

## TULLYTOWN BOROUGH COUNCIL MEETING JULY 9, 2013

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, July 9, 2013 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Mary Eberle, Joe Kucher, Sandy Johnson, and Mary Czyzyk who recently passed away.

Present at the Meeting:

Mayor Cutchineal  
Councilman Armstrong—absent due to health reasons  
Councilman Servis  
Councilwoman Kucher  
Councilwoman Gahagan  
Councilman Pirolli  
Councilman Czyzyk  
Councilman Adams

Also present:

Michael T. Sellers, Esquire, Borough Solicitor  
William S. Major, William G. Major Associates, Borough Engineer  
Danielle Vacirca, Borough Treasurer  
Nancy Conner, Borough Secretary

Mr. Sellers advised that Council met in executive session prior to the meeting regarding the status of Fox vs. Kucher which now includes Tullytown Borough as named defendant. They also discussed the status of the disability retirement of Chief Patrick Priore.

Frank Baker, 288 Main St, Tullytown, commented that there is a nest of bees in a tree in front of his house and he is getting stung. Mr. Adams advised the coordinator will look into it.

Joe Blagrave, 200 Kenwood Drive South, commented that about a year ago he asked for help about the property behind his house. He added that in August that year a gentleman came out to look at it and he has not heard from the Borough since then. He added when Hurricane Sandy came through, trees were blown down. Mr. Blagrave said that today Mr. Doyle and road crew were at Mr. Mertz house (his neighbor), but did not address the property behind his house. Mr. Blagrave thinks DLC owns that property. He said trees are down all over. Mr. Adams asked Mr. Blagrave to leave his name and address with Mrs. Conner so we can move forward.

Mr. Major advised that he and Mr. Doyle were out there with Mr. Mertz today (neighbor of Blagrave) regarding a different situation.

Mrs. Kucher advised that last year she turned this over to the coordinator and she assumed that it was going to be taken care of. She commented that there was a tree full of termites that had fallen half way down on owner's fence. Mrs. Kucher advised that it is pretty bad back there—along the whole ditch all the way down to PECO's property. She added that years ago Mr. Shellenberger, as coordinator, met with the engineer. She mentioned that this clean up went from a \$60,000 to a \$200,000 job. Ms. Gahagan stated that is because EPA got involved.

Mr. Major explained that the drainage ditch is in bad shape. He added it is silted in with a lot of road debris which has gone through the storm sewers. Mr. Major indicated that the storm sewers were actually backing up into Kenwood. He advised that we had a contractor who was going to try to solve the problem—they brought in a big track hoe and it buried itself in the ditch so that had to be dug out. Mr. Major also advised that the increase in cost was because DEP got involved. Mrs. Kucher commented that that property is going to flood. Mr. Pirolli commented that there is question as to who owns the property. Mr. Major advised that Bristol Township owns part of that also – if we don't do the entire property it will still back up.

Mr. Adams advised that our coordinator and engineer will go out to look at it and bring recommendations back to Council.

Ronnie Baker, 288 Main Street, Tullytown, complained that the tractor trailers coming through Main Street shake her house—she has to close windows because they are so loud—they are screeching brakes. She asked if our police officers can check weight of trucks or put up speed trap. Mayor Cutchineal advised that we do periodic speed traps on Main Street but they will do more frequently.

Elaine Franz, 320 Main Street, Tullytown, questioned the fact that Council approved purchase of a police car in the amount of approximately \$36,000 due to the car that was in an accident. She asked if we are getting back any money from the car that was in the accident. Mayor Cutchineal advised he thinks we got back around \$19,000 which will be put towards the cost of the new vehicle.

## **APPROVAL OF COUNCIL MINUTES**

Mr. Servis made a motion to approve the minutes of the June 4, 2013 Council meeting, seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Pirolli—for  
Mr. Servis—for  
Mrs. Kucher—for  
Mr. Czyzyk—abstain as he was not present  
Ms. Gahagan—for  
Mr. Adams—for

The vote was 5 in favor, 1 abstention; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mr. Servis questioned the invoice for Aria Sweetbriar Family. Ms. Vacirca advised that invoice is for physicals for newly hired police officers.

Mr. Pirolli made a motion to approve the monthly bills, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

### **RECONCILIATION STATEMENT**

Mr. Servis made a motion to approve the Reconciliation Statement for June, 2013, seconded by Mr. Czyzyk. Roll call vote was taken—all of Council was in favor of the motion; the motion carried.

## **GENERAL BUSINESS**

### **PRESENTATION 2012 AUDIT**

Mr. Coyne advised the audit was completed and distributed to Council about 3 weeks ago. He explained the audit to Council and recommended Council approve the 2012 Audit.

Mayor Cutchineal asked, if our budget pretty much in line with the other communities you audit, excluding our property allocation.

Mr. Coyne advised the property improvement allocation is the Borough's largest expenditure at 55%. He advised that last year the Borough paid out \$3,834,000. He added there is no community that he is aware of that pays that. Mr. Coyne stated that the Borough did receive landfill host fees last year of \$3.7 million – many communities don't have that revenue either. He added that taking those 2 items out, we would still be operating at a deficit. Mr. Coyne advised the Borough used some of its savings last year to fund the operations of the Borough.

Mr. Servis made a motion to approve the 2012 audit, seconded by Mrs. Kucher. Roll call vote was taken—all of Council was in favor of the motion. The motion carried.

### **CONSIDERATION—APPOINTMENT OF ASSISTANT TREASURER**

Mrs. Kucher advised that we advertised for the position and did receive quite a few resumes. She added that personnel committee and Nancy Conner and Danielle Vacirca were all involved with the selection of the assistant treasurer. She added that they recommend Mrs. Judy Collings who met all requirements. Mrs. Kucher advised that Mrs. Collings was present at the meeting this evening.

Mrs. Kucher made a motion to appoint Judy Collings as assistant treasurer.

Mr. Sellers advised that should be done by resolution.

Mrs. Kucher amended her motion to adopt Resolution #272 for the appointment of Judy Collings as assistant treasurer. Mr. Pirolli seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mr. Servis advised that we should let the public know that Mrs. Collings has been hired with the conditions of \$25.00 per hour not to exceed 30 hours per week—no benefits.

#### **IMAC SYSTEMS—CONSIDERATION LAND DEVELOPMENT APPROVAL**

Mr. Major advised that they have reviewed this project 4 times. The project consists of a proposed 7,616 square foot addition to an existing building. He added the plans have been reviewed for substantial compliance with the Tullytown code as amended to date and all engineering issues have been addressed. Mr. Major advised that the Planning Commission granted approval and granted a waiver for the installation of sidewalks. Mr. Major advised Council of the waivers that the applicant has requested.

Ms. Gahagan made a motion to give preliminary and final land development approval for the application of IMAC Systems Inc, for tax map parcel #46-001-012-005, conditioned on: compliance with the review letter of the Borough Engineer dated July 8, 2013; approval from the Bucks County Conservation District deeming the proposed soil and erosion control measures as adequate, and obtaining an earth disturbance permit for the infiltration basin prior to issuance of a building permit; further conditioned on a fully executed agreement with the LBCJMA with respect to the driveway extending along the existing building on the westerly side of the property; revision of pavement markings to be clear and permanent as required by Section 185—61.(A); and payment of any outstanding Borough costs for the application, including professional fees associated with review.

Further, the applicant is granted the following waivers from the subdivision and land development ordinance: (1) Saldo Section 153-55.C, with respect to the scale of plans; (2) Saldo Section 153-40.B, and the requirement of the installation of curbs along streets. There are no existing curbs along this section of Main Street; (3) Saldo Section 153-53.B.25, and the requirement of a traffic impact study; (4) Saldo Section 153-28.J, with respect to requirements of a handicapped parking area set back from an adjacent property line; and (5) Saldo Section 153-39, for the required installation of sidewalks along streets.

Mr. Pirolli seconded the motion.

Mrs. Kucher asked that referencing where the ground is being used, is there going to be deed changes. Mr. Sellers advised that he was in touch with the solicitor for the Authority and he has an executed agreement with allowance for use of that land by the developer that will be good going forward which satisfies the legal obligation.

Roll call vote of Council was taken with a unanimous vote in favor of the motion; the motion carried.

**APPROVAL OF EXPENDITURE FOR BOROUGH MUNICIPAL BUILDING & GARAGE ROOF**

Mrs. Conner advised she has the invoice and advised it was an emergency repair with a cost of \$1,800.00.

Mr. Pirolli made a motion to approve the invoice, seconded by Mrs. Kucher. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

**CONSIDERATION—AUTHORIZE ADVERTISEMENT FOR BIDS FOR HVAC SYSTEM, ROOF & GENERATOR**

Mr. Major explained the work that needs to be done. He added that the estimated construction cost for the HVAC system and generator is \$576,090. He strongly recommends the project be bid using a single prime contractor due to the complexity of coordinating all the various trades that are going to be involved to insure that the work proceeds in a timely fashion.

Mr. Major suggested the roof be bid separately with an estimated cost of \$60,000.

After discussion, Mr. Servis made a motion to authorize advertisement for bids for roof, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mr. Pirolli made a motion to authorize advertisement for bids for the HVAC system which includes the generator and all the associated construction, seconded by Mr. Czyzyk. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

**PUBLIC HEARING – PROPOSED SIGN ORDINANCE**

Mr. Sellers explained the proposed ordinance.

Mr. Adams opened the floor for public comment.

There was no comment from the public; therefore, Mr. Adams closed the floor for public comment.

A motion was made by Mrs. Kucher to adopt Ordinance #352, the proposed amendment to chapter 185 of the Code of the Borough of Tullytown, seconded by Mr. Pirolli. Roll call vote was taken as follows:

Mr. Pirolli—for

Mr. Servis—for

Mrs. Kucher—for

Mr. Czyzyk—abstain as he is not sure of the constitutionality of it

Ms. Gahagan—for

Mr. Adams—for

The vote was 5 in favor; 1 abstention—the motion carried.

#### **CONSIDERATION—ONE APPOINTMENT TO CIVIL SERVICE COMMISSION**

Mrs. Conner advised that Jim Powell has been on Civil Service Commission since 1993. She added that his term expires and he is interested in being re-appointed to this 6-year term.

Mr. Servis made a motion to appoint Jim Powell, seconded by Mr. Pirolli. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

#### **DISCUSSION—TULLYTOWN COMMUNITY PARK**

Mr. Sellers advised he distributed memo to Council on June 24<sup>th</sup>. He advised that since the authorization by Council, he and Mr. Major did some research and a site visit. Mr. Sellers has also been in touch with counsel for DLC, regarding reciprocal easement agreements which are necessary for the Borough to use the park. Mr. Sellers added that the park at this time is land locked parcel of land with legal access which has to be created.

Mr. Sellers suggested that Council hold a work session for purposes of discussing the issues with Tullytown Community Park and also to revisit the last conceptual plan that was created 2 years ago for its use.

Mr. Major discussed the stormwater issues. He also advised there is concern with too many recreational activities, creating insufficient parking.

A motion was made by Mrs. Kucher to advertise for a work session to be held on Tuesday, July 16<sup>th</sup> to meet at the Tullytown Community Park in back of Home Depot at 6:00 p.m. and then reconvene at 7:00 p.m. at the Borough Hall. Mr. Pirolli seconded the motion. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

#### **CONSIDERATION—APPROVAL RESOLUTION FALLS/TULLYTOWN BOUNDARY LINE**

Mr. Sellers explained the resolution and discussed with Council. He is asking Council to rescind the old resolution and pass the new resolution as there are a few minor changes.

Mr. Pirolli made a motion to rescind Resolution #269, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Mr. Pirolli then made a motion to adopt Resolution #273, seconded by Mr. Czyzyk. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

#### **CONSIDERATION—DESTRUCTION AND REMOVAL OF EQUIPMENT**

Mrs. Conner advised the old meeting room chairs, old equipment including computers (hard drives to be destroyed) need to be removed from the library.

Mr. Czyzyk made a motion to get rid of the equipment, furniture, etc. in the library, seconded by Mr. Pirolli. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal commented that St. Michael's Fair went very well with our officers working hard and keeping the peace.

Mayor advised that FEMA has sent us a confirmation letter that as a result of the emergency proclamation that we filed, we have been approved for complete reimbursement of our municipal expenses including salaries—over \$40,000.

Mayor Cutchineal advised that our new police car will be picked up tomorrow and ready for patrol use in another week or so.

He further advised that our police officers will be participating at school shooter training at St. Mike's just like they did at Walt Disney earlier in the year.

Mayor Cutchineal also mentioned that Home Depot is holding a hurricane preparedness day on July 27<sup>th</sup> from 10 to 11:30 a.m.

Mayor Cutchineal advised that Madison, the young lady who won the raffle tickets for participating in Community Earth Day clean-up will be attending her first Phillies game tomorrow with the Police Department and Mary Ann Gahagan will be chaperoning.

Mayor Cutchineal advised that Mr. Pirolli mentioned the problem with the sagging wires on Pond Street. Mayor advised he will have someone out from PECO this week.

### **SOLICITOR'S REPORT**

Mr. Sellers advised that the Galzerano case has been moved to Commonwealth Court of Pennsylvania. He added that Judge Cepparulo has filed his written opinion of the matter which was distributed to Council.

Mr. Sellers discussed the Fox vs. Kucher case which has now included the Borough of Tullytown as defendants. He added that the matter went up to Doylestown on appeal and at that time a complaint was filed by Mr. Fox. Mr. Sellers advised this has been referred to the Borough's insurance carrier.

Mr. Sellers advised that the land development application of George Maples for 578 Main Street has been withdrawn by the applicant.

### **ENGINEER'S REPORT:**

Mr. Major read his report, a copy of which is filed with the minutes.

Mr. Major advised that he contacted Penndot about the left hand turn but advised it has to go through all the departments in Penndot.

#### MISCELLANEOUS COUNCIL BUSINESS

Mr. Adams commented that the Memorial Day Parade was fantastic as well as the services at the Memorial and the Cemetery honoring those who served our Country. He said the concert was also wonderful. He commented that he was disappointed with the Courier Times that they printed an article about a person receiving unemployment benefits.

Mrs. Kucher made a motion to advertise for a part-time borough coordinator, seconded by Ms. Gahagan. She discussed the advertisement for this position. Mrs. Conner advised that she will go over the advertisements with Mrs. Kucher. Ms. Gahagan advised that Mr. Doyle wants to step down from this position. Roll call vote was taken. All of Council was in favor of the motion; the motion carried. Mrs. Kucher asked Mrs. Conner to forward advertisements to her so she may review. Mrs. Conner advised she will not advertise until cleared with Personnel Committee.

Mrs. Conner advised we are working on the website—hopefully it will be up and running by next meeting.

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 was adjourned at 8:17 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary