

# TULLYTOWN BOROUGH COUNCIL MEETING

## TUESDAY, OCTOBER 1, 2013

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, October 1, 2013 at 7:00 p.m.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esquire, Borough Solicitor  
William S. Major, PLS, William G. Major Associates, Inc., Borough Engineer  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

Mayor Cutchineal presented commendations to Daniel DePalo and Evan Darroch on their act of bravery during a fire in Levittown.

Mr. Sellers advised that Council met in executive session prior to this meeting to discuss two items of litigation.

### PUBLIC COMMENT

Elaine Franz, 320 Main Street, Tullytown, discussed fiscal responsibility with Council. She commented that too much money has been spent with poor planning on some issues. She commented that the gift check is too much money and most owners don't use it to improve their property.

### APPROVAL OF COUNCIL MINUTES

Mr. Czyzyk made a motion to approve the minutes of the September 10, 2013 Council meeting, seconded by Mr. Servis.

The vote of Council was as follows:

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

The vote was 6 in favor, 1 abstention; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mrs. Kucher 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. Czyzyk made a motion to approve the Reconciliation Statement for September, 2013, seconded by Ms. Gahagan. Roll call vote was taken—all of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner advised that we received a letter of resignation from Carol McCleary from the Open Space Committee as she is moving out of the Borough. Mr. Servis made a motion to accept Carol McCleary's resignation, seconded by Mr. Czyzyk. The motion carried with a unanimous vote of Council in favor.

## **GENERAL BUSINESS**

### **CONSIDERATION—CIVIL SERVICE COMMISSION— CHIEF OF POLICE APPOINTMENT**

Jim Powell, Chair of Civil Service Commission, advised that the Civil Service Commission conducted a non-competitive examination of Dan Doyle and has concluded that Dan Doyle is qualified to hold the position of chief of police. Mr. Powell submitted copies to secretary.

Mr. Sellers advised that Council has received the resolution from Civil Service Commission. Mr. Pirolli made a motion to adopt Resolution #284, seconded by Ms. Gahagan.

The vote of Council was as follows:

Mr. Pirolli—for

Mr. Armstrong—abstain as he missed the first meeting regarding this.

Mr. Servis—against

Mrs. Kucher—for

Mr. Czyzyk—against

Ms. Gahagan—for

Mr. Adams—for

The vote was 4 in favor, 2 against, 1 abstention. The motion carried.

#### CONSIDERATION OF MINIMUM MUNICIPAL OBLIGATION FOR NON-UNIFORMED EMPLOYEES' PENSION PLAN

Mr. Pirolli made a motion to approve Resolution #285, seconded by Mrs. Kucher. Mr. Pirolli amended his motion to indicate the cost of \$87,085. Mrs. Kucher accepted the amendment. Roll call vote of Council was taken—all in favor of the motion. The motion carried.

#### CONSIDERATION OF MINIMUM MUNICIPAL OBLIGATION FOR POLICE PENSION PLAN

Ms. Gahagan made a motion to approve Resolution #286, seconded by Mr. Pirolli. Mr. Servis indicated the cost of this obligation is \$231,123. The motion carried with a unanimous vote of Council in favor.

#### CONSIDERATION—AWARD BID ROOF, ETC. BOROUGH BUILDING

Mr. Major advised 3 bids were received; namely,

- 1) Jemar Contracting LLC , Huntingdon Valley, PA- \$59,424 unit cost for plywood \$136 per sheet, stucco cost \$15,300
- 2) Jim Miller Roofing Inc. ,Lansdowne, PA - \$59,500 unit cost for plywood \$75 and stucco cost \$8,900.
- 3) D.A. Nolt, Inc., Berlin, NJ - \$149,787 unit cost \$225 per plywood sheet, stucco cost \$73,319

Mr. Major indicated that also part of the specifications was that the installer be able to supply 25 years non pro-rated warranty for materials and workmanship. He advised that Jemar Contracting is only able to provide 20 year warranty and Jim Miller did provide information that they can provide the 25 year warranty. Mr. Major recommended that Jim Miller Inc. be the lowest responsible bidder based on that fact. Mrs. Kucher questioned the shingles and would like American made. Mr. Major advised that Jim Miller Inc. is planning on using GAF shingles.

After discussion, Mr. Servis made a motion to award the bid for the roof project to Jim Miller Inc. of Lansdale, Pennsylvania in a lump sum bid of \$59,500 with unit cost for plywood of \$75 and stucco alternative for \$8,900. Mr. Czyzyk seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor. The motion carried.

#### **DISCUSSION/ACTION REGARDING TREE REMOVAL KENWOOD DRIVE PROPERTY (MERZ)**

Mr. Merz was not present at meeting. Mr. Servis advised that we received email from Coordinator Doyle that the price of tree removal has expired so until any other options come up Mr. Servis made a motion to table this matter, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

#### **CONSIDERATION—APPOINTMENT TO SHADE TREE COMMISSION (VACANCY)**

Mrs. Conner advised that there is one vacancy. She advised she spoke with both members of the Shade Tree Commission who are looking for prospects. Mrs. Conner also advised that both members, Karen Wilson and Pat Carroll, have attended the tree tenders seminar and will start moving forward with the committee. Mr. Servis made a motion to table this appointment, seconded by Mr. Czyzyk. All of Council was in favor of the motion. The motion carried.

#### **CONSIDERATION OF APPOINTMENT TO OPEN SPACE COMMITTEE**

Mrs. Conner advised that since Carol McCleary recently resigned there is a vacancy. She advised there is one person interested but he wanted to speak to Bruce Goulet, Chair of Open Space Committee to see what the position entails. Mr. Servis made a motion to table this appointment, seconded by Mr. Czyzyk. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

Mr. Sellers commented that the actual proposal to be submitted for the open space monies has a deadline of 2014. He advised Tullytown is entitled to \$249,995 for this program and in 2011 made application to the program to participate but we need to move forward with a formal application for a project. Mr. Sellers advised the Committee has work to do and get authorization of Council.

## **CONSIDERATION OF APPOINTMENT TO ZONING HEARING BOARD**

Mrs. Conner advised that Ron Lazeration's term expired and he is interested in being re-appointed. She advised this term will expire December 2013 at which time he would be re-appointed to a 5 year term.

Mrs. Kucher made a motion to approve Resolution #287 appointing Ron Lazeration to the Zoning Hearing Board, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

## **CONSIDERATION OF CONTRACT FOR BOROUGH UTILITY SERVICES**

Mr. Sellers advised that Council was awaiting alternative pricing from Mr. Kiernan. He commented that Mr. Kiernan advised the rates are not favorable at this time. Mr. Servis made a motion to table this matter, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

## **BOROUGH REPORTS**

### **MAYOR'S REPORTS**

Mayor Cutchineal thanked everyone for attending the 9-11 ceremony this year. He advised the Citizens Police Academy is very successful so far.

### **SOLICITOR'S REPORT**

Mr. Sellers advised that the Galzerano matter is coming before the Court in Harrisburg—he added that both lawyers have submitted written arguments before the Court and an oral argument will be scheduled in the near future.

Regarding the WM Boundary Line case, Mr. Sellers advised that has been resolved and is pending. He added they are awaiting a conference from the Judge assigned to the case to fix the boundary line.

Mr. Sellers also discussed the Community Park. He advised that he and Mr. Major are working on this matter. He said the easements which have been previously committed to paper are found to be valid for purposes now for Wal-Mart and Home Depot to secure those easements with the cooperation of DLC. He added they are trying to secure easement from Kenwood Drive into the corner of the park. Mr. Sellers commented that the uses of the Park still need to be decided.

Mr. Sellers commented that legal documents have been drawn up regarding the swale on D & S property which is causing a back-up.

#### ENGINEER'S REPORT

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

Regarding the Storm Sewer Inlet Inspections, he recommended that Council consider soliciting bids for the 8 inlets that required immediate attention.

After discussion, Mr. Servis made a motion to authorize the engineer to bid the 8 inlets in question, seconded by Mrs. Kucher. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.

Mr. Major also discussed the Community Park. He advised we have plans—but they are not engineering plans—they are conceptual only. He suggested that first council needs to decide what they want in the park and then the engineer will draw up plans.

Mr. Joe Shellenberger, 229 Kenwood Drive S, Levittown, suggested calling a meeting of the committee that met before to meet and get ideas and then give it to the engineer.

After discussion, Mr. Servis made a motion to first gain access and suspend other costs at this time and have the Park & Recreation Committee and residents review and meet with ideas to bring back to Council. Mr. Czyzyk seconded the motion. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

Regarding the HVAC system, Mr. Major advised that Mr. Joe Shellenberger received the plans.

Joe Shellenberger, 229 Kenwood Drive South, Levittown advised he spoke with Mr. Norwicki of AVCO supply who offered his opinion and had some questions. Mr. Shellenberger commented that Mr. Norwicki thought it would be "cool" in here at all times. He also stated that an efficiency rating of 70% that Mr. Major stated months back is not realistic. Mr. Major advised that he did not say that—he commented efficiency approximately 45-50%.

Mr. Shellenberger stated that he found out the boilers are condensing boilers which run on a much lower temperature. Mr. Major said when boilers are reset we should see significant energy savings.

He said there is a problem with supply and returns but he did say as long as the low calculations are true the system could work.

Mr. Shellenberger added that Mr. Norwicki commented that the evidence locker must have its own air source due to drugs being stored in that room.

Mr. Servis suggested that Council send a thank you letter to both Joe Shellenberger and Mr. Norwicki of Avco Supply to thank them for their input and help.

Jim Chase, 633 Main Street, Tullytown, discussed the 8 inlets that were ready to collapse. He suggested putting this under an emergency situation as cold weather is ahead. Mr. Major commented that he felt if this is an emergency situation the contractor will take advantage of price gauging.

Mr. Servis then made a motion to authorize the engineer to prepare bids and proceed to advertise. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion; the motion carried.

### **MISCELLANEOUS COUNCIL BUSINESS**

Mr. Adams reminded everyone that the November Council meeting will be rescheduled to November 12<sup>th</sup> due to Election Day.

Rich Hart, 50 Stream Lane, Levittown, commented on the drainage problem under the bridge. Mr. Major advised that to the best of his knowledge the SEPTA project is on hold.

Mary Ann Gahagan commented that a resident was complaining about speeding on Lakeside Drive. She asked the Mayor if the Police Department could get the speed board set up there.

Mr. Adams commented on items that Council has been offering to the Borough residents such as great service from administration, street department and police, free picnics, free trash pick-up, free bulk pick-up, property allocation check, etc.

## ADJOURNMENT

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 8:00 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary