

Council Meeting  
December 13, 2016  
Chancellor Center

President of Council Robert Walker called the regular monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Tuesday, December 13, 2016. President Walker asked those in attendance to join him in a moment of silence, followed by the Pledge of Allegiance.

Present: Councilors Grunde-McLaughlin, Gusty, King, McDermott, Walker and Warren; Solicitor Bolla; Mayor Swartz

### **Amendment to the Agenda**

Mayor Swartz stated that his report will include a parking issue.

President Walker handed the floor over to Councilor Warren, who requested to address the public. Councilor Warren expressed his gratitude for the support he received from Newtown Borough, and throughout this district, in his successful bid for State Representative. He acknowledged his service to the Borough over the past seven years and felt honored to work under the outstanding leadership of President Walker, along with Mayor Swartz and the other members of Council. He also thanked the professionals he has worked with over the years, which include the current Borough Solicitor, Engineer, Treasurer, and past and present Secretaries. He acknowledged the outstanding Police Force in Newtown Borough as well. Councilor Warren stated that he will proceed to Harrisburg with the same collegiality and respect for others that he enjoyed while serving in Newtown Borough.

President Walker reported that Councilor Warren will remain on Borough Council through December 31, 2016. Since this was his final Council meeting, however, Mayor Swartz presented Councilor Warren with a plaque that listed his numerous accomplishments while serving on Newtown Borough Council. On behalf of Borough Council and its citizens, Mayor Swartz wished him well and thanked him for his service.

### **Public to be Heard**

Will Fabian, President of the Newtown Fire Association, thanked Borough Council for their ongoing support with matters relating to Newtown Township. He acknowledged that the recent discussion surrounding the separation within the fire company has resulted in Mayor Swartz, along with Councilors Walker and Grunde-McLaughlin, meeting with Township Supervisors. This has improved the dialog and understanding between the Borough and Township regarding the shared services of the Newtown Fire Association. Mr. Fabian invited Borough Council to visit or correspond with the Newtown Fire Association at any time.

He reported that from January – December 1, 2016, the Newtown Fire Association and Emergency Services Department have responded to 455 emergencies, 66 of which were in Newtown Borough. There were 78 responses between October 1 and November 30, 2016. The final numbers will be given to Newtown Borough at the end of the year.

### **Mayor's Report – Charles F. Swartz, III**

On behalf of the community and the Newtown Mercantile Group, Mayor Swartz thanked the volunteers responsible for the State Street Holiday decorations.

#### Special Event Reminders

The Newtown Mercantile Group is offering a promotion at select stores through December 24, 2016, where shoppers have the opportunity to win a gift bag. The winners will be announced between Christmas and New Years' Day.

Santa's House remains open through the weekend from 2:00-4:00 P.M. each day, ending on December 18, 2016.

Mayor Swartz reported that the Newtown Fire Association's primary response in the Borough this year were 21 accidental fire alarms. He cautioned people to look at their alarm systems before reporting an emergency, since false alarms deter the ability of the fire company to respond to actual emergencies.

Mayor Swartz asked Council to make a motion to suspend parking fines over the three day weekends of the holiday season, specifically on December 15, 16, 17, 21, 22, 23, 29, 30, and 31.

- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to suspend parking violation fines on the dates specified by the Mayor.

President Walker noted that fines would be suspended for violations relating to the 3-hour parking limit only.

### **President's Report – Robert J. Walker**

President Walker thanked Mayor Swartz and his wife Jane for organizing the annual Newtown Borough Volunteer Holiday Party.

### **Certificates of Appropriateness – Robert King**

- ❖ A motion was duly made by Councilor King, seconded by Councilor Gusty, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board and direct President of Council to sign the following Certificates of Appropriateness, thereby approving the historical appropriateness of the application, with final approval by the Code Enforcement Officer.

**COA 2016-045-H**

**Applicants: Linda & Michael Whitman  
306 Jefferson Street, residence**

The applicant was seeking a Certificate of Appropriateness for the installation of two (2) wood fences, one 4' & 6' solid and one 4' picket.

**COA 2016-046-H**

**Applicant: C.D. Kaller, Inc.  
232 S. Chancellor Street, Pitel residence**

The applicant was seeking a Certificate of Appropriateness for the installation of a copper roof to replace an existing shingle roof.

**COA 2016-044-H**

**Applicant: Richard Walker, Architect  
246 S. State Street – Stefani residence**

The applicant was seeking a Certificate of Appropriateness for revised plans for a front porch addition, incorporating the suggestions made by HARB at the October 26, 2016 HARB meeting. It was noted that the fascia would be increased from 6" to 8", the pillars would not obstruct the windows, and the bead board ceiling would be composite.

**Councilor King reported on the following Certificate of Appropriateness separately.**

**Amendment to COA. 2015-028**

**Applicant: William Hess  
121 N. State Street, residence**

Councilor King reported that the homeowners' installed vinyl clad windows are not consistent with aluminum clad wood windows as stipulated in the approved C.O.A. The applicant returned to HARB, as directed by Borough Council at the November 9, 2016 Council Meeting. Mr. Hess, Architect, displayed a mock up of the proposed white aluminum cladding to be installed on the vinyl clad windows, and clarified that the window trim would be the same as the front of the house.

HARB recommended approval of the compromise proposal, although noting that they don't recommend wrapping a window with metal and do not recommend vinyl windows. Given that the removal of windows is financially onerous, HARB recommends the compromise proposal for cladding for those windows visible from the street or right of way.

Councilor King shared drawings of the home to Council, noting the windows on the house. He pointed out that there are 41 windows that are visible from the street or right of way. Mr. Hess was not present at the meeting, and therefore could not address President Walker's question regarding whether or not he is in agreement with wrapping 41 installed vinyl windows with aluminum cladding. Solicitor Bolla stated that this issue

could be tabled. President Walker requested that a motion be made specifying the number of windows to be clad with metal, to which Solicitor Bolla replied that a motion could be made without specifying the number of windows.

Councilor King motioned to table the discussion, and Councilor McDermott seconded. Further discussion continued before voting.

Councilor Grunde-McLaughlin requested that Councilor King contact Mr. Hess to explain why this motion was tabled and see if cladding all 41 windows is agreeable with the Applicant.

Councilor Gusty asked if the number of windows was discussed at the HARB meeting. Councilor King reported that their discussion pertained to the front of the house only. President Walker asked Mr. Jim McAuliffe, HARB Chairman, to come to the podium and share his opinion of this application. Mr. McAuliffe agreed with Councilor King that the number of windows was not addressed, and it was simply stated that the HARB recommendation pertained to those windows visible from the street or right of way. To Councilor Grunde-McLaughlin's question, Mr. McAuliffe stated that Mr. Hess was in agreement with the HARB recommendation.

- ❖ A motion was duly made by Councilor King, seconded by Councilor McDermott, and carried unanimously, to table this discussion until the next Council Meeting.

### **Approval of Minutes**

- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor Gusty, and carried unanimously, to approve the November 2, 2016 Work Session Meeting minutes.
- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor Gusty, and carried unanimously, to approve the November 9, 2016 Council Meeting minutes.
- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor McDermott, and carried unanimously, to approve the November 17, 2016 Special Council Meeting minutes.

## **COMMITTEE REPORTS**

### **Budget & Finance – Chris Gusty & Perry Warren**

#### **Consolidated Report**

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor Warren, and carried unanimously, to accept, subject to audit, the Consolidated Expenditure Report for the month of November totaling \$105,187.59.

## **Year 2017 Proposed Budget**

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Gusty, and carried unanimously, to approve the Year 2017 Proposed Budget of \$3,923,311.

## **Year 2017 Tax Rate Ordinance**

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor Gusty, and carried unanimously, to approve Ordinance #749 setting the Tax Rate for Year 2017 as follows: General Fund 9.25 Mills; Lighting Fund .75 Mill; Fire Tax Fund .875 Mills; Street Improvement Fund 2.125 Mills; Ambulance Fund .25 Mills; Earned Income Tax @ 1%; Realty Transfer Tax @ 1%; and Local Services Tax @ \$52.00.

## **Year 2017 Ordinance Fixing Salaries**

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor McDermott, and carried unanimously, to approve Ordinance #748 Fixing Salaries and other compensation for elected tax collector and Council appointees for Year 2017.

## **2017 Fee Schedule**

- ❖ A motion was duly made by Councilor Gusty, seconded by Councilor King, and carried unanimously, to approve 2017 Newtown Borough Fee Schedule.

## **Reappointment of Professionals**

- ❖ A motion was duly made by Councilor Warren, seconded by Councilor McDermott, and carried unanimously, to reappoint William J. Bolla of High Swartz LLP as the Borough Solicitor for 2017.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor King, and carried unanimously, to reappoint Mario Canales of Pickering, Corts & Summerson as the Borough Engineer for 2017.
- ❖ A motion was duly made by Councilor Warren, seconded by Councilor McDermott, and carried unanimously, to reappoint Barry Isett & Associates, Inc. as the Borough Building, Zoning and Inspection Firm for 2017.

## **Personnel Committee – Kevin McDermott**

- ❖ A motion was duly made by Councilor McDermott, seconded by Councilor Grunde-McLaughlin, and carried unanimously, to approve the following reappointments.

Duane Buck to the *Civil Service Commission* for a six-year term through December 31, 2022.

Warren Woldorf to the *Building Code Board of Appeals* for a five-year term through December 31, 2021.

Mike Hutchinson to the *Historic Architectural Review Board* for a three-year term through December 31, 2019.

Brian Titus to the *Historic Architectural Review Board* for a three-year term through December 31, 2019.

Robert Sz wajkos to the *Human Relations Commission* for a three-year term through December 31, 2019.

Aryeh Weinstein to the *Human Relations Commission* for a three-year term through December 31, 2019.

Lorraine Pentz to the *Joint Historic Commission* for a four-year term through December 31, 2020.

J. Eric Johnson to the *Newtown Bucks County Jt. Municipal Authority* for a five-year term through December 31, 2021.

Chuck Machion to the *Planning Commission* for a four-year term through December 31, 2020.

Ted Schmidt to the *Planning Commission* for a four-year term through December 31, 2020.

Ted Schmidt to the *Shade Tree Commission* for a three-year term through December 31, 2019.

Kimberly O'Neill to the *Zoning Hearing Board* for a three-year term through December 31, 2019.

Harry Tomlinson as an Alternate to the *Zoning Hearing Board* for a three-year term through December 31, 2019.

❖ A motion was duly made by Councilor McDermott, seconded by Councilor King, and carried unanimously, to approve the following appointments.

Douglas Turner to the *Environmental Advisory Council* for the remainder of a three-year term through December 31, 2017.

Bill Heinemann to the *Environmental Advisory Council* for a three-year term through December 31, 2019.

Eric Sieckmann to the *Environmental Advisory Council* for a three-year term through December 31, 2019.

Councillor McDermott thanked all of the appointees for volunteering their time to serve Newtown Borough. He reported that one vacancy remains on the EAC, three on the Recreation Board, and one Alternate on the Zoning Hearing Board.

### **Police Committee – Mayor Swartz & Robert Walker**

Mayor Swartz requested that Council make a motion to approve the 2017 Police Chief's Contract, including the standard 3% increase.

- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor Gusty, and carried unanimously, to approve the 2017 Newtown Borough Police Chief's Contract for Anthony Wojciechowski and authorizing the Mayor and President Walker to sign the contract.

### **Solicitor's Report – William J. Bolla**

Mr. Bolla reported that he is reviewing potential ordinances to adopt the International Property Maintenance Code in an effort to address vacant and abandoned buildings. Solicitor Bolla is working with the new Zoning Officer and will report back to Council next month.

### **Old Business**

### **New Business**

President Walker announced the need for Council to find a replacement for Councilor Warren within 30 days after accepting his resignation. Mr. Walker encouraged anyone interested in Ward 1 to apply for the position. At this time, one resume has been received by Nicole Rodowicz.

### **Public to be Heard - none**

The meeting adjourned at 7:37 P.M.

Respectfully submitted,

Judy S. Musto  
Borough Secretary

## ATTENDEES

Julia & Warren Woldorf  
Ted Schmidt  
Jeff Werner  
Ingrid Sofield  
William Fabian  
Jim McAuliffe  
Jodi Smith  
Eileen Dutton