

## **TULLYTOWN BOROUGH COUNCIL MEETING MARCH 3, 2015**

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, March 3, 2015 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Mary Mazzocchi, Bessie Wheeler, and Joseph Mastrull 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

### **PRESENTATION—FIRST RESPONDER MEMORIAL**

Rick Johnson, Deputy Chief of the Fire Company presented a sketch of the First Responders Memorial to Council.

Mayor Cutchineal advised that we are trying to accomplish this with grant monies, donations and funding. Rick Johnson commented that hopefully 90% of the materials for the job would be donated. He also mentioned that they will “sell” bricks in memory of loved ones, etc. Rick also commented that there are 2 pieces of property to erect this memorial; namely, the area between the Borough Municipal parking lot and Fire Company and at the corner of George Maples’ property. Mayor Cutchineal commented that they are hoping to get this finished by the year 2016 which is the 125<sup>th</sup> birthday of Tullytown and the 15<sup>th</sup> anniversary of 9-11.

Mr. Sellers advised that Council entered into executive session prior to the meeting to discuss two (2) litigation matters; namely, Armstrong vs. Tullytown Borough and Fox vs. Tullytown Borough. He advised there was discussion involving River’s Edge Zoning Hearing



Board appeal which is being appealed to Doylestown. Mr. Sellers also advised there was discussion regarding the contract with Cintas Corporation.

### **PUBLIC COMMENT**

Rich hart, 50 Stream Lane, Levittown, tax collector, commented that everyone should have received their tax bill--if they haven't received, please contact him.

Chris Shellenberger, 229 Kenwood Drive S., Levittown, advised the shopping center should be responsible for the sidewalk in front of Taco Bell and in front of the garden center. She commented that during the last few storms nothing has been done. Mrs. Smith advised she will contact DLC.

May Kucher commented that Paris Collello spoke at the meeting last month. Mrs. Kucher commented that she wants it known that she feels offended that someone should talk against our Police Department and against Council members. She commented that our Police do a great job—she is thrilled the Police are taking the drug dealers off the street and she doesn't care what their method is in doing so.

### **APPROVAL OF COUNCIL MINUTES**

Mrs. Kucher made a motion to approve the February 3, 2015 Council meeting, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—abstain as he was not present at the meeting

Mrs. Kucher—for

Mrs. Kettler—abstain

Mr. Czyzyk—for

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

### **TREASURER'S REPORT**

#### **MONTHLY BILLS**

Mrs. Kucher made a motion to approve the monthly bills, seconded by Mr. Pirolli.

Mr. Pirolli asked the treasurer the cost of the law suits. Mrs. Collings advised that for this month: Fox vs Kucher—Sellers invoice-\$1,710.10, Armstrong vs Tullytown Borough—Sellers invoice- \$1,830.00, Armstrong vs Tullytown Borough--Lavery Faherty invoice- \$2,248.00. She advised the total for the month--\$5,988; total to date--\$15,336. Mrs. Kucher commented that this money is going to frivolous law suits.



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**

Mrs. Kucher made a motion to approve the Reconciliation Statement for February, 2015, seconded by Mr. Pirolli.

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 advised she has no communications for this month.

### **GENERAL BUSINESS**

#### **2014 REVIEW OF YEAR**

Mrs. Smith advised that due to the weather conditions, she will table this report until April meeting.

#### **SEPTA—LAND DEVELOPMENT—AUTHORIZATION FOR SPECIAL MEETING**

Mr. Sellers advised that the process for review with the Planning Commission has been completed and recommendations have been made to Council. He added this matter is now before Council for consideration. Mr. Sellers advised this is a complex matter—many issues have been successfully resolved through the meetings and communications among the

SEPTA and Borough professionals. Mr. Sellers advised that it was suggested to meet at a separate Council meeting to discuss and consider.

Mr. Pirolli made a motion to table the SEPTA train station land development application to a special meeting to be advertised for March 10, 2015 at 7:00 p.m. 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

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

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

Mrs. Conner advised that St. Michael's Church submitted the large event application for their annual fair which will be held June 23, 2015 to July 5, 2015. She added that the Fire Marshal, Code Enforcement Officer and Chief of Police all reviewed and signed off.

Mr. Pirolli made a motion to approve the large event application for St. Michael's Church, 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

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

Chief Doyle asked if Council wants him to handle the financial reimbursement as in the past—working with the treasurer with that. Council agreed.



**REPEAL OF FIREARMS ORDINANCE—AUTHORIZE ADVERTISEMENT**

Mr. Sellers explained that this proposed ordinance to be in compliance with the Act signed into law at the end of 2014.

Mrs. Kettler made a motion to authorize the advertisement of the proposed ordinance repealing the Firearms Ordinance, seconded by Mr. Pirolli.

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 in favor; the motion carried.

**FOOD, FUNNEL CAKES AND FIREWORKS FOR BOROUGH PICNIC**

Mrs. Conner advised she contacted the 4 companies that submitted quotations last year. She added that she sent the quotations to the Park & Recreation Committee for their recommendations to Council. Mrs. Conner indicated that the Park & Recreation Committee recommended Christina's Catering as their 1<sup>st</sup> choice and Billy D's Catering was their 2<sup>nd</sup> choice.

Mrs. Conner advised the quotations received as follows:

Christina's Catering--\$9,300  
Harvest Specialty--\$10,470  
Cheryl Panzitta Catering--\$11,950  
Billy D's Catering--\$11,250.

Mrs. Kettler suggested that in the future we advise the public at meeting, website and government channel that we are obtaining quotations for the picnic. Mrs. Kucher also suggested that if anyone knows of interested caterers, to contact Nancy Conner.

Christine Shellenberger questioned why we don't put the specs out to bid as we have in the past. She commented that she understands that the Park & Recreation Committee will make a recommendation to Council; however, Council does have the final say.

Mrs. Kucher mentioned that last year many residents attending the picnic were very satisfied with the food. Mr. Adams also commented that many of the seniors that attended the picnic have also been very pleased with picnic.

Mrs. Shellenberger also commented that they don't have a band at this time for the picnic. She added that they can't wait until the last minute to obtain a band—they will need to be informed of the process. She commented that they need to know what they can spend.

Rick Johnson, 347 Main Street, Tullytown, commented that regarding the bands you won't get a big time band for less than \$5,000 or \$10,000.

Mrs. Kettler asked if the Park & Recreation Committee would consider a DJ for the picnic.

Mayor Cutchineal suggested Daisy Jug Band might be interested in playing at the picnic and Gary Tosti with the Doo Wop Band also might be interested.

Tiny Grady, 585 Main Street, Tullytown, also mentioned that our former police officer John Pott's son is a good DJ. It was also suggested to put something on the Borough Website to see if DJ's would be interested to contact the Borough.

Chris Shellenberger, commented that they have to change something as far as authorizing expenses and don't know how to handle changing entertainment. She will discuss at next meeting.

She also advised that the Park & Recreation Committee is holding their annual Easter Celebration Saturday March 28<sup>th</sup> -- pictures with the Easter bunny, ec..

Mrs. Kettler made a motion to accept the quotation of Cheryl Panzitta Catering in the amount of \$11,950.00 for the food portion of the Borough picnic. Mrs. Kucher seconded the motion.

The vote of Council was as follows:

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

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

Mrs. Conner advised the two (2) quotations received for funnel cakes were as follows:

Fun Foods LLC (Frank Keating) -- \$3,000  
Cheryl Panzitta Catering -- \$3,600

Mrs. Kettler made a motion to accept the quotation for funnel cakes for Borough picnic from Fun Foods LLC (Frank Keating) in the amount of \$3,000. Mr. Czyzyk 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.

Mrs. Conner advised the quotations received for fireworks for Borough picnic as follows:  
International Fire Works -- \$7,200  
Z Y Pyrotechnics LLC -- \$6,800  
D & M Fireworks -- \$6,750

Mrs. Conner indicated that the Park & Recreation Committee recommended International Fireworks.

Mrs. Kettler made a motion to accept the quotation for fireworks for the picnic from International Fireworks in the amount of \$7,200. Mr. Czyzyk 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

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

#### **VACANCY BOARD CHAIR APPOINTMENT—RESOLUTION**

Mr. Sellers advised that this is a citizen of Tullytown Borough who serves in the position of vacancy chair in the event there is a resignation of a Council member and would vote at that time to attempt to fill the vacancy within 30 days.



Mrs. Conner advised that Linda Slemmer was appointed as vacancy chair last year and added that Linda expressed interest in being re-appointed as vacancy chair for this year as well.

Mr. Pirolli made a motion to approve Resolution #322 appointing Linda Slemmer as chair to the Vacancy Board, 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.

#### **HIRING OF PART-TIME POLICE OFFICERS—CONSIDERATION**

Chief Doyle asked Council to hire three (3) part-time police officers this evening. He added that all three (3) will be pending final checks. Chief Doyle advised that one officer already left for lower Southampton and two officers will be leaving for Bristol Township in less than a week. Chief Doyle recommended the hiring of Joe Dragon, Kyle Brierly and Andrew Seltzer for part-time police officers.

Mr. Pirolli made a motion to hire Joe Dragon as part-time police officer, 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.

Mr. Pirolli made a motion to hire Kyle Brierly as part-time police officer, 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

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

Mr. Pirolli made a motion to hire Andrew Seltzer as part-time police officer, seconded by Mrs. Kettler.

The vote of Council was as follows:

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

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

#### **WASTE MANAGEMENT PERMIT RENEWAL--RESOLUTION**

Mr. Sellers advised that on March 25, 2015, there will be a public hearing scheduled at the Falls Township building conducted by Pennsylvania DEP to take testimony by the public or otherwise relating to the permit renewal for this facility. Mr. Sellers advised this renewal is an important one.

Mr. Sellers further added that Council can provide support via resolution which is before Council and also to authorize someone to attend hearing to present the resolution and present a brief statement to be part of the record with PADEP for this permit renewal.

Mr. Czyzyk asked how many more years does the landfill have? Mr. Sellers commented that the operations on the Tullytown portion, if everything goes according to plan, will continue for another two (2) years.

Mrs. Kettler made a motion to approve Resolution #323 which she read into the minutes. (A copy of that resolution will be attached to the minutes.) 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. Pirolli made a motion to send Mike Sellers to Falls Township to present the resolution at the hearing, 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.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor thanked Police Department for the excellent job in keeping our residents safe and informed during the apprehension of two (2) suspects in an apparent attempted robbery at Mike's Gun Shop.

Mayor Cutchineal also mentioned that the 7even Band will be playing at the Concert in the park on August 8<sup>th</sup>.

### **COORDINATOR'S REPORT**

Mrs. Smith advised she distributed copy of her report to Council and will not elaborate as the weather is bad this evening. A copy of that report will be attached to the minutes. Mrs. Smith did mention that she distributed pictures of the same inlet—one from last year and



one from this year. She indicated that it is starting to deteriorate. Mrs. Smith advised that we did the bulk of the inlets in house last year and we saved \$46,000 and commented that this is necessary. She asked for Council's approval to conduct inlet inspection with the Borough Engineer.

Mr. Pirolli made a motion to authorize the Borough Engineer and Coordinator to do the inspection of the inlets, seconded by Mrs. Kucher.

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.

Mrs. Smith did mention that our renovation of the Borough Hall is going very well and we are actually ahead of schedule.

#### **SOLICITOR'S REPORT**

##### ***Cintas Uniform Contract***

Mr. Sellers advised that this contract was entered into in 2011 and has a 5-year term. He mentioned that at the time it was entered into, it was not brought to Council and the services began but found to be redundant more recently for a collective bargaining agreement provision for uniforms to be provided to employees by separate stipend. Mr. Sellers advised the penalty provision in this contract at the termination is 50% of the remaining amount of the contract.

Mrs. Kucher made a motion to authorize termination of contract with Cintas, 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.

**Tax Delinquents-Authorize Court Fees**

Mr. Sellers advised that Council authorized the solicitor to work with the special tax collector on delinquent tax accounts by businesses. He added that work was completed; appropriate notices were sent with a very limited response. He indicated that we are ready to move forward with filing suit in District Court. Mr. Sellers stated that the filing fees are required but are recoverable against the business who we filed the complaint. He added that the filing fees have to be authorized by Council—such fees vary from \$111.75 to \$170.75. Mr. Sellers commented that he anticipates filing ten (10) suits in District Court.

Mrs. Kucher made a motion to authorize the expenditure of filing fees for delinquent business taxes, seconded by Mrs. Kettler.

Mr. Armstrong asked Mr. Sellers how many dollars we expect to recover. Mr. Sellers advised that a number of businesses didn't even file returns so the challenge is really pursuing what amount is the penalty provisions initially which will get the attention of anyone who gets sued like that over multiple years of penalties. Mr. Sellers advised that for those who have filed but haven't done so lately, we can do an estimate.

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 discussed the Zoning Hearing Board appeal of River's Edge Chapel and Crematory. He commented that this location on Fox Drive is the same location that was subject to the law suit about a year ago where the Borough prevailed. He added this latest application, is only changing the name of the applicant—the operations remain the same. He stated that we opposed the applicant at the Zoning Hearing Board and the Board agrees with the Borough's position. Mr. Sellers mentioned that an appeal has now been taken to Doylestown.

Mrs. Kettler made a motion to authorize the Solicitor to oppose that appeal and to take what steps are necessary. Mrs. Kucher 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.

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

Mr. Major presented the report for the evening, a copy of which is attached to the minutes.

#### **MISCELLANEOUS COUNCIL BUSINESS**

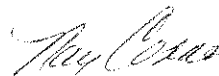
Mr. Adams commented that earlier this evening, Chris Shellenberger questioned how much money Council would allot for the band for the picnic. Mrs. Kucher commented that we will have to review costs for bands in prior years.

#### **ADJOURNMENT**

Mr. Czyzyk made a motion 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 8:22 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary

