

Council Work Session
August 3, 2011
Council Chambers

The regular monthly Work Session of Newtown Borough Council was called to order at 7:00 P.M. on Wednesday, August 3, 2011, by President of Council Julia Woldorf.

Present were Councillors Burke, O'Malley, Sellers, Walker, Warren and Woldorf; Mayor O'Brien; Solicitor Paul Cohen; and Engineer Maryellen Saylor of Pickering, Corts & Summerson.

State Street Merchants Roundtable Discussion

Council dedicated the first hour of the work session to a roundtable discussion with Borough merchants. Mr. Sellers asked that all business owners in attendance provide written comments listing what they felt was good about Newtown, what was bad about Newtown and suggestions to improve the State Street business community. He then posted the comments and read them aloud to provide a base for the discussion.

Erica Darragh, the general manager of The Temperance House, felt the common theme was a lack of parking and it was hurting all of the businesses. She felt marketing was needed but that everyone should be on the same page. Ms. Darragh attempted to use valet parking to address large numbers of customers, but found that it was not allowed. Ms. Woldorf clarified that valet parking is permitted, if requested and approved by Council. Ms. Darragh voiced concern about how involved the approval process is and she also felt that A-frame signs would help businesses promote themselves.

Justin Kaplan from the Palate Restaurant felt that businesses should be permitted to put more things on the sidewalk to draw attention to their stores. Mr. Kaplan felt that the street looks empty and there should be more to entice customers. Ms. Woldorf said a suggestion had been made to close State Street between Washington and Centre Avenue for pedestrian traffic only, and asked him if that was something he envisioned.

Harry Betz from Newtown Bike Shop agreed with Mr. Kaplan. He said the town feels stale and lacks excitement. Mr. Betz would like to see the sign ordinance relaxed and A-frame signs permitted, in addition to permitting the use of banners to create interest. He suggested the use of seasonal/holiday banners on the light posts. He said that the Borough is fortunate to have the large businesses in town, but the employee parking with them is an issue, particularly on State Street. Mr. Betz mentioned that at one time the Borough had a meter maid for monitoring parking. He was also concerned about lighting, and although expensive, he felt lighting should be addressed, particularly on North State Street. The lack of information about events/activities concerned him and he suggested e-mailing business owners with information on upcoming activities.

Bob Gilyani of Love Illuminati appreciated the meeting and saw it as a first step in addressing the difficulties faced by the business owners and he felt communication has been missing. From his perspective, State Street is far from united. He asked if there is a plan to fill the void of the Main Streets program, as he felt the priorities of the Newtown Corporation have not included the Borough. He would like to see everyone forget the past and move forward together as a united business district that is pro-active.

Kim Carney, the special events coordinator for The Brick Hotel, was confused about signage. Ms. Carney would like to have some flexibility in using signage to let the public know that The Brick is running specials. With the business climate so hard right now, getting people in the door is difficult. Parking is also an issue, as Ms. Carney runs many 3-hour events, and customers often receive tickets while attending an event. She said that the businesses need someone promoting business and trying to unify and focus on State Street and she felt State Street is losing everything to Sycamore Street.

David Witchell of the David Witchell Salon addressed the parking for his employees and stated that he has told employees not to park on State Street and he does not condone them parking on the street. With regard to the valet parking discussion, Mr. Witchell reminded Council that in 1996, he worked with Council to establish a valet parking ordinance. He felt it was a viable alternative to address the parking issue, but he said he never received enough community support to make it happen and it was unaffordable, with the regulations required by Council. Mr. Witchell suggested revisiting the idea, but said it would require teamwork. With regard to signage, Mr. Witchell was upset that the Borough does not permit banners. His business was recognized as "Best of Philly" but he was required to remove his banner even though banners are permitted on Sycamore Street, which is only one street over. He suggested establishing a set of 4-5 guidelines for signage, which would not take away from the aesthetic charm of Newtown, but would allow businesses to better promote themselves. Mr. Witchell's other suggestion was to list special event dates on a business card that could be handed out and saved, rather than using posters or flyers. He commented that the dissension between the two business organizations caused him to reconsider participation because he did not want to get involved in the bitter battle between the associations. If the groups are not willing to work together with the common goal of bringing business to the community, then he did not see a reason to get involved. However, if the businesses work together with the common goal and with rules, but with some flexibility within those rules, then it should make everyone in the community happy.

Tom Donahue of The Zebra Striped Whale voiced concern about the lack of marketing since Christine Ortwein left. Mr. Donahue felt that there was too much dissension between the various groups and that Newtown is not a cohesive town. Instead of having adversarial promotions going on between State Street and Sycamore Street, he asked what could be done to work with other people in the community who want to be successful and draw people into town.

Darlene Longosky of Mom's Bake at Home Pizza addressed the same issues, parking and marketing. She said the 15-minute parking spots are a help, but those spots are also abused. Her husband, Tim Longosky, realized that there is no "magic bullet" but he felt that this was a first step toward continuing dialogue. Mr. Longosky felt that signage directing traffic to the business district and for the parking lots was very important. He commented that many customers are not aware that parking lots exist and suggested taking the assets that the Borough has and improving on them to the benefit of everyone.

Sharon Huss of The Tubby Olive echoed the previous comments, especially regarding the lack of signage directing customers to the public parking areas. User-friendly signage would be a great help.

Mr. Witchell suggested having a directory of businesses, a freestanding directory sign, with interchangeable panels, that would help direct customers to the stores. Becky Betz suggested placing it in front of First National Bank, since it is such a central part of town.

Mr. Sellers reminded everyone that when the original Main Streets Program ended, there was an opportunity to move onto another level, which did not happen. He felt there was a sense of purpose to achieve a certain unity with the original program.

Ms. Betz felt that the Township was putting more pressure on the Main Streets manager to focus on marketing the rest of the Township, but the downtown district still needed a focus. Mr. Betz said he is a team player but there are no teams, only quarterbacks, and he finds it very frustrating, but he hopes this is a start.

Gerard O'Malley, the liaison to the Long Term Parking Committee, encouraged the business community to engage with the Committee at their monthly meetings to address concerns. Mr. O'Malley said that he planned to discuss at the Tuesday Council Meeting a dedicated part-time police officer handling parking enforcement, and ways to find additional parking, specifically for employees.

Bill Smith felt the Borough tried the idea of a dedicated parking enforcement officer before and it did not work. He said that the officer was often called away to address other police matters. Mr. Smith asked Mr. O'Malley to reevaluate the permits to businesses who lease parking spots so far away from their businesses, noting that patrons rarely use them.

Mr. Sellers concluded the roundtable discussion by prioritizing the business concerns into these categories: parking, signage, and unity. Unity between the Township and Borough, between the disparate business organizations and unity with a common purpose to see State Street and Sycamore Street as one district. Ms. Woldorf asked to add marketing to the list of priorities.

Mr. Burke agreed that unity was a major theme and for those concerned about retaining the quaintness of Newtown, he suggested that the business community engage in providing input on the proposed development project, which could affect everyone.

Ms. Woldorf suggested providing the Borough Secretary with contact information and indicating an interest in serving on a working committee to address these concerns. Becky Betz offered to share the e-mail list used by the Retailers Association.

Mr. Sellers suggested using the 3/50 project, which is a grass roots effort to support local businesses. It is a program to remind people to buy locally.

Amendments to the Agenda

Ms. Woldorf added a recommendation from the Planning Commission on parking requirements to the Solicitor's Report and she added a change of date for the 5K Library Run under Old Business.

Public to be Heard

There was no one from the public who wished to be heard at this time.

Request for Banner at St. Luke's Episcopal Church

Barbara Stollsteimer, representing St. Luke's Episcopal Church, requested permission to hang a banner across the front of the parish house on Washington Avenue to advertise five events during the course of the year.

- ❖ A motion was duly made by Councillor Walker, seconded by Councillor Burke, and carried unanimously, for a three-year approval of banner placement at St. Luke's Episcopal Church for five separate events during the course of each year, hung two weeks prior to the event and removed within a week after the event.

Engineer's Report – Maryellen Saylor, Pickering, Corts & Summerson

- Sink Hole Repair at Penn and South State Street

Mr. Walker noted for the record that, while Scott's price is very attractive at \$4800, the additional expenses for the sinkhole cost the Borough approximately \$12,000, and that Council should recognize that impact on overall expenditures for 2011.

- ❖ A motion was duly made by Councillor Sellers, seconded by Councillor Warren, and carried unanimously, to accept the proposal of Scott's All Seasons Landscaping, Inc., dated July 28, 2011, for the work to repair the sinkhole on Penn Street in an amount not to exceed \$4800.00.

- Toll Brothers Maintenance Bond Issues

Ms. Saylor said the last item on the Toll Brothers punch list was bollards on Penn Street. The inspector noted that all four bollards were "fixed" and Ms. Woldorf recalled that removable bollards should have been installed in order for emergency vehicle access the area. The Engineer recommended removing the two middle bollards and attaching a chain with a lock to the two remaining bollards.

Ms. Woldorf noted that some of the bricks on the outer edge of the sidewalk along Penn Street appear to be falling away from the sidewalk. The Engineer will check the area.

- Newtown Artesian Water Company Curb Ramp Update

A meeting is scheduled tomorrow [August 4] to discuss a potential problem with the closed loop system at State and Washington Avenue before work is started on the curb ramps at that location. Mr. Walker asked if the closed loop system was disturbed when the Newtown Artesian Water Company did the original work at State Street and Washington Avenue.

- Linton Park Property Line

Mr. Burke asked the Engineer to mark/identify the property line at Linton Memorial Park on the west side prior to the installation of the swing set, which is scheduled for delivery during the next two-three weeks.

Recycling Proposal – Christina Wall

Environmental Advisory Council member Christina Wall discussed a proposal for recycling containers on State Street. Ms. Wall explained that there would be no cost to the Borough for the trash containers, as she anticipates getting ten sponsors from the business community to cover the purchase. Leck [George Leck & Sons] would provide a dumpster for recycling, but Ron Fesmire would still be responsible for collecting the trash and placing it in the dumpster. The plan is to begin with six recycling containers and the sponsor advertising would be placed on the lid of each recycling bin. The receptacles can either be weighted or drilled in and the proposal is to have them well marked for recycling. Mr. Sellers raised a concern about drilling through the slate on State Street and creating a fixed location, which would not be easily movable. He felt that weighted containers would be better. Ms. Woldorf noted that the containers are wood slatted and the question was raised whether the containers would require HARB approval. Ms. Wall will speak to the Zoning Officer. John Burke said that the Recreation Board was interested in placing recycling containers at the parks as well.

Bill Smith asked if Ms. Wall had approached businesses about supporting the project and he asked if she had done a study to determine if recycling is necessary or if she had asked Ron Fesmire about the amount of recyclable items he sees on a daily basis. Mr. Smith spoke with seven businesses who are opposed because of the “visual noise.”

Request for Use of Council Chambers

Ms. Woldorf explained that the Glazier Jewish Center has requested use of Council Chambers for a classroom. Council Chambers has never been used for this type of activity, as it is typically used for committee and board meetings, and occasionally for a local organization board meeting. Although there is no prohibition, Council must decide whether classroom usage is an appropriate use and Mr. Cohen voiced concern, from a legal perspective, about potential liability. Mr. Cohen recommended adopting a usage policy for Council Chambers to clarify what uses are acceptable. Before Council makes a decision, Mr. Sellers asked that the synagogue provide a written request with more detail. Mr. Walker asked if the Borough can accept rent for building usage and the Solicitor said he would look into it. Resident Larry Auerweck cautioned Council about the precedent they might be setting.

Fee for Duplicate Tax Bill – Judy Musto

Tax Collector Judy Musto explained that mortgage companies who escrow for taxes often request a duplicate tax bill. It is a service provided by most tax collectors and during her first audit, Ms. Musto found that Council must approve the fee by resolution or ordinance. She requested that Council approve her ability to collect \$5.00 for this duplicate bill. Ms. Musto does not charge residents for a duplicate bill, but only charges third party banks and mortgage companies this fee.

- ❖ A motion was duly made by Councillor O’Malley, seconded by Councillor Walker, and carried unanimously, to authorize the Solicitor to draft a Resolution permitting the Tax Collector to charge a fee to third parties for providing duplicate tax bills.

Streets, Lights & Properties – Michael Sellers

Mr. Sellers reported that he expects to receive several quotes this week for the ramp removal at Lafayette and S. Lincoln Avenue. The proposal will be discussed at the September Work Session.

Anti-Discrimination Ordinance – Julia Woldorf

Ms. Woldorf provided Council with several anti-discrimination ordinances, including ones from Doylestown Borough and Bethlehem. The Pennsylvania Association of Boroughs supported the passage of legislation, which amends the 1955 Human Relations Act dealing with discrimination practices and Ms. Woldorf proposed Newtown Borough pass an Anti-Discrimination Ordinance. These ordinances prohibit certain forms of discrimination that are not prohibited by State law. Mr. Warren supported the concept and felt that this was an opportunity at the local level to broaden the civil rights protections in the Commonwealth of Pennsylvania. Business owner Bill Smith asked if this ordinance would apply to the Borough's practices or would also apply to property/business owners within the Borough limits. Ms. Woldorf said it would cover all of those areas.

Budget and Finance – Gerard O'Malley

Before approving the professional services invoices, Mr. Walker questioned the Pickering, Corts & Summerson bill covering the Penn Street sinkhole issue, feeling that the bill was out-of-line. Mr. Sellers felt that the bill was justified and it did not need to be adjusted.

- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Sellers, and carried with Councillor Walker voting nay, to approve the professional services invoices for June, as outlined in the Treasurer's E-mail dated July 11, 2011.
- ❖ A motion was duly made by Councillor O'Malley, seconded by Councillor Walker, and carried unanimously, to authorize payment of the invoice to Jacobs Engineering dated July 18, 2011, for \$9,790.39 and to submit it for reimbursement to PennDOT.

Planning Commission Recommendation

Ms. Woldorf referred to the Planning Commission letter with its recommendations regarding the proposed Multi-Family Dwelling Unit Parking Requirements Ordinance. She suggested having the Solicitor draft an ordinance based on these recommendations. Mr. Walker requested that the Zoning Officer review the recommendations and give her professional opinion and Ms. Woldorf will forward the Planning Commission letter to the Zoning Officer for her comments.

Solicitor's Report – Paul Cohen

Council held an executive session prior to the meeting to discuss real estate matters and potential litigation.

The Solicitor added an issue to his report regarding the Newtown Corporation. Mr. Cohen received correspondence several months ago from Newtown Township asking that Borough Council agree to effectively walk-away from the Newtown Corporation and he received another request from the Township Solicitor. The Corporation By-Laws would require revision eliminating any relationship with the Borough. Mr. Sellers asked about receiving the latest financial statement from the Corporation, commenting that he felt there was a

\$100,000 loss since December 2009. In addition, Mr. Sellers asked for the 2010 Annual Report and all 2011 board minutes.

With regard to the ongoing issue at Phillips Court, Mr. Cohen explained that the developer, Frank Tyrol, was contacted about replacing light fixtures that were not compliant with the approved plan. In the Solicitor's last contact, Mr. Tyrol had agreed to replace those fixtures and his attorney, Shawn Ward, requested additional time to resolve the matter. Council requires specifications from Mr. Tyrol for the proposed lights in order to ascertain that they meet the requirements of the approved plan.

Old Business

The Newtown Library Company requested a change of date from their previously approved date for the 5K Library Run. The requested date is October 8, 2011, but Mr. Walker noted that the date is also the date for Yom Kippur. Council suggested that the committee look at an alternate date, perhaps October 22, 2011.

New Business

There was no new business.

Public to be Heard

There was no one who wished to be heard at this time.

There was a motion to adjourn at 10:05 P.M.

Respectfully submitted,

Marcia M. Scull
Borough Secretary

IN ATTENDANCE

Jeff Werner
Warren Woldorf
Paul Salvatore
Larry Auerweck
Erica Darragh & Tony Grace
Joey Festa & Matt DiBartola
Tim & Darlene Longosky
Bobby & Katri Gilanyi
Sharon Huss
Tom Donahue
Dan Schaffer & Joe Schofield
Harry Betz

The Advance

Temperance House
Capelli Shop
Mom's Bake at Home Pizza
Love Illuminati
Tubby Olive
Zebra Striped Whale
First National Bank
Newtown Bike Shop

Becky Betz
Gloria VanGulick
Susan Lanshe
Danielle Swantko
Julia Kucowski
Justin Kaplan
Frank DeRito
Kim Carney
Barbara Stollsteimer
Judy Musto
Scott Hamilton

Becky's Deli

Newtown Design Group

Palate Restaurant

The Brick Hotel

Hamilton Building Supply