

TULLYTOWN BOROUGH COUNCIL MEETING APRIL 4, 2016

President May Kucher called the meeting of the Tullytown Borough Council to order on Tuesday, April 5, 2016 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Carolyn Mazzocchi and Robin Stover who recently passed away.

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
Dan Doyle, Chief of Police
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers advised that since the last meeting of Council, there have been two executive sessions. He advised that Council first met in executive session on March 8, 2016, subject being pending litigation of Septa vs. Tullytown Borough and the second executive session was conducted before this evening's meeting; subject being the same case of Septa vs. Tullytown Borough and the case of Rivers Edge vs. Borough of Tullytown.

PUBLIC COMMENT

George Panzitta, Cheryl Panzitta Catering, commented that he wanted to address Council before the food portion of Borough picnic was discussed this evening. He advised people are "taking out" food from the picnic. He advised Panzitta cooks the food as the day goes on. He added that he has asked the Committee several times and he was not given a head count. He commented this proposal stated 800 and then a per person rate above that amount. He added



that they have been assuming in the past years that it has been 800 people. He also commented that they would offer fried oreos in lieu of ticket for funnel cake.

Mrs. Kucher commented that Mr. Panzitta stated they have provided for 800. She said we asked for price on 1200 people in the past. She also commented that people have a ticket—they can take it home and the vendor should provide the food for that many people.

She also stated that if we ask for 800 of each item she expects that to be produced. She also commented that we should have a more accurate count this year.

Mrs. Kettler agreed and commented that we also changed procedure this year—residents will be buying a ticket which will make for a more accurate number.

Mr. Shellenberger asked Mr. Panzitta who he asked for the count. Mr. Panzitta said he asked the Committee. Mr. Shellenberger commented he was at the picnic and is a member of the Committee. He added that when people were signed up, the count was 1,050 and that is what they go by. He stated that you need to check with the correct people at the table.

COUNCIL MINUTES

A motion was made by Mrs. Kettler to accept the minutes of the March 1, 2016 Council meeting, seconded by Mrs. Grady. The motion carried with a unanimous vote of Council in favor.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Mr. Pirolli to approve the monthly bills, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

RECONCILIATION STATEMENT

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

COMMUNICATIONS

Mrs. Conner advised there were no communications for the month.

GENERAL BUSINESS

MAIN STREET TREES REPORT FROM SHADE TREE COMMISSION

Mr. Jim Chase, member of the Shade Tree Commission advised the Committee met with Penn State Outreach Society. He advised that a Horticulturist, Kathy Salisbury, was present and gave them good information. Mr. Chase commented that they all agree the trees along Main Street have been butchered over the years. Mr. Chase advised that Ms. Salisbury recommended that



the Borough hire a certified arborist to look over all the trees and to make a report back to the Borough what should be done.

Mr. Chase also advised that through the Penn State Outreach Program—they have master gardeners to walk with the Commission members and they could recommend as to what can be put there such as shrubs, trees, etc.

Mr. Chase advised that he has been researching on the internet and learned there are lot of trees can go there but they are not good for this area.

Ms. Gahagan commented that she thinks we had a certified arborist years ago. Mrs. Kucher also commented that it might be prudent to get a price from an arborist. Mrs. Kettler commented that we should solicit the services of a certified arborist—not just go with one price. Mrs. Kucher asked Mrs. Conner to obtain prices of several arborists.

DISCUSS PROPOSALS—FOOD PORTION OF BOROUGH PICNIC

Mrs. Conner advised that four (4) proposals were received for the food portion of Borough Picnic. She did advise that the proposals would be considered at the May Council meeting. Mrs. Conner advised that the food tasting would be done sometime this month. After discussion, Mrs. Kucher stated that Mrs. Conner will contact the vendors to set up a date and then a few members of the Park & Recreation Committee as well as the Council Park & Rec Committee would be a part of the taste testing.

Jim Chase, 633 Main St, Tullytown, commented that if the Borough is paying for 800 of each of the items for food, he agrees with Mr. Panzitta that very few people are able to eat each of the items so we will have leftover food. He suggested that since the Family Promise center that just opened in Tullytown, we could donate the leftover food to them. Mrs. Kucher commented that we can't do that because of the liability issue.

ACCEPT PROPOSAL—FUNNEL CAKES FOR BOROUGH PICNIC

Mrs. Conner advised that two (2) proposals were received for the funnel cakes. 1) KC's Funnel Cakes in the amount of \$3,000 and 2) Cheryl Panzitta Catering in the amount of \$3,200.

Mr. Shellenberger questioned the fixed number of 800 funnel cakes. Mrs. Smith advised we estimated a number of people attending picnic to be 800 but a few weeks before the picnic, we will have a final count. We will guarantee payment to vendor for 800 funnel cakes. Mr. Panzitta advised there is a price per funnel cake after the 800 as was stated in the specifications. Mr. Shellenberger suggested we table this matter and consider both the food portion and funnel cakes for the Borough picnic at the May meeting.

A motion was made by Mr. Pirolli to table this matter until next month's meeting, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.



ACCEPT PROPOSAL—FIREWORKS FOR BOROUGH PICNIC

Mrs. Conner advised only one (1) proposal was received for the Fireworks; namely, International Fireworks in the amount of \$7,200. Mrs. Conner advised International has done the fireworks in the past.

Mrs. Kucher asked if the specifications indicated the same number of fireworks as last year. Mrs. Conner advised that the specs are identical to last year.

Mr. Pirolli made a motion to accept the proposal of International Fireworks in the amount of \$7,200.00, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

RENEWAL LEIGHTRONIX (GOV'T CHANNEL)—CONSIDERATION

Mrs. Conner advised that this yearly renewal will be cheaper this year as she eliminated the extras such as weather, sports, etc. since most viewers can obtain that information on many other channels. Mrs. Kettler made a motion to renew with Leightronix in the amount of \$2,388.00, seconded by Mr. Pirolli.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—not present for that vote

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

Mrs. Kucher—for

The motion passed with all voting in favor of the motion.

AUTHORIZE EXPENDITURE OF CHAIRS FOR MEETING ROOM

A motion was made by Mrs. Kettler to direct Mrs. Conner to purchase 7 chairs for Council meeting room in the amount of \$1,632.00 from Kingston Collection, seconded by Mrs. Grady. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

PARK BENCHES FOR BOROUGH PARK—DISCUSSION ON PRICING

Mrs. Conner advised a slightly cheaper option of park benches for the Borough parks is the recycled material with a cost of \$690. These benches would be purchased by residents in memory of loved ones. She also indicated that Tullytown Plastics advised they can make a hard plastic engraved plate that won't rust for approximately \$15-20. She commented that this is more affordable for residents to donate.

Mr. Pirolli made a motion to adopt the bench as a “model” as to what we will permit in the park, seconded by Mrs. Kettler.

Mrs. Kettler asked if our Street Department employees can install the bench. Mr. Sellers advised that these matters can be discussed and voted on at a later date.

Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

CONSIDER DONATION TO BUCKS COUNTY HEALTH IMPROVEMENT PARTNERSHIP (BCHIP)

Mrs. Conner advised that we received a request for donation from the Bucks County Health Improvement Partnership (BCHIP). They did indicate in their email that they are aware the Borough is cutting back on expenses and they would be appreciative of any donation the Borough can offer. Mrs. Collings confirmed that it is budgeted for \$3,000 donation this year.

Mr. Pirolli made a motion to give donation to BCHIP in the amount of \$3,000, seconded by Ms. Gahagan. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

AUTHORIZE EXPENDITURE BAND FOR BOROUGH PICNIC—CONSIDERATION

Mrs. Conner advised that we have a contract from One Tribe Band to perform at the Borough Picnic this year. She added the expenditure is \$700.00.

Mr. Shellenberger made a motion to approve the expenditure of \$700.00 for One Tribe Band for the Borough Picnic, seconded by Ms. Gahagan. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

AUTHORIZE EXPENDITURE—EDIT DVD OF 100TH ANNIVERSARY FOR GOV'T CHANNEL & WEBSITE

Mayor Cutchineal explained that during the year of our Centennial, Al DiGiovanni filmed some events such as parade dedicating new fire truck, new Borough Hall was constructed, the Tullytown Bridge re-opened after 3 years being done, and the MacIntosh Regency began construction that year and several concerts in the park. Mayor advised that our video rep edited the tapes into a 4-hour DVD and will break into 4 segments of one hour each to play sporadically on the government channel. Mrs. Conner advised that the expense is \$400 to have this done.

Mrs. Kettler asked who will be reviewing this DVD. Mrs. Kucher commented that 4 hours might be too long. Mrs. Conner suggested that she will make copies of the DVD for Council to review.

Mr. Pirolli made a motion to table this matter, seconded by Mr. Shellenberger. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

GRANT PERMISSION TO BOARD OF HEALTH TO TREAT FOR MOSQUITOES—CONSIDERATION

Mrs. Conner advised that the County of Bucks will spray our municipality for mosquitoes that carry West Nile virus only. She added they will require a letter from the Borough requesting permission for them to do so.

Mr. Pirolli made a motion to authorize Alison Smith to send letter to the County of Bucks granting permission to spray for mosquitoes, seconded by Mrs. Grady. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

CONSIDER DONATION TO TOWNS AGAINST GRAFFITI (TAG)

Mrs. Conner advised she received a request from Tracy Timby of TAG for their donation of \$1,500. Mrs. Conner advised that Mrs. Kucher asked to see report on what has been done for our Borough. She added that she was not able to reach Ms. Timby. Chief Doyle commented that TAG does a lot for our community. He commented that when we call they take graffiti off practically the same day. He added they also have a program where they bring non-violent offenders from the Correctional Institution and they pick up the trash along the highways. Chief Doyle advised it is well worth the donation.

Mr. Pirolli made a motion to approve the donation to Towns Against Graffiti (TAG) in the amount of \$1,500, seconded by Mrs. Grady. The motion passed with a unanimous vote of Council in favor.

AUTHORIZE EXPENDITURE—CONTRACT FOR MAINTENANCE OF EMERGENCY GENERATOR

Mrs. Smith advised that with the installation of the emergency generator during the renovation of the building, we are now able to be an emergency shelter for residents if the Borough loses power during a major event. She added that there is an annual maintenance contract in the amount of \$395.00. Mr. Shellenberger asked if there were two generators. Mrs. Smith advised that is correct—they will both be maintained.

Mr. Shellenberger made a motion to approve the expenditure of \$395.00 to Emergency Generator Repair Company, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

RESOLUTION #344—APPOINTING CHIEF AS AUTHORIZED AGENT REGARDING FEMA SNOWSTORM REIMBURSEMENT

Chief Doyle advised that this is for the reimbursement for the snowstorm this January. He advised we did the same for Hurricane Sandy—the Borough appointed him and he is asking Council to do that this time as well.

Mr. Pirolli made a motion to pass Resolution #344 appointing Chief Doyle as authorized agent regarding FEMA reimbursement. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised he attended Walt Disney Day 60th Anniversary this past Saturday and it was a successful day. He also advised that he attended the grand opening of the Family Promise of Lower Bucks. Mayor commented that the director is Sergeant Kulan's mother and he knows they will do an excellent job for a much needed facility.

Mayor Cutchineal also mentioned a few historical facts about Tullytown. He advised that he will announce more at the next meeting.

Mayor Cutchineal announced that Election Day is Tuesday, April 26th and urged residents to get out and vote for the candidate of their choice.

Chief Doyle advised that our Police Department is actively participating in the Bucks County Consortium for DNA. He indicated that all of our officers are trained on how to properly collect DNA. He added that they are using it to fight crime in the Borough—using it on burglary scenes and other crime scenes. He commented that it is a well needed tool that is gaining results across Bucks County. Chief stated that last year they entered into this agreement—the cost \$2,500 per year and is budgeted for this year and asked Council to approve.

Mr. Pirolli made a motion to approve the expenditure of \$2,500 to fund the County DNA program, seconded by Mrs. Grady. Roll call vote was taken—all of Council was in favor of the motion. The motion carried.

Mr. Pirolli discussed the sound proofing of a room in the Police Department. He advised the Police Committee met this past week with Chief Doyle. He advised that they sat in the room and advised outside noises can be heard as well as echoing so they are proposing that we handle the soundproof room at a cost of \$2,500 and the remainder will come out of the Chief's budget. He advised the total cost would be no more than \$3,200.

A motion was made by Mr. Pirolli to approve the expenditure of \$2,500 to use for soundproofing the room in Police Department, seconded by Mrs. Slemmer. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

COORDINATOR'S REPORT

Mrs. Smith advised that we are ready to construct the 2nd pavilion in the park. She advised they started the construction of the pad piers and they will pour concrete tomorrow. She added that we will use Amish Design who is providing the kit to do the construction which should be at the end of this month.



Regarding FEMA, Mrs. Smith advised that they did submit all of her information to FEMA. She commented they are looking at two different issues. She added that one issue is that on some of the properties, the elevations they sited are incorrect and many property owners paid to have their flood elevations themselves are incorrect as she believes.

Mrs. Smith advised the maps are set to be published in about 10 days—after our appeal period. She commented that they believe that they will handle the single property elevations within our appeal but we need to be strong about getting the proper flood elevation around Old Rt. 13.

She asked if Council would approve up to \$7,500 for Gilmore Associates to finish the research that goes to providing FEMA the information that is necessary. She commented that she spoke to Congressman Fitzpatrick's office about extending the time frame that we need in order to provide the information but more importantly to ask them to simply go back to the model that they used to publish the flood elevations in the map that they just published last March. She added that she is not hopeful that they will agree to that. She commented it is much more important to get them the information so that they change what they propose to publish.

Mr. Sellers advised this is a performance of a planning role that is being discussed on the part of the Borough. He added that planning roles traditionally do affect individual property owners because these individual properties make up a municipality. He commented that this one particular property is an important item with FEMA—if the FEMA maps are wrong, they can materially affect the ability for a municipality to do anything in the future with land. He is pointing out that the private ownership is secondary to the role of the Borough as a local government to protect and carry out a planning function.

Mrs. Kettler commented that she feels it would help to make our case that the maps are wrong as part of our planning in the Borough.

Mr. Schroeder said this is an 11 square mile area—a lot of drainage of Martins Creek is in Falls Township that drains in Tullytown. He indicated that they reached out to Falls Township to try to get them to assist us with any data that they have. Mr. Schroeder added that within the 11 square miles there are a lot of lakes and lagoons and they are interconnected and they flow from one to the next. He added that we are trying to find what we think are the biggest hitters and why their flow rates coming into Tullytown are grossly overestimated. He commented that the burden is on the Borough to show FEMA what they could incorporate into their model to try to reduce the amount of flow then it will lower the flood elevation.

Mrs. Kettler asked if this will impact the entire Borough—will it help the overall FEMA plan they are trying to force on us. Mrs. Smith advised yes it could help.

Mr. Chase commented that he is all for changing what FEMA is trying to do because they are wrong but the properties that are being discussed were under water 20 years ago—they were under 3 feet of water—it turned into a chemical spill. Mrs. Smith commented that there is a culvert between the railroad to Old Rt. 13 which brings the water and inundates those buildings. She stated that what they are bringing to FEMA is that culvert can use a backflow preventer and keep those properties from getting flooded.

Mr. Shellenberger made a motion to authorize an expenditure not to exceed \$7,500 for Borough engineer to complete the FEMA study. Ms. Gahagan seconded the motion.

Mr. Pirolli commented that the engineer doesn't have to spend the \$7,500.

Roll call vote was taken—all of Council was in favor of the motion. The motion carried.

Mrs. Smith advised that they are getting information in order to come up with a proposal for purchasing the street light poles from PECO and possibly changing them to LED's. She added it is progressing. She explained the different methods of costs in order to come up with some savings.

SOLICITOR'S REPORT

SEPTA VS. TULLYTOWN BOROUGH

Mr. Sellers advised that 7 years ago Septa began meeting with the Borough to plan the much needed replacement of the Levittown Town Station. He added that problems with funding did not allow the project to move forward until just about 2 years ago. At that time, Septa filed its application with the Borough under State law as any other developer would. The project began the review process going to Council, to the Planning Commission, the Zoning Hearing Board and the project finally came back to Council for approval of final plans on March 10, 2015.

Mr. Sellers advised that the Borough worked with Septa representatives not only to make sure the project complied with State law and Borough ordinances but also to improve the plans to the benefit of Septa passengers and Borough residents. As differences arose between the Borough and Septa more recently, the Borough proposed using Septa's federal exemption with Amtrak to carve out part of the Levittown Train Station from Borough oversight. Septa then filed a law suit against the Borough in federal court in Philadelphia to exempt the entire project. Mr. Sellers commented that while the Borough has the right to fight this lawsuit, the Borough also has the right to choose not to spend money on that legal defense.

Mr. Sellers presented a proposed settlement agreement between Septa and the Borough to resolve all outstanding issues and to end the federal litigation. The Borough would affectively wash its hands of this project.

Mr. Pirolli made a motion to authorize the Borough of Tullytown enter into a Settlement Agreement with SEPTA, including the termination of the current federal lawsuit. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler commented that if any residents have questions or complaints regarding this project—they need to be directed to SEPTA—we will be providing the phone number. She added that we have taken it out of our control—we don't have any legal standing as far as giving anyone advice on what can be done over there.

ENGINEER'S REPORT

Mr. Schroeder advised they looked into the school flasher and contacted Penndot who advised they had nothing on file. Mr. Schroeder advised they will work with Penndot's signals department on figuring out what they will allow us to do with the flashers as to what options we have.

Mrs. Smith said there was an original approval of the original signal but we wanted to do 2—we were under the impression that the permit had been filed with the 2 signals and Penndot does not have record of that.

Mr. Schroeder advised that are looking at the Maintenance needed on stormwater inlets on Fallsington Avenue. He added they have to verify who is responsible for stormwater facilities on the State right of way—sometimes it's us—sometimes it's Penndot—but it needs to be verified.

Mrs. Smith advised that we have to reapply for a permit and you can only apply electronically--but she stated that our bid should still hold. Mr. Pirolli asked when is Penndot going to repave Fallsington Avenue—it should have been done 4 years ago. Mr. Pirolli asked if we heard from them. He asked why we would fix the drains if we aren't going to have the road paved. Mrs. Smith advised she will request Penndot again for the repaving of Fallsington Avenue and commented we may have to use our Congressional influence.

Mr. Schroeder advised they will be meeting this week with the design engineer regarding the Community Park. He added they are looking into lowering the cost of that design.

Ronnie Baker, 288 Main Street, Tullytown, commented that her drain was approved last year and they are still waiting for it to be done. Mrs. Smith advised that the permit request was not put in and our new engineer will put that request in so we may open the road to do the repairs.

Mrs. Kettler asked how long it will take for the permits. Mrs. Smith advised that we are going to get the electronic system up which takes about 10 days and then another 2 weeks after request is put in. Mrs. Smith advised that the contract was awarded to G.E. Poli and they will honor the price.

Rich hart, 50 Stream Lane, Levittown, questioned the public fund project amount the Borough received from Waste Management. Mrs. Collings advised that is a check we received from Waste Management which is part of the agreement with the Borough. She advised that she will get more detailed information for him.

MISCELLANEOUS COUNCIL BUSINESS

Rick Johnson, 347 Main St, Tullytown, member of parade committee, advised they are selling parade tee shirts at the Borough Hall---Sizes SMALL to XL \$6.00, X X \$8.00.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary

