

# TULLYTOWN BOROUGH COUNCIL MEETING

## MARCH 5, 2013

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, March 5, 2013 at 7:00 p.m.

**Present:**

Mayor Cutchineal

Councilman Armstrong – absent as he was hospitalized with serious medical issues

Councilman Servis

Councilwoman Kucher – absent due to open heart surgery

Councilwoman Gahagan

Councilman Pirolli

Councilman Czyzyk

Councilman Adams

**Also present:**

Michael T. Sellers, Esquire, Borough Solicitor

William Major, William G. Major Associates, Inc., Borough Engineer

Danielle Vacirca, Borough Treasurer

Nancy Conner, Borough Secretary

Mr. Sellers explained that Council met in executive session prior to this meeting to discuss a friendly law suit with Falls Township that will involve the municipal boundary line.

Mayor Cutchineal honored the first responders who did such a great job during hurricane Sandy. He presented commendations to Mark Snyder, representing the Street Department, Dale Mastrull, representing the Tullytown Fire Company and Officer Andrew Bunda representing the Tullytown Police Department.

### **PUBLIC COMMENT**

Rich Hart, 50 Stream Lane, Levittown, discussed tax bills and advised that residents can reach him if they need to.

### **COUNCIL MINUTES**

Mr. Pirolli made a motion to approve the minutes of the February 5, 2013 Council meeting, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Pirolli—for

Mr. Servis—abstain as he was not present at the meeting

Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

The vote of Council was 4 in favor, 1 abstention; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Ms. Gahagan made a motion to approve the monthly bills, seconded by Mr. Servis.

Mr. Pirolli asked Mike Sellers that since he does business with Bray Brothers is he able to vote. Mr. Sellers advised that with respect to that invoice Mr. Pirolli should register an abstention. He suggested that the motion state to approve the bills with the exception of Bray Brother's invoice which could be voted on separately.

Ms. Gahagan amended her motion to approve the monthly bills with the exception of Bray Brother's invoice, Mr. Servis seconded that motion.

The vote of Council was as follows:

Mr. Pirolli--for  
Mr. Servis—for  
Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

All of Council was in favor of the motion; the motion carried.

Ms. Gahagan made a motion to pay Bray Brothers invoice, seconded by Mr. Servis.

The vote of Council was as follows:

Mr. Pirolli—abstain as he does business with Bray Brothers  
Mr. Servis—for  
Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

The vote was 4 in favor, 1 abstention; the motion carried.

## **RECONCILIATION STATEMENT**

Mr. Servis made a motion to approve the Reconciliation Statement for February, 2013, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Pirolli--for  
Mr. Servis—for

Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

All of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner advised that she received a letter of resignation from Sandra Della-Croce for the Shade Tree Commission. Mrs. Conner advised that matter is listed under General Business and can be addressed at that time.

## **GENERAL BUSINESS**

### **CONSIDERATION—DONATION REQUEST OF BENSLEM ADULT HEALTH CLINIC**

Kathy Giorgio from the Clinic was present to request this \$3,000 donation of Council.

Ms. Gahagan made a motion to donate \$3,000 to the Bensalem Adult Health Clinic, seconded by Mr. Pirolli.

Mr. Servis asked if they are non-profit. Kathy advised they were and will send copy of the tax ID information to Council.

The vote of Council was as follows:

Mr. Pirolli--for  
Mr. Servis—for  
Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

The vote of Council was unanimous; the motion carried.

### **OPEN BIDS 2009 CROWN VICTORIA/CONSIDERATION AWARD**

Mrs. Conner advised this was advertised twice in the Bucks County Courier Times. She advised that the advertisement stated a minimum bid of \$7,500.

The bids were opened and read aloud as follows:

1. Chicago Motors Inc. - \$4,607.00 – included check for 10% deposit
2. Bayridge Motors Inc. - \$3,577.00 – included check for 10% deposit

Mrs. Conner advised that both bids were less than the minimum bid requirement of \$7,500.

Mr. Servis made a motion to reject the bids, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Pirolli--for  
Mr. Servis—for  
Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

The motion passed with a unanimous vote of Council.

Mr. Servis suggested that Mr. Doyle look into [municipalbid.com](http://municipalbid.com) and [govdeal.com](http://govdeal.com) which brings in good money.

Mr. Servis made a motion to have Mr. Doyle work with our solicitor to advertise this on the internet, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

#### **CONSIDERATION—RESOLUTION SALE OF CROWN VICTORIA**

Mrs. Conner advised that won't be necessary as we did not award bid for the sale of the Crown Victoria.

#### **PUBLIC HEARING—PROPOSED POLICE DEFERRED RETIREMENT OPTION PROGRAM (DROP) ORDINANCE**

Mr. Sellers explained the proposed ordinance and advised that it was properly advertised.

Mr. Adams opened the floor for public hearing.

There was no comment or question from the public.

Mr. Servis asked if this is for officers that want to come back to Tullytown to work. Mr. Sellers advised that is not the case—it is for officers who are actively employed in the Police Department who when they reach the normal age of retirement can elect to stay on. He added that if they stay on, they then stop making payments in the pension plan program and go into the DROP program for up to 4 years. He advised it's not mandatory and it has to be by written choice of an officer.

Mr. Pirolli made a motion to adopt Ordinance #350 establishing the deferred retirement option program.

Mr. Czyzyk asked if that was part of the contract negotiations. Mr. Sellers advised it was but added that it is a requirement of the collective bargaining agreement that was adopted by Council in August 2012.

Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

Mr. Pirolli--for

Mr. Servis—for

Mr. Czyzyk—for

Ms. Gahagan—for

Mr. Adams—for

The vote of Council was unanimous; the motion carried.

**CONSIDERATION—AUTHORIZE ADVERTISEMENT OF PROPOSED ORDINANCE REGARDING GUIDELINES TO POLICE DEPARTMENT WARRANTLESS ARRESTS**

Mr. Sellers explained the proposed ordinance and advised that if council wishes, they can make a motion to authorize the advertisement of the proposed ordinance.

Mr. Servis made a motion to authorize advertisement of this proposed ordinance, seconded by Mr. Czyzyk.

Ms. Gahagan questioned the 4<sup>th</sup> summary offense—purchase, consumption, possession or transportation of liquor or malt or brewed beverages. Mr. Doyle explained this is in regards to open container or underage. Mr. Doyle advised that they are already enforcing this—they are just formalizing.

The vote of Council was unanimous; the motion carried.

**CONSIDERATION—AUTHORIZE ADVERTISEMENT OF SPECS FOR FOOD PORTION FOR BOROUGH PICNIC**

Mrs. Conner advised that she contacted Rob Unrath, chair of the Park & Recreation Committee who advised that the specs are quite similar to those from last year's picnic.

Mr. Servis made a motion to authorize the advertisement of the specs for the food portion of the Borough picnic, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

**CONSIDERATION—AUTHORIZE ADVERTISEMENT OF SPECS FOR FUNNEL CAKES FOR BOROUGH PICNIC**

Mrs. Conner again advised that Rob Unrath indicated the specs will remain the same as for last year's picnic.

Mr. Pirolli made a motion to authorize the advertisement of specs for funnel cakes for the Borough picnic, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

**CONSIDERATION—AUTHORIZE ADVERTISEMENT OF FIRE WORKS SPECS FOR THE BOROUGH PICNIC**

Mrs. Conner advised that Rob Unrath, chair of Park & Recreation Committee and the Borough Fire Marshal, Bob Jones worked together to create the specs which are more explicit than last year. They advised they wanted to have a longer show.

Mr. Pirolli made a motion to authorize the advertisement of the Fire Works specs for the Borough Picnic, seconded by Mr. Czyzyk. All of Council was in favor of the motion. The motion carried.

**CONSIDERATION—APPROVAL LARGE EVENT APPLICATION WALT DISNEY SCHOOL**

Mrs. Conner advised that a large event application was submitted by Walt Disney School. She advised the date of the event is April 7<sup>th</sup>—the Walt Disney Day which is a fund raiser for the playground equipment. Mrs. Conner advised that Acting Chief of Police, Fire Marshal and Code Enforcement officer reviewed application and approved.

A motion was made by Mr. Pirolli to approve the large event application of Walt Disney School, seconded by Mr. Servis.

All of Council was in favor of the motion; the motion carried.

**CONSIDERATION—DONATION TO LEVITTOWN/FAIRLESS HILLS RESCUE SQUAD**

Mrs. Conner advised that Mr. Steven Hare, representative of the Rescue Squad was present at the February meeting requesting a donation of \$10,000. She also indicated that money is allocated in our 2013 budget.

Mr. Pirolli made a motion to donate \$10,000 to Levittown/Fairless Hills Rescue Squad, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Pirolli--for

Mr. Servis—for

Mr. Czyzyk—for

Ms. Gahagan—for

Mr. Adams—for

The vote of Council was unanimous; the motion carried.

**DISCUSSION—FALLS/TULLYTOWN WM BOUNDARY LINE**

Mr. Sellers advised this item is no longer necessary; for the record—no action is being requested by him this evening.

**CONSIDERATION—APPROVAL OF RESOLUTION APPOINTING POINT OF CONTACT FOR FEMA REIMBURSEMENTS FOR HURRICANE SANDY**

Mr. Doyle explained this resolution and asked if our solicitor could work with this point of contact.

A motion was made by Mr. Pirolli to appoint Mr. Doyle and the solicitor as far as working on this program together, seconded by Mr. Servis.

All of Council voted in favor of the motion; the motion carried.

A motion was made by Mr. Pirolli to adopt Resolution #271, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

**CONSIDERATION—HEALTH INSURANCE RENEWAL**

Mr. Doyle advised that the employees' health care renewal is up for consideration. He advised it is the same plan as last year and from last year the premium was decreased by 7.7%. He asked Council to approve going with Independence Blue Cross, high deductible health plan 5 renewal for \$96,674.04.

Mr. Pirolli made a motion to continue health insurance with Blue Cross, high deductible health plan 5 in the amount of \$96,674.04. Ms. Gahagan seconded the motion.

All of Council was in favor of the motion; the motion carried.

**ONE APPOINTMENT TO SHADE TREE COMMISSION**

Mrs. Conner advised that Sandra Della-Croce resigned from the Shade Tree Commission due to other commitments that she has at this time.

Mr. Servis made a motion to accept the resignation of Sandra Della-Croce to the Shade Tree Commission, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

Mrs. Conner advised the list of interested people for the Shade Tree Commission.

Ms. Gahagan then made a motion to appoint Carol McCleary for completion of the term of Sandra Della-Croce to expire December 31, 2017, seconded by Pirolli.

The motion passed with a unanimous vote of Council.

**COMMITTEE REPORTS**

**SAFETY COMMITTEE**

Mr. Doyle advised that the safety committee met and looked at several issues throughout the municipal complex. He advised some hazards were found and corrected. He advised that the committee will continue to meet and be certified and in the next few months we will apply to receive the 20% reduction in insurance.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal commented that Mr. Armstrong is very ill, May Kucher is recovering from very serious surgery, and there was a family on Silverbirch Lane who lost their home due to a fire. He asked to keep all these people in everyone's thoughts.

Mayor advised that the Veterans' Committee is continuing to meet in preparation of the Parade. He advised that the grand marshal will be announced at the April meeting.

Mayor advised that Dan Doyle indicated 2 substitute crossing guards will be needed. Mr. Doyle asked if Council would authorize the advertisement of this position.

Mr. Servis made a motion to advertise the 2 substitute crossing guard positions, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

### **SOLICITOR'S REPORT**

Mr. Sellers advised that the Galzerano appeal regarding the crematory case has been scheduled for legal argument before Judge Cepparulo in Doylestown at Bucks County Courthouse this Monday, March 11<sup>th</sup> at 12:30 p.m. in courtroom #3.

### **ENGINEER'S REPORT**

Mr. William Major read his report, a copy of which is attached to the minutes.

Ronnie Baker, 288 Main Street, Tullytown, questioned the drain fixed in front of her house. She advised that she is waiting for Council to approve this. Mr. Major advised that it was looked at and advised it isn't an emergency situation and we need a PennDOT highway opening permit. He advised he supplied the coordinator with that information. Mr. Doyle advised he will take care of that matter.

### **MISCELLANEOUS COUNCIL BUSINESS**

Mr. Doyle advised that he sent an email to Council regarding the retaining wall that public works is working on. He advised they did a PA one-call but they dug up electrical line which had to be repaired which cost \$350.00. He added it was an emergency situation and they did pull permit—was certified and inspected. Mr. Doyle asked Council to approve his actions and to approve payment of the invoice for Ferraro Electric for \$350.00

Mr. Pirolli made a motion to approve Mr. Doyle's emergency actions and to approve payment of invoice to Ferraro Electric for \$350.00. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion. The motion carried.

Mr. Major advised that no one knew that line was there—there was no record on any of the plans that line existed.

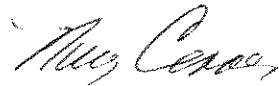


Mr. Adams thanked the Tullytown Fire Department, other fire departments and Tullytown Police regarding their actions at the fire at Silverbirch Lane. He added that both people got out safely. He advised that Danny DePalo risked his life to remove 2 animals from the fire and commended him on his actions.

There being no further business, Mr. Czyzyk made a motion to adjourn the meeting, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary