

Council Meeting
January 17, 2018
Council Chambers

President of Council Kevin McDermott called a Special Meeting of Newtown Borough Council to order at 5:30 P.M. on Wednesday, January 17, 2018. President McDermott asked those in attendance to join him in a moment of silence. This was followed by the Pledge of Allegiance.

Present: Councilors McDermott, Cohen, Grunde-McLaughlin, King, Rodowicz and Woldorf; Mayor Swartz; Solicitor Panzer

President McDermott reported that Council would be going into an Executive Session to discuss Police Chief Contracts and reconvening afterwards.

Amendments to the Agenda - none

Public to be Heard

Diane LeBas, Resident, stated that Anthony Wojciechowski's contract offers him a salary with no defined duties. Ms. LeBas claimed that he would be considered a private contractor rather than an employee under these circumstances and, according to IRS guidelines, the Borough would not be obligated to pay 6.2% in Social Security, withhold income taxes, or offer benefits.

Mayor's Report – Charles F. Swartz, III

Mayor Swartz shared a newspaper clipping of the ribbon cutting ceremony taken at the opening of the new Wine & Spirits State Store, received from Senator McIlhinney.

President McDermott reported that Tom Panzer, Esq. was filling in for Solicitor Bolla this evening.

Mr. Panzer recommended that the discussion of Police Chief Contracts for Anthony Wojciechowski and James Sabath should be done in Executive Session since they involve personnel matters and contract negotiations.

President McDermott adjourned the public meeting at 5:36 P.M., and informed the public that Council would be reconvening after the Executive Session ended.

The public was called back into Borough Chambers and the meeting reconvened at 8:25 P.M.

Mr. Panzer announced that Council was returning to the public meeting after an executive session primarily regarding personnel issues related to the police contracts.

- ❖ A motion was duly made by Councilor Cohen, seconded by Councilor Woldorf, and passed unanimously, to remove the motion of January 2, 2018 to void the Addendum to the Employment Agreement [for Police Chief Wojciechowski] dated December 20, 2017 from the table.
- ❖ A motion was duly made by Councilor Cohen, seconded by Councilor Woldorf, and passed unanimously, to withdraw the motion to void.
- ❖ A motion was duly made by Councilor Rodowicz, seconded by Councilor King, and carried with Councilors Cohen and Woldorf opposing, to ratify and approve the December 20, 2017 Addendum to Police Chief Tony Wojciechowski's Employment Agreement, amended and agreed upon this day.

Mr. Panzer read Police Chief Tony Wojciechowski's amendment to the Agreement aloud, noting that the Agreement was passed on December 12, 2017.

Councilor Woldorf raised an objection with Police Chief Wojciechowski's duties after February 1, 2018, noting that he will no longer be a Police Chief; from that date until his retirement, his entire job would be to provide advisory services to his successor. Councilor Woldorf questioned why Chief Wojciechowski would be entitled to salary and benefits from that point forward.

Councilor Cohen expressed his concern that this addendum could be considered a misuse of funds in future Borough financial audits.

Mr. Panzer asked if anyone on Council wanted to articulate a response to the stated concerns. Councilor Rodowicz noted that it is not only beneficial to get the new Chief on board, but also to keep Chief Wojciechowski on the payroll while some unresolved personnel issues within the department are being addressed. Councilor Grunde-McLaughlin stated that Chief Wojciechowski's drop date on May 31, 2018 is non-negotiable; she shared that he has accumulated a lot of vacation, personal, and sick time which may be taken during this time period. Councilor Grunde-McLaughlin also noted that the overlap between the two Chiefs could provide for a more safe and orderly transition, and that it is better for public safety that a crisis not be manufactured.

Mr. Panzer noted that the call for public comment resulted in none, and reiterated at Councilor Cohen's request that Councilors Cohen and Woldorf casted nay votes.

- ❖ A motion was duly made by Councilor Grunde-McLaughlin, seconded by Councilor King, and passed with Councilor Woldorf opposing, to appoint James Sabath as Chief of Police as of February 1, 2018, and ratify his November 14, 2017 Employment Agreement.

Councilor Woldorf stated that this appointment creates an excessive overlap of four months between the outgoing and new Police Chiefs.

- ❖ A motion was duly made by Councilor Rodowicz, seconded by Councilor King, to postpone the Executive Session, regarding the allegations against the Newtown Borough Police Department, from the February 1, 2018 deadline to the February 13, 2018 Council Meeting. After discussion, the motion was amended by Councilor Rodowicz, seconded by Councilor King, and passed unanimously, to state that the Executive Session will be held immediately following the February 13, 2018.

In response to Councilor Woldorf's question regarding why Council should postpone this deadline, President McDermott stated that James Sabath will be working in his new role as Police Chief beginning on February 1, 2018, and the additional time will allow for conversation with Mr. Joe Lovi. Mayor Swartz added that he and President McDermott plan to meet with Mr. Lovi before the February Council Meeting. Councilors shared their opinions regarding creating a culture and process that allows past and present Borough employees who have complaints of harassment to submit a complaint without any fear of reprisal.

- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor King, and passed unanimously, to cancel the previously scheduled Special Council Meeting on January 25, 2018 at 5:30 P.M.
- ❖ A motion was duly made by Councilor Woldorf, seconded by Councilor Rodowicz, and passed unanimously, to archive the audio and video tapes of all Council Meetings beginning with January 2, 2018.

Secretary Musto reported that all video tapes are currently archived at Borough Hall.

Public to be Heard

Police Chief Wojciechowski thanked Council for the time they dedicate to the Borough.

The meeting adjourned at 8:53 pm.

Respectfully submitted,

Judy S. Musto
Borough Secretary

ATTENDEES

Warren Woldorf
Jeff Werner
Diane LeBas
Anthony Wojciechowski

Sally Thompson
Mike Sellers
Warren Woldorf
Christian Menno