

**TULLYTOWN BOROUGH COUNCIL MEETING**  
**MARCH 1, 2016**

President May Kucher called the meeting of the Tullytown Borough Council to order on Tuesday, March 1, 2016 at 7:00 p.m.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
Kurt M. Schroeder, P.E., Gilmore & Associates, Inc, Borough Engineer  
Alison Smith, Borough Coordinator (arrived later)  
Dan Doyle, Chief of Police  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

**SOLICITOR'S REPORT ON EXECUTIVE SESSION**

Mr. Sellers advised that Council met in executive session on Wednesday, February 17, 2016 to discuss matter of SEPTA Levittown Train Station. He added they also met this evening to discuss legal issues related to SEPTA and McManamon case and Armstrong Appeal.

**RESOLUTION HONORING COUNCILMAN RICK ADAMS**

Mayor Cutchineal read the Borough Resolution and presented to Erwin Flesch, Rick Adams son-in-law. Mayor Cutchineal also presented commendations from State Representative John Galloway and State Senator Chuck McIlhenney.

Mr. Shellenberger made a motion to adopt Resolution 341, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.



## **PUBLIC COMMENT**

Rich Hart, 50 Stream Lane, Levittown, congratulated our police, road crew, staff and coordinator for doing a wonderful job.

Mr. Hart advised that tax bills were sent out but indicated that instructions are on the back of the tax bill. He advised that if taxpayer wants a receipt, they should enclose a stamped self-addressed envelope.

Mrs. Holly Kettler, 580 Main Street, Tullytown, addressed the proposal that is being worked on by our government officials. She discussed the Trans-Pacific Partnership (TPP) which is a new international trade pact crafted by multi-national corporations and currently being negotiated in secret by the office of the U.S. Trade representative along with 11 other foreign governments. Mrs. Kettler explained their idea is that they will attempt to try to take some of the laws that we govern ourselves with in this Country as far as trade, products that we produce, our labor industry, our food industry and our drug industry and take it out of our hands as far as regulation. She added this pact would supersede a lot of the laws that we currently govern ourselves with and protect ourselves. She commented this has put the power in the hands of a few. Mrs. Kettler also stated that she believes in free enterprise but she feels something like this is going to be a disaster for our working class in this Country. Mrs. Kettler suggested that we call our Congressmen, State Senators to let them know and also asked if Council would adopt a resolution against the Trans-Pacific Partnership and direct our Borough Coordinator to send this information out to our surrounding municipalities to protect all of us.

Mr. Pirolli commented that it only takes a few minutes to make phone calls to our State representatives and he feels it is worth it.

Mr. Pirolli made a motion to adopt Resolution #342, against the Trans-Pacific Partnership, seconded by Mr. Shellenberger. Mr. Pirolli added to send this resolution to the offices listed below on the handout. Mrs. Kettler asked that we send to our surrounding municipalities in Bucks County and attach the handout. All of Council was in favor of the motion; the motion carried.

Chris Shellenberger, 229 Kenwood Drive, Levittown, asked if Elcon Recycling facility was going to be discussed this evening. Mrs. Conner advised that will be discussed under the Solicitor's Report.

## **COUNCIL MINUTES**

A motion was made by Mr. Pirolli to approve the minutes of the February 2, 2016 Council Meeting, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

**TREASURER'S REPORT**  
**MONTHLY BILLS**

A motion was made by Mr. Pirolli to approve the monthly bills in the amount of \$62,035.37, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Chief Doyle indicated there were expenses related to the snow storm. He advised that he asked for reimbursement to PEMA for \$15,000 for services provided during the storm. He added that Governor Wolf has sent proper paperwork to the President to see if we can get federal funding to be reimbursed for that.

All of Council was in favor of the motion to pay the monthly bills; the motion carried.

**RECONCILIATION STATEMENT**

Mr. Pirolli made a motion to approve the Reconciliation Statement for February, 2016, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

**COMMUNICATIONS**

Mrs. Conner advised she had no communications for the month.

**GENERAL BUSINESS**

**D.A.R.E. GRADUATION DONATION—CONSIDERATION OF REQUEST OF WALT DISNEY SCHOOL**

Mrs. Conner advised that Walt Disney School requested a donation for their D.A.R.E. graduation program.

Mr. Pirolli made a motion to approve the \$500 donation for the D.A.R.E. graduation for Walt Disney School, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

**CLARKE MOSQUITO CONTRACT—CONSIDERATION**

Mrs. Conner advised that we have the park and surrounding areas sprayed for mosquitoes 5 times a year by Clarke Environmental Mosquito—any additional treatments would cost separately. She advised the cost remains the same as last year--\$2,400. She also mentioned that the County usually sprays the entire Borough.

Mr. Pirolli made the motion to approve the Clarke Mosquito contract in the amount of \$2,400, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

**PUBLIC HEARING—AMENDMENT TO POLICE PENSION ORDINANCE**

Mr. Sellers explained the amendment to this ordinance. He advised the public hearing was advertised. He advised this involves a minor revision to the pension ordinance required to comply

with State law—the Collective bargaining agreement provides for a different maximum for the increase in service increment from that stated in the pension fund ordinance and this is required to be the same number. Mr. Sellers added that the police pension ordinance needs to be amended to increase to match the collective bargaining agreement.

The Public Hearing was opened for comment or question.

There being no comment, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #374, amendment to Police Pension ordinance, seconded by Mrs. Grady. The motion carried with a unanimous vote of Council in favor.

**NPDES MS4 GENERAL PERMIT—APPROVAL OF EXPENDITURE WITH GILMORE & ASSOCIATES**

Mr. Kurt Schroeder of Gilmore and Associates, Inc. explained that this expenditure is for the creation of a progress report for years 2 & 3 and for the mapping of outfalls of the storm pipes in the municipality. Mr. Schroeder advised that each year public presentation and awareness through the website etc. is criteria for the report. Mr. Schroeder made a presentation this evening.

Mrs. Kucher questioned the expenditure. Mr. Schroeder explained that the costs over the past few years have fluctuated. He advised it has to do where we are in the long term permit cycle. He added the creation of the map is an additional expenditure. He added that affluent coming out of the storm pipe has to be tested for discharge. Mr. Schroeder advised that the permit expires May 31<sup>st</sup> and the report is due July. Mrs. Kucher advised that Council would like a copy of the report.

Mrs. Kettler asked that after the testing of affluent, who pays for that. Mr. Schroeder advised the municipality is responsible for that expense. Mrs. Kettler commented there is no reimbursement from the State. Mr. Schroeder advised that is correct.

Mrs. Kucher asked Mr. Chase if the Water Authority has anything to do with testing this stormwater. Mr. Chase advised that the Water Authority goes to outside laboratories for anything to be tested by DEP. He added the Authority's water plant laboratories are certified in bacteria only.

A motion was made by Mr. Shellenberger to approve the expenditure of \$8,000 for Gilmore and Associates, Inc., for stormwater management reporting, seconded by Mrs. Grady.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

Mrs. Kucher—for

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

#### **LARGE EVENT APPLICATION—WALT DISNEY SCHOOL—CONSIDERATION**

Mrs. Conner advised that Walt Disney School made application for their large event, Disney Day to be held on April 2<sup>nd</sup> between 9 am and 4 pm. She indicated that the Chief of Police, Fire Marshal and Code Enforcement officer all reviewed and approved this application.

Mr. Pirolli made a motion to approve the large event application for Walt Disney School, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

#### **LARGE EVENT APPLICATION—ST. MICHAEL'S FAIR—CONSIDERATION**

Mrs. Conner advised we received application from St. Michael's Church for their large event—their annual Fair to be held June 28<sup>th</sup> to July 10<sup>th</sup>. She indicated that Chief of Police, Fire Marshal and Code Enforcement Officer all reviewed and approved.

Mr. Pirolli made a motion to approve the large event application for St. Michael's Fair, seconded by Mrs. Kettler. The motion carried with a unanimous vote of Council in favor.

#### **MEMORIAL DAY EXPENSES—CONSIDERATION**

Mrs. Conner distributed a list of expenses that she has received from members of the committee. Mr. Shellenberger asked what committees are working on the parade—Mrs. Conner advised finance committee and parade committee.

Mr. Shellenberger commented that 2 string bands for \$5,000 is a lot of money. He added that we are thinking of cutting costs—bringing 2 string bands for \$5,000 is expensive. Ms. Gahagan commented she thought at the meeting it was mentioned only 1 string band for \$1,800. Mrs. Kucher mentioned that the first meeting of the parade committee, they discussed 2 string bands and she was asked to get prices. Mrs. Kucher commented the \$5,000 is a little higher but they usually do get donations for the string bands. Ms. Gahagan said at the last 2 meetings they discussed only 1 string band. Mrs. Grady advised that she spoke with member of Uptown String Band and confirmed at the last meeting the 2 prices of the string bands. She advised that with and without costume were 2 different prices. Mrs. Kucher commented that there are miscellaneous prices and they are still getting prices on the food which is included in the miscellaneous.

Ms. Gahagan questioned the cost of the string bands.

Chris Shellenberger, 229 Kenwood Drive South, commented that she attended all meetings—suggested that we don't even get the food because we get it for 450 people. She said in all the years most of the hot dogs are wasted. She also commented that at the 2<sup>nd</sup> meeting, she asked if she should contact about the food and she did get contract and now she feels foolish because Council is not approving but other prices are being obtained. Mrs. Kucher commented that at the meeting she attended, they said you would find out how much it cost. She added that when she saw the cost she thought it was a lot of money but she doesn't know—she isn't a caterer—she suggested to the finance committee to get other prices. Mrs. Kucher advised a few people called other places and they are getting some prices.

Mrs. Kucher and Mr. Pirolli both commented that it is the 125<sup>th</sup> Anniversary of the Borough this year and the Mayor would like to make this Parade special for this year.

Mr. Pirolli made a motion to authorize expenditures for the Memorial Day Parade not to exceed \$15,600 in accordance with the itemization of parade expenses. Mrs. Slemmer seconded the motion.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—against

Mr. Shellenberger—against

Mrs. Kucher—for

The vote was 5 in favor, 2 against; the motion carried.

Mayor Cutchineal commented that we may have a few more expenses at next month's meeting as a few other bands are not on the list this evening. Mrs. Kettler commented that we just approved a cap of \$15,600.

Mr. Shellenberger suggested we get prices for string bands. Mrs. Grady advised that she has been making calls to obtain prices for different string bands.

Mrs. Grady asked Mayor Cutchineal if we had a different price in the budget for the Parade. Mayor Cutchineal commented that the budget figure was \$18,100.

### **RESOLUTION AUTHORIZING CHIEF DOYLE TO APPLY FOR ROAD CLOSURE PERMITS FOR PARADE**

Mr. Pirolli made a motion to adopt Resolution #343 to authorize Chief Doyle to make application to Penndot for temporary road closing. Mrs. Grady seconded the motion.

Mrs. Kucher asked Chief Doyle if these are permits for closing Levittown Parkway. Chief Doyle advised Levittown Parkway, Rt. 13.

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

### **APPROVAL—EMC INSURANCE RENEWALS**

Mrs. Collings asked that Council accept the insurance renewal of Brown & Brown for 2016-2017 premium with EMC Insurance. She advised the total for the year is \$168,448.00.

Mr. Shellenberger made a motion to approve the expenditure of \$168,448.00 with EMC Insurance for 2016-2017 renewal. Mr. Pirolli seconded the motion.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

Mrs. Kucher—for

### **COMMITTEE REPORTS**

Jim Chase 633 Main Street, Tullytown, member of Shade Tree Commission, advised that the Shade Tree Committee will be meeting in March and will report to Council at the April meeting. Mr. Chase advised that he contacted the Penn State Outreach in Bucks County who provides free services such as advising what to do with our trees. He added that he talked to a tree trimmer who drives through town who mentioned that whoever trimmed our trees in the past did a poor job. He commented that many trees are well beyond repair, some are repairable but need to be taken care of yearly. Mr. Chase mentioned there are 36 trees along one side of Main Street and 41 on the other side.

Mr. Chase advised that he found on the internet the Penn State agency that they list the top 10 recommended tree companies in this area—they come with references which is very helpful.

Mr. Shellenberger mentioned that during the past Elections, many residents commented how horrible Main Street looks. He added that we want to beautify the street—the trees were supposed to be hybrids—if a lot of trees have to be removed—we can put something else there.

Mr. Chase mentioned a shrub called Crepe Myrtle which only grows about 12 feet tall—maybe we can get other shrubbery to beautify the street. He added that many trees block the lights.

Ms. Gahagan asked if Seth Silverman is trained in trees, etc. Mrs. Conner advised she will ask Seth.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal advised that the parade committee has been meeting regularly since January. He advised the next meeting is next Tuesday, March 8<sup>th</sup> at 4:30 p.m. and as always everyone is welcome to help out.

Mayor commented that in honor of our quasiquintennial we will be doing some special things during the year. He advised that Councilman Shellenberger is going to read from the very first minutes of Borough Council January of 1892. Mrs. Conner advised that we still have the original bound book of the minutes. Mayor Cutchineal also commented that we have the registry from the Black Horse Hotel. He added the meetings were held in the White Hall Drug Store.

Mayor Cutchineal had the election results from the 50<sup>th</sup> Anniversary election in 1941. High vote Lester Schumaker, Republican, with 106 votes, Walter Strauss, Democrat, with 104 votes, James Mayberry with 98 votes, Charles Carlin with 94 votes and he suspects that was a good turnout. He read off the Mayor's election in 1941—Howard Roberts and J.W. Miller tied 92 votes each and they flipped a coin with Mr. Roberts winning.

Mayor Cutchineal also mentioned that we have a DVD of the Centennial Celebration in 1991 which we would like to air on the government channel.

### **COORDINATOR'S REPORT**

No report for this evening.

### **SOLICITOR'S REPORT**

- a) SEPTA Land Development Agreement—Mr. Sellers advised there is nothing for action this evening.
- b) ELCON Proposed Truck position—Mr. Sellers advised that he sent memorandum to Council regarding this matter.

Mr. Sellers advised the Elcon facility is a proposed facility in the Keystone Industrial Park complex in Falls Township which is designed to process toxic waste products. He advised there has been controversy surrounding the proposal some of which is the transport of this cargo along routes to get to the facility in Falls Township. Mr. Sellers advised that Bristol



Borough and Bristol Township had previously taken action through their governing bodies to contact the PADEP and register their objection to the use of Rt. 13 as a designated truck route for transport to the Elcon facility. He advised the concern of those municipalities are similar to ours in that the local roadways could eventually become part of the route for trucks on route to the Elcon Facility.

Mr. Shellenberger commented that because they are State roads, he would like to go further and request we adopt a resolution that Falls Township turn down the facility completely—it's not good for the environment, the water, for anything in this area.

Mr. Pirolli made a motion to object to the use of Rt. 13 as a designated truck route to the planned Elcon facility and to authorize the coordinator to send correspondence to PADEP stating that position out of concern for the safety of the Borough residents and businesses. Mr. Shellenberger seconded the motion.

Mrs. Kettler commented that she finds it ironic that Bristol Township wants to talk about Elcon when they just sited a medical waste disposal company in their industrial park. She doesn't even know how that got through. Mr. Pirolli commented that this facility was going to grind it up and encapsulate it and send to landfills that would accept it. Mrs. Kettler commented that Lower Bucks gets the brunt of the environmentally unsafe facilities. She added that Falls Township needs to say no. She commented that thank goodness we stopped other Council people from making a dirty deal with LBCJMA to take GROWS wastewater treatment. She added that they will destroy us and our planet. Ms. Gahagan commented that she feels the same way about St. Michael's property—that was a landfill before there were regulations for landfills.

Roll call vote was taken:

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

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

Mr. Shellenberger made a motion to authorize the coordinator to direct correspondence to Falls Township Board of Supervisors requesting denial of the application for the planned Elcon facility. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

Laura Parto, 258 Lakeside Drive, Levittown, commented that Falls Township would not give their opinion on whether they are for or against Elcon. She added that Falls Township won't receive any money because the plant is tax free site until 2019. She indicated that Lower Makefield Township will be giving their opinion on it Wednesday night 7 pm. Ms. Parto advised that the meeting last week at the Sheraton was very informative.

#### **ENGINEER'S REPORT**

Mr. Schroeder of Gilmore Associates advised that he had no report at this time.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Ms. Gahagan questioned the flashing lights for the school zone at St. Mikes. Chief Doyle commented that Alison Smith was working on that with Mr. Major. Chief Doyle did indicate that we have one permit but he doesn't know when it will be installed. Mrs. Kettler suggested that Mrs. Smith bring Gilmore Associates up to date on this matter. Mrs. Kettler commented that PennDOT held up this project.

Mr. Shellenberger commented that the people volunteering on the committees take the time to get prices, do their homework and when they come back to Council and they are not acknowledged that's a problem—he feels that is wrong and the committees aren't taken seriously.

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, commented that Mr. Sellers explained to the Park & Rec committee that they are a committee that bring information to Council. Mr. Sellers commented it is not an "official" group that is enacted by Ordinance. He indicated that it is a group that meets and advises that works for the Borough in various capacities in various events—but not a formal organization. Mrs. Chrzanowski commented that Council has the final say—the committees can only suggest.

Mr. Shellenberger commented that at least year's picnic, the Park & Rec Committee recommended a caterer (the other caterer was \$1,000 more) and Council went with the more expensive company. He didn't understand why Council would spend more for the same thing.

Mr. Pirolli commented that he does appreciate the volunteers.

Ms. Gahagan stated the Council Committees also do not make decisions either. Mr. Sellers said that is correct.

Chris Shellenberger commented that Rick Johnson got a price for the band for the Borough picnic. Mrs. Conner advised that Mr. Shellenberger gave her a note this evening for the cost of the One Tribe Party Band. Mrs. Kucher advised that Council can authorize expenditure at the next meeting.

Mrs. Conner also mentioned that she advertised for food, funnel cakes and fireworks. She advised since she did not get any requests for specs for any of the items, so she contacted all the vendors from last year and sent specs to those who were interested. She also advised that she advertised on the website and asked if everyone would like to spread the word for anyone interested.

Mrs. Smith arrived at the meeting. Mrs. Kucher asked Mrs. Smith for an update of the flashing light at St. Mikes. Mrs. Smith advised that Bill Major had withdrawn the permit and resubmitted and we have no notification yet from Penndot if it was approved. Mrs. Smith advised she will look into this and report back to Council. Mrs. Grady commented that Penndot was giving Mr. Major a hard time about the electrical work at one point. Mrs. Smith commented that we were requesting the ability to do the 2 signals and Penndot was not allowing us to do the 2 signals. Mr. Major then withdrew the permit and Council decided we wanted to go forward so he resubmitted permit last fall.

#### **ADJOURNMENT**

There being no further business, a motion was made by Mrs. Kettler 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 8:31 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary