

TULLYTOWN BOROUGH COUNCIL MEETING

AUGUST 5, 2014

President Rick Adams called the meeting to order on Tuesday, August 5, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Lee MacSherry who recently passed away.

Present at the meeting:

Mayor Cutchineal

Councilman Armstrong

Councilwoman Gahagan—absent due to family illness

Councilman Pirolli

Councilwoman Kucher

Councilwoman Kettler

Councilman Czyzyk

Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor

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

Alison Smith, Borough Coordinator

Daniel Doyle, Chief of Police

Judy Collings, Borough Treasurer

Nancy Conner, Borough Secretary

Mr. Adams thanked John Galloway for holding a beautiful affair and dinner for the Veterans.

PUBLIC COMMENT

Jaqueline Redner, 26 Lilac Lane, introduced herself as president of Pennsbury school board. She advised their next meeting is August 28th.

Elaine Franz, 320 Main Street, Tullytown, commented that the televised meetings are still difficult to hear on Comcast channel. She also commented that she was embarrassed at what was said about the lack of park & rec committee members at the concert in the park. She felt that it was not fair that they should have been singled out.

APPROVAL OF COUNCIL MINUTES

A motion was made by Mrs. Kettler to accept the minutes of the July 1, 2014 Council meeting, seconded by Mr. Czyzyk. The vote of Council was as follows:

Mr. Armstrong—abstain, as he did not attend that meeting
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Czyzyk—for
Mr. Adams—for

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

TREASURER'S REPORT

MONTHLY BILLS

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for July, 2014, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion.

COMMUNICATIONS

Mrs. Conner advised that Council received a letter from the Center for Student Learning thanking Council for the school traffic signs.

GENERAL BUSINESS

REQUEST FOR DONATION—PENNSBURY MANOR

Mr. Doug Miller, director of Pennsbury Manor made a proposal for donation to Pennsbury Manor. He advised that a corporate membership of \$5,000 could get free admission for all residents of Tullytown.

Mr. Pirolli made a motion to donate \$5,000 to Pennsbury Manor, seconded by Mr. Armstrong. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

CONSIDERATION—AWARD BID—HVAC RENOVATIONS

Mr. Major advised the 3 bids were received; namely:

- 1) Eastern Construction & Electric Inc - \$1,273,000
- 2) Premier Builders, Inc. - \$1,289,000
- 3) CC Construction Services -- \$1,337,700

Mr. Major advised that since the bids exceed the estimated cost of construction, our Coordinator has suggested that self-contained "ductless" HVAC units might be considered as a possible alternative to reduce costs. Mr. Major advised that he doesn't have enough knowledge of this type of system to make any determination at this time.

Mrs. Smith commented that she began working for the Borough after this project was started and already in the design process and out to bid twice. She said the first time was a two-phase system which drove the cost higher. She added this is still coming substantially higher than what the engineer's original estimate was. Mrs. Smith advised the biggest issue was about zoned heat throughout each room and the ability to maintain. She added that this ductless system that has been designed does address the ability to maintain. She said it doesn't address the cost of operating the system. Mrs. Smith commented that Mr. Major advised previously that the efficiency of the current proposed system is in a 45-50% range. She advised that this ductless system is running in the 88-90% range which is half the cost. She added we could save approximately \$1,500 a month in operating costs. Mrs. Smith added that they believe the installation of the ductless system will reduce the costs of the installation of an HVAC system of approximately \$150,000 by not having to run substantial duct work. Mrs. Smith commented that it was discussed to do the project at \$860,000. She added that the scope is calling for new fixtures which aren't necessary, new insulation. She further added that the specs called for removing all insulation and all wiring which may have had a big impact on pricing. She agrees we need more examination of different "ductless" systems but we also need to look at the specifications so they are a clear picture for contractors to be able to bid clearly. Mrs. Smith feels at \$1.2 million, it is a cost that the Borough cannot afford. She commented that with going with the ductless system, some reduction in scope and a better set of specifications there will be a savings of possibly \$300,000 to \$400,000—we can save construction money and operating money.

Mrs. Smith suggested that Council reject the bids and direct the engineer and herself to do the work to come up with the proper specifications for advertisement and bring to Council at the next meeting

Mrs. Kettler commented this would be the second time, since she has been on Council, that we would reject the bids. She added that neither Mrs. Smith nor she was present during the initial development of this project. Mrs. Kettler asked the cost of the 3rd preparation of specifications. Mrs. Smith advised the largest cost to date has been the design of the HVAC system. Mrs. Smith added that she proposes that this would be a design build out to contractors for the ductless system which means they would bear the cost of the design and we are still looking at a substantial reduction in cost.

Mrs. Kettler commented that we need a fresh eye to look at the entire bid. She added if there is something we can save, the whole project would need to be looked at.

Mrs. Kucher commented that she would like our coordinator to work with the engineer this time and develop specs for the ductless hvac system for the Borough building with examination of the entire scope and specifications to provide for the consideration of Council at our next meeting and believes that we should again reject all bids.

Mrs. Kucher made a motion to reject all the bids, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Mrs. Kucher made a motion for the coordinator to work with the engineer and to develop the specifications for the ductless HVAC system for the Borough Hall. Mr. Czyzyk seconded the motion.

Mrs. Kucher commented that she would like to know the cost of the engineer working with our coordinator before Council votes on this motion. Mr. Major advised that he cannot give Council an idea what that cost would be. Mrs. Kucher commented that she is not willing to give a blanket check for a 3rd redo of these specs.

Mr. Major suggested that Council allow him to do more research into this. Mrs. Kucher advised she doesn't want to do a lot more research. She commented that 3 sets of specs were prepared—this is the 3rd or 4th time we are going out to bid. She said estimated costs when this first started was \$350-500,000, then we were up to \$800,000 and now \$1.2 million and we basically asked for the same things from the beginning. She feels our estimates should have been closer. Mrs. Smith suggested a cap of \$3,000 for engineering expenses. Mr. Major commented that might not be reasonable. He feels they don't know what is entailed and thinks they should investigate this type of system more, determine a scope of what we are going to change, eliminate.

Mrs. Kucher withdrew her motion.

Mrs. Kettler commented that it's not a matter of allowing the engineer to work with the coordinator, it's a matter of cost and she is not comfortable with this project because we keep changing specifications and rejecting bids and we continue to spend.

Mrs. Smith commented that she has done a lot of research on the ductless system—she answered all of the questions of Mr. Major. She added that right now our system pulls about 240 amps—this ductless system will pull 90 amps. She further added that this system is used in hospitals, office buildings, apartment buildings—every person she has spoken with so far is very happy with the quality of the heating and air conditioning. She added that the ability to come in with a lower cost has been well researched in terms of coming up with a much better price for the Borough to do this project. She still suggests putting a cap of \$3,000 for the engineer and they will work to bring this to Council next meeting and stop at \$3,000 cost.

Mrs. Kettler questioned the “design build”. Mrs. Smith explained that the “design build” would be the vendor and installer creating a design that is signed by an electrical and mechanical engineer around the system.

Joe Shellenberger, 229 Kenwood Drive, S, Levittown, commented that this ductless system has been around for 20 years. He added that they work very well especially for buildings like this—they are ideal. He added that they have become much more efficient. He added they are about 90% efficient which is unreal. Mr. Shellenberger commented that most of the time you can get companies to come in and design a system for your building—you don't have to have an engineer go out and spend \$70,000—it's not necessary. Mr. Shellenberger

recommended that Council should allow the coordinator to obtain the information from the companies and have our engineer approve it.

Rich Altmiller, 33 Stonybrook Drive, Levittown, commented that when this all started Joe Shellenberger suggested that each company should spec it out instead of having our engineer prepare specs. Mr. Altmiller asked what we paid for the engineering design for the HVAC system. He commented this should have been done properly the first time.

Mr. Armstrong commented that these systems have become extremely popular in hospitals, commercial settings—the engineering required is considerably less and he knows that Alison has the background required to put this back together but we need the acknowledgement of our engineer as well. He feels we can save substantial amount of money on the purchase as well as the operation.

Mr. Czyzyk commented that we should tear this building down and rebuild.

Mr. Altmiller asked the total engineering cost of this project. Mrs. Collings advised that she will gather the information and advise Council via email.

Mrs. Kucher made a motion that the coordinator manage the renovation project work with the engineer to immediately develop the specifications for a ductless HVAC system for the Borough Hall with additional examination of the whole scope and specifications and provide those for consideration with a cap of the engineer expenses of \$3,000. Mr. Armstrong seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

APPROVAL—EXPENDITURES FOR TEMPORARY MUNICIPAL SITE

Mrs. Smith distributed tabulation of expenses which are less than what we would have incurred if we moved within the building.

Mrs. Kucher made a motion to approve the expenditure for audio/visual for Ron Skotleski in the amount of \$500, 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 approve the expenditure for Verizon to move the PEG Channel in the amount of \$500, seconded by Mr. Czyzyk. Roll call vote was taken—all of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to approve the expenditure of Comcast to move phones, computers, PEG channel in the amount of \$670, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure of Advanced Innovations and Solutions to move our computers in the amount of \$875, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure of Elite Fire & Security for the security cameras in the amount of \$3,000, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mr. Czyzyk made a motion to approve the expenditure of Elite Fire & Security for fire and theft alarms in the amount of \$2,500, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

Mrs. Kucher made a motion to approve the expenditure of Norstar to move the telephone equipment in the amount of \$1,200, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to approve the expenditure for Ricoh to move the copiers in the amount of \$400, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

A motion was made by Mr. Czyzyk to approve the expenditure of Leo Movers in the amount of \$6,900, seconded by Mrs. Kettler. Mrs. Smith advised that it is the understanding of Leo Movers that if our public works will aid in the move, the cost will be less. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

APPROVAL—EXPENDITURES-PARK & RECREATION COMMITTEE

Mrs. Conner advised the following expenditures for the Borough picnic for Council to consider.

Mrs. Kettler made a motion to approve the expenditure of Creative Face in the amount of \$550, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to approve the expenditure of Airheads for balloons in the amount of \$450, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure for Pony Express in an amount not to exceed \$2,300, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure for Unirec in the amount of \$3,900, seconded by Mr. Czyzyk. Mrs. Conner advised the actual expense is \$2,600; however, there is a rain date fee of \$1,300. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

ONE APPOINTMENT TO CIVIL SERVICE COMMISSION

Mrs. Conner advised that Mark Pirolli's term expired on the Civil Service Commission and Mark expressed interest in being re-appointed.

Mr. Czyzyk made a motion to appoint Mark Pirolli to the Civil Service Commission for a 6-year term, seconded by Mrs. Kettler. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

APPROVAL—RESOLUTION DISPOSING OF CERTAIN ADMINISTRATIVE RECORDS

Mr. Pirolli made a motion to adopt Resolution #304, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

APPROVAL—RESOLUTION DISPOSING OF CERTAIN POLICE RECORDS

Mr. Pirolli made a motion to adopt Resolution #305, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

AUTHORIZE ADVERTISEMENT OF PROPERTY ALLOCATION ORDINANCE

Mr. Sellers explained the proposed ordinance to Council and the public.

Mrs. Kucher made a motion to authorize advertising of the Property Improvement Ordinance and to set the amount of the check to be issued for 2014 in the amount of \$6,000, seconded by Mr. Czyzyk. The vote of Council was unanimous in favor of the motion; the motion carried.

APPROVAL—RESOLUTION BUCKS COUNTY MUNICIPAL OPEN SPACE PROGRAM

Mrs. Smith advised that in March, Council applied for the Bucks County open space grant which would require a \$62,500 match for the \$250,000 grant. Mrs. Smith advised that she made application for the grant and presented to the County on July 23rd at which time they approved the grant. She added a resolution is needed to complete this application.

Mrs. Smith advised that in addition, the County advised that they would look for additional funds to remediate the piece of property that goes between the ball field and the canal as well as advocating with DCNR for the other grant for the ball field park that we had put in.

Mrs. Kettler thanked Mrs. Smith for her efforts on this project.

A motion was made by Mr. Pirolli to approve Resolution #306, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO SHADE TREE COMMISSION

Mrs. Conner advised that Karen Wilson, chair of the shade tree commission, indicated that Jim Chase is interested in filling the vacancy on that committee which term expires December 31, 2015.

Mrs. Kettler made a motion to appoint Jim Chase to the Shade Tree Commission for a term to expire December 31, 2015, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

APPROVAL—WINTER SERVICES AGREEMENT WITH PENNDOT/RESOLUTION

Mrs. Conner advised that PennDOT reimburses the Borough for snow removal of certain roadway that PennDOT owns such as Main Street, the bridge, Fallsington Avenue. She advised that Council will need to authorize entering into the agreement with PennDOT and adopt resolution as well.

Mr. Pirolli made a motion to enter into the winter services agreement with PennDOT, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

A motion was made by Mr. Pirolli to adopt Resolution #307, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

APPROVAL—CONTRACTS FOR 9-11 CEREMONY

Mrs. Conner advised the expenses for the 9-11 ceremony to be approved by Council.

Mr. Pirolli made a motion to approve the expenditure for Men of Harmony for \$200, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

A motion was made by Mr. Pirolli to approve the expenditure of Lisa Beth Weber in the amount of \$400, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure for Hotsy Totsy Girls, seconded by Mr. Czyzyk. Mr. Armstrong advised that the Hotsy Totsy Girls performed at John Galloway's dinner for the Veterans and he commented that they are quite good—performing nostalgic songs. 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 approve the expenditure for the Bucks Mont Squires of Song for \$200, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to approve the expenditure for “gifts” in an amount not to exceed \$1,100, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

APPROVAL—ADMINISTRATIVE EXPENSES

Mrs. Smith advised that the expense is \$3,300 for computers. She advised we are significantly under budget in that area.

Mr. Pirolli made a motion to approve the expenditure of \$3,300 for computers for administration, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

APPROVAL—EXPENDITURE—INSTALLATION OF SCHOOL FLASHING WARNING DEVICE

Mrs. Smith advised this expenditure is for pedestrian crossing at St. Michael's school. She advised this came up in 2010 in which PennDOT approved the Borough's request to move the flashers. She added the cost estimate was over \$300,000 and we have not moved forward on that. She indicated that Chief Doyle found a phenomenal solution to this purchase.

Chief Doyle advised that he obtained a quote from TAPCO Industries for two systems which are solar powered which will save the Borough a significant amount of money for a total cost of \$5,075.90 rather than the \$300,000. Chief Doyle also advised that PennDOT approved these flashers. He added our public works department will install. Mrs. Kettler thanked Chief Doyle for investigating and saving the Borough quite a bit of money.

Mr. Pirolli made a motion to authorize purchase of a flashing school speed signs from TAPCO of Brown Deer, Wisconsin, as stated in a proposal of June 6, 2014 for the amount of \$5,075.90, with installation to be done on the Levittown Parkway at St. Michael's Church. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion; the motion carried.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised that we have had several complaints regarding speeding on Lovett and Manor Avenue. He added that Chief Doyle and he spoke to all of the residents in that neighborhood. He added that the Chief installed a traffic counter that compiled some statistics.

Chief Doyle advised that they are still compiling data on that street but preliminary the traffic counter/speed counter was out for 4 days with a 95% 18.6 mph. He feels there is no speeding issue there. Chief Doyle did recommend to Council to entertain the solicitor to draft language to change an ordinance, chapter 170, vehicles and traffic; namely subsection 170-16 stop intersections to add a stop sign at the T intersection of Lovett and Cheston on Lovett because it is a 3-way free flowing intersection without any traffic control devices.

Mr. Pirolli made a motion to have the solicitor draft language to amend ordinance 170-16 to add a stop sign at the T intersection of Lovett and Cheston on Lovett. Mrs. Kettler seconded the motion. The vote of council was as follows:

Mr. Armstrong—for
Mr. Pirolli—for
Mrs. Kucher—against
Mrs. Kettler—for
Mr. Czyzyk—for
Mr. Adams—against

The vote was 4 in favor; 2 against; the motion carried.

Mayor reminded everyone that the Borough picnic is held on September 6th this year with a rain date of September 7th. He advised the band this year for the picnic is the Seven Band.

Mayor advised that on September 4th, the Tullytown Police Department is going to be sponsoring an informative seminar on the heroin epidemic. He advised that chief deputy district attorney, Matt Weintraub will speak on this issue.

Mayor advised that the 9-11 Vigil will have a different format this year—there will only be one speaker; namely, Tom Mitten, former FBI agent and a member of the Pennsylvania Homeland Security task force and a vocal tribute this year.

Mayor Cutchineal also advised that Chief Doyle advised the cameras in the police cars may have outlived their usefulness. Chief Doyle advised that cameras have been purchased since 2010. He added they are out of warranty and they have been experiencing problems with them. He added they are invaluable to our police department. Chief advised that there is a balance in police budget of \$44,943 and he is asking Council to approve the quote from Watchguard Video, the same manufacturer used last time, in the amount of \$23,350 to replace the 5 patrol unit camera systems.

Mr. Pirolli made a motion to approve the expenditure of Watchguard Video in the amount of \$23,350 to replace the 5 patrol unit camera systems. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Czyzyk suggested that Chief Doyle look into obtaining grant money for that purchase from John Galloway's office.

Mr. Armstrong commented that he had a serious medical emergency and he thanked the police officer who responded to that. Chief Doyle advised it was either Officer Kulan or Officer Bunda.

COORDINATOR'S REPORT

Mrs. Smith advised that the work will be completed by the stated due date for the temporary site. She further advised that we added room for Council to meet in the building which necessitates changes in the floor plan and creativity in finding materials. She added we are coming in on the price quoted because of excellent sourcing finds. Mrs. Smith commends George Maples on his desire and ability to do right by Tullytown. She added the building has passed all scheduled inspections to date. Mrs. Smith suggested that we hold off until after the Borough picnic to move into the building.

Mrs. Kettler thanked Mr. Maples as well for all the help he has given—his experience and insight into the renovation project has saved us substantial money.

Mrs. Smith advised that there were 2 failed inlets and one in very poor condition. She added we are going to start work tomorrow on the Pond and Wood Street intersection inlet.

Mrs. Smith also advised that the Charter School warning signs were placed the week after the last meeting.

She advised we are ready to move forward with St. Mike's as we have the approval from Penndot.

Mrs. Smith indicated that we will save 5% (\$13,000 a year) on our insurance as we have been holding safety meetings. She added that we have written a job safety analysis for the inlet work which was very helpful for planning and communications.

A copy of the coordinator's complete report is attached to the minutes.

SOLICITOR'S REPORT

Community Park

Mr. Sellers advised he distributed memorandum to Council on the status of acquisition of the easements. He advised that DLC has been cooperating. He added the engineer has prepared the necessary legal descriptions for the easements and the plans associated with that. Mr. Sellers advised that the actual easement documents are being prepared. Mr. Sellers commented that the easements are critical as they give the Borough legal access to the park but also these easements must be in place for the open space grant and the DCNR grant as well. Mr. Sellers is expecting this to be ready for Council's September meeting.

Kenwood Drive/DLC

Mr. Sellers advised this involves work to be done prior to acceptance of dedication. He added that he is working with DLC on this and acknowledged that DLC's contractors have been out doing remedial work to allow this to be done and hopefully at September meeting this will be addressed.

SEPTA- Zoning Relief

Mr. Sellers advised that SEPTA filed an application with the Borough to go before the Zoning Hearing Board which is scheduled for August 28th, seeking a number of variances related to the train station project. Mr. Sellers advised that a variance request before the Zoning Hearing Board, if granted, means that the applicant doesn't have to do what is otherwise required by the Borough zoning ordinance. He added that SEPTA is requesting that Council send Mr. Sellers to the Zoning Hearing Board confirming that Council supports these variance requests.

Mr. Sellers advised that when the variance materials and plans were reviewed by our engineer and our zoning officer, it was indicated that there are a number of problems with the plans. Mr. Sellers explained that the plans are important for the Borough to be able to understand what SEPTA wants to do with the variances. Mr. Sellers further advised that Borough Council has the right to weigh in on whether or not they want to support all these variances, support some of them, oppose them all or some combination.

Mr. Sellers advised that he contacted legal counsel for SEPTA in which he asked if SEPTA would consider postponing their appearance before the Zoning Hearing Board to allow SEPTA's resubmitted plans to be evaluated so the Borough's professionals may review and advise Council so Council may take a position on the variance request. Mr. Sellers advised that as of late this afternoon, counsel for SEPTA indicated that SEPTA would not be postponing the Zoning

Hearing Board's meeting of August 28th but instead would be resubmitting the plans this coming week and would hope that this would allow enough time for the Borough to be comfortable with what SEPTA is proposing in the variances.

Mr. Sellers commented that he pointed out to SEPTA's legal counsel that Borough Council doesn't meet again between tonight and August 28th, date of Zoning Hearing, so the ability of Council to take a position on these variance requests is not existent. Mr. Sellers advised that they understand that but they are not willing to postpone the hearing scheduled for August 28th.

Mr. Sellers also clarified that SEPTA is doing this because they believe that the completion by PennDOT of a northern portion of the Rt. 13 project will allow SEPTA to begin work in October of 2014 so they have a great incentive to move this as quickly as possible. Mr. Major advised that at today's progress meeting with PennDOT, he specifically asked when the improvements in the vicinity of the SEPTA station are scheduled to be complete and he was advised that at this time that date is June of 2015 with full completion of the overall project scheduled for July of 2016.

Mr. Sellers advised that either Council can formally request SEPTA to delay the hearing of its application before the Zoning Hearing Board until review of resubmitted plans to allow the Borough to take a position on the variance relief they seek. However, if SEPTA refuses then to authorize the solicitor this evening to appear in opposition to SEPTA at the Zoning Hearing Board on August 28th.

Mr. Major advised that he reviewed the plans that SEPTA submitted and commented that he would be embarrassed to submit something like that—they were incomplete—there was a lot of information missing--they are horrible to deal with.

Mrs. Kucher feels that we are being bullied by SEPTA and she feels at this time we should make sure our solicitor opposes this since the plans are not good.

Mrs. Kettler commented is this how SEPTA does business? She wondered if other municipalities have been confronted with these tactics.

Mr. Sellers commented that SEPTA believes that they will be ready to start this project in October or November.

Mr. Sellers advised that Council does not grant the variances—the Zoning Hearing Board does; however, Council has the right, under State law, to take a position on this application if they wish.

Mr. Sellers commented that Council has the option also to do nothing at this time and SEPTA would proceed to the Zoning Hearing Board at August 28th without any position taken by Council on the variance relief they seek.

Mrs. Kettler commented that if we send our solicitor to the Zoning Hearing Board we need to qualify that we are not opposing the project but certainly opposing the way that they are going about it. She advised that our zoning officer, Sally Bellaspica, states there are too many open ended things. Mrs. Kettler asked if Mr. Hecker is not willing to discuss this and once again questions if this is how SEPTA does business. Mr. Sellers advised that Mr. Hecker was advised by his client, SEPTA, that what the Borough has at this point is all that Council is going to have before the Zoning Hearing Board meeting. Mr. Sellers feels there is a disagreement that the Borough feels there is no rush as we are hearing that PennDOT will not be finished with that area until June of 2015 and SEPTA is under the impression that PennDOT will have that complete by October of this year.

A motion was then made by Mrs. Kettler to formally request SEPTA to request a postponement of the Zoning Hearing Board scheduled for August 28, 2014 until review of resubmitted plans to allow the Borough to take a position on the variance relief they seek but if SEPTA refuses to request a postponement, then to authorize the Borough solicitor to appear in opposition at the Zoning Hearing Board on August 28, 2014. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Major advised that this timeline that SEPTA is pushing for is actually unrealistic from the standpoint of the law. He added they have requested preliminary final approval. He commented that this should be considered as preliminary submission and then once that is addressed it would go to final approval by Borough Council. Mr. Major also commented that under the law, we have the municipal planning code as well as the Borough ordinance—we have a certain amount of time that we have to act with it whether it is review or Council to take any action. He added that every time there is a revision to those plans, the clock starts over again. Mr. Major said it is unrealistic for SEPTA to be pushing for the August 28th Zoning Hearing Board meeting because we have a lot more time to act on that before they even get to the final approval consideration.

Mr. Major read his engineer's report, a copy of which is enclosed with the minutes.

Regarding SEPTA, Mr. Major commented that we have some issues with the proposed design for the reconstruction of the intersection of Fallsington Avenue and Rt. 13. He added that they are requesting Council's permission to solicit Chief Doyle's input regarding that and subsequently present these concerns to PennDOT for their consideration. He added that he isn't looking for Council to pay for it because he understands that all of engineer's review is paid through the State—just more so to act on Council's behalf in this fashion.

Mrs. Kettler stated that until we obtain the revised plans, she doesn't think we need to act on it. Mr. Major advised that he was approached two years ago by SEPTA's counsel, Mr. Hecker, stating they were going to make a submission because they need to get started on the parking lot on this side of the tracks due to some grant money and then nothing ever happened for two years. Mr. Major commented that now SEPTA is in a big hurry.

Regarding the intersection at Rt. 13 and Fallsington Avenue, Mr. Major advised that is controlled by Penndot so he doesn't know where that is in the process—if it has just been submitted to them or if it's just been approved by them. Mr. Major stated that time may be of the essence in bringing our concerns to their attention.

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 8:41 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary