the Borough wants to be and he would be ready to move to the next step.

Mr. Walker voiced concern about moving too quickly, as this proposed ordinance has broader implications than he was prepared to deal with at this time. He also mentioned a comment by a business owner asking what the impact would be on the business community. Mr. Walker felt that Council is rushing to do this and he does not understand why. He did not have enough sense of the community to make a determination on how they would feel about this. Council spent a great deal of time discussing many other issues and he felt this ordinance deserves the same consideration. His recommendation would be to have a committee formed to discuss the concerns that citizens might have with respect to this ordinance before actually drafting it.

Mr. Warren wholeheartedly supported the adoption of a civil rights ordinance, both in concept and largely in the language of the Doylestown Borough ordinance. He felt that this ordinance would put the Borough in a leadership role in promoting the cause of civil rights in the Commonwealth of Pennsylvania and he was also ready to take the next step.

Mr. Sellers said he agreed with Mr. Warren's comments and in addressing Mr. Walker's concerns, he felt that it is incumbent on Council to look carefully at the provided materials, to consider the constitutional issues, and if an ordinance is drafted, then that is the time for discussion to take place. Mr. Sellers felt that the Doylestown Borough ordinance was a good example for the Solicitor to work from in drafting an ordinance.

Mr. Burke is a firm believer in treating people the way he would want to be treated and he said he does not need a document to tell him that. He would prefer to have more input and interaction with the community before making a decision. Perhaps working from a draft might generate that discussion, but he has only had since the work session to review the other ordinances and he is hesitant to move forward. He would like to build consensus that everyone can be happy with in the end.

Ms. Woldorf agreed that some ordinances have taken years, some months to adopt, but drafting an ordinance is only the first step. She felt that the only way to have a good discussion is to have a starting point and she proposed authorizing the Solicitor to prepare a draft ordinance. In response to Mr. Walker's question of how long Ms. Woldorf had been looking at this ordinance, she said that it had been approximately one year. Mr. Walker then asked why, if she has had one year to consider this, the rest of Council has only had five days to reflect on it. Ms. Woldorf personally feels that the Borough is a place where people should have equal rights and that the Borough is a welcoming community and she wants everyone to start at the same place for discussion.

Resident Frank Brassell suggested holding a town hall meeting and using the ordinances that were given to Council for review as the basis for discussion. He said that it appeared that this ordinance is being fast-tracked.

Paul Salvatore commented that for transparency's sake, it is important to get everyone to participate in our government and get their input before putting it into an ordinance. Mr. Salvatore felt that Council should take their time and do it right.

Diane LeBas felt that this [ordinance] is a corrective to attitudes and prejudices that have lasted much too long, just as the Civil Rights Act of 1964 was corrective to behaviors and attitudes. To gather opinions is nice, but not what needs to be done. Ms. LeBas said that Council needs to guarantee the rights of citizens and opinion is not as pertinent as constitutional rights.

Mr. O'Malley said he was ready to act and wanted to share the words of President Lyndon B. Johnson on signing the Civil Rights Bill on July 2, 1964:

"This Civil Rights Act is a challenge to all of us to go to work in our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country. So tonight I urge every public official, every religious leader, every business and professional man, every workingman, every housewife – I urge every America – to join in this effort to bring justice and hope to all our people – and to bring peace to our land."

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Warren, and carried with Councillor Burke voting nay and Councillor Walker voting present, to authorize the Solicitor to draft an anti-discrimination ordinance for Newtown Borough.

Ms. Woldorf asked the Solicitor if a Councillor can decline to vote. Mr. Cohen did not see a problem with that and that a "present" vote is essentially an abstention.

Holiday Parade Fee Waiver Request

Council previously approved the Special Events Application for the Holiday Parade on December 4, 2011, from 2-4 P.M. The Parade will begin at the Stocking Works in the Borough and end in Newtown Township at Goodnoe Corner. The question remained whether Council would waive the fee for police coverage for this parade.

Mr. O'Malley understood that the Newtown Corporation was to meet with the police chiefs from both municipalities to discuss the proposal for police coverage and if there would be reimbursement for that coverage. He felt that both municipalities should have the same policy.

Frank Brassell said that both police chiefs concurred that they would place the parade coverage in their budgets and that it would be up to the respective Councils/Boards to approve that. Paul Salvatore clarified that until last year, there had never been a charge for any parades and parades are not moneymaking events.

Mr. Sellers questioned the fact that the Newtown Corporation did not pay for police coverage fees for last year's Holiday Parade. Considering the fact that the Corporation paid bands for participation in the parade, advertising and marketing in the amount of \$12,000, Mr. Sellers felt that the Corporation should have been able to pay the \$662 for police coverage. Reading from a Newtown Corporation e-mail, he noted that they would not pay for police coverage, but would donate \$300 to the Linton Park swing set fund.

Mr. Brassell explained that prior to the event last year, Chief Wojciechowski met with Corporation representatives and reassured them that there were no fees involved and that the Borough did not charge for parades. When this group met with the Newtown Township Police Chief, they were advised that there would be a charge, stated the fee, which they then incorporated into the parade budget. He also noted that their donation to Linton Park was exclusive of this issue, stating that the Corporation also gave \$300 to the Newtown Skate Park.

Ms. Woldorf agreed that they had been advised that there would be no fees, but in retrospect after realizing that the Township charged for the coverage, she felt that they could have made a decision

to reimburse the Borough. She noted that Chief Wojciechowski estimated that police coverage for this year's parade would be approximately \$1680, if full-time police officers are used. Council must consider whether that is a cost worth waiving. Ms. Woldorf felt that an organizations' ability to pay participants makes it a different consideration.

Mr. Brassell ended by noting that last year's parade had over 1000 participants and an estimated 3000 people in attendance. At last week's work session, merchants were asking Council for help in bringing business into town and Mr. Brassell said that this parade puts 3000 people on their doorsteps. He mentioned that the budget for *Music in the Park* is over \$3000 with only 150 people in attendance and asked Council to consider that when they vote.

Mr. Walker said that from a pure business sense, if the Borough agreed not to charge the Newtown Corporation then he is not one for reneging on that agreement. He is, however, concerned that the Borough asked for a donation last year and Mr. Seller's asked again tonight for a donation and according to the State Association of Borough's a municipality is not permitted to seek donations. The only way the Borough can seek funds is through taxation. Mr. Walker felt that the Newtown Corporation should not be required to pay the \$662 and a decision about the 2011 parade should be made based on the facts at hand.

Mr. Sellers asked Mr. Brassell about the budget for this year's parade and the response was that the Corporation was waiting to get the Borough's answer before putting the budget together. Mr. Brassell did state that the parade budget would be significantly smaller than last year's budget.

Mr. Warren asked if this event is important enough for Council to spend approximately \$1680 of taxpayer money to support. He thinks it is a close call, largely because of the organization sponsoring the parade. He wished that there was another organization, more committed to the Borough and Borough merchants, who was in a position to sponsor this parade.

Mr. Burke said that whether Council agrees with them personally or not, the Newtown Corporation and its 35-40 volunteers are willing to take on this responsibility, which brings between 1000-3000 people to State Street. Mr. Burke feels that the Corporation is supporting local businesses. After the discussion at the Work Session about unity in the business community, Mr. Burke suggested using the revenue from the Beer Fest to help support the Holiday Parade.

Mr. Brassell mentioned the names of several State Street business people who are serving on the Parade Committee, and he said that the Corporation intends to get more State Street merchants involved.

Mr. Salvatore stated that \$5000 was donated by businesses last year, which helped offset the \$12,000 total expense for the parade.

Mr. O'Malley said that Newtown Borough should take a leadership position on waiving the fee and hoped that Newtown Township follows.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to waive the police coverage fees for the 2011 Holiday Parade.

Mr. Sellers asked that there be a direct communication with the Newtown Township Board of Supervisors requesting that they take similar action related to waiving the police fees for the Holiday Parade.

Engineer's Report

- Mr. Sellers reported that work should begin shortly on the Washington Avenue/State Street curb ramp replacement. An issue regarding signalization has been resolved.
- Work began today on the sinkhole repair on Penn Street.

Presentation of Minutes

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor O'Malley, and carried with Councillor Sellers abstaining because he was not present at the meeting, to approve the June 14, 2011, Council minutes.
- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Sellers, and carried unanimously, to approve the minutes of the July 6, 2011, Work Session Meeting.
- ❖ A motion was duly made by Councillor Warren, seconded by Councillor O'Malley, and carried unanimously, to approve the July 12, 2011, Council minutes.

COMMITTEE REPORTS

Budget & Finance – Gerard O’Malley and Robert Walker

Consolidated Report

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Walker, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of July 2011 totaling \$ 173,810.45.

Mr. Walker outlined the 2012 Budget Process, noting the dates for upcoming meetings. The deadline for responses to the Treasurer’s budget requests is September 6, 2011.

Long Term Parking Committee – Gerard O’Malley

The Long Term Parking Committee made two recommendations to Council regarding parking in the Borough. A temporary lease for the parking lot behind 10 Centre would provide 76 parking spaces, which could be utilized by employees to hopefully relieve the parking issues on the residential streets closest to the business district. The other recommendation would be to provide for increased enforcement by a dedicated police officer. Mr. O’Malley provided Council with the proposed costs for a parking enforcement officer. Based on past statistics approximately 82 parking tickets are written each month. The enforcement would be monitored to determine if the number of tickets written offsets the expense of the officer and would be cost effective.

Mr. Walker is not convinced that spending \$30,000 is going to solve the parking problem, which Chief Wojciechowski sees as an employee problem, rather than a parking problem.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to authorize the utilization of a part-time police officer for parking enforcement, up to eight hours per day and up to four days a week, with the Police Committee monitoring the progress on a monthly basis, for a period of 90 days.

A Long Term Parking Committee meeting is scheduled tomorrow night with discussion to include any additional feedback from the Work Session meeting from business owners regarding parking. There will also be discussion on utilization of the 10 Centre parking lot.

Growing Greener Grant – Julia Woldorf

Monies for the Growing Greener Grant were just made available, thus the last minute request to pursue this grant. Jayne Spector, a member of the Newtown Creek Coalition Board of Directors, prepared the draft summary that was presented to Council and she told them that this would be an opportunity to design and install bank restoration and stormwater remediation at two sites along Newtown Creek. One would be the *Newtown Common* at the end of Greene Street and the other site next to the Centre Avenue Bridge on the Borough side, which would provide access to a view of the historic 1796 double arch bridge. The grant proposal would cover engineering and possibly some construction at those two sites and there is a 15% match. Ms. Spector will confirm if the match could be met with office hours, volunteer time and/or other methods besides strictly a straight money-match. The Newtown Creek Coalition would serve as the applicant, but the Borough, as owner of the two properties, would be the sponsor. In addition to signing the application, the Borough would be required to sign a landowner access authorization, allowing work to happen. A landowner letter of commitment, authorizing and agreeing to permit the applicant to enter the property with the intent to design/install conservation best management practices to improve the water quality on the Newtown Creek would be required. The deadline for official notification to apply for the grant is this Friday [August 19, 2011], with all paperwork to be submitted by August 26, 2011.

Mr. Sellers added that the Creek Coalition did not think they would have an opportunity so soon to apply for an additional grant for infrastructure, as the current conservation-planning grant is soon nearing completion.

Since it is unclear how much the total figure would be and the Borough would be obligated for 15% of that number, Mr. Burke asked if Council could apply for the grant and pull out if the amount is too high. Ms. Spector responded that the Borough could pull out or possibly reduce the scope of the project. Ms. Spector wanted to clarify the in-kind services aspect, as it would be very beneficial if Borough administrative staff hours could be used. Grants will not be awarded until the beginning of 2012 and she thinks that the work would not have to be completed until 2014 or 2015. Ms. Spector will confirm, but she believes that it is a reimbursement grant, with the Borough expending the funds and then being reimbursed.

Since the Newtown Creek Coalition is not a Borough committee, but an independent 501(c)3 organization, Mr. Walker asked if Ms. Spector would have figures before mid October, so that they could be plugged in during the budget process. Ms. Spector said figures should be available by that

time. Mr. Walker voiced concern about the additional expense, since the Borough is already committed to funding the grant for reflective signage, should it be awarded.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Burke, and carried unanimously, to authorize the President of Council to sign the application for a *Growing Greener* grant.

Solicitor's Report – Paul Cohen

Fee Schedule

Mr. Cohen announced a public hearing for a resolution amending the fee schedule of Newtown Borough to update fees for impervious surface/stormwater management permits. The resolution was duly advertised in The Advance of Bucks County on July 28, 2011, and filed with the Law Library on August 2, 2011. It amends the fee schedule to provide for stormwater management permits under the newly adopted Stormwater Management Ordinance, eliminating previous reference to an Impervious Surface permit, as that is now incorporated into the Stormwater Management permit.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to adopt Resolution 08-09-11 amending the 2011 Borough Fee Schedule to reflect fees for Impervious Surface/Stormwater Management Permits.

Sidewalk Ordinance

A public hearing was held prior to adoption of the amended Sidewalk Ordinance. The Ordinance was duly advertised in The Advance of Bucks County on July 21 and July 28, 2011, and filed with the Bucks County Law Library. This ordinance amends both the Newtown Borough Code and the Sub-Division and Land Development Ordinance (SALDO) by bringing the language of the Sidewalk Ordinance up-to-date with Americans with Disabilities Act and PennDOT requirements and it updates the design specifications that are attached to SALDO for driveways, sidewalks and curbs. It includes a section regulating the installation and maintenance of bollards and posts.

- ❖ A motion was duly made by Councillor Burke, seconded by Councillor Sellers, and carried unanimously, to adopt Ordinance #716 amending the Code of the Borough of Newtown and the Newtown Borough Sub-Division and Land Development Ordinance by modifying the design standards for construction, repair or replacement of sidewalks located in the Borough, permitting posts and bollards to be installed adjacent to sidewalks on satisfaction of required conditions and providing for the maintenance of posts and bollards by property owners.

Duplicate Tax Bill Fee

Mr. Cohen explained that the Borough Council authorized him to draft an Ordinance and the 2011 Fee Schedule be updated to reflect the collection of a \$5.00 fee for providing duplicate tax bills.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O’Malley, and carried unanimously, to authorize the Solicitor to advertise an ordinance authorizing the Tax Collector to charge and collect a \$5.00 fee for duplicate tax bills issued to third parties and a Resolution to amend the 2011 Fee Schedule to reflect this fee.

Multi-Family Dwelling Unit Parking Regulations Ordinance

Ms. Woldorf noted that this ordinance contains recommendations from the Borough Planning Commission, which reflects changes to the original proposal of the parking requirements for Multi-Family Dwelling Units that was reviewed by the Bucks County Planning Commission.

Mr. Walker asked if the Zoning Officer had reviewed the ordinance, as he had requested at the work session. Ms. Woldorf responded that she received an e-mail in which Ms. Brown said “...that with the exception of the 3 ¼ spaces assigned to the three bedroom units, which she would like to see bumped up to 3 ½, all of the numbers seemed fair and relevant to existing standards for this issue...and she would caution Council that in final decision making of any parking relative to a development in the Borough that she would recommend no reduction in requirements being granted to a developer outside the actual ordinance.”

Since the Borough Planning Commission recommended revision of the multi-family parking requirements at its August 1, 2011, meeting, Chairman Woldorf explained that several issues related to parking suggest that numbers proposed in the draft ordinance amendment may deserve reconsideration. There are a number of privately owned paved lots in the Borough, which in the past, were used for parking by businesses who established agreements for use with the lots’ property owners. At least one of them is underutilized during prime business hours. The record of these agreements, their current status, and potential for reconsideration of lot usage should be investigated. Another general perception is that increasing residential parking requirements may have a positive effect on relieving the Borough’s parking problem. Mr. Woldorf believes that this expectation might have influenced the proposed parking amendment numbers, which need to be independently considered of other Borough parking matters. Mr. Woldorf asked that Council review and compare the regional and non-regional location standards for multi-family dwelling types shown on the table that he provided to Council to assist in determining appropriate parking requirements.

Mr. O’Malley asked if there was ever discussion of the 3.25 vs. 3.5 numbers for the 3-4 bedroom units, as suggested by the Zoning Officer, to which Mr. Woldorf responded no. Mr. O’Malley asked how the Planning Commission voted on the issue, and Mr. Woldorf said that it was unanimous. However, the figures just presented by Mr. Woldorf do not reflect a consensus of the Borough Planning Commission, only his opinion, and he asked Council to make their determination.

Mr. Burke commented that although he was happy to see the numbers increase, he noted that the study figures were from 2000, and most municipalities have become stricter in their requirements for parking over the past twelve years, and that might be why the Zoning Officer suggested the adjustment. Mr. Woldorf pointed out that although the study might have some years on it, none of the ordinances have changed.

Paul Salvatore, Vice-Chair of the Planning Commission, said that Ms. Bush, of the Bucks County Planning Commission, made clear that there are no set guidelines, as it is up to the municipality to decide what is best for them. The Planning Commission felt that these numbers were a good compromise.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried unanimously, to forward a draft of the proposed Multi-Family Dwelling Unit Parking Regulations Ordinance to the Bucks County Planning Commission for review.

10 Centre Parking Lot Lease

Mr. Cohen explained that the lease involved two parcels to be used for a municipal parking lot. Mr. Walker questioned the wording of the lease which referred to responsibility for utilities. The Borough is currently only responsible for the lighting in the lot. He also pointed out that there is no mention of responsibility for snow removal. Two-thirds of that expense has always been covered by the Borough. With regard to utilities, Mr. Cohen clarified that the Borough would only be responsible if they tied into a utility line, but anything running under the property would be covered under an easement agreement by the utility.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Burke, and carried unanimously, to authorize the President of Council to execute a lease with Steeple View Limited Partnership and 10 Centre Associates amending the lease to include snow removal by the lessee as deemed necessary.

Old Business

Phillips Court

Mr. Cohen updated Council regarding the Phillips Court lighting issue. Mr. Tyrol has requested a meeting with the Solicitor and the Borough Engineer to review the required specifications for replacement fixtures. He has indicated a willingness to replace the fixtures with those that match the specifications from the final plans.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Burke, and carried unanimously, to require Frank Tyrol, the developer, to provide evidence by September 6, 2011, that they have ordered the four fixtures for Phillips Court, which are in compliance with the specifications on the approved final plan and evidence of the ship-date or Council will award the contract to an electrical contractor and have them installed.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor O'Malley, and carried unanimously, to authorize the Solicitor and the Borough Engineer to meet with a representative of the developer regarding the proposed lights.

Newtown Township Letter regarding Newtown Corporation

Mr. Cohen explained that discussions have been ongoing with Newtown Township regarding the Newtown Corporation. Earlier discussions were leading to the Borough parting ways and letting the

Township and the Newtown Corporation continue. A letter was received asking the Borough to respond to their request. Council decided to postpone discussion until the September Work Session. Mr. Sellers asked to receive current minutes for the past year and current financial statements and he wanted to understand the reason for the \$100,000 loss of the funds on hand since the beginning of December 2009. He said that previous discussions had been along the lines of dissolution on the part of both municipalities from participation with the Newtown Corporation.

Miscellaneous Items

Mr. Burke reported that the swing set will be delivered to Borough Hall next week and should be installed by the end of August.

Mr. O'Malley reminded the public of the 2nd scheduled public stakeholder meeting for the Newtown Borough Integrated Transportation and Circulation Study, which will be held on August 31, 2011, at 7 PM in the Chancellor Center. The meeting will review concerns gathered at the first meeting and discuss preliminary recommendations.

New Business

Mayor O'Brien announced the resignation of a part-time police officer.

Public to be Heard

Paul Salvatore announced that this year's sixth annual Brew Fest will be held October 22, 2011, at the Newtown Swim Club. Over 175 beers and select wines will be offered with eight local restaurants participating. Proceeds from this event will support activities of the Newtown Corporation, which last year included 28 organizations in the community, in addition to holding eight events of their own. Mr. Salvatore noted that the Corporation received no funds from Newtown Township, Newtown Borough or the state last year, which could account for some of the shortfall that was previously mentioned.

Mr. Salvatore said that it was brought to the Planning Commission's attention at their last meeting that one of the members had moved out of the Borough. He asked if a letter of resignation had been received, as it leaves the Commission with a vacancy that should be filled. Planning Commission Chairman Woldorf said he would send a reminder note.

The meeting adjourned at 11:05 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

ATTENDEES

Warren Woldorf

Jeff Werner

Jim McAuliffe

Paul Salvatore

Larry Auerweck

Marlowe Gordon

Diane LeBas

Gema Duarte

Frank Brassell

Robert Swaitjkos

Robert King

Bob & Judy Musto

Jayne Spector

Nancy Terry