

TULLYTOWN BOROUGH COUNCIL MEETING

JUNE 3, 2014

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, June 3, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Rich Smith and Councilman Ed Armstrong's and wife's son, Shane, who recently passed away.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esq., Borough Solicitor
William S. Major, P.L.S., Borough Engineer
Alison Smith, Borough Coordinator
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary
Biff Coyne, Borough Auditor

PUBLIC COMMENT

Michael Shellenberger, 229 Kenwood Drive, S., Levittown, commented that George Panzitta made a statement at last month's meeting about him being unruly and reckless. He commented those accusations were false. He explained the situation that occurred at the picnic last year. Michael Shellenberger said that the caterer shouldn't be able to return.

APPROVAL OF COUNCIL MINUTES

Mrs. Kucher made a motion to approve the minutes of the May 6, 2014 Council meeting, seconded by Mrs. Kettler. The vote of Council was as follows:

Mr. Armstrong – abstain as he was absent from the meeting
Ms. Gahagan—absent as she was absent from the meeting
Mr. Pirolli—for

Mrs. Kucher—for
Mrs. Kettler—for
Mr. Czyzyk—abstain as he was unable to attend meeting
Mr. Adams—for

The vote was 4 in favor, 3 abstentions; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

Mrs. Collings advised there is one additional bill for Lavery Faherty Patterson to be included for payment with the monthly bills.

Mrs. Kettler made a motion to approve the monthly bills as submitted to include the invoice of Lavaery Faherty Patterson that Mrs. Collings indicated. Mrs. Kucher seconded the motion. The vote of Council was as follows:

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

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for May, 2014, seconded by Mr. Czyzyk. The vote of Council was as follows:

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

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

COMMUNICATIONS

Mrs. Conner advised there is no communications to read aloud for this month.

GENERAL BUSINESS

PRESENTATION/APPROVAL OF 2013 AUDIT

Mr. William Coyne presented DRAFT of 2013 audit for Council to approve.

Mr. Coyne explained the audit procedure as well as gave a detailed explanation of the audit.

After discussion, Mr. Pirolli made a motion to approve the 2013 audit, seconded by Mr. Czyzyk. The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

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

THREE APPOINTMENTS TO PARK & RECREATION COMMITTEE

Mrs. Conner advised there were 3 terms expiring on the Park & Recreation Committee which are 5-year terms.

Mrs. Kucher made a motion to re-appoint Kitty Shellenberger to the Park & Recreation Committee for a 5-year term, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mr. Czyzyk made a motion to re-appoint Joe Shellenberger to the Park & Recreation Committee for a 5-year term, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

Ms. Gahagan made a motion to re-appoint Frank Baker, Jr. to the Park & Recreation Committee for a 5-year term, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

APPROVAL EXPENDITURES PARK & RECREATION COMMITTEE

Mrs. Conner advised that we do have an invoice for the portable toilets for the Borough Picnic; however, she advised that Waste Management has generously offered to cover that expense of \$1,949. She advised that Council has to basically authorize Council president to execute agreement. Mrs. Kettler made a motion to allow the responsible party to sign the agreement for Potty Queen, for the comfort station for our annual picnic in September. Mr. Czyzyk seconded the motion.

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

POLICE DEPARTMENT—NOTIFY CIVIL SERVICE COMMISSION OF SERGEANTS VACANCY

Mr. Sellers indicated that Chief Doyle has advised there is a vacancy in the position of Sergeant in the Police Department. He advised that Council takes action at a public meeting to notify the Civil Service Commission of a need to fill a vacancy and then the Civil Service Commission follows its regulations and the process to do the testing and to make a recommendation to Council of those eligible for that position.

Mr. Pirolli made a motion to notify the Civil Service Commission of a need to fill a vacancy in the Police Department for the position of Sergeant, and to request certification of a list of eligible candidates for that purpose. Mr. Czyzyk seconded the motion.

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

AUTHORIZE AMENDMENT TO NON-UNIFORMED CBA

Mrs. Kucher made a motion to approve the amendment to Article 24 of the Collective Bargaining Agreement with non-uniform employees, AFSCME, District Council 88, Local 1598, to confirm a 5% contribution by employees to the pension plan. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

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

Mr. Sellers advised he has received the executed Memorandum of Understanding which has been already been signed by the Union and as Council as just authorized, will be signed by Council President also.

AUTHORIZE ADVERTISEMENT FOR AMENDMENT TO ORDINANCE #349 NON-UNIFORMED PENSION PLAN

Mr. Pirolli made a motion to authorize to advertise the amendment to Ordinance #349, seconded by Mr. Czyzyk.

Mr. Armstrong asked Mr. Adams if this is a follow-up taken at last month's meeting. Mr. Adams advised that is correct.

The vote of Council was 6 in favor; 1 abstention (Mr. Armstrong as he was not at last month's meeting). The motion carried with a majority of Council in favor of the motion.

DISCUSSION/AUTHORIZATION BOROUGH HALL-TEMPORARY RELOCATION OPTIONS

Mrs. Smith advised that we are presently trying to find temporary headquarters for administrative and police personnel while the HVAC renovations are taking place. Mrs. Smith explained the 5 options (chart attached to minutes). She advised the least expensive option is the owner who has proposed to charge the Borough \$1 for the year with the Borough picking up the cost to renovate the building to fit its needs. Mrs. Smith advised that if this property is chosen, it is important to move quickly on the renovations so personnel can be moved out before the HVAC contractor is ready to begin.

After discussion, a motion was made by Mrs. Kucher to authorize the coordinator, with the assistance of Borough professionals to conduct further investigation of the feasibility and cost for temporary relocation of municipal operations to 578 Main Street, Tullytown, during construction work at Borough Hall and report back to Council. Mr. Pirolli seconded the motion.

Mrs. Kettler asked if we are voting to explore this location or go for it. Mrs. Smith advised we are voting to determine the specifications for what the space would be built out as which would be included in the turn-key contract with the owner.

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

Mrs. Smith explained the next step would be to hire an architect to put the plans together. She advised that BIU has inspected the building and find no fatal flaws. She added that BIU has offered their assistance so we can keep our fees down. She advised that she has obtained a few prices from architects and the best price so far is \$3,500 but possibly with BIU's help we can bring that down. Mrs. Smith recommended that we hire the architect firm of Harmann Deutsch Architects not to exceed \$3,500 to prepare the plans for this work. She indicated that cost is included in the dollar value of the comparison chart.

Mrs. Kettler made a motion to approve the hiring of Harmann Deutsch Architects to prepare drawings for the renovation of building space at 578 Main Street for the temporary housing of Borough operations at a cost not to exceed \$3,500. Ms. Gahagan seconded the motion.

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

COMMITTEE REPORTS

There were no committee reports.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal thanked Veterans Committee for a job well done for the Memorial Day Events. He commented that Rich Hart also did a great job as Grand Marshal for the parade.

Mayor read the bicycle decorating winners as follows: 1st place-John Mills, 2nd place-Ed Brazewski, 3rd place: Chris Brazewski. He advised that we haven't received the names of winners for the other categories—he will announce at July meeting.

Mayor Cutchineal reminded everyone that St. Mikes' Fair runs from June 24th through July 6th.

He also mentioned the Daisy Jug Band concert is rescheduled for Saturday, June 21st, 7-10 p.m. – bring lawn chairs.

Mayor also advised that Doylestown Borough passed the “Good Samaritan” resolution regarding prompt treatment of heroin overdoses. He asked if this could be placed on next month's agenda for consideration.

COORDINATOR'S REPORT

Mrs. Smith advised that on May 16th SEPTA hosted the kick-off event announcing the renovation of the Tullytown Borough Train Station—work will include high level platforms and stations, 70 additional parking spaces, a pedestrian overpass with elevators and improvements to traffic flow. She advised that the improvements are significant—traffic light will be installed at the intersection of Fallsington Avenue and Rt. 13 so that both northbound and southbound lanes of Rt. 13 can be accessed. She added they expect preliminary work to start in the Fall.

Regarding the HVAC project, Mrs. Smith advised that we are ready to go out to bid and we are going to be awarding the contract along with us relocating ourselves into another building.

Mrs. Smith advised that public works was very busy preparing for the Memorial Day Parade. She commented that this is her first parade in Tullytown and she thought it was wonderful—really appreciated work by all and the speeches especially.

Mrs. Smith advised we have had 4 complaints of overgrown yards which are handled by our Code Enforcement Officer who reaches out to our owners to get them to mow their lawns. She added if that does not happen, the Borough will mow, but owners will be charged for the costs.

Mrs. Smith commented how she was impressed on the inlet work and the quality of the contractor. She added this was a contract that had no change orders and the work was completed quickly.

Mrs. Smith discussed the Charter School Traffic Signs. She added that Penndot confirmed that the Borough is responsible for posting the signs—they volunteered to do the survey and come up with the plans. Mrs. Smith advised we are still waiting for Penndot's plan but it is moving forward.

Mrs. Smith advised that she applied for the TCDI grant which focuses on the train station area and the desire is to explore ways to increase tax revenues from new development while improving the value of Borough properties.

Chris Shellenberger, 229 Kenwood Drive, S, Levittown, asked whose responsibility is the corner of Rt. 13 and the Parkway meet. She advised the grass is very high. Mrs. Smith advised she will check on that particular one.

Mrs. Shellenberger also questioned the flashing signs at St. Mikes School. She commented that nothing has been done at this time. Mr. Major advised this matter is still being discussed in conjunction with the Charter School request for signs. Mr. Major advised to move the flashing light back to where it is supposed to be will cost approximately \$500,000. Mr. Major recommended, if St. Mikes' School was staying there, to have a flashing light at Hesski as well as where it is now.

Ms. Gahagan commented that Bristol Borough's Flashing lights are only maybe 12 or 15 foot high—they are not the kind that come over the highway. She feels the lower ones are more visible.

Mr. Armstrong suggested putting it out to bid to see how much the flashing signs would really cost. Mr. Major suggested painting "School Zone" on the street which is much more economical. Mr. Armstrong asked Mr. Sellers that if Penndot's permit for the school signs said it belongs at a certain place, should we not be abiding on what Penndot says. Mr. Sellers commented that if Penndot says it needs to go in a particular place, yes. He added that we need to find out the facts and then Mr. Sellers will assist in advising the legal position of the Borough on it. He added that if there is a more economical way on proceeding, Mr. Major can advise. Mrs. Smith advised that we will research past files.

Mr. Pirolli commented that Queen of the Universe extended their school zone so we may want to contact them. Mr. Major advised there is a limit to the extension of the school zone.

Rich Hart, 50 Stream Lane, Levittown, advised he contacted Penndot years ago when this subject came up. He advised that Armour Electric can put a duplicate flashing sign on the back of the one that is already there. Mr. Major commented that Mr. Hart's suggestion does not fit this situation.

Mrs. Kettler suggested that our coordinator and engineer research and advise Council at the next Council meeting. Ms. Gahagan suggested that in the interim, our Police Department enforce the school speed limit.

Mr. Armstrong asked Mrs. Smith if she can find out if SEPTA intends to abandon the underground pedestrian tunnel. He advised that years ago, LBCJMA was looking for another place to come under the tracks and maybe an alternate location for them to bring another line through or future lines. He added that William Penn Bank has been on a septic system and this may also allow gravity feed pipe to go from that section of property underneath the

tunnel and over to Oxford Avenue if the elevations are correct. Mrs. Kettler commented that it might be beneficial for Mr. Armstrong to attend the LBCJMA meeting and suggesting it to them. Mrs. Smith advised she will inquire.

SOLICITOR'S REPORT

Mr. Sellers discussed the Galzerano crematory matter. He advised that the case was appealed to the Commonwealth Court of Pennsylvania and the Court issued an order which likewise agreed with the Borough's position that the denial was properly done in the first place.

Mrs. Kettler thanked the residents who came out to those meetings and who signed the petition which shows that when you stand together you can fight things in this country and you can win. She commented that we have enough here in the Borough with the landfill and we certainly don't need an incinerator in our Borough.

Ms. Gahagan asked Mr. Sellers if Mr. Galzerano is still applying for a use and occupancy for a funeral home which will give him the accessory use.

Mr. Sellers advised that while this case was pending in the Commonwealth Court, Mr. Galzerano filed a new application for funeral home use; however, the application itself was incomplete and was returned by the zoning officer. Mr. Sellers advised that he has been told that Galzerano has made a filing as of today but he has not seen that as yet and the zoning officer will handle that. Mr. Sellers advised that a funeral home is allowed in the LI District, a crematory is not and that is what the Commonwealth Court stated that the crematory is not allowed as a matter of zoning in our LI District.

ENGINEER'S REPORT

Mr. Major presented the engineer's report, a copy of which is attached to the minutes.

Regarding the storm sewer inlets, Mr. Major asked Council to authorize payment to the contractor \$28,787.

Mrs. Kettler made a motion to authorize payment to G.E. Poli Inc. in the amount of \$28,787.00, seconded by Mr. Armstrong. The vote of Council was as follows:

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

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

MISCELLANEOUS COUNCIL BUSINESS

Mr. Adams commented that the Memorial Day parade was great. He did say that he received many complaints about the watered down soda. He suggested that next year we use canned sodas in coolers.

ADJOURNMENT

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

The meeting adjourned at 8:22 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary