

Council Meeting  
January 24, 2008  
Chancellor Center

**An Executive Session for discussion of personnel was held at 6:30 P.M. prior to the Council Meeting.**

The regular semi-monthly meeting of Newtown Borough Council was called to order at 7 P.M. on Thursday, January 24, 2008, by Council President Mark Craig. President 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 and Mayor Glenn D. Hains.

**2008 Budget Closure**

President Craig asked Mr. Walker to address the re-opened 2008 budget. Mr. Walker noted that no questions had been received from Council members nor the public regarding the proposed budget by the requested deadline of January 17, 2008. Mr. Walker noted that he and Mr. O'Malley met to review the budget, and in particular the Reserve Funds. For clarification purposes they agreed that the Emergency Reserve Fund should possibly be renamed "Funds for Matching Grants", since those funds are designated for the purpose of matching grants. Mr. Walker noted that the suggested guidelines from Harrisburg state that the operating budget going into the 1<sup>st</sup> quarter of the year should represent 25% of the actual annual budget and after reserving those funds, the Borough has only \$169,000 identified as Reserve Funds for Emergency Purposes. Mr. Sellers asked that the Power Point presentation prepared by Mr. O'Malley be shown to clarify for the public the allocation of the Borough's money. Mr. Sellers acknowledged that not until recently did the newest members of Council understand the allocation of Borough funds and he commented that the budget had been mischaracterized in a recent newspaper article. Mr. Walker reminded Mr. Sellers that in the interest of making the information available to the public, the budget had been posted on the Borough's website and questions could have been asked. Mr. Jaslow failed to understand the need for further public education, since numerous public meetings have already been held and no interest was shown on the part of the public. In the absence of a Power Point presentation Mr. O'Malley stated that he could make the presentation verbally. After his explanation and clarification of the figures, he agreed with the assessment made by Mr. Walker. Mr. O'Malley did, however, voice concern that revenues generally increased from 2003-2006, but began to decline thereafter, in contrast to an increase in the total operating expenditures. In addition to renaming the fund for matching grants, he would like to see public input into the use of those funds. Mr. Sellers asked that a policy be adopted for the use of the grant funds, a policy be adopted for the investment of Borough funds and a 5 year Capital Plan be established. Mr. Sellers also expressed concern about continuing with the State Street Project without input from the public. Mr. Jaslow took exception to that suggestion, noting that numerous public meetings had been held prior to making the decision to proceed with the project.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously to close the 2008 Budget.

## **Appointment of Borough Solicitor**

President Craig noted, and Mr. Sellers concurred, that eleven outstanding candidates had applied for the position of Borough Solicitor.

- ❖ A motion was duly made by Councillor Jaslow, seconded by Councillor Walker, and carried unanimously to appoint Donald E. Williams of Williams & Lare LLP to the position of Borough Solicitor.

Mr. Sellers asked that Mr. Williams submit a retainer letter for his 2008 services.

## **Mayor's Report – Glenn D. Hains**

- **The Police Report for December 2007 was presented**

### **President's Report**

President Craig discussed liaison assignments in Newtown Borough and stressed their importance since the Borough does not have a manager. President Craig stated that it is incumbent on each Councillor to act as a liaison to different functions within the community and with their committees. Because of the way the Borough is organized it is important to respect the liaison roles. No one should be prevented access to Borough professionals, but Councillors should never speak for Council independently or represent themselves in that way. President Craig explained the open process of public meetings and decision-making.

A discussion followed regarding Mr. Sellers conversations with Bob Solarz of Gilmore & Associates which resulted in Mr. Solarz understanding that council sought change of Gilmore engineer representative. Mr. Sellers acknowledged the conversation, noting that he had discussed Gilmore's performance with Mr. Solarz, but not that he had sought a change in engineer. Mr. Walker noted that he and Mr. Craig had both spoken to Mr. Solarz and that it was clear that Mr. Solarz thought council was asking for a change in representation. Mr. Craig, Mr. Sellers and Mr. Walker agreed to meet with Mr. Solarz to resolve the issue.

### **Public to be Heard**

Sally Thompson of N. Chancellor Street responded that she would like to see a policy for using Power Point during the budget review process. She also commented that she felt the website budget was difficult to review and was only a short version of the complete budget.

Paul Salvatore, 148 N. Elm Avenue, commented that he had attended the budget sessions where no questions were asked by the public or the candidates. He did agree that a Power Point presentation might be helpful for future budget sessions.

Bob King was dismayed at the events of the evening and he responded that as a former Councillor, he felt that Mr. Sellers should have talked to Council rather than going to Mr. Solarz independently, as it gave the impression that he was speaking for the entire Council, which was not the case. Mr. King stated that once

Mr. Sellers became a Council member he had a responsibility to his constituents and to his fellow Council members to make sure that there were no misunderstandings and noted that one individual should not speak for Council without the knowledge of the full Council.

Mary Alice Hagan was disappointed in the “uncivil” behavior she had seen tonight and hoped that Council would not engage in such behavior in the future.

President Craig asked Mr. Walker to report on the Old Skunky Grant. Mr. Walker noted that matching funds had not been designated for this grant and Council would need to address the issue once Council receives the grant award confirmation. Ms. Woldorf asked if the Environmental Advisory Council could begin drafting a Request for Proposal. President Craig noted that final approval for the grant had yet to be received, but he agreed that preliminary work could begin with final review by Borough Council.

### **Presentation of Minutes**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried with abstentions from Councillors O’Malley, Sellers and Woldorf, since they were not Council members at that time, to approve the minutes of the December 5, 2007, Council Work Session.
- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried with abstentions from Councillor O’Malley, Sellers and Woldorf since they were not Council members at that time, to approve the minutes of the December 11, 2007, Council Meeting.

## **COMMITTEE REPORTS**

### **Beautification & Revitalization Board – Liaison Julia Woldorf**

There was no meeting of the Board but Ms. Woldorf discussed the possibility of consolidating the Beautification & Revitalization with another committee. The B & R Board was initially founded to deal with State Street and the business district. President Craig noted that it was created to look like the Main Street Program. It was decided to discuss the committee structure issue at the February 6, 2008, Work Session.

### **Budget & Finance – Robert Walker & Gerard O’Malley**

Mr. Sellers questioned the process for approving the bills. He made several observations and asked whether Council should have the opportunity to review the bills prior to payment. If, however, the approvals are made by the Budget & Finance Liaisons, then perhaps the wording should be changed, pending the Solicitor’s review, from “approving” to “accepting” since the bills have already been paid.

Mr. Sellers also suggested treating them as a true bills payables list, with only those items having defined dates such as payroll and utilities being paid, and all others being reviewed by Council. Mr. Walker explained that all bills are reviewed by the Budget Chair prior to signing of the checks and the Treasurer matches the bills to the checks to assist in that process. It is also the Treasurer’s responsibility to verify all expenditures.

### **Consolidated Report**

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Woldorf, and carried unanimously, to accept, subject to audit, the consolidated expenditure report for the month of December 2007, totaling \$147,784.70.

Mr. Walker reported that he met with the audit firm and invited them to make a presentation to Council to review their findings after the audit is completed.

Mr. Walker reported on his meeting with the Borough's insurance carrier, Johnson, Kendall & Johnson. He reported that they will be making a presentation to Council at the March Work Session. Mr. Sellers asked when the last audit of Berkheimer was completed. Mr. Walker will obtain the information.

**Environmental Advisory Council – Julia Woldorf**

The EAC is researching options to reduce energy consumption and utilize clean, renewal energy for its needs. They will present those options to Council in the future. The Borough EAC is hoping to work with the Newtown Township EAC regarding mutual issues such as recycling. They would also like to sponsor some public education activities associated with Earth Day, Welcome Day and Market Day coordinated with non-profit organizations who participate in such events.

**Newtown Corporation – Michael Sellers**

Mr. Sellers reported that the newly re-named Newtown Corporation includes a broader purpose, bigger geographic area and encompasses a larger number of businesses and has plans to work for increased economic development. A joint meeting is scheduled January 29, 2008, with the Newtown Corporation, Newtown Borough Council and the Newtown Township Board of Supervisors at the Chancellor Center.

**Newtown Creek Coalition – Michael Sellers**

Mr. Sellers reported on the recent presentation by Gretchen Schatschneider of the Bucks County Conservation District on the next step to obtain a Creek Assessment. The Assessment will allow the Coalition to move forward with special projects and funding applications. Mr. Sellers encouraged the public to attend their meetings which are held the third Saturday of each month at 9 A.M. at the LaSalle Campus.

**Joint Historic Commission – Liaison Julia Woldorf**

Ms. Woldorf reported that the Joint Historic Commission has hired Christy Holley-Flaherty as secretary for the Commission. The Joint Historic Commission recommended approval of the demolition for 417 Centre Avenue.

**Long Term Parking Committee – Liaisons Gerard O'Malley**

There was no meeting.

**Newtown Area Telecommunications Advisory Commission – Liaison Gerard O'Malley**

There was no meeting. Mr. O'Malley noted that he hopes to optimize the Borough website and he is pursuing the possibility of televising Council meetings without impacting Borough expenses. President Craig suggested that Mr. O'Malley consider placing the Borough ordinances and regulations on the website.

**Personnel – Julia Woldorf**

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor O'Malley, and carried unanimously, to approve the re-appointment of David Graham, 116 N. Chancellor Street, for a 3 year term through December 31, 2010 to the *Beautification and Revitalization Board*.

- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to approve the re-appointment of Rosemary Tottoroto, 114 Liberty Street, for a 3 year term through December 31, 2010 to the *Historic Architectural Review Board*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to approve the re-appointment of Warren Woldorf, 440 E. Washington Avenue, for a 4 year term through December 31, 2011 to the *Joint Historic Commission*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor O'Malley, and carried unanimously, to approve the appointment of Paul Salvatore, 148 N. Elm Avenue, to the *Long Term Parking Committee*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Sellers, and carried unanimously, to approve the re-appointment of William Palkovics, 106 S. Chancellor Street, for a 5 year term through December 31, 2012 to the *Newtown Bucks County Joint Municipal Authority*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor O'Malley, and carried unanimously, to approve the re-appointment of Kris Fenton Bauman, 309 E. Washington Avenue, to a 4 year term through December 31, 2011 on the *Planning Commission*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously, to approve the re-appointment of Heidi Adams, 212 E. Washington Avenue, to fill a 5 year term through December 31, 2012 on the *Recreation Board*.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously to approve the appointment of Thomas M. Dillione, 409 Edgeboro Drive, for 1 year on the *Zoning Hearing Board* to fill unexpired term of Robert Walker through December 31, 2008.
- ❖ A motion was duly made by Councillor Woldorf, seconded by Councillor Walker, and carried unanimously to approve the reappointment of Michael Hutchinson, 132 N. State Street, for a 3 year term through December 31, 2010 on the *Historic Architectural Review Board*.

Mr. Walker questioned the process for appointing committee members, noting that Paul Salvatore had submitted his letter of interest in November and two other individuals were being presented for appointment this evening. After lengthy discussion on the subject, Ms. Woldorf tabled a decision on the two Planning Commission appointments. Ms. Woldorf will create a list of questions to be completed by all applicants for the Planning Commission position and they will be reviewed before a decision is brought to Council.

Ms. Woldorf reminded the public that there are 5 openings on the Beautification & Revitalization Board, 2 openings on the Environmental Advisory Council, 2 openings on the Recreation Board, 1 opening on the Newtown Telecommunications Committee and 3 openings on the Shade Tree Commission.

#### **Planning Commission –Liaison Michael Sellers**

Mr. Sellers reported that Warren Woldorf was elected Chairman of the Planning Commission, with Gerri Lumpkin elected as Vice-Chairman. Chairman Woldorf noted that 2008 Goals were discussed with the primary goal being the completion of the updated Comprehensive Plan. The Planning Commission will also be reviewing the Storm Water Management Ordinance, building coverage and set back limits and how to incorporate building heights into the review process.

#### **Police Committee – Robert Walker & Mark Craig**

Mr. Walker discussed the proposed ordinance change for the Police Pension Plan. Mr. Sellers asked if an actuarial study had been completed and Secretary Scull reported that an actuarial study had been done prior to making the decision for the amendment.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Jaslow, and carried unanimously to approve Ordinance #687 amending Ordinance #673 changing the final salary of the member from the member's final five consecutive years of employment to the member's final three consecutive years of employment.

Mr. Walker reported that he is working with Chief Wojciechowski to address the pedestrian signal timing at Washington Avenue and Centre Avenue on State Street. Dave Steil is also arranging a meeting with PennDot to address ongoing issues related to the signal timing and synchronization with the Sycamore Street lights.

#### **Recreation Board – Liaison Julia Woldorf**

Ms. Woldorf asked about inspection of playground equipment in the Borough. Mr. Sellers will speak to Keystone Municipal Services about the issue. Sports equipment is needed by the Recreation Board and it was suggested that a notice be placed on the website and television channels asking for donations of used equipment. Ms. Woldorf discussed the possible merger of the Recreation Board with the Beautification & Revitalization Committee. Representatives will be encouraged to attend the Work Session when the issue will be discussed.

#### **Southeastern Bucks League of Municipalities – Rand F. Jaslow**

There was no meeting and Mr. Jaslow noted that the viability of the League is in question.

#### **State Street Committee – Rand F. Jaslow**

There was no meeting, however Mr. Jaslow reported that a meeting is scheduled with Christine Ortwein to discuss close out of the State Street grant and explore the various options related to the usage of the approximate \$30,000 in remaining funds. The auditor has requested an additional extension for closing the State Street audit.

#### **Streets, Lights & Properties – Robert Walker & Gerard O'Malley**

Mr. Walker reported that the Pedestrian sentinels will be replaced and arrangements have been made with the streets maintenance firm to remove them, if snow plowing is required, and replace after the snow event. Northampton has been contacted for an estimate to replace the bulbs in the State Street lights to reduce the white light by using a softer amber light. Mr. Walker noted that Paul Salvatore had been successful in having Newtown Township reduce the speed limit with signage on Washington Avenue coming west into the Borough.

#### **Zoning, Planning & Ordinance – Michael Sellers**

Mr. Sellers reported on the transition with Keystone Municipal Services. Jo-Anne Brown will be handling the Zoning, HARB and Code Enforcement issues from 10:30-4:30 on Monday, Wednesday and Friday. Michael Imperial will handle the Plan Review and Inspections 1:30-4:30 on Tuesday and Thursday. Mr. Jaslow questioned the legality of Ms. Brown's serving as the HARB representative and Planning Commission Chairman. Woldorf also questioned the ability of the Zoning Officer to hold more than one position. Mr. Sellers will speak to the Solicitor regarding these issues. After obtaining clarification from the Solicitor, a meeting will be scheduled with Richard O'Brien to clarify these issues and to discuss the change in fees that was received from Keystone.

#### **Public to be Heard**

Joe Lovi, 151 N. State Street, that the new State Street trees were not the appropriate trees for the location and asked if Council might consider replacing them since the State Street close out has not been completed. Councillor Jaslow noted that numerous arborists and individuals had been consulted prior to the decision being made on those specific trees.

Mary Alice Hagan suggested that a measurement tool or rubric would be helpful in evaluating the information prior to making the decision for appointments.

Motion to adjourn at 9:30 P.M.

Respectfully submitted,

Marcia M. Scull  
Borough Secretary

IN ATTENDANCE

|                  |                          |
|------------------|--------------------------|
| Warren Woldorf   | 440 Washington Avenue    |
| Danny Adler      | The Courier Times        |
| Diana Bowen      | The Advance              |
| Patti & Joe Lovi | 151 N. State Street      |
| Paul Salvatore   | 148 N. Elm Avenue        |
| Sally Thompson   | N. Chancellor Street     |
| Judith Musto     | 118 S. Congress Street   |
| Mary Alice Hagan | E. Washington Avenue     |
| Mary Callahan    | 113 Court Street         |
| Tom Jirele       | 121 Durham Road          |
| Bob King         | 242 S. Chancellor Street |