

**TULLYTOWN BOROUGH COUNCIL  
SPECIAL MEETING  
JANUARY 15, 2013**

President Rick Adams called the special meeting of the Tullytown Borough Council to order on Tuesday, January 15, 2013 at 7:00 p.m.

**Present at the meeting:**

Mayor Cutchineal  
Councilman Armstrong  
Councilman Servis  
Councilwoman Kucher  
Councilwoman Gahagan was absent due to illness  
Councilman Pirolli  
Councilman Czyzyk  
Councilman Adams

**Also present:**

Michael T. Sellers, Esquire, Borough Solicitor  
Nancy Conner, Borough Secretary

**PUBLIC COMMENT**

Rich Hart, 50 Stream Lane, Levittown, discussed seeking bids for the HVAC system. He also added to make sure the contractors are LEEDS certified which means they are well versed and knowledgeable on alternative energy.

Mr. Sellers explained to Council that this meeting is specifically for purposes of the Mayor to carry out requirements of Section 1003 of the Borough Code. He explained that Code states that when Council created a tie in the voting of a motion, the Mayor is then required to break that tie.

**MAYOR CUTCHINEAL'S TIE-BREAKING VOTE ON CONSIDERATION OF AMENDMENT TO BOROUGH ORDINANCE, CHAPTER 185 WITH RESPECT TO SIGNS**

Mrs. Conner read the motion as follows: *Mrs. Kucher made a motion to adopt Ordinance #349 which amends Chapter 185 of the Borough Ordinances regarding signs. Mr. Pirolli seconded the motion.* Mrs. Conner advised the vote on this motion at the January 8<sup>th</sup> meeting was 3 in favor, 3 against.

Mayor Cutchineal commented that he wasn't sure how this would affect non-profit groups who may have signs printed for carwashes or fundraisers and may not be aware of the terms of the ordinance. He advised that he was concerned with section 185-58(D) which calls for the "immediate confiscation and disposal" of these signs.

Mayor Cutchineal—voted NO on that motion. The motion did not carry.

### **MAYOR CUTCHINEAL'S TIE BREAKING VOTE ON SANDRA DELLA-CROCE'S APPOINTMENT TO LBCJMA**

Mrs. Conner read the motion as follows: *Mrs. Kucher made a motion to appoint Sandra Della-Croce to the LBCJMA, seconded by Mr. Pirolli.* Mrs. Conner advised the vote on this motion at the January 8<sup>th</sup> meeting was 3 in favor, 3 against.

Mayor Cutchineal commented that both Ed Armstrong and Sandra Della-Croce are friends of his and feels that is a dilemma when friends are nominated to a desired position.

Mayor Cutchineal stated that he met with Ed Armstrong and discussed the pros and cons of appointing him for another term and shared his thoughts and concerns with him. He further stated that Ed brings enthusiasm and professional qualifications to the position along with ten years of experience and he has no problem with his performance.

Mayor Cutchineal indicated that he also met with Sandy Della Croce about the position and she is a very successful Borough businesswoman who is not politically involved. She has volunteered for years on our planning commission and is a volunteer member of our Borough shade tree commission. He added that she would bring a unique business perspective to the board and advised him that she has sought this position in years past and has bided her time until she could get nominated.

Mayor also commented that he has had much input from various residents on this matter and has repeatedly heard that this is a lucrative paying position (\$300 per month for one meeting per month with no meetings during the summer) and that maybe it shouldn't be going to Council members who already have paying positions as elected Council members. He added that a common complaint has been that there are many other residents who could also bring able qualifications and could use the paycheck and would like to be considered for the position.

Mayor Cutchineal stated that one problem is that it is unclear on whether or not Ed Armstrong was allowed to vote for himself. He understands the Borough Code stipulates that you can vote for yourself if there is not a "direct pecuniary interest". Mayor Cutchineal commented that Ed believes that because he is receiving his LBCJMA salary for being an officeholder of the Board as all the members are instead of receiving salary for just being a board member that he doesn't fall into the parameters of "direct pecuniary interest". He added that the opposing argument is that holding these offices is one of the functions of being a board member and that Ed knew by voting for himself that he would be receiving this salary. Mayor stated that this is a complicated legal issue and any decent attorney could find case law to support both arguments. He added that looking at the precedent for past votes in Tullytown and in the past, the few times that Council members were nominated to this position including the last time Ed Armstrong was appointed, they have abstained from voting. Knowing the current mindset of this Council,

Mayor is fairly certain that if he supported Ed Armstrong for this position, the matter would end up being decided by the Pennsylvania State Ethics Commission.

Mayor Cutchineal voted yes on the motion of appointing Sandra Della-Croce to the LBCJMA. The motion carried.

Mayor lastly commented that Ed Armstrong has done a good job at the Authority and he thanked Ed for the time he has spent there.

Mr. Pirolli then made a motion to adopt Resolution #270 to appoint Sandra Della-Croce to the open position of the LBCJMA to expire December 31, 2017. Mr. Armstrong seconded the motion.

The vote of Council was as follows:

Mr. Pirolli—for  
Mr. Armstrong—for  
Mr. Servis—for  
Mrs. Kucher—for  
Mr. Czyzyk—for  
Mr. Adams—for

The motion carried with a unanimous vote of Council.

#### **MAYOR CUTCHINEAL'S TIE BREAKING VOTE ON EDMUND ARMSTRONG'S APPOINTMENT TO LBCJMA**

Mr. Sellers indicated that this matter would be considered moot and the Mayor need not vote on that motion as it is no longer required.

#### **MAYOR CUTCHINEAL'S TIE BREAKING VOTE ON CONSIDERATION OF PURCHASE OF BOROUGH TRUCK**

Mrs. Conner read the motion as follows: *Mrs. Kucher made a motion to purchase the truck in the amount of \$75,933 from Winner Ford, seconded by Mr. Pirolli.* Mrs. Conner advised that vote on this motion on January 8<sup>th</sup> was 3 in favor, 3 against.

Mayor Cutchineal commented that he totally agrees with some Council members' complaints and agree that they should be part of the process as members of the committees and he hopes with all future issues that all members of the committees should be part of deliberations on whatever the matter may be. He added that if they are notified and don't show up it is on them. Mayor further stated that \$76,000 has been budgeted for this truck and he believes it was discussed at that time. He added that we apparently need the truck; it has been vetted by those who need it and will be using it.

Mayor Cutchineal voted in favor of the motion to purchase the Borough truck. The motion carried.

## **OTHER BUSINESS**

Sandi Della-Croce, 412 Main Street, Tullytown, thanked Council for her appointment and indicated that she looks forward to this appointment with enthusiasm and she thinks it will be a very interesting experience.

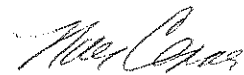
Mr. Adams thanked Mr. Armstrong for the time he has served on the Board of the LBCJMA in which he has done a fine job. Mr. Armstrong commented that it was his pleasure serving on the Board.

## **ADJOURNMENT**

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mr. Czyzyk. The motion carried with a unanimous vote of Council.

The meeting was adjourned at 7:12 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary