

TULLYTOWN BOROUGH COUNCIL MEETING

JULY 1, 2014

President Rick Adams called the meeting to order on Tuesday, July 1, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for George Petro, Jim Parto, Robert L. Wagner, Sr., who all recently passed away.

Present at the meeting:

Mayor Cutchineal

Councilman Armstrong- absent as he broke several ribs due to an accident

Councilwoman Gahagan

Councilman Pirolli

Councilwoman Kucher

Councilwoman Kettler

Councilman Czyzyk

Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor

Jeffrey E. Skinner, P.E., P.L.S., Borough Engineer

Alison Smith, Borough Coordinator

Daniel Doyle, Chief of Police

Judy Collings, Borough Treasurer

Nancy Conner, Borough Secretary

PUBLIC COMMENT

Steve Ceekay, 263 Burgundy Lane Newtown, advised he is running for state senate, discussed his candidacy and asked the residents to check out his website.

Christina Harding, 510 Lovett Avenue, Tullytown, discussed a few issues with parking and speeding regarding stop signs, children at play signs and slow down signs. Chief Doyle advised that the Police Department has done a traffic study and they are not detecting much speeding. He advised there is not really much traffic on that roadway and signs have been put out at Ms. Harding's request. Mayor Cutchineal commented that on private property we can't enforce that. Chief Doyle advised that he will do a traffic survey per the requirements to see if we can put the other 2 stop signs up if Council so chooses.

APPROVAL OF COUNCIL MINUTES

A motion was made by Mr. Czyzyk to approve minutes of June 3, 2014 Council meeting. Mrs. Kucher seconded the motion.

Roll call vote was taken as follows:

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.

TREASURER'S REPORT

MONTHLY BILLS

Mrs. Kucher made a motion to approve the monthly bills, seconded by Mr. Czyzyk. The vote of Council was as follows:

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.

APPROVAL OF RECONCILIATION STATEMENT

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

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.

COMMUNICATIONS

Mrs. Conner advised that a Borough resident, Lois Robinson, sent a letter to Council thanking them for the property allocation check that was sent last year. She apologized on her lateness as she has been hospitalized.

GENERAL BUSINESS

SEPTA PRESENTATION OF PLANS FOR TRAIN STATION PROJECT

Present: Tom Hecker, attorney with Begley, Carlin and Mandio and Nate Fox, associate attorney, Bill Caden, SEPTA project manager was also present. Bryan Schiflett, consulting engineer from Gannett Fleming was presenting the plans. Mr. Hecker did add that SEPTA finalized the purchase of the Wm. Penn Savings & Loan property which has been incorporated in the plan.

After presentation, discussion and questions continued.

Bill Caden mentioned that Gannett Fleming has identified certain items of zoning relief that is necessary. Plans have been provided to the Borough for review by the zoning officer. They asked for Council's support for the application to the Zoning Hearing Board, followed up by land development review. PennDOT has indicated that they will be completing their work sometime in October and they would like to get started right after that project.

Mrs. Kettler asked how long the project should take. Mr. Caden advised about 3 years. Mayor Cutchineal asked if there is any thought to any minor business development like coffee shops, newsstands in the ticketing areas. He was advised not at this time. Mayor advised that the residents are very enthusiastic about this project.

Mr. Czyzyk asked about the people parking in the Levittown Shopping Center and asked if any provisions will be made. He was advised there is no bridge but there are new handicapped ramps across Rt. 13 once that project is constructed. He advised that crosswalks will be placed—they have been working with PennDOT so they do not tear out what they put in. Mr. Caden advised there will be about 70 additional parking spaces in the lot. He added Rt. 13 will now be changed from 6 lanes to 4 lanes and improvements will be made. He added during the construction process there should be safe access.

Bernadette Hart, 50 Stream Lane, Levittown, commented that on the northbound side there is a parking lot; she asked about the other side of the tracks for parking. Mr. Caden advised that the area will also be reconstructed.

Mr. Czyzyk questioned the "kiss and ride". Mr. Caden advised that is the dropping off area. He advised there are two provisions for bus parking and bike racks as well.

Mr. Caden advised that even though there is an increase in parking spaces, there is a decrease of impervious on the site by about three-tenths (3/10) of an acre. He added this is a very functional, compact use of the parking.

Mr. Czyzyk asked if video cameras will be there. Mr. Schiflett advised that there is a plan to have the building be monitored by video cameras—inside the building and outside the doors.

Mr. Adams asked if they will be charging for parking. He was advised that the standard \$1.00 per day will be charged for parking.

Mr. Hecker advised that they will leave a plan at the Borough for residents to review.

CONTINUATION—REQUEST OF CENTER FOR STUDENT LEARNING CENTER FOR SCHOOL SIGNS

Mrs. Smith advised that previously we discussed a request from the school for warning signs to caution drivers. She added that we asked PennDOT for their assistance and they provided a signage plan. Mrs. Smith distributed a picture to Council showing a location for the 3 signs and commented that PennDOT also advised that it is the municipality's responsibility to install those signs.

Dr. Charles Bonner of the Center for Student Learning Center was present and commented that they are very pleased with the signage and placement and would like to move forward.

Mr. Pirolli made a motion to authorize the purchase and placement of three (3) school safety signs for the Center for Student Learning Charter School of Pennsbury, 345 Lakeside Drive, Levittown, PA at a cost not to exceed \$1,000.00. Ms. Gahagan seconded the motion.

The vote of Council was as follows:

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.

APPROVAL—HIRING OF 2 PART-TIME POLICE OFFICERS

Chief Doyle advised there are actually 3 part-timers that need to be hired; namely John Trindle, Joseph Parell IV, and Thomas Leinheiser.

For the record, Ms. Gahagan left the meeting due to family medical issue.

Mrs. Kucher made a motion to hire John Trindle as part-time police officer, seconded by Mr. Czyzyk. The vote of Council was as follows:

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. Czyzyk made a motion to hire Joseph Parell, IV as part-time police officer, contingent upon completion of the medical checks and police certification. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

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. Pirolli made a motion to hire Thomas Leinheiser as part-time police officer, contingent upon completion of the medical checks and police certification, seconded by Mr. Czyzyk.

The vote of Council was as follows:

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.

All three officers were present at the meeting for Council to meet.

APPROVAL OF RESOLUTION AUTHORIZING SALE OF 2011 CROWN VICTORIA

Chief Doyle advised that Council authorized the advertisement of police vehicles on Municibid. He advised that he did place the police vehicle that was involved in the crash—being sold as is. Chief added the car was a 2011 Ford Crown Victoria police car and the successful bidder was Rustislav Kaminsky in the amount of \$1,800.00.

Mr. Pirolli made a motion to adopt Resolution #301, seconded by Mr. Czyzyk.

Mrs. Kucher questioned if we had insurance to cover the cost. Chief Doyle advised the vehicle was already paid for.

The vote of Council was as follows:

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.

SHADE TREE COMMISSION REPORT

Mrs. Karen Wilson presented report to Council, a copy of which is enclosed with the minutes. Mr. Pirolli questioned the trees that are on Main Street and asked for suggestions on trimming. Mrs. Wilson commented that either public works or PECO could trim the trees.

APPROVAL OF CONTRACT FOR TEMPORARY BOROUGH BUILDING SITE

Mrs. Smith advised that during the HVAC renovations, both the administration and police departments will move completely out of the building in order to facilitate a best price from the contractors doing that work. She added that we researched a number of locations and found the property at 578 Main Street to be the most cost effective. Mrs. Smith indicated that the lease is proposed for a turnkey contract—the owner will provide the space, put it out to the Borough specifications, and we will pay \$1.00 for the lease and pay for the cost of renovations upon taking leasehold of the property.

A motion was made by Mrs. Kucher to adopt Resolution #302 authorizing lease of space for 578 Main Street for a period of time that the renovations are underway. Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

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.

Mrs. Kettler then made a motion to waive the application and inspection fees associated with work to be performed on the building at 578 Main Street, Tullytown, PA, the location to be rented by Tullytown Borough for municipal operations pending completion of the Borough Hall renovation project. Mrs. Kucher seconded the motion.

The vote of Council was as follows:

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.

APPROVAL OF RESOLUTION GOOD SAMARITAN

After explanation of the resolution by Mr. Sellers, a motion was made by Mr. Pirolli to approve Resolution #303, seconded by Mr. Czyzyk.

Mrs. Kucher asked for clarification of the resolution; Mr. Sellers advised the intent of this resolution is to make a wider availability for this particular medication that can quickly reverse what could be a fatal overdose.

The vote of Council was as follows:

- 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.

PUBLIC HEARING—AMENDMENT OF ORDINANCE NON-UNIFORMED EMPLOYEES DEFINED PENSION PLAN—5% EMPLOYEES' CONTRIBUTION

Mr. Sellers explained the amendment of the ordinance which is to confirm and create symmetry between the collective bargaining agreement and the defined benefit pension plan to provide for a 5% non-uniformed employees' contribution as reflected by the calculation of the actuary.

The public hearing was opened. There were no comments or questions from the public. The public hearing was then closed.

Mr. Pirolli made a motion to adopt Ordinance #358, seconded by Mrs. Kettler. The vote of Council was as follows:

- 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.

APPROVAL OF EXPENDITURE—GRANT WRITING TRAINING

Mrs. Smith advised that there are approximately 8 more grants that the Borough is eligible for. She advised this training is \$450 to make more successful grant applications.

Mrs. Kucher made a motion to approve the expenditure of \$450 for the grant training for Alison Smith, seconded by Mrs. Kettler.

The vote of Council was as follows:

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.

APPROVAL OF EXPENDITURE FOR INLET REPAIRS

Mrs. Smith advised that G.E. Poli was hired by the Borough to do inlet repairs. She advised that both our engineer and she recognized the quality of work done by G.E. Poli which was very good. Mrs. Smith advised that they ran into one inlet that was collapsing from the inside, paved over some trolley tracks; the sub-bed was fairly weak in the first place—contractor had to do double the work. She indicated the change order in the amount of \$1,400 needs to be approved by Council if they so wish.

Mr. Pirolli made a motion to approve the change order for G.E. Poli in the amount of \$1,400.00, seconded by Mrs. Kucher. The vote of Council was as follows:

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.

CONSIDERATION—DONATION FOR “HONOR FLIGHT BUCKS COUNTY”

Mrs. Conner explained the “Honor Flight Bucks County” program. Mr. Czyzyk made a motion to donate \$1,000 for the Veterans. There was no second to the motion; therefore, the motion failed.

Rich hart, 50 Stream Lane, Levittown, advised the Veterans’ affairs office in Bucks County offers discount cards.

Mr. Pirolli made a motion to make \$550 donation for the ad, seconded by Mrs. Kucher. The vote of Council was as follows:

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.

APPROVAL RENEWAL CONTRACT FOR WEBSITE HOST

Mrs. Kettler made a motion to accept the contract for Biz Pro Media for \$2,100 for this year.

Mrs. Kucher seconded the motion. The vote of Council was as follows:

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.

COMMITTEE REPORTS

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal commented that the St. Mike's annual fair is going well. Mayor advised that we are going to continue speed enforcement on Main Street especially due to complaints from the residents.

Mayor Cutchineal advised that the 9-11 Committee has been meeting to set up for this year.

He also commented that we are going to try to erect a first responders monument to be placed somewhere between the Borough Hall and the Fire Company. He added that hopefully it will be erected for the Borough's 125th birthday in 2016. He asked that anyone from the public who would like to help is welcomed.

Mayor advised that winner of the most patriotic house was Lutz's house on Main Street. He added that the big black poodle won the most patriotic dog but we don't know anyone who owns it.

COORDINATOR'S REPORT

Mrs. Smith reported that for the Bucks County Municipal Open Space program, the concept approval request was submitted to Bucks County Planning Commission and we are presenting the project concept to their board on July 23rd. She added the request is for \$250,000 which requires a 25% match from Council which has already been approved and will be used for developing the ball field near the shopping center into a park. Mrs. Smith advised that the important item here is that both this grant and the DCNR grant are dependent on getting the easement for access from DLC which Mr. Sellers is working on.

Regarding the HVAC and building renovation project, Mrs. Smith advised it was advertised; we actively sought out quality contractors to bid and seven (7) have picked up the bids. She added that bids close July 18th. Mrs. Smith indicated that we are expecting an August 15th

completion date for the renovations to the temporary building site and added that the building owner has been excellent to work with.

Mrs. Smith advised that we received word from our requests through State Senator Chuck McIlhenney's office that the paving of Fallsington Avenue will be worked on this summer—however it's dependent on the budget that comes from the State—it is not a done deal yet.

Mrs. Smith advised that over the months we have received a number of complaints regarding lack of lawn maintenance. She advised there is a process in place where we contact the business owners, give them five (5) business days to respond and then our public works department handles it and bills the property owner which is averaging \$150.

Regarding the St. Mike's School's warning signs, Chief Doyle found a recently developed solar powered warning sign that might be suitable for the crossing. She added that plans have been sent to PennDOT for approval—it is based on piggy-backing on previously approved plans that were coming in so expensively. Mrs. Smith commented that this will be much less expensive if it were approved.

SOLICITOR'S REPORT

Mr. Sellers discussed the easements from DLC. He added the actual legal descriptions are being created so it will be recorded in Doylestown. Mr. Sellers advised that we will be reaching out to anchor tenants at the Levittown Town Center along with DLC to secure their permission and participation in the easements.

Regarding the Kenwood Drive dedication, Mr. Sellers reported that the punch list that was done several months ago by the engineer which was updated is being worked on by DLC—they are completing a number of items on list and hopefully by August or September meeting, they will appear for acceptance of dedication of Kenwood Drive.

Mr. Sellers discussed the Galzerano case was cited in favor of the Borough by the Commonwealth Court of Pennsylvania. He added the time for appeal expired yesterday. Mr. Sellers advised that he has not seen any appeal filed on that to the Pennsylvania Supreme Court. He commented that if no appeal is filed—the decision of the Supreme Court will become final.

Mr. Sellers discussed an item mentioned in the Pennsylvania State Association of Borough's alert regarding House Bill 1708 which proposes taking monies by way of State contributions to Borough Pension funds and redirecting them to State agencies. He added that if this Bill would pass it would raid the State aid fund which municipalities rely upon on an annual basis.

After discussion, a motion was made by Mr. Pirolli to authorize the Council President to send a letter to our elected State representatives and senator requesting they vote "no" on House Bill 1708 and any other proposed legislation that takes away State contributions to local municipal pension funds. Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

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.

Mr. Sellers also mentioned that Chief Doyle has raised issue of selling miscellaneous property which is of fairly nominal value. He asked that if Council is interested in authorizing the continual disposal of this relatively small value personal property by the Borough, the way to do it is to authorize drafting a resolution to describe a procedure.

Mr. Pirolli made a motion to authorize the solicitor to draft this resolution, seconded by Mrs. Kucher. The vote of Council was as follows:

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.

ENGINEER'S REPORT

Mr. Jeffrey Skinner of Wm. Major Associates presented the engineer's report, a copy of which is enclosed with the minutes.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Kucher discussed the matter of 363 Main Street regarding fire shields that is overhanging on the property of 365 Main Street. She advised that she spoke with prior building inspector who advised that Tullytown dropped the ball on this and that it is now a civil issue between the neighbors. She feels that if we were at fault from the beginning, she doesn't understand why the Borough doesn't have to remedy it.

She commented that these fire barriers should have been installed in the inside wall of this building but instead it is erected on the outside of the building which overhangs over another property. She added these shutters are getting old and there is a real safety concern.

Mrs. Kettler commented that the code enforcement officer should send the owner a letter to take it down. Mrs. Kettler advised that is what happened to a little girl at Rita's Water Ice a week ago.

Mr. Sellers commented that there is a Borough file on it. He added that he is not familiar with the details and if Council so wishes, he will look into the issue and advise. Mrs. Kettler asked if Mr. Sellers' finding is that Code Enforcement needs to get involved that we don't have to wait another month—Mrs. Smith can direct Code Enforcement immediately.

Mr. Sellers advised that if there is something that Code Enforcement can do he will assist with that.

Mrs. Kucher made a motion to instruct our solicitor to research the matter of 363 Main Street fire curtains. Mrs. Kettler seconded the motion.

The vote of Council was as follows:

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. Adams commented that the Daisy Jug Band concert was this past weekend and the turnout was very small. He added that the only member from the Park & Recreation Committee who attended was Ronnie Baker. Mrs. Kucher commented that she thought there were about 100 people there from beginning to end—she said it was a nice concert.

ADJOURNMENT

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

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary