

Council Meeting
July 16, 2025
7:00 P.M.
Chancellor Center

Present: Councilors Heinz, Bauman, Foley, Phillips, Tognini, Woldorf; Mayor Burke; Manager Totaro; Solicitor Heleniak; Engineer Fountain; Police Chief Sabath

President Heinz called the regular semi-monthly meeting of Newtown Borough Council to order at 7:00 P.M. on Wednesday, July 16, 2025. The President asked those in attendance to join her for the Pledge of Allegiance.

President Heinz announced that an Executive Session preceded the meeting to discuss real estate.

The President requested that the initial public comment be limited to discussion topics not on the agenda and assured the audience of the opportunity to speak as agenda items arise.

Public to be Heard – none

Certificates of Appropriateness – Kris Bauman

❖ A motion was duly made and amended by Councilor Bauman, seconded by Councilor Phillips, and passed unanimously, to follow the recommendations of the Historic Architectural Review Board and direct the President of Council to sign the following Certificates of Appropriateness, thereby approving the historical appropriateness of the applications, with final approval by the Code Enforcement Officer.

COA 2025-017, Applicant: Trenton Roofing & Siding, 219 Court Street, Friends Meeting

The applicant was seeking a Certificate of Appropriateness for the replacement of the roof.

HARB recommended approval of the application as submitted, noting that the distance from the street is a consideration, that the dormer and side wall is not visible from the public right of way, and that a 5/4" by 4" trim board would be used on the roof slopes to repair and cover the flashing.

COA 2025-021, Applicant: William Cabo, 14 Liberty Street, Newtown Fire Association

The applicant was seeking a Certificate of Appropriateness for the installation of a hanging sign for the Firehouse Museum.

HARB recommended approval of the application as submitted.

COA 2025-022, Applicant: Sara Micklas, 24 N. State Street, Salon LC

The applicant was seeking a Certificate of Appropriateness for the installation of a wall mounted sign and a hanging sign for Salon LC.

HARB recommended approval of the application as submitted, noting that the rear sign was not visible from a public right of way.

COA 2025-023, Applicants: Chris & Johanna Hager, 17 Sterling Street, residence

The applicant was seeking a Certificate of Appropriateness for the replacement of an existing steel front door with a natural wood door.

HARB recommended approval of the application as submitted.

Fire Report – Assistant Chief Weaver

Mr. Weaver reported that there were 16 emergency responses and 28 fire safety inspections in Newtown Borough in June; he cautioned the public to remain vigilant around swimming pools, noting recent drownings.

Mayor Burke announced that several members of the Newtown Fire Association (NFA) received awards recently for their many years of volunteer service.

Police Report – Chief Sabath

The Chief reported 236 service calls in June. There were 6 traffic accidents, several fraud incidents, and 77 traffic stops primarily for speeding and running red lights. Chief Sabath noted the Newtown Borough Police Department's (NBPD) efforts to educate e-bike riders as violations have risen in recent weeks.

Chief Sabath stated that the NBPD received a letter of appreciation from the Council Rock School District (CRSD), thanking them for their helpfulness as community partners and acknowledging Corporal Warunek's recent rescue of an employee stuck in the Chancellor Center elevator.

Mayor's Report – John Burke

Mayor Burke reported on the following:

Special Event Applications:

- ❖ A motion was duly made by Councilor Phillips, seconded by Councilor Woldorf, and passed unanimously, to approve the Turkey Trot 5K Run, sponsored by Boss Events to

benefit the Bucks County Heroes Scholarship Fund in honor of Brian S. Gregg, Thursday November 27th, 9:00-11:00 A.M., along a designated race route. No rain date.

John O'Brien, Richard Kanak, and Stacy McCowan, non-residents, requested on behalf of the Bucks County Road Runners Club that this event be moved to another date due to a conflict with their annual 5K run in Middletown Township.

- ❖ A motion was duly made by Councilor Phillips, seconded by Councilor Tognini, and passed unanimously, to approve the Newtown Library Company 5K on Market Day, Saturday, October 4th, 8:30-10:00 A.M. beginning and ending at 114 Centre Ave., along a designated race route. No rain date.
- ❖ A motion was duly made by Councilor Phillips, seconded by Councilor Tognini, and passed unanimously, to approve the display of purple ribbons on the decorative light poles on State Street, sponsored by A Woman's Place, September 27th – November 1st.

Special Event Reminders:

- Antique Car Show, sponsored by the Newtown Business Association, on Sunday, July 20, 2025. 7:00 A.M.-5:00 P.M. on State Street between Jefferson Street and Centre Avenue. Rain date is July 27, 2025.
- Music on the Street, sponsored by the OPUS Outreach Foundation, Thursdays through August 28th at 16 S. State Street, 6:00-7:30 P.M. No rain dates.

Solicitor's Report – Greg Heleniak

President Heinz changed the order of the following agenda items to accommodate the 110 N. State Street project applicants. Engineer Fountain shared recently agreed upon waivers and Solicitor Heleniak read the resolution in full which included all conditions of the agreement.

- ❖ A motion was duly made and amended by Councilor Woldorf, seconded by Councilor Phillips, and passed unanimously to adopt Resolution 7-16-2025C approving the Final Land Development Plan Application for 110 N. State Street.

In response to Councilor Woldorf, the Solicitor stated that HARB approval of the streetlights and the JHC's approval of demolition can be included in the Final Plan.

Jeff Daley, Applicant's Attorney, agreed with the Resolution as drafted along with the amendments discussed this evening.

Nicole Rodowicz, Resident and Planning Commission (PC) Member, stated that the PC would like Borough Council to set a standard for consistency of future lighting along State Street.

- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor Phillips, and passed unanimously, to adopt Resolution 7-16-2025D approving the 110 N. State Street Sewage Planning Module.

Engineer Fountain announced that there are no EDUs remaining in Newtown Borough.

- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor Phillips, and passed unanimously, to open the hearing to consider adoption of the Mobile Food Vendor (Food Truck) Ordinance #806.

Solicitor Heleniak described the steps that were taken to meet the requirements of adopting the following Ordinance. Councilors Woldorf and Phillips shared their involvement in developing the Ordinance over the past year.

- ❖ A motion was duly made by Councilor Phillips, seconded by Councilor Woldorf, and passed unanimously, to adopt the Mobile Food Vendor (Food Truck) Ordinance #806.

Solicitor Heleniak shared information regarding ongoing negotiations with the Newtown Fire Association (NFA) as the 25-year lease of the NBPD ends in the next 30 days; this Resolution is proposed to ensure a headquarters for the NBPD to operate and serve the community. The Solicitor described the process of acquiring property through eminent domain, and the resolution invokes the Borough's authority to begin the process to file the necessary documentation. Solicitor Heleniak stated that conversations remain ongoing with the NFA to hopefully resolve this issue.

- ❖ A motion was duly made by Councilor Bauman, seconded by Councilor Woldorf, and passed unanimously, to adopt Resolution 7-16-2025A authorizing the condemnation of 22 Liberty Street, exercising the Borough's power of eminent domain.

President Heinz provided a detailed summary of the negotiations that have taken place with the NFA, which began on March 3, 2025 between the Borough Fire Committee and the NFA Trustees. At that time, the NFA proposed new lease terms and, in response to the Manager, the NFA was not interested in selling the property and had no future plans for the use of the building. Given the Borough's fiduciary duty to its taxpayers, the Solicitor commissioned an appraisal of the property received in early April, which provided a fair market value significantly lower than the NFA's estimate in their lease proposal. President Heinz added that an offer to purchase the building from the NFA was made on April 21st to secure a location for the NBPD and provide a substantial financial return that the NFA could reinvest into their operations. After reviewing the Borough's appraisal, the NFA sent a letter to the Borough on May 22nd stating that the NFA was not interested in selling the building and if the Borough rejected their lease proposal, the NBPD would need to vacate the police station by July 31, 2025. The President outlined additional communications between the Borough and NFA which included the Borough's denied requests for an appraisal from the NFA, the NFA's

rejection of the option to sell the property, and the NFA's unwillingness to negotiate lease terms based on the Borough's appraisal. President Heinz noted the NFA's reaction to Borough Council's Work Session discussion which led to a letter dated July 15th to the NFA offered a 6-month lease extension and hopefully avoiding taking the path of eminent domain.

Councilor Bauman shared his desire to negotiate lease terms as opposed to purchasing the property through eminent domain. Councilor Phillips noted the NBPD's efforts in receiving accreditation which has involved making modifications to the police station. Councilor Woldorf expressed the need for the Borough to exercise strong fiscal management of taxpayer funds, that the NFA would receive fair market value if they sold the property, and the need for the NBPD to have its headquarters. Councilors Foley and Tognini also expressed their desire to resolve this issue with a solution that serves the Borough and all parties involved.

Bill Wise, NFA Executive Board Secretary and Member for over 30 years, spoke on behalf of the NFA which has honorably served the Newtown community for 136 years. Mr. Wise stated that the NFA has rented the police station to the Borough over the past 25 years at a rate far below fair market value in collaboration and support of Emergency Services. Mr. Wise stated that the NFA proposed a fair market adjustment to the lease agreement due to increasing costs of providing fire services. He expressed his dissatisfaction over the eminent domain proceedings which he felt to be aggressive and detrimental to goodwill and volunteerism among first responders, in particular. Mr. Wise stated that the NFA membership has not had enough time to review the most recent letter from the Borough prior to tonight's meeting.

Diane LeBas, Resident, stated that this is a business arrangement and neither a moral issue nor a preference between services provided by the NBPD and NFA.

Caroline Bennett, Resident, shared her perspective as an immediate neighbor of the NBPD and her disappointment that residents had not been consulted on this matter. Ms. Bennett lived on the first block of Liberty Street when 22 Liberty Street was still used by the NFA, prior to the police station moving there, and described the changes that have taken place since that time. Ms. Bennett expressed disappointment over the amount of parking available at that location, in addition to other related matters, and stated she would follow up with an email to Council.

Pam Moore, Resident, stated that the NBPD building and grounds are not being well maintained and expressed her dissatisfaction that she has not received responses to prior complaints. Ms. Moore spoke favorably of the police department and requested that the Borough take better care of the property, comparing it to the well-maintained firehouse.

Chris Brill, Resident, shared his love for Newtown Borough, appreciation for the police and firefighters, and encouraged a business decision based on fair market value without

going to court. Mr. Brill expressed his desire that both parties obtain real estate appraisals and seek mediation.

Eileen Molloy, Resident, expressed her gratitude for the police and fire services and the importance of both in this small community. Ms. Molloy stated her surprise that this matter advanced so quickly from the July Work Session as compared to other matters such as the Ordinance adoption this evening. Ms. Molloy believed that this matter should be resolved by working together through mediation and arbitration.

Solicitor Heleniak noted that this matter has been a Council led process, in the neighbor to neighbor tradition, and that the Solicitor's office became involved in late May. The Solicitor added that the recent letter sent by the Borough was the last of several attempts to request that the NFA return to the table to further discuss the substantial increase in rent before taking tonight's action. Solicitor Heleniak noted that the Borough financially contributes to fire services in additional ways including an annual donation, monthly payments to the township for fire rescue, and workers' compensation insurance. The Solicitor stated that lease negotiations are typically not a public process; he added that tonight's vote is procedural should it become necessary to acquire the property through the eminent domain process and that there is plenty of time to change course.

Solicitor Heleniak shared the background information regarding the following motion pertaining to in-kind wood replacement windows, adding that this would settle an outstanding appeal and prevent the Borough from holding a hearing on this matter.

- ❖ A motion was duly made by Councilor Bauman, seconded by Councilor Phillips, and passed unanimously, to approve settlement of the appeal regarding a Certificate of Appropriateness for the installation of windows at 26 South State Street.

Manager's Report – Craig Totaro

Manager Totaro reported that Peco will begin its work in the center of town on Monday; information has been posted and will be updated on the Borough website. President Heinz added that Peco contact information is also available on the Borough website.

Councilor Bauman announced that this is an opportune time for anyone wanting to add gas service whose property lies along the construction route. Mr. Bauman also stated that PennDOT will put a 5-year moratorium on road openings once this work is completed and the state roads have been repaired.

President's Report – Emily Heinz

Topics Advanced from previous Work Sessions

- ❖ A motion was duly made by Councilor Phillips, seconded by Councilor Tognini, and passed unanimously to adopt Resolution 7-16-2025B authorizing the Borough Manager to sign a PennDOT Winter Services Maintenance Agreement.
- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor Phillips, and passed unanimously, to approve the Certificate of Completion No. 1 Final for the 156 N. Congress Street and 116 Jefferson Street Land Development Project, in the amount of \$54,969.08, and holding \$5,600 as maintenance period security, contingent upon all outstanding invoices being paid and submission of a satisfactory title insurance policy.

Approval of Minutes

- ❖ A motion was duly made by Councilor Tognini, seconded by Councilor Foley, and passed unanimously, to approve June 4, 2025 Work Session minutes.

Budget & Finance –Emily Heinz, Gail Foley, & Julia Woldorf

- ❖ A motion was duly made by Councilor Foley, seconded by Councilor Woldorf, and passed unanimously, to accept, subject to audit, the Consolidated Expenditure Report for the month of June totaling \$210,778.86.

Old Business

In response to Councilor Woldorf, Engineer Fountain stated that a pre-construction meeting remains to be scheduled for the Frost Lane sidewalk project and property owners will receive letters from the contractors to inform them prior to construction.

Announcements - none

Public to be Heard

Bernie Sauer, Resident, requested confirmation that no EDUs remain in Newtown Borough following tonight's approval of the 110 N. State Street project. Engineer Fountain confirmed and stated that work needs to be done before the Bucks County Water & Sewer Authority (BCWSA) and PA Department of Environmental Protection (PADEP) will release more EDUs. The Engineer stated that a land development plan that has already been approved will retain its EDUs upon approval of a revised sewage planning module. The Solicitor noted that this issue extends beyond Newtown Borough and affects all municipalities that tie into the Neshaminy Interceptor managed by the BCWSA.

Caroline Bennett, Resident, shared her respect and appreciation for the NBPD but does not believe that 22 Liberty Street is a good location for the police station and that the Borough should have considered other options during the current lease period. Ms. Bennett estimated that the increase in rent from the NFA for 22 Liberty Street is approximately \$4,000 per month, which she believes is comparable to renting along that street. Ms. Bennett also stated that the building and grounds are not well maintained, and she does not feel that proper historic preservation has taken place.

Nicole Rodowicz, Resident, agreed with Ms. Bennett and suggested that the Planning Commission review the future location of the NBPD and make a recommendation to Council. Ms. Rodowicz noted that this topic was not included in the last Comprehensive Plan.

President Heinz called for a motion to adjourn the meeting at 8:36 P.M. Councilor Phillips so moved, Councilor Foley seconded, and the motion was approved.

Respectfully Submitted,

Judy S. Musto
Borough Secretary

Attendees

Jeff Werner
Bill Wise
Bernie Sauer
Chris Brill
Sarah Steers – CGBAG Law
Carter Reehl – CGBAG Law
Newtown Fire Association Members
Neighboring Mutual Aid Firefighters
Rory LaRosa
John Richardson
Bob Musto
Joe Michelin
John O'Brien
Elizabeth Pinardo
Richard Kanak
Jeff Daley

Caroline Bennett
Nicole Rodowicz
Warren Woldorf
Eileen & Mike Molloy
Courtney Lang
Diane LeBas
Rob & Tammy Sutton
Jim Baniewicz
Ron Gualtieri
Trish Beasley
Pam Moore
Dan & Tiffany Dinneen
William Lin
Johnny King-Marino
Stacy McCowan