

**TULLYTOWN BOROUGH COUNCIL
WORK SESSION/MEETING
MARCH 18, 2014**

President Rick Adams called the meeting to order on Tuesday, March 18, 2014 at 7:00 p.m.

Present at the meeting:

Mayor Cutchineal
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler
Councilman Czyzyk--absent
Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor
William S. Major, P.L.S., Borough Engineer
Alison Smith, Borough Coordinator
Nancy Conner, Borough Secretary

PUBLIC COMMENT

There was no public comment.

PRESENTATION OPEN SPACE COMMITTEE CHAIR

Bruce Goulet, Chairman of the Open Space Committee made presentation to Council. A copy of the presentation is attached to the minutes.

Mayor Cutchineal asked what the maximum amount of money available is. Mr. Goulet advised \$250,000. Mr. Goulet advised that if we don't utilize the money we would lose it. He also advised that we have 10 acres of land that we own and if we acquire the land by the canal and work out issues with Penndot and PECO then any extra money could be put into having the ball field in Levittown redone.

Mr. Armstrong asked Mr. Goulet what he proposed with the 10 acres of land that we own. Mr. Goulet advised anything could be put there—soccer fields, gazebo, walking trails. He advised they have not drawn anything up as yet.

Mrs. Kucher asked when the 25% of the 250,000 is due. She also asked who showed up at open space meeting. Mr. Goulet advised that Hal Lefcourt, Harry Wirebach and he were

present at the meeting. Mrs. Kucher commented that there is no access to those properties except for the ball field.

Mrs. Kucher advised that she would want to improve property (the ball field) and even buy the adjacent properties. She added that she knows the ditch is involved there but there is land behind the ditch that we could develop or use as parking space. She added that she would not try to acquire property that there is no access to.

Mrs. Kettler feels this is worthless property that Mr. Goulet is suggesting that we buy—she added it's not worth it bailing out Waste Management and Lucisano Bros. Mrs. Kettler stated that she doesn't see the advantage of us buying the other properties and commented that she prefers project #3.

Mrs. Kettler further added that she doesn't feel its safe access where the other property is located. She mentioned that at the ball field we could park in the Shopping Center and have access that way it was a safer property to access.

Mr. Major asked Mr. Goulet if any of the properties have ever been developed. Mr. Goulet advised no they haven't. Mr. Major commented then we won't have to worry about any environmental issues. He also asked Mr. Goulet if there are any wetlands involved. Mr. Major commented that if there are wetlands involved, the Borough will not be able to obtain permits to disturb wetlands.

Mr. Armstrong commented that we have this acreage over by the Village of Pennbrook, if we don't use it somehow, what do we do with it. Mrs. Kucher asked if we can sell it to Village of Pennbrook. Mr. Goulet advised that they cannot build on that because it is open space.

Mr. Pirolli commented that he has heard comments over the years that we could just sell the ball fields but he doesn't think that is open space. He added that if it is open space we can't sell it. He questioned if it is open space and if the Borough owns it. Mr. Goulet advised that the Borough owns it and it is open space. Mr. Armstrong advised that property has deed restrictions from Mr. Levitt that it is to be used for open recreation.

Mr. Goulet advised the Comprehensive Plan designates that land as open space. Mr. Goulet commented that at this point in time, Council only has to advise the Bucks County Planning Commission if we want to utilize the open space money, we don't have to indicate the project.

Mrs. Smith commented that Mr. Sellers mentioned that we have asked the Bucks County Planning Commission if we can develop the land as it is. She advised that she will make sure that we confirm it as open space or make it necessary for us to make it open space.

Mrs. Smith commented that there is a difference of opinion at this time on what to utilize the money for and suggested that Council table that discussion and discuss whether Council wants to apply for the grant.

Mrs. Kucher commented that she would like to know more about the application as to what money we would have to put up front, what we would be allowed to use it for.

Mrs. Smith advised that the piece that was identified in the open space plan could be purchased since it was identified. Mrs. Smith also advised that usually this money is only for purchase of open space but we can show that we are pretty much built out so we would be able to use it to develop. Mrs. Smith advised that the grant is assured if the Borough applied for it.

Mrs. Smith further advised that if Council decides to apply for the grant, we might spend money ahead of receiving grant money but it would be part of our 25% match. She added that the grant is up to \$250,000, so up to \$62,000 is the match.

Mrs. Smith advised that Council might have done some initial spending of money wherein Pennoni had started the plans—the DEP permitting process which might need to be finished before we finish the grant application. She added that she is awaiting an answer on that.

Mrs. Kucher questioned the Heritage Conservancy's involvement. Mrs. Smith advised that the Heritage Conservancy in 2011 helped write the open space plan that Council approved.

Mr. Sellers advised this process began with creation of the open space plan. He added that it identifies parcels that can be developed through this program. Mr. Sellers advised that Heritage Conservancy was hired by the Borough to assist on creating that plan. He added that the parcels discussed this evening are the parcels identified in the open space plan. Mr. Sellers further added that the open space plan was a requirement for the open space funding process.

Mr. Sellers advised that Council adopted the open space plan by resolution.

Mr. Sellers stated that as Mrs. Smith advised earlier all that is required tonight is to advise the Bucks County Planning Commission if the Borough intends to make application by the end of 2014 or not for this money. He added if the answer is yes, then Council can focus on what part of the plan is what they want to go forward with in an application. Mr. Sellers advised that this is a very careful process because it involves County bond money so if Council advises that they intend to go forward there are a series of steps after this which will allow the County to see exactly what we want to use the money for and will approve or not approve in advance the use of those funds.

A motion was made by Mr. Pirolli, seconded by Ms. Gahagan.

Mr. Sellers advised that he will clarify the motion; therefore, Mr. Pirolli withdrew his motion and Ms. Gahagan withdrew her second.

A motion was then made by Mr. Pirolli to advise the Bucks County Planning Commission that Tullytown Borough intends to make application by the end of 2014 for open space monies. Ms. Gahagan seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—aye
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—aye

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

CONSIDERATION—AWARD BID HVAC SYSTEM

Mrs. Smith made a presentation of the Streets & Buildings Committee Meeting to Council, a copy of which is attached to minutes.

Mrs. Smith advised that Council has two options; namely, (1) award the contractor's bid to the lowest bidder or (2) reject the bid and re-bid as a one phase project.

Mrs. Smith further advised the consensus of the Committee and suggestion to Council was to reject all bids and re-bid the project as one phase.

Mr. Pirolli made a motion to reject all bids, seconded by Mr. Armstrong.

The vote of Council was as follows:

Mr. Armstrong—aye
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—aye

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

Mr. Armstrong asked if this is a single prime and asked what percentage is GC work and what percentage is HVAC work. Mr. Armstrong questioned if we should put out as two primes as a HVAC contractor bidding on this would probably have a subcontractor doing the rest of the work and marking it up or vice versa. Mr. Armstrong felt we could probably save

some money by putting out two prime bids. He added that there are some problems with that.

Mr. Major advised that they recommended doing this project as a single prime strictly because of all the coordination that needs to be done between the various trades.

Mrs. Smith advised that her experience has been with both and commented that Mr. Armstrong was correct in that lower bids were received when the GC was not representing another company. However, she added that out of three projects most recently—all four that went to double primes ended up in litigation because there is so much of the fighting back and forth and change orders, etc. Mr. Armstrong agreed that more supervision would be needed but he guesses 20 points would come off the top of cost.

Mrs. Kucher commented that when the Committee discussed doing it the way it was originally set out to bid we would have to make new entrances, new securities, move computers, phones, etc. and then construct back together again. They felt with one phase everything would get moved out at once and then back in and man hours would be less.

Mr. Armstrong commented that he was discussing the number of contractors, not number of phases of work.

Mr. Pirolli made a motion to authorize the engineer to redraft the HVAC bid specs to a single phase project. Mrs. Kucher seconded the motion.

Mrs. Kettler asked how much time it will take to redraft the specs and asked what the additional cost would be. Mr. Major advised at this time he doesn't know the actual dollar value involved but it is a minimal cost. Mr. Major explained that the bid documents have to be revised, the specifications which are the written narrative that's going into this project, have to be revised as well as the written drawings.

Mr. Armstrong asked if Mr. Major is using standard CSI 3-part specifications.

Mrs. Kucher commented that before we were going to have to move everything—we were going to move entrances, we aren't changing what is happening to building—she doesn't understand why all the changes have to come out.

Mrs. Smith commented that just recently we spent \$4,000 to mail out the bid specs as well as the addendums. Mr. Major advised it's a matter of going through each item and changing any of the wordings that reflected a two phase project back to one phase.

Mrs. Kucher commented that it was discussed when Mr. Major was hired as Borough Engineer that Council could get a figure of costs before his work is being done. She added that we have to have some idea of what this is going to cost.

Mr. Major advised that he will advise Council of the exact cost at the next Council meeting.

Mrs. Kettler commented that she feels she is elected to watch over huge projects like this and will try to get the best deal for the town and doesn't want to give any professional that she deals with carte blanche. She added that she will feel more comfortable with an idea of cost or a "not to exceed" cost.

Mr. Pirolli withdrew his motion; Mrs. Kucher withdrew her second.

Mr. Pirolli made a motion to table that matter to the next meeting, April 1, 2014. Mrs. Kucher seconded that motion. All of Council was in favor of the motion; the motion carried.

AUTHORIZE ADVERTISEMENT OF POLICE PENSION ORDINANCE REPEALING KILLED IN SERVICE

Mr. Sellers explained the proposed ordinance to Council and advised that he distributed memo to Council previously explaining this ordinance.

A motion was made by Mr. Pirolli to authorize advertisement of police pension ordinance repealing killed in service. Mrs. Kettler seconded the motion. The motion carried with a unanimous vote of Council in favor of the motion.

AUTHORIZE ADVERTISEMENT OF AMENDMENT TO ORDINANCE – OPEN RECORDS OFFICER

Mr. Sellers explained the proposed ordinance will indicate that the division of responsibilities will be split between chief of police and borough coordinator in handling open records requests.

Mr. Pirolli made a motion to authorize advertisement of amendment to ordinance establishing open records officer, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—aye

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Adams—aye

The motion carried with a unanimous vote of Council in favor.

RESOLUTION ADOPTING 2014 BUCKS COUNTY HAZARD MITIGATION PLAN UPDATE

Mr. Sellers explained the resolution to Council.

A motion was made by Mr. Pirolli to approve Resolution #296, Bucks County Hazard Mitigation Plan, seconded by Mrs. Kettler.

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

DISCUSSION/ACTION HEALTH BENEFITS FOR BOROUGH EMPLOYEES

Mrs. Smith advised Council that we received notification from our insurance carrier that they are discontinuing the insurance plan that employees are presently covered. She advised that the increase is about \$12,000 in the actual rate and we would expect to see possible \$12,000 in additional HRA. She added that she was advised that most of the insurance companies are going high on those individual rates and next year the expectation is that the rate will drop back once they have some experience. Mrs. Smith added that even with this increase in cost the Borough will still save \$285,000 over the previous way the Borough was insuring its employees so it still is a phenomenal deal compared to the rest of the market place. She added that the recommendation is to accept the Bronze HSA Health Plan which will take effect April 1st.

Mrs. Kettler asked if our employees are going to be responsible for half of the bill after they met the deductible. Mrs. Smith advised that the Borough pays all out of pocket expenses which is the HRA fund.

Mrs. Kucher made a motion to accept the proposal for 2014 medical benefits to be provided by Independence Blue Cross Bronze PPO HSA Option and direct the Borough's broker to make that coverage. Mrs. Kettler seconded the motion.

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

OTHER BUSINESS

Mrs. Conner advised we received a letter of resignation from Nick Moran for the Environmental Advisory Council and Open Space Committee.

Mr. Pirolli made a motion to accept the resignation of Nick Moran for the EAC and Open Space Committee, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

Mrs. Conner advised that our contract with our provider, Leightronix, for our bulletin board and televised meetings on television and meetings via our website is up for renewal. She advised the cost has remained the same as last year; \$3,983.

Mr. Pirolli made a motion to approve the renewal contract with Leightronix for \$3,983, seconded by Mrs. Kucher.

The vote of Council was as follows:

Mr. Armstrong—aye
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—aye

The motion carried with a unanimous vote of Council in favor of the motion.

Ms. Gahagan asked if we could send Nick Moran a thank you letter for his involvement in the committees over the years. She advised that he is resigning due to health reasons.

Mrs. Kucher advised that we directed our solicitor to look into what would be involved with the dedication of Kenwood Drive North and with a recent meeting with Penndot; she feels our solicitor should be aware of the many issues that have come up. She advised that the road is always caving in and it's only been there 5 years. She added that Penndot indicated a new road should last almost 20 years. Mrs. Kucher advised that Penndot stated that we should have a core sample done to find out the type of materials that were used—if they were Penndot approved and if the contractor that did the work was a Penndot approved contractor. She added that if not, we would have to take the road down to the dirt surface and have it redone to be done properly. Mrs. Kucher did indicate that the Borough gets our Liquid Fuel money by the amount of road that we have as well as our population so the road going from Kenwood Drive into the ball field that would add to our total miles of road which would benefit the Borough.

Mr. Sellers advised that he has recently worked with DLC on those same matters and it will be addressed to Council in the near future.

Mrs. Kucher mentioned the inlets that the Borough is presently working on. She also discussed the remaining inlets that need to be bid on and she asked that in the specs it be noted that the contractor and materials should be Penndot approved. Mr. Major indicated that all the specifications made were all Penndot materials. Mr. Major advised that there are no standards for repairing inlets. He added there are standards for new construction but we are doing only repairs. Mr. Major advised that when it came to paving around the inlets, that is all Penndot spec.

Mrs. Smith commented on what Mrs. Kucher was stating that in order to get the Liquid Fuels money to use for our work we do have to follow their standards and we will agree that we will use their standards.

Mrs. Smith indicated that we should put together a synopsis of the presentation from Penndot for information to distribute to the rest of Council.

ADJOURNMENT

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

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary