

**TULLYTOWN BOROUGH RE-ORGANIZATION
AND COUNCIL MEETING
JANUARY 4, 2016**

The Honorable Judge Robert Wagner, Jr. swore in the newly elected officials: namely: Councilwoman May Kucher, Councilwoman Tina Grady, and Councilman Joe Shellenberger at 6:30 p.m. on Monday, January 4, 2016.

Mayor Cutchineal called the Reorganization and regular meeting of the Tullytown Borough Council to order at 7:00 p.m. He asked for a moment of silence for Rick Adams who recently passed away.

Present at the Meeting:

Mayor Cutchineal
Councilwoman Grady
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler
Councilman Shellenberger

Also present:

Michael T. Sellers, Esquire, Borough Solicitor
Alison Smith, Borough Coordinator
Daniel Doyle, Chief of Police
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

NOMINATION AND ELECTION OF PRESIDENT

Mayor Cutchineal opened the floor for nominations for Council President.

Mrs. Kettler nominated May Kucher for President of Council. Mr. Shellenberger seconded the nomination.

There being no further nominations, Mayor Cutchineal closed the floor for nominations.



The vote of Council was as follows:

Mrs. Grady—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—abstain
Mrs. Kettler—for
Mr. Shellenberger—for

The vote was 5 in favor, 1 abstention. Mrs. Kucher was elected President of Council.

Mayor Cutchineal turned the gavel over to Council President Kucher.

NOMINATION AND ELECTION OF VICE PRESIDENT

Mrs. Kucher opened the floor for nominations for Vice President.

Mr. Pirolli nominated Joe Shellenberger, seconded by Mrs. Kettler.

There were no further nominations; therefore, Mrs. Kucher closed the floor for nominations for Vice President.

The vote of Council was as follows:

Mrs. Grady—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kettler—for
Mr. Shellenberger—abstain
Mrs. Kucher—for

The vote was 5 in favor, 1 abstention. Mr. Shellenberger was elected Vice President of Council.

APPOINTMENT OF VACANCY BOARD CHAIR

Mrs. Conner advised that Nina Chrzanowski was interested in this appointment.

Mr. Pirolli made a motion to appoint Nina Chrzanowski as Vacancy Board Chair, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mrs. Grady—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kettler—for
Mr. Shellenberger—for
Mrs. Kucher—for

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

APPOINTMENT OF COUNCIL PERSON TO FILL VACANCY VIA ADOPTION OF RESOLUTION

Mrs. Kettler made a motion to accept Resolution #336 as read into the minutes, appointing Linda Slemmer to fill the Council vacancy as Rick Adams passed away on December 12, 2015. Mrs. Grady seconded the motion.

The vote of Council was as follows:

Mrs. Grady—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kettler—for
Mr. Shellenberger—for
Mrs. Kucher—for

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

Mrs. Conner advised that before Linda Slemmer is sworn in, she would have to sign an Affidavit of Residency. Mrs. Slemmer signed the Affidavit of Residency and was sworn in by Mayor Cutchineal.

SECRETARY APPOINTMENT

Mr. Pirolli made a motion to appoint Nancy Conner as Borough Secretary, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

TREASURER APPOINTMENT

Mr. Pirolli made a motion to appoint Judy Collings as Borough Treasurer, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

SOLICITOR APPOINTMENT

Mr. Pirolli made a motion to appoint Michael T. Sellers, Esquire, as Borough Solicitor, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

ENGINEER APPOINTMENT

Mrs. Kettler made a motion to appoint Gilmore & Associates, Inc., seconded by Mr. Shellenberger. The motion carried with a unanimous vote of Council in favor.

AUTHORIZE SECRETARY TO ADVERTISE 2016 COUNCIL MEETINGS AND PLANNING COMMISSION MEETINGS

Mrs. Conner advised the dates to be advertised for Council meetings for the 2016 year: February 2, March 1, April 5, May 3, June 7, July 5, August 2, September 6, October 4, November 1, and December 6. She added the Council work sessions if needed, would be the 3rd Tuesday of each month. Mrs. Conner indicated the Planning Commission meetings would be advertised for the 2nd Monday of each month as needed – 7:00 p.m.

Mr. Pirolli made a motion to authorize the secretary to advertise the 2016 Council meetings and Planning Commission meetings, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

PUBLIC COMMENT

Kathleen Donnelly, 10 Lakeside Drive, Levittown, advised that she and her husband would like to donate a park bench in the Borough Park in memory of their son Zachary who died almost 2 years ago.

Mrs. Kucher commented that she thinks that is a great idea as Zachary enjoyed our Borough Park and a bench would be a nice memorial. She asked, if Council agreed, for Alison Smith to research park benches and advise Council at next meeting.

Mrs. Kettler commented that this is a beautiful idea and suggested that maybe others in the Borough would like to also donate a bench in memory of their loved ones.

APPROVAL OF COUNCIL MINUTES

Mr. Pirolli made a motion to approve the Council minutes for December 1, 2015 meeting, seconded by Mrs. Kettler.



Roll call vote was taken:

Mrs. Grady—abstain

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Slemmer—abstain

Mrs. Kettler—for

Mr. Shellenberger—abstain

Mrs. Kucher—for

The majority of Council voted in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the monthly bills, seconded by Mr. Shellenberger. Mrs. Kettler suggested that in the future, a total of the monthly bills be indicated on the agenda so the residents have a financial understanding of what that means. Council agreed.

Mrs. Kettler asked the treasurer if we have any new bills on the lawsuits. Mrs. Collings advised that this month we had one invoice from Mr. Sellers regarding Armstrong vs. Tullytown Borough in the amount of \$1,005. She added our total legal bills for both Armstrong and Fox lawsuits to date are \$32,007.08.

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for December, 2015, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

COMMUNICATIONS

Mrs. Conner read an email from individual involved in traffic accident to Chief Doyle commending Police Officer Hartman, Sergeant Kulan and Sergeant Bunda for their professionalism and courtesy during that traffic accident. A copy of the email is enclosed with the minutes.

GENERAL BUSINESS

ONE APPOINTMENT TO ZONING HEARING BOARD VIA RESOLUTION

Mrs. Conner advised that Neal McFeeley's term expired and he expressed interest in being re-appointed.

Mr. Pirolli made a motion to approve Resolution #337 appointing Neal McFeeley to the Zoning Hearing Board, seconded by Mrs. Kettler. The motion carried with a unanimous vote of Council in favor.



THREE (3) APPOINTMENTS TO PLANNING COMMISSION

Mrs. Conner advised that the terms of Bruce Goulet, Mary Ann Gahagan and Sue Servis expired and all three members are interested in being re-appointed to the Planning Commission.

Mr. Pirolli made a motion to re-appoint Bruce Goulet to the Planning Commission, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to re-appoint Mary Ann Gahagan to the Planning Commission, seconded by Mrs. Kettler. The motion carried with a unanimous vote of Council in favor.

Mr. Pirolli made a motion to re-appoint Sue Servis to the Planning Commission, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO SHADE TREE COMMISSION

Mrs. Conner advised that Jim Chase's term expired and he is interested in being re-appointed.

Mr. Pirolli made a motion to re-appoint Jim Chase to the Shade Tree Commission for a 5-year term, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

LEASE/PURCHASE OF POLICE VEHICLES—CONSIDERATION

Chief Doyle commented that if Council approves, he would like to purchase three (3) police vehicles this evening which are on the Co-Stars bids. He advised it would be entering into a lease agreement with an end of purchase plan from Milham Ford \$39,315.66 per vehicle. Chief Doyle advised that would be one payment per year for the next 3 years.

Mrs. Kettler asked if the vehicles are ready to go on the street. Chief Doyle advised they are "soup to nuts". He added they will take the equipment from the vehicles that are in service now, video systems, radio systems, mobile data terminals, computers in the cars, etc. and be transferred.

Mrs. Kettler made a motion to authorize the Borough to enter into a lease with option to purchase through Milham Ford three (3) 2016 Ford Explorer police vehicles at a cost of \$39,315.66 per vehicle selected from the approved Co-Star list. Mrs. Grady seconded the motion.



Roll call vote was taken:

Mrs. Grady—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Slemmer—for
Mrs. Kettler—for
Mr. Shellenberger—for
Mrs. Kucher—for

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

ADOPTION OF RESOLUTION – ACT 44 PROCEDURE

Mr. Sellers advised he distributed memorandum to Council to explain this resolution. He explained this is simply “housekeeping” that has to be done. He added we are required to have in place at all times a resolution which establishes a procedure for compliance with the professional services contract provisions of Act 44. Mr. Sellers advised this procedure would have to be followed in the event that either the uniformed or non-uniformed pension plans were to hire a professional. He indicated that we have to provide proof of this to the Auditor General in Harrisburg.

Mr. Pirolli made a motion to adopt Resolution #338, establishing procedures for compliance with the professional services contract provisions of Act 44, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

ADOPTION OF RESOLUTION UPDATING EMERGENCY MANAGEMENT PLAN

Chief Doyle advised that the Borough is required every two (2) years to update our Emergency Management Plan via Resolution which is sent to Bucks County Emergency Services. Chief Doyle advised he has updated the plan and asked Council to approve.

Mr. Pirolli made a motion to approve Resolution #339, updating the Emergency Management Plan, seconded by Mr. Shellenberger. The motion carried with a unanimous vote of Council in favor.

ADOPTION OF RESOLUTION UPDATING FEE SCHEDULE

Mrs. Smith advised that in reviewing the current fee schedule, one item was questioned; namely, the escrow amount for subdivision and land development which is currently \$500 fee. She indicated that the escrow fee covers the Borough engineer and solicitor fees. Mrs. Smith advised that she checked with Bristol Borough who charges fee of \$5,000 which she thought might be a little too high. She suggested we increase to \$3,000. Mrs. Smith also



discussed with Bristol Borough the other fees on the current schedule and all seemed comparable.

Mr. Shellenberger made a motion to adopt Resolution #340 updating the current fee schedule, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

COMMITTEE REPORTS

No Reports

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised that tonight's meeting is the 1st meeting of our 125th Anniversary year which is known as the quasiquicentennial year. He will notify Council as we get to the events throughout the year.

Mayor commented that a family on Brown Street lost their dog as it was killed a few weeks ago. He advised that our Police officers chipped in and bought the family a rescue dog and delivered to them on Christmas morning.

Mrs. Kucher commented that the police officers also chipped in and gave a family Christmas presents who were in need.

COORDINATOR'S REPORT

Mrs. Smith presented the Coordinator's report to Council, a copy of which is attached to the minutes.

Mrs. Smith advised they held FEMA meeting in December and approximately 20 residents were present. She advised they went over the maps for what is proposed by FEMA to go into place this coming spring which moves a significant number of properties into the Floodway. She commented this meeting helped residents understand what their appeal process is and ways they can continue to find out more information.

She added the next step is to create the overall map of what the history has been around flooding. She commented that FEMA claims they are not looking at the past but only predicting the future which Mrs. Smith feels is a problem. Mrs. Smith advised she is meeting with Yardley Borough who is well versed in dealing with FEMA maps and incredibly successful in getting grants from FEMA for property owners to elevate their buildings.



Regarding code violations, Mrs. Smith advised they have viewed the industrial area. She added they are working on keeping recreational vehicles off of any property that is noted as being in the floodplain and working with the property owners to make that happen.

Mrs. Smith advised that the first pavilion was completed the weekend of December 6th and 7th. She added that Chief Doyle, Sergeant Kulan, Sergeant Bunda, Officers Heasley, Wagner, Hartman and Parrell all helped with the construction as well as Matt Pirolli who gave tons of hours, Joe Shellenberger, Mayor Cutchineal, and Rich Hart. She added that George Maples and Bob Hall volunteered their skills as well. Mrs. Smith commented that the pavilion is beautiful.

She added we are planning to build the 2nd pavilion in the spring. Mr. Pirolli commented that Rick Adams was a big part of this pavilion being built.

Regarding SEPTA, Mrs. Smith advised that they are doing the site work—there is one major comment that 2 bathrooms are required in the station building; the design only has one. She added SEPTA was appealing that to the International Construction code people and if not resolved they will come to the Borough for a variance.

Mrs. Smith advised we are still in the design phase for the Community Park. She added our engineers have overdesigned the stormwater plans which would cost us a lot of money and construction so we are requesting a re-design.

SOLICITOR'S REPORT

Mr. Sellers advised that he was authorized by Council to work with the tax collector and special tax collector to collect arrears of mercantile, business privilege, vending, business license and occupational taxes. He indicated that we have recouped approximately \$70,000 over the past year. He commented that the goal is not only to achieve the delinquencies being collected but also have the owners understand the need to comply.

ENGINEER'S REPORT

No report from last year's Engineer.

MISCELLANEOUS COUNCIL BUSINESS

Mr. Shellenberger commented that when working the polls this past year, many residents discussed the condition of Main Street looking overgrown, permits not being pulled on properties, etc. He suggested putting this matter on the upcoming agenda to discuss.

Mr. Pirolli commented that a few residents removed the trees and a few other residents mentioned they also want to remove their trees.

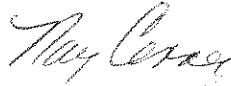
Mrs. Kucher commented that after the meeting is adjourned, Council will meet in executive session.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli 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 7:45 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary



COORDINATOR'S REPORT

January 4, 2016

1. FEMA:

- a. The information meeting was held December 2; there were about 20 attendees. The maps were available, the process to appeal the map results was discussed and property owners will be able to ask questions.
- b. Our next steps locally are to create a complete map of past flooding, do one more round of letting property owners know of pending changes, and clarify insurance information for those who will now be placed in the floodway or plain.
- c. We are scheduled to meet with Yardley Borough's manager and code enforcement to understand in particular getting the FEMA grants to help owners elevate properties, and in general how to manage the very complicated record keeping now required.
- d. We are scheduled to meet with FEMA next week to go through our first cut of property owner information as well as understanding the models that produced results that we are not entirely in agreement with.
- e. See the code violation section for additional information.

2. PAVILION:

- a. **THE FIRST PAVILION WAS COMPLETED DECEMBER 6TH AND 7TH AS A VOLUNTEER EFFORT!!!!** Our police chief Dan Doyle and several of his officers: Phil Kulan, Andrew Bunda, Kyle Heasley, Jeff Wagner, Dan Hartman, and Joe Parrel were out in force. Our Councilmen Matt Pirolli and Joe Shellenberger, the Mayor, and tax collector Rich Hart were a big part of the success. George Maples and Bob Hall volunteered their and their peoples' skill and tools without which it wouldn't have happened so well. It is a substantial structure and the vendor was impressed that we were able to get it done in two days.
- b. The public works department stained it: 2 coats, hand rubbed; the loan of a lift from Lucisano Borthers made that possible.
- c. **We are planning to build the second pavilion in the spring.**

3. SEPTA:

- a. We delivered our comments for the full permit November 17th, in record time, and have not heard officially back from SEPTA. One of the comments was that the International Construction Code (ICC) calls for there to be a separate men's and women's bathroom in the station structure where the design has a single restroom. SEPTA is trying to get a variance from the ICC for this requirement, if unsuccessful they will come to the Borough for a variance.
- b. The general permit for construction listing work that would generate \$37,000 in permit fees. We will use these to cover BIU's expenses and it should be more than sufficient. The total amount of work is higher, and would generate higher fees, and Council may want to weigh in on this.

- c. With the good weather, a lot of the drainage, traffic control, utility, and parking lot work is progressing. We have received complaints about the parking conditions which SEPTA is handling.

4. COMMUNITY PARK

- a. Separate reviews by myself and the Borough Engineer revealed issues with the Penonni plan to date. I met with their engineer and the items will be addressed.
- b. One design decision was to eliminate the larger rain garden/water retention basin and replace it with an underground storm water collection system. This is very expensive construction and may be significantly more storm water management than is necessary. A detailed review letter is ready to go to Penonni tomorrow.

5. BOROUGH ENGINEER

- a. We received four proposals for the Borough Engineer's position; an assessment of the proposals was performed and provided to Council. It included a recommendation that was based on both the evaluation of the proposal and the proposed fee structure.
- b. The assessment was based on the proposals only, the recommendation was in part based on both excellent performance by Gilmore handling the SEPTA and park reviews and poor performance by Penonni on the park design.

6. CODE COMPLIANCE:

- a. A number of code violations were issued in the floodplain areas for recreational vehicles and debris. We met with the property owner and are working with them to define what is expected.
- b. A summary of code issues is attached.

7. MISCELLANEOUS:

- a. The building front and administration doors will be re-conformed, with a key issued as directed by Council.
- b. There is a Planning Commission meeting scheduled for next Monday, January 11th, to consider a sub-division request by Bob Milner for the property off Main Street.