

TULLYTOWN BOROUGH COUNCIL MEETING JANUARY 6, 2015

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, January 06, 2015 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Hal Lefcourt, Sam Lucherine, Helen Giantomass, and Dan Mabin who all recently passed away.

Present at the meeting:

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

Also present:

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

Mr. Sellers explained that Council entered into executive session prior to the Council meeting to discuss several matters of pending litigations; namely, Fox vs. Tullytown Borough, Armstrong vs. Tullytown Borough and appeal of Galzerano which hearing is being held tomorrow evening.

Tina Grady, 585 Main Street, Tullytown, thanked everyone for helping and making donations for her toy drive. She advised the next project she would like to conduct is a shop with a cop project.

APPROVAL OF COUNCIL MINUTES

Mrs. Kettler made a motion to approve the December 2, 2014 Council Meeting minutes, seconded by Mr. Czyzyk.

The vote of Council was as follows:

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

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

TREASURER'S REPORT

MONTHLY BILLS

Ms. Gahagan made a motion to approve the monthly bills, seconded by Mr. Armstrong.

The vote of Council was as follows:

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

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for December, 2014, seconded by Mr. Czyzyk.

The vote of Council was as follows:

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

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

COMMUNICATIONS

Mrs. Conner read a letter from borough resident, Sharon Phillips, commending the street department for their work on the sinkholes on Stonybrook Drive, Sunset and Summer Lanes.

GENERAL BUSINESS

CONDITIONAL USE HEARING—SEPTA

Mr. Czyzyk made a motion to designate the solicitor to assist in the conduct of hearings on the conditional use applications of SEPTA and Carol and Cecil Rushbrook. Ms. Gahagan seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

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

Mr. Sellers advised that this hearing on the application of SEPTA for conditional use of Levittown Train Station project pursuant to the Tullytown Borough Code. He added SEPTA seeks to renovate the train station redesigning its existing parking lot area and adding eight (8) adjacent properties which will become part of the overall train station project and provide additional parking for the public using the station. Mr. Sellers further advised that the Planning Commission recommended that Council approve the conditional use application of SEPTA. He advised the matter will be on record as a court stenographer is present this evening for that purpose. A copy of the decision will be on file in the Borough offices. The hearing proceeded and was recorded.

Mr. Sellers advised the record of the hearing has been closed. He further advised Council that they have the opportunity to meet privately to deliberate or if Council is prepared to take action, then they may make a motion. Council advised they did not want to meet privately to deliberate.

Mr. Pirolli made motion to approve the Conditional Use Application of the Southeastern Pennsylvania Transportation Authority, subject to the following conditions: that the applicant shall comply with all applicable Borough ordinances, and shall submit a revised Preliminary Land Development Plan pursuant to the Borough's Subdivision and Land

Development Ordinance, with all required further approvals obtained prior to the construction of any facilities. Mr. Czyzyk seconded the motion.

The motion carried with a unanimous vote of Council in favor of the motion. The conditional use application was approved.

CONDITIONAL USE HEARING—228 KENWOOD DRIVE, S. LEVITTOWN

Mr. Sellers advised this hearing is on the conditional use application for 228 Kenwood Drive South, Levittown. He advised the applicant is Carol and Cecil Rushbrook who proposes a construction of a 12 x 20 foot shed for seasonal equipment on the property. He advised it is a second shed on the same lot. Mr. Sellers indicated that conditional use approval is required per Chapter 185 Section 185-19.1(d) of the Tullytown Borough Zoning Ordinance since the proposed shed will exceed the 144 square foot permitted maximum and the proposed shed will create two (2) sheds on the same property where only one is allowed.

Mr. Sellers advised that the Planning Commission met and reviewed and voted to recommend approval of the Rushbrook application for 228 Kenwood Drive. Mr. Sellers further advised that it was noted that there are no other zoning concerns as setback will be in compliance and impervious surface coverage requirement is well below the 30% maximum. He indicated that the lot size is approximately 17,598 square feet.

Mr. Sellers advised the conditional use hearing was opened and advised that a court reporter was present to record. A copy of the decision will be on file at the Borough offices. The conditional use hearing proceeded and was recorded.

Mr. Sellers advised that the conditional use hearing was closed. Mr. Sellers asked Council if they wish to deliberate privately on this application. Council advised they would not.

Mr. Pirolli made a motion to approve the conditional use application of Cecil and Carol Rushbrook for 228 Kenwood Drive South, Levittown, Pennsylvania. Mrs. Kucher seconded the motion.

All of Council was in favor of the motion; the motion carried. The conditional use application was approved.

ST. MICHAEL'S CHURCH—PRESENTATION OF MCGRATH PROPOSAL

Mr. Thomas Hecker, legal counsel for McGrath Homes, made a presentation to Council of a potential development of property of St. Michael's Church. They were seeking Council's opinion on whether this project is worth pursuing.

Mr. Hecker advised that they have requested from the Archdiocese the potential to also purchase the school if it closes. The Archdiocese has verbally approved if that be the case.

Mr. Hecker added that they will need environmental clarity of this property. He added that they are aware that there are environmental challenges on this property. They have to be certain that the environmental reports are accurate and will have to apply for an Act to Release from the PADEP just to make sure.

Mr. Hecker advised that Mr. McGrath, the developer, is proposing to building townhomes, apartments and possibly small area of retail.

After discussion, some members of Council and the public expressed concern with the apartments being built and few retail stores. Mayor expressed concerned with the environmental issue. Ms. Gahagan questioned if the Borough would take part in the environmental issue. Mr. Hecker advised they would be a part of it. Nina Chrzanowski expressed concern with the fields being accessible to St. Michael's School. Mr. Hecker advised they will still be able to use that property. Ms. Gahagan questioned Mr. McGrath as to why their road will empty onto Lakeside Drive.

AUTHORIZE ADVERTISEMENT OF 2015 COUNCIL MEETINGS, PLANNING COMMISSION MEETINGS

Mrs. Conner advised that, if Council so wishes, 2015 meetings would be advertised for the 1st Tuesday of each month and special meetings/work sessions to be held the 3rd Tuesday of each month. She further added that Planning Commission meetings will be held on the second Monday of each month—all meetings held at 7:00 p.m.

Mrs. Kettler made a motion to accept the outlined schedule and advertise for the Council meetings for the year 2015 along with the Planning Commission meetings for the 2015 year. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

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

ONE APPOINTMENT TO ZONING HEARING BOARD BY RESOLUTION

Mrs. Conner advised that Patricia Carroll's term expired and Mrs. Carroll expressed interest in being re-appointed to the Zoning Hearing Board which is a 5-year term.

Mr. Pirolli made a motion to approve Resolution #320, appointing Patricia Carroll to the Zoning Hearing Board for a 5-year term, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO PLANNING COMMISSION

Mrs. Conner advised that Rich Hart's term expired and Rich Hart expressed interest in being re-appointed which is a 4-year term.

Mrs. Kettler made a motion to appoint Rich Hart to the Planning Commission, seconded by Mr. Czyzyk.

The vote of Council was as follows:

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

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

RESOLUTION DISPOSAL OF PERSONAL PROPERTY

Mr. Sellers advised that this involves a proposed procedure for the disposition of personal property no longer of use to the Borough which has a value less than \$1,000.

Mr. Pirolli made a motion to approve Resolution #321, seconded by Mr. Czyzyk.

The vote of Council was as follows:

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

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

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised that the first Veterans' Committee meeting will be held Tuesday, January 13th at 4:30. He asked Mrs. Conner to ask Emily to advise the members of the Veteran's Committee.

Mayor also advised that the Tullytown PBA is sponsoring a free concert to residents in the park on August 8th.

COORDINATOR'S REPORT

Mrs. Smith read the coordinator's report, a copy of which is filed with the minutes.

Regarding the FEMA ordinance, Mrs. Smith advised that they are planning on holding a hearing for the proposed ordinance at the February 3rd Council meeting.

Mr. Czyzyk made a motion to advertise the public hearing for the proposed FEMA ordinance, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

All of Council was in favor of the motion.

SOLICITOR'S REPORT

Mr. Sellers advised the Zoning Hearing Board, on January 7th, will consider the appeal of River's Edge Funeral Chapel and Crematory Inc. He advised this appeal is by Mr. Galzerano who is previously an applicant and took an appeal to the Zoning Hearing Board having been denied a permit to operate a crematory in the Industrial Park. Mr. Sellers indicated that the application is now being made by a new entity called River's Edge Funeral Chapel and Crematory Inc. in the same space. He added that the zoning officer reviewed that application and denied as it still represented a principal use of crematory and not a funeral home as stated in the application as the intended use.

Mrs. Kettler made a motion to have the solicitor attend the Zoning Hearing Board meeting on January 7th and represent the Borough in opposition of the application of River's Edge Funeral Chapel and Crematory Inc. Mrs. Kucher seconded the motion.

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

ENGINEER'S REPORT

Mr. Major advised that most of his report has already been covered earlier this evening.

Regarding the St. Michael's School zone, Mr. Major advised that John Feher Concrete Construction was advised by letter of Council's acceptance of their quote for the construction of the light foundations.

Mr. Major also advised that he finally received a response from Penndot on our highway occupancy permit for the school zone lights. He added that in addition to revision to the temporary traffic control plan, Penndot is requesting that a school zone study be provided as well as a flashing warning device permit plan and that the Borough execute a TE-160 application. Mr. Major advised they are in the process of evaluating their request and preparing a response.

MISCELLANEOUS COUNCIL BUSINESS

Ms. Gahagan discussed the PA Yellow Dot program. She thinks that it is especially useful—if people are in accident and can't respond themselves, they would keep a folder in glove compartment and yellow dot on back of car window which will let EMT's know what medication they are on and any medical conditions they have. She asked if we can put this on our website and provide links for it.

Mrs. Kettler asked our treasurer the cost of legal bills for defense on the suit against the Borough's Police Department.

Mrs. Collings advised as follows:

Michael Sellers invoice for:

Fox vs Kucher—\$630

Armstrong vs Borough—\$1,245

Laverty Faherty Invoice:

--up until November—\$2,832.

Total legal bills—\$4,707.

Total to date:

\$8,178 paid out from September, October, November and December.

Mrs. Kucher advised that we mentioned last month when the budget was approved, the change in the coordinator's salary was erroneously done at the time the budget was being made and we stated that we would fix it at the January meeting after the budget has been approved.

Mrs. Kucher made a motion that we confirm the Coordinator's position for 2015 with the compensation of \$50.00 per hour not to exceed 30 hours per week and there are no other benefits. Mrs. Kettler seconded the motion.

The vote of Council was as follows:

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

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

Rich Altmiller, 33 Stonybrook Drive, Levittown, commented that the proposed McGrath townhomes on the St. Michael's property will create approximately \$700,000 in property allocation check monies to be distributed.

ADJOURNMENT

Mr. Czyzyk made a motion 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 8:45 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary