

Council Meeting  
October 11, 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, October 11, 2016. President Walker asked those in attendance to join him in a moment of silence, followed by the Pledge of Allegiance.

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

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

Mayor Swartz introduced Warren Dallas, Treasurer of the Newtown Fire Company, and presented him with a Proclamation in honor of Fire Prevention Month. Mr. Swartz recognized Mr. Dallas for his courageous and honorable service to the citizens of Newtown, and reminded the public to check their smoke alarms and plan evaluation routes in case of a fire.

Mr. Dallas was thankful for the recognition and described his pleasure in serving Newtown and surrounding areas. He reiterated Mayor Swartz' advice and further suggested designating a safe meeting space if a fire should ever occur, as well as checking batteries in smoke detectors.

Mr. Swartz reported that the third quarter activity results for Newtown Fire Company include 516 man-hours of training, 887 detail hours which include public relations, education, fundraising, and 299 rescue responses in Newtown Borough and Township.

### Special Event Reminders

Restaurant Week - October 23-27, 2016, sponsored by the Newtown Mercantile Group

Movie at Linton Memorial Park for Halloween – October 28, 2016, 6:00 – 9:00 P.M., sponsored by the Recreation Board

Annual Halloween Parade – October 29, 2016, begins at the Stocking Works at 10:00 A.M. and ends at the Newtown Theatre at 12:00 P.M., sponsored by the Recreation Board

Mayor Swartz invited Elle Kaplan, resident, to share her proposal of a Good Samaritan Award to be granted twice a year to volunteers within the community who go above and beyond their duties. She named a couple of qualified individuals, and proposed that residents could nominate individuals for a Board to select from. In response to Ms. Kaplan's request about Borough boundaries, Mayor Swartz and Councillor King stated that she might wish to include anyone servicing Newtown Borough regardless of where

they reside. Councillor Grunde-McLaughlin suggested including Newtown Township in some capacity.

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

President Walker announced the Special Meeting on Monday, October 17, 2016 at 5:30 P.M. to discuss paid parking in the Borough Municipal Lot, to be held at the Chancellor Center.

- ❖ A motion was duly made by Councillor Grunde-McLaughlin, seconded by Councillor King, and carried unanimously, to sign a Resolution to adopt the Bucks County 2016 Hazard Mitigation Plan as the official Hazard Mitigation Plan of Newtown Borough.

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

Councillor King stated that he would make three separate motions to approve the Certificates of Appropriateness from HARB. He will recite those applications approved by HARB first, move to approve the COA from Councillor Christopher Gusty, and then discuss and make a motion on the COA which was denied by HARB.

- ❖ A motion was duly made by Councillor King, seconded by Councillor McDermott, 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 2016-038-H Applicants: Susan & Timothy Markey, 15 Liberty Street, residence**

The applicant was seeking a Certificate of Appropriateness for the addition of a railing to the front porch steps of the home.

#### **COA 2016-041-H Applicants: Bill & Linda Heinemann, 35 N. Chancellor Street, residence**

The applicant was seeking a Certificate of Appropriateness for the replacement of columns and the addition of railings to the front porch of the home.

#### **COA 2016-042-H Applicant: Zaveta Custom Homes, 189 N. Chancellor Street, Hayden residence**

The applicant was seeking a Certificate of Appropriateness for the installation of fences, one metal and one cedar, the construction of a pergola, and the installation of light fixtures for the garage door and front doors.

**COA 2016-039-H Applicant: Maryanne Bennett, 140 N. State Street, residence**

The applicant was seeking a Certificate of Appropriateness for the replacement of storm windows and storm doors on the home, noting that the front door storm will be replaced in kind.

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

**COA2016-037-H Applicants: Chris & Donna Gusty, 252 S. State Street, residence**

The applicant was seeking a Certificate of Appropriateness for the replacement of a roof on a commercial accessory structure, noting that the architectural shingles used will simulate the existing wood shingle roof.

Councillor King motioned to deny the following application as recommended by the Historic Architectural Review Board but, after Council discussion, he amended his motion.

**COA 2016-040-H Applicants: Terrance & Philomena Carroll, 109 S. Chancellor Street, residence**

The applicant was seeking a Certificate of Appropriateness for the replacement of a roof, siding and mansard on the home.

HARB recommended denial of the application for vinyl siding and vinyl roofing, as presented, recommending that the existing asphalt roof be replaced in kind, which does not require further HARB consideration, and that the existing asbestos siding be replaced with smooth Hardi-plank siding. HARB noted that vinyl siding and composite roofing shingles have not been previously approved in the historic district by HARB.

Ms. Carroll commended Council for the wonderful job they do in maintaining Newtown Borough and this opportunity to share her concerns. Since her property resides in the Historic District, she is restricted to use materials that were prevalent in the 70's when her house was built. She reported that the cost of Hardiplank siding is significantly higher in price; cost of materials is not a part of HARB's decision but a choice that homeowners must make.

Ms. Carroll expressed her appreciation for diversity in the styles and sizes of homes in the Borough, which has allowed it to be affordable for people at different income levels in the past.

Councillor King stated that his motion, as recommended by HARB, was to deny this application but would like to consider a compromise solution. One of HARB's requirements is that materials can be replaced by others that are similar in nature, and Hardi-board is cementitious like asbestos. Also, cost can be considered if it doesn't change the property significantly, and he believes Hardi-board would only improve this property. Any changes made cannot detract from the overall appearance of a property within the HARB District. Mr. King suggested to Mr. and Mrs. Carroll to use Hardiplank on the front and sides of the homes to save cost. Councillor Grunde-McLaughlin raised the point that another builder made regarding an alternative cementitious product, to which Ms. Carroll replied that vinyl costs \$117 versus \$240 for Hardiplank, and the third recommended material would come pre-painted and cost the most.

President Walker suggested that a motion be made by Mr. King regarding the roofing, and that as Liaison, he work with the Carrolls to find another siding material that could pass HARB's approval. Ms. Carroll believes that Hardi-board and wood are all that HARB would approve at this time, and also wants the same siding material on all four sides of her home. In response to Councillor Grunde-McLaughlin's question, Mr. Carroll had a sample of a hard, durable plastic product that looks like cedar shakes similar to what has been used on neighboring properties.

Councillor Warren reiterated President's Walker's recommendation to approve the roofing solution tonight, and go back to HARB on the siding question. Councillor King stated that both HARB and Borough Council need to be consistent in their evaluation and decision process. Mr. Walker repeated that Mr. King will work with the Carrolls and HARB to find alternative siding materials.

Councillor Grunde-McLaughlin asked if an Ordinance would need to be changed if Council were to decide to allow vinyl siding, and Mr. King replied that it's not an Ordinance but rather a HARB regulation.

Councillor King amended his earlier motion to state that the existing asbestos siding not be replaced unless an alternative can be found that is consistent with smooth Hardiplank siding. Towards the end of the meeting, Councillor King amended this motion a second time.

## **Approval of Minutes**

- ❖ A motion was duly made by Councillor Grunde-Mclaughlin, seconded by Councillor King, and carried unanimously, to approve the September 7, 2016 Work Session Meeting minutes.
- ❖ A motion was duly made by Councillor Grunde-Mclaughlin, seconded by Councillor McDermott, and carried with President Walker abstaining, to approve the September 13, 2016 Council Meeting minutes.

## **COMMITTEE REPORTS**

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

#### **Consolidated Report**

- ❖ A motion was duly made by Councillor Warren, seconded by Councillor Gusty, and carried unanimously, to accept, subject to audit, the Consolidated Expenditure Report for the month of September totaling \$121,932.55.

President Walker reported that Council discussed selecting N. Lincoln Ave., along with the section of Jefferson St. between N. Chancellor St. and N. Lincoln Ave., for the 2017 Road Project. He stated that the Borough Engineer has done some preliminary work and unless anyone had any objections, which there were none, they would move forward.

### **Personnel Committee – Kevin McDermott**

Mr. Walker was informed by Mr. Eric Johnson of the Newtown Bucks County Jt. Municipal Authority that Mr. William Palkovics resigned due to relocation. Given the current activities with DEP and the Bucks County Water & Sewer Authority, Mr. Walker recommended that a member of Borough Council fill out the remainder of Mr. Palkovics' term [which ends 12/2017]; Councillor Gusty has been asked to fill this vacancy.

- ❖ A motion was duly made by Councillor McDermott, seconded by Councillor King, and carried, with Councillor Gusty abstaining, to appoint Christopher Gusty to the Newtown Bucks County Jt. Municipal Authority to serve out the balance of the Mr. Palkovics' term.
- ❖ A motion was duly made by Councillor McDermott, seconded by Councillor Warren, and carried unanimously, to appoint Joan Grozalis to the Shade Tree Commission. Ms. Grozalis is an Interior Designer and has a BFA in Interior Architecture and Environmental Design. She has a great interest in working towards responsible maintenance of trees and developing a dialog with Borough residents.

Councillor Warren, Shade Tree Commission Liaison, reported that he invited Ms. Grozalis to join this commission after she reached out to express concerns regarding Borough trees.

- Open Committee Positions-two for Environmental Advisory Council, one for Human Relations, and members for Ad Hoc Traffic Committee

Councillor McDermott encouraged the public to consider filling the open vacancies.

### **Streets, Lights & Properties – Robert Walker & Chris Gusty**

Councillor Gusty reported that the LED Lighting Project Investment Grade Audit (IGA) was presented at the last Work Session, which includes replacement lighting throughout the Borough with the exception of State St. between Washington and Centre Avenues. Borough Council voted to accept the IGA, and the passing of two Resolutions is the next step. The first Resolution is to accept the IGA, and the second is to accept the Draft Lease and Program Agreement that will be finished once the financing is complete in early November. Solicitor Bolla approved of both Resolutions presented to Council.

- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to allow the President of Council to sign a Resolution, accepting the Investment Grade Audit.
- ❖ A motion was duly made by Councillor Gusty, seconded by Councillor King, and carried unanimously, to allow the President of Council to sign a Resolution, accepting the Lease and Program Agreement of the Lighting Project.

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

Mr. Bolla had nothing to report.

### **Old Business**

Councillor King asked to amend his earlier motion regarding the HARB application submitted by Terrance and Philomena Carroll.

- ❖ A motion was duly made by Councillor King, seconded by Councillor McDermott, and carried unanimously, to follow the recommendation of the Historic Architectural Review Board to deny the application for vinyl siding and vinyl roofing, as presented, recommending that the existing asphalt roof be replaced in kind, which does not require further HARB consideration, and that, for the replacement of the existing asbestos siding, consideration be given to other siding options in addition to cementitious materials.

**New Business - none**

**Public to be Heard - none**

The meeting adjourned at 7:56 P.M.

Respectfully submitted,

Judy S. Musto  
Borough Secretary

#### ATTENDEES

Julia & Warren Woldorf  
Bill Heinemann  
Elle & Shawn Kaplan  
Ted Schmidt  
Jeff Werner  
Ingrid Sofield  
Nancy & Terry Carroll  
Paul Napoli