

TULLYTOWN BOROUGH COUNCIL MEETING

December 6, 2023

President Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Wednesday, December 6, 2023, at 7:00 p.m. followed by the Pledge of Allegiance.

Present at the meeting

Mayor Cutchineal

Councilman Pirolli

Councilwoman Chrzanowski

Councilman Shellenberger

Councilman Czyzyk - absent

Councilman Saunders

Councilman Servis

Councilwoman Gahagan

Also present:

Russ Sacco, Solicitor

David Pearl, Fire Marshal

Sean R. Torpey, Pennoni, Borough Engineer

Patricia Marks, Borough Secretary

PUBLIC COMMENT

Tim Damiani, President of Tullytown Borough Fire Company. On Saturday, December 16th the fire company will be doing a Santa run starting at 5:30 PM and will go through Tullytown.

Police Officer Joseph Parell read his letter of resignation, addressed to Mayor Cutchineal.

After a period of consideration, I have decided that I will be pursuing a career with another police department with less political interference and more professionalism. After numerous years of dedication to helping the community, I am ready to transition into a better and more stable role in a different and less hostile work environment. It is sad to say that the department I was once so proud of, I am now embarrassed of after the November 2023 Council Meeting where two full time patrolmen embarrassed themselves and the department. The conduct of these two officers has been overlooked for some time now such as tardiness, insubordination, lack of respect towards superiors, policy violations, absent without leave, and abuse of sick time. At the November 2023 meeting the now "Acting Chief" admitted to

defrauding the borough to attend an Eagles Game after his day off was denied and then called out sick once it was confirmed to be denied. In return, the Tullytown Borough Council rewards this officer by promoting him to the acting position. This does not show integrity within the department or this council to which you both have taken an oath to serve. At the same time, this officer and a colleague have set the precedent for the few officers that remain that you will not be disciplined if you sick out and violate policy.

On Tuesday December 5th, 2023 at the end of my tour at 0610 hrs the “Acting Chief” asked to speak with me in his office. He placed two citations on the desk dating back to early October of 2023. These citations were issued under Chief Martin’s time in Tullytown. My discretion was utilized, and a report was written to void out the citations which is a common practice when police void a citation. The “Acting Chief” demanded that I tell him why the citations were voided and who the individual was that the citation was issued too. I explained to the “Acting Chief” that this was not his concern since it was handled under the previous Chief. The “Acting Chief” demanded I alter my report that was written in October to reflect why I voided the citations. After responding “No” and that I will not alter the report, his response was “Then I will add to it”. The “Acting Chief” then demanded several times for me to give him my gun and badge. My response, No! I will give it to the Mayor before I give it to him. The “Acting Chief then instructed the other full-time patrolman in the office to take my badge and gun away. This continued over the next few minutes with myself explaining that police officers have discretion and if I decide to void the citation I will. The “Acting Chief” explained several times that former Chief Doyle advised he will never void a citation. A quick check in our records system showed that the “Acting Chief” voided two citations on March 24, 2022 with no reason given, voided three citations on April 16, 2021 with no reason given, and voided one citation on October 27, 2011. Now, the acting Chief wants to threaten my job by terminating me because I will not alter an official report that was written in October. During this incident the “Acting Chief” stated “I’m not intimidated by you Joe” and began to come around the desk in a threatening manner. At no point in time was I offered due process in my potential termination such as a loudermill hearing, evidence for the reason of termination, and advance notice of the termination. This is covered under case law such as Deforte v. Borough of Worthington, Mariano v. Borough of Dickson City, and the Pennsylvania Supreme Court ruling: Part time police officers entitled to civil service protection. This is a prime example of a hostile work environment and another reason for my safety and wellbeing that I am resigning. Although, I would not expect anything less from someone who only has a 1 day basic supervisor course.

The insubordination of the other full time patrolman would never be allowed in any department and shows the lack of respect towards superiors. This officer has displayed his conduct and lack of respect towards superiors’ numerous times and even in front of the Mayor. In police work we call this a pattern that these individuals

constantly display. These two full time patrolmen showed lack of respect toward Sgt. Kulan, Sgt. Bunda, Chief Doyle, Acting Chief Bunda, and now former Chief Mike Martin. The real problem is within the department and not the individuals just named.

Working with certain colleagues every day has been one of the best experiences in my life. Thank you so much for allowing me the opportunity to serve and protect the community.

I hope Tullytown's limited future will be in good hands and the Police Department will continue to work towards the betterment and protection of our community's people in the unforeseen future.

Please accept this letter as formal notice of my resignation as a Patrolman with The Tullytown Borough Police Department, effective immediately on this date of December 6, 2023.

Officer Parell gave his badge and keys to Mayor Cutchineal.

Mrs. Chrzanowski asked where the acting chief is tonight.

Debbie Henry, 62 Lilac Avenue, stated that we lost a good chief and a good officer. There is a lot about last months meeting that there is a lot to be unhappy about. She asked about the Bryan Servis tax situation. There was a motion for a lawyer to investigate but it was turned down. Where do we stand? Mr. Servis stated he does not have a legal permit to run a business. He cannot run a business out of his home and Mr. Sidoti does not have the ability to say he can. Under the zoning laws, if he has a permitted business, he pays taxes. The tax collector cannot collect taxes on an unpermitted business. He has told him many times that he can only collect taxes on a legally permitted business. His business is not at 237 Main Street. It is not permitted. By zoning law, he cannot run a business out of his house. He would need to come before zoning board and ask for a change in zoning. Mr. Sacco confirmed that you cannot run a contractor's business out of a residence. Mr. Servis said he cannot legally run a business at the address. If they think he is running the business out of the address, they can shut him down. Mr. Pirolli wants to know why other business owners are paying their taxes. Ms. Henry said there were two people who wanted to talk at the meeting but were afraid that there would be retaliation. She asked about the status of the fire inspections and she knows that school board director is here. Where does it stand with inspections and is he still permitted to perform them? Mrs. Chrzanowski asked where it stands. She also stated that Mr. Shellenberger said the Fire Marshal was not allowed to take the fire marshal truck on EMT calls. Mr. Shellenberger responded that he was told it was taken care of and he can take the fire marshal truck on EMT calls. Ms. Henry stated that the council needs to do what is right for the community. Mr.

Shellenberger said it is not a problem. Mr. Sacco said there is nothing else to add to this situation.

Officer Parell stated he wanted to go on public record stating that the harassment started within the police department after he stopped Bryan Servis for his traffic violations.

The Mayor wanted to add that another officer was fired and he was asked to pick up his keys. Mrs. Chrzanowski stated that officers were being fired and no one is telling the board. Mr. Shellenberger asked who was firing who. Mrs. Chrzanowski stated that the acting chief has now fired two people.

Kelli Donlen, 10 Lakeside Drive, stated that it is alarming what is going on. She hopes we are still protecting our residents. She reached out to the acting chief and has received minimal response or none. There has been an open-door policy if we have questions or concerns. She understands there is a transition. She was hoping that there were two officers on at a time because it is the holidays. She has been approached by residents that they are not noticing anyone on the street. She said it seems like we are demolishing our police department. There is nothing on the agenda about hiring police officers. This is not protecting the community. You are demolishing the police department and there is nothing on the agenda about hiring and we have lost 2 more. Mr. Servis stated that he is waiting for civil service and as soon as they get the list, they will be hiring. He stated that they do not control the testing and Russ can give them an update on Civil Service. He said once they turn it over to civil service, they have no control. Mrs. Donlen asked what are the numbers of officers? Are we safe?

Mrs. Chrzanowski said she sent an email to the acting chief and went in and asked to see the schedule. He refused to show her the schedule. As a Councilwoman, she doesn't understand the refusal. Ms. Gahagan said the chief should not put out the schedule of our police officers. Mrs. Chrzanowski clarified that she was not going to put out the schedule. She asked him to show it to her so she can see that we have 2 police officers on. The personnel committee can go in and direct all kinds of things. They have exerted themselves into the police department.

Mr. Sacco advised that the code reads that the chief is the executive officer of the police department and works with the Mayor in the police department. Mrs. Chrzanowski stated that the Mayor said two police officers have been terminated and he knows nothing about it. The Mayor stated that he spoke with the solicitor earlier this week and was told he has no recourse. Ms. Gahagan stated that is because the Mayor is not responsible for the hiring and firing of police officers – Council is.

Mr. Sacco stated that this is not correct. Under your code, union employees are controlled by the collective bargaining unit. There is a process and there is a grievance procedure that goes to the Mayor. Under your Code, the part time officers are hired by Council. It specifically says hired. It does not say terminated. Your code says that your police chief is the chief executive officer. The way I review the code is that Council hires and if they are full time officers, they are subject to civil service. If part time officers, they are hired by Council. It specifically says that in the code. It doesn't say Council has the authority to fire them. It says the chief is the chief executive officer so that would give the chief the authority to discipline and terminate part time officers. He explained that the code is not really well written.

Mrs. Chrzanowski stated that everything in the whistle blower letter is now happening.

Chris Shellenberger, stated that she texted the acting chief about a safety issue at the school. He sent to 2 officers to help out. They had to leave to head to an accident. The acting chief does respond to residents. Mrs. Chrzanowski said she asked him if there are two officers on at all times. He said sometimes and she asked if the new people are alone, and he said sometimes.

COUNCIL MINUTES

Council Meeting

Mr. Saunders made a motion to approve the minutes of the November 1, 2023 Council Meeting, seconded by Mr. Servis.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Mr. Saunders made a motion to approve the minutes of the November 15, 2023 Council Meeting, seconded by Mr. Servis.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for
All of Council was in favor of the motion, the motion carried.

TREASURER’S REPORT
MONTHLY BILLS

Mr. Shellenberger made a motion to approve the monthly bills in the amount of \$971,172.56, seconded by Mr. Saunders.

Roll call vote was taken:
Mr. Pirolli—for, except Labor Attorney bill
Mrs. Chrzanowski—for, except Labor Attorney bill and Action Safe bills
Mr. Shellenberger—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
All of Council was in favor of the motion, the motion carried.

OTHER EXPENSES PAID IN NOVEMBER

Mr. Servis made a motion to approve the other expenses paid in November, 2023, in the amount of \$182,641.39, seconded by Mr. Saunders.

Roll call vote was taken:
Mr. Pirolli—for
Mrs. Chrzanowski—for
Mr. Shellenberger—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
All of Council was in favor of the motion, the motion carried.

RECONCILIATION STATEMENT

Mr. Shellenberger made a motion to approve the reconciliation statement for November, 2023, seconded by Mr. Saunders.

Roll call vote was taken:
Mr. Pirolli—for
Mrs. Chrzanowski—for
Mr. Shellenberger—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
All of Council was in favor of the motion, the motion carried.

COMMUNICATIONS

There were no communications for the month.

GENERAL BUSINESS

a) Mutual Aid Agreement—Consideration

Mr. Sacco explained that the Borough received a Mutual Aid Agreement amongst surrounding townships to provide assistance to other public works departments in the event of an emergency, including lending equipment and personnel. The municipalities include Falls Township, Bensalem Township, Bristol Township, Middletown Township, Lower Makefield Township, Upper Makefield Township, Bristol Borough, Morrisville Borough and Tullytown Borough.

Mrs. Chrzanowski made a motion to approve the Mutual Aid Agreement, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

Council was in favor of the motion, the motion carried.

b) Authorize Advertisement of January 2, 2024 Organization Meeting/January Council Meeting—Consideration

Mrs. Marks advised that the organization meeting is scheduled for Tuesday, January 2, 2024. Judge Hughes is scheduled to swear in the newly elected council members at 6:45 p.m.. She requested that we advertise the organization meeting for January 2nd at 6:45 p.m. and the regular January Council meeting to begin immediately after.

Mr. Servis made a motion to approve the advertising of the organization Meeting and the regular January Council meeting for January 2nd at 6:45 p.m., seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
Council was in favor of the motion, the motion carried.

c) Adoption of 2024 Final Budget—Consideration

Mr. Sacco mentioned that if there are significant changes, it will need to be readvertised.

Mr. Servis made a motion to approve the adoption of the 2024 budget, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—against
Mrs. Chrzanowski—against
Mr. Shellenberger—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for
The majority of Council was in favor of the motion, the motion carried.

COMMITTEE REPORTS

There were no committee reports.

BOROUGH REPORTS

MAYOR'S REPORT

The Mayor reported that the annual tree lighting is Saturday, December 9th at 7 p.m. The Mayor asked who authorized Action Lock for the new keys. The Mayor stated Sgt. Bunda said no one reached out to him for the keys. The Mayor asked that someone find out what happened.

Mr. Servis made a motion to amend the agenda to hire two part time police officers, seconded by Mr. Saunders.

Roll call vote was taken:

Mr. Pirolli—for
Mrs. Chrzanowski—for
Mr. Shellenberger—for
Mr. Saunders—for
Mr. Servis—for
Ms. Gahagan—for

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

Mr. Servis made a motion to hire Matthew Leonhauser as a part-time police officer, contingent on passing his evaluations, seconded by Mr. Shellenberger.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

Mr. Servis made a motion to hire Mohammed Elysayed as a part-time police officer, contingent on passing his evaluations, seconded by Mr. Shellenberger.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

SOLICITOR'S REPORT

Mr. Sacco advised that after reviewing the collective bargaining agreement, Chief Martin is entitled to be paid for his unused sick time.

Mr. Servis made a motion to approve paying former Chief Martin for his unused sick time, seconded Mrs. Chrzanowski.

Roll call vote was taken:

Mr. Pirolli—for

Mrs. Chrzanowski—for

Mr. Shellenberger—for

Mr. Saunders—for

Mr. Servis—for

Ms. Gahagan—for

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

ENGINEER'S REPORT

Council has received a copy of the Engineer's Report.

COORDINATOR'S REPORT

Mrs. Marks reported that there is no report this month. Mark is out until after the 1st of the year. Public works is down 2 people for the month of December. In addition, code enforcement is unavailable for the remainder of December. She reported that the new phones and internet have been installed and are up and running. She has worked with Keystone Collections to set up the earned income collection. Flyers with information have been posted on the website and government channel. Keystone will be sending letters to all residents and businesses.

CHIEF'S REPORT

There was no chief's report.

FIRE MARSHAL'S REPORT

Council has received a copy of the Fire Marshal's Report.

Mr. Pearl thanked President Gahagan for taking him to the recent Bucks County Borough Association dinner. He met the Pennsylvania Fire Commissioner.

CODE ENFORCEMENT REPORT

Council has received a copy of the Code Enforcement Officer's Report.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Chrzanowski thanked all residents who she has represented for the past 6 years. She will continue to fight for what is right and continue to volunteer. I hope this council keeps all their campaign promises.

ADJOURNMENT

There being no further business, a motion was made by Mr. Servis to adjourn the meeting, seconded by Mr. Saunders. All of Council was in favor of the motion; the motion carried. The meeting was adjourned at 7:55 P.M.

Respectfully submitted,

Patricia Marks
Borough Secretary