

TULLYTOWN BOROUGH COUNCIL MEETING APRIL 7, 2015

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

President Adams asked for a moment of silence for Stephen Katzmar, brother-in-law of Mayor Cutchineal, who recently passed away.

Present at the meeting:

Mayor Cutchineal—absent due to death in family
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler
Councilman Czyzyk—absent due to birthday plans
Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor
William S. Major, P.L.S., Borough Engineer
Alison Smith, Borough Coordinator
Andrew Bunda, Sergeant-Police Department
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

Mr. Sellers explained that Council met in executive session prior to the meeting to discuss three (3) items; namely, the first two being litigation regarding Armstrong vs. Tullytown Borough and Fox vs. Tullytown Borough and third being a possible acquisition of real estate.

PUBLIC COMMENT

Kelli Donlen, 10 Lakeside Drive, Levittown, advised that she lost Zachary Gonzalez last year and advised she is working with our Police Department to introduce a new bike safety program. Sgt. Bunda commented that the Police Department will be hosting a bicycle safety program on May 2, 9 and 16th for children 8 years of age and older in memory of Ms. Donlen's nephew, Zach Gonzalez. He added that it will be held at our Police Department.



COUNCIL MINUTES

March 3, 2015 Council Meeting

Mrs. Conner advised there was a correction to the minutes regarding the Waste Management permit resolution, a motion was made send to Mr. Sellers to Doylestown for the hearing. She indicated it was not Doylestown, it was Falls Township.

Mr. Pirolli made a motion to approve the minutes of the March 3, 2015 Council meeting with that correction, 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. Adams—for

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

March 10, 2015 Special Meeting

Mrs. Kettler made a motion to accept the minutes of the March 10, 2015 Special Meeting, seconded by Ms. Gahagan. The vote of Council was as follows:

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

The vote was 4 in favor, 2 abstentions; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

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

Mr. Pirolli asked how much the law suits are costing. Mrs. Collings advised that for this month regarding Fox vs. Tullytown Borough: Mr. Sellers invoices--\$135 and for Armstrong vs. Tullytown Borough \$155—total \$300. She added the total to date is \$15,636.

Mr. Armstrong read a written statement to Council regarding the lawsuit.

Some discussion began however, Mr. Sellers commented that Mr. Armstrong has a right to make a statement but litigation is still pending and he asked the balance of Council to refrain from asking questions or commenting. Mr. Sellers stated it is up to President of Council to allow the Public to ask questions but it is pending litigation and asks that there be limited discussion. Mrs. Kettler commented that Mr. Armstrong should put that dissertation on his website. She added that Tullytown residents are well aware of everything going on.

Mrs. Kucher asked Mr. Sellers that when this lawsuit it is over, at that point can we say anything to the public.

The vote of Council was as follows:

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

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

MARCH, 2015 RECONCILIATION STATEMENT

A motion was made by Mr. Pirolli to approve the March, 2015 Reconciliation Statement, seconded by Mr. Armstrong. The vote of Council was as follows:

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

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

COMMUNICATIONS

Mrs. Conner read a letter from Pennsbury LYFT program requesting a donation of Council. Mrs. Smith explained to Council what the LYFT program is. Mrs. Collings commented the donation budgeted for this year for LYFT is \$1,500.

Mrs. Kucher commented that our investments and landfill fees are both going down and she feels we have to pull in the reins on donations. Mrs. Kettler commented that some of these donations help people. The LYFT program invests in our young people who get side tracked.

Mrs. Kettler made a motion to donate \$1,000 to Pennsbury LYFT program, 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. Adams—for

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

Joe Shellenberger, 229 Kenwood Drive South, Levittown, asked what the other townships have given to LYFT. He suggested we find out and give like amounts.

GENERAL BUSINESS

PEC GRANT—PRESENTATION...Mr. Tony Spagnoli

Mr. Spagnoli of the Pennsylvania Environmental Council advised that he is asking for approval of a resolution of support from Council to apply for a grant from PECO. He advised the purpose of the grant which is being matched in like amounts to Wm. Penn Foundation Grant that the PEC already has is to clear a gap on the D & L Canal in Tullytown where it crosses Levittown Parkway through the Levittown Shopping Center.

Ms. Gahagan asked if this has to do with the canal walkway, not the actual canal. Mr. Spagnoli advised that is correct. Mrs. Kettler asked if the PEC needs financial support from the Borough. Mr. Spagnoli advised there is no financial commitment from the Borough, just their support.

Mr. Pirolli made a motion to approve Resolution #327, seconded by Ms. Gahagan.

The vote of Council was as follows:

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

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

REPEAL OF FIREARMS ORDINANCE—PUBLIC HEARING

Mr. Sellers explained the proposed ordinance to Council.

Mr. Adams opened the Public Hearing. There was no comment from the public; therefore, the Public Hearing was closed.



Mr. Armstrong made a motion to adopt Ordinance #370, an ordinance repealing §115-28 of the Borough Code of Ordinances, 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. Adams—for

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

ADMIN PROGRAM FOR 2015

Mrs. Smith explained the program to Council and the public via power point. A copy of that presentation will be filed with the minutes.

BOROUGH EXPENSES FOR BOROUGH PICNIC—AUTHORIZATION

Mrs. Smith advised that we have quotation from Team Unity for \$3,150. She added that we chose NOT to contract for the rain date which would save us \$1,500, which means if it rains and picnic is held on Sunday, we will not have Team Unity for Sunday picnic.

Mrs. Kucher made a motion to approve Team Unity expense of \$3,150. Mrs. Kettler 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. Adams—for

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

Mrs. Smith advised the next expense is for Pony Express for the Borough picnic. She indicated that to provide the same level of service as last year the cost would be \$2,465. She added that Park & Rec Committee asked for an additional quotation for Pony Express to stay an additional hour, providing 2 additional bouncy games—twister and jousting. She added if there was a rain date for the picnic we would have additional games from Pony Express—cost \$3,450.

Mr. Pirolli made a motion to approve expenditure of \$3,450 for Pony Express, seconded by Ms. Gahagan. The vote of Council was as follows:

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

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

**BUCKS COUNTY HEALTH IMPROVEMENT PARTNERSHIP DONATION (\$3,000)-
CONSIDERATION**

Mrs. Conner advised that we received a request from Bucks County Health Improvement Partnership (BCHIP) for a donation of \$3,000. Ms. Gahagan made a motion to give donation to BCHIP for \$3,000. She added this is a very good program and a lot of people are in need. Mr. Pirolli seconded the motion.

Mrs. Kettler advised this is a clinic in Bensalem that provides health care to working people in Bucks County who don't have insurance.

The vote of Council was as follows:

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

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

LEIGHTRONIX SERVICES AGREEMENT—CONSIDERATION

Mrs. Conner advised the agreement with Leightronix provides our Government channel with our Council meetings and advertisements as well as Council meetings being viewed on our website. She advised the cost of \$995 and \$2,988. Mrs. Kettler made a motion to accept the services of Leightronix Services for \$995 and \$2,988, seconded by Ms. Kucher.

The vote of Council was as follows:

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

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

**BUCKS COUNTY DEPARTMENT OF HEALTH—PREVENTION OF WEST NILE VIRUS—
AUTHORIZATION**

Mrs. Conner advised that the Bucks County Department of Health will spray areas in Bucks County for prevention of West Nile Virus. She added they are looking for authorization from our Borough to do so.

A motion was made by Mrs. Kettler to grant the County of Bucks permission to spray for the mosquitos and prevention of West Nile Virus. Mr. Pirolli 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. Adams—for

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

CLARKE ENVIRONMENTAL MOSQUITO MANAGEMENT INC—CONTRACT CONSIDERATION

Mrs. Conner advised that County of Bucks only sprays for mosquitos that carry West Nile Virus and they do encourage the Boroughs to contract separately with an outside contractor for other mosquito nuisances. Mrs. Conner advised that the Borough does contract yearly with Clarke Environmental Mosquito Management Inc. for that. Mrs. Conner advised that this contract with Clarke is \$2,400 which covers the Borough around the municipal building, park, and creek. She advised there are 5 sprayings and we contact Clarke for dates to spray. Mrs. Conner advised that spraying beyond our Park area is an additional \$480 per treatment.

Mrs. Kettler made a motion to award Clarke Environment Mosquito Management Inc in the amount of \$2,400 and to add additional expense if there are other sprayings needed in the Borough. Mr. Pirolli 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. Adams—for

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

WALT DISNEY SCHOOL DONATION—D.A.R.E. GRADUATION (\$500)-CONSIDERATION

Mrs. Conner advised that we received a letter from Laurie Ruffing, Principal of Walt Disney School requesting a donation of \$500 for the D.A.R.E. graduation program. Mr. Pirolli made a motion to give a \$500 donation to D.A.R.E. for Walt Disney School, 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. Adams—for

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

INLET PROGRAM EQUIPMENT PURCHASE—CONSIDERATION

Mrs. Smith advised that our Street Department employees have initiated an inlet repair program in 2014. She added that this year, they will be working on another 9 inlets and it would be cheaper to purchase some of the equipment rather than rent. She advised that we will be using our liquid fuel funds for this procurement. Mrs. Smith advised the cost of the backhoe bucket--\$1,545 and the cost of vibrating roller for \$6,299. Mrs. Kettler asked what other uses for the vibrating roller. Mr. Major explained that it would help with compaction. He added that it would also help with some other projects where we have a larger area of macadam to take up or replace—we can do “in house”.

Mr. Pirolli made a motion to purchase the backhoe bucket for \$1,545.00, seconded by Ms. Gahagan. The vote of Council was as follows:

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

Mr. Adams—for

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

Mr. Pirolli made a motion to purchase the vibrating roller for \$6,299, seconded by Ms. Gahagan. The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Adams—for

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

DCNR GRANT—PRESENTATION

Mrs. Smith made a presentation to Council via power point. She explained this is referring to the piece of land that connects our community park by Wal-Mart down to the canal. She added the application for this grant is due April 16, 2015. She advised we would also be able to obtain funding to clean that up—we have support from the County and State. Mrs. Smith advised we also need a land appraisal. She added that DLC owns it and are willing to donate to the Borough for \$1.00.

Mr. Pirolli made a motion to approve Resolution #328, application for grant to DCNR, 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. Adams—for

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

Mr. Pirolli made a motion to approve the engineering expense of \$2,800, 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. Adams—for

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

Mr. Pirolli made a motion to approve the appraisal fee of \$3,000 for Gilmore & Associates, 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. Adams—for

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

FEMA MAPS—PRESENTATION

Mrs. Smith explained the FEMA maps to Council and indicated that the one map which went into effect March 16, 2015 and the new maps being considered for publication and will be effective in 10 to 12 months. She added that these maps are both illustrated on our Borough website: tullytownborough.com.

SERVER FOR ADMINISTRATION—CONSIDERATION OF PURCHASE

Mrs. Smith advised that the Administration does not have a server which leaves us at a security risk and also less effective. She advised the cost to purchase server is \$5,982. She advised it is budgeted for \$7,000.

Mrs. Kettler made a motion to allow the Administration to procure a server in the amount of \$5,982. 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. Adams—for

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

EMPLOYEE HEALTH BENEFITS—CONSIDERATION APPROVAL OF EXPENSE

Mrs. Smith advised that she distributed a comparison sheet to Council for review. She advised that our broker is recommending that we remain with the IBC plan for \$117,625.68. She added the reasoning not to go with United Healthcare which is \$1,000 cheaper is that it doesn't have a very strong network of doctors and our HRA would get hit hard. She commented it is a 7.7% increase over last year which is an increase but is significantly less

than what the traditional health plans have been including our HRA expectations which are \$215,000. She indicated there is a \$297,144 savings over the type of plan we used before.

Mr. Pirolli made a motion to renew with IBC PPO Bronze HAS Premier in the amount of \$117,625.68. 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. Adams—for

All in favor; the motion carried.

PURCHASE POLICE CAR--CONSIDERATION

Sgt. Bunda advised that the Police Department would like Council to approve the purchase of a 2015 Police Interceptor Utility vehicle which is going to replace Vehicle 8. He advised the cost is \$38,150. Sgt. Bunda advised that purchase is through the Co-Stars program. Mr. Pirolli asked if this item is budgeted. Mrs. Collings advised that it is budgeted under capital purchases for \$65,000.

Mr. Pirolli made a motion to purchase the 2015 Police Interceptor Utility vehicle for \$38,150 from Co-Stars. 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. Adams—for

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

BOROUGH REPORTS

MAYOR'S REPORT

Sgt. Bunda advised that the Borough Police officers are trained in Narcan. He advised that our officers are certified to dispense that for overdose emergencies. Mrs. Kettler asked if that is in every car. Sgt. Bunda advised they are not in every car—the officer takes them out in the car they are using when they work. She also asked if every officer on patrol has them. Sgt. Bunda advised they will.



COORDINATOR'S REPORT

Mrs. Smith commented that she covered matters earlier in the evening.

SOLICITOR'S REPORT

1. LANDFILL HEARING – FALLS TWP

Mr. Sellers advised that the purpose of the landfill hearing was to take testimony and evidence relating to the landfill permit. He advised that 3 members of the PADEP acted as hearing officers and the record was made of public proceedings by court stenographer. He indicated that Council previously passed Resolution #323 in support of renewal of the landfill permit. Mr. Sellers advised that he presented the resolution and some comments in support of the landfill permit being renewed. He advised the current permit expires the end of May, 2015. He added that the permit is the legal authorization for the landfill to continue operation so it is of great importance not only to Waste Management but to Tullytown Borough as well. Mr. Sellers advised that many residents of Florence, New Jersey were present and a few local residents as well as President of Tullytown Fire Company who spoke well. Mr. Sellers advised we now wait for the written decision.

2. CINTAS CONTRACT TERMINATION

Mr. Sellers advised that Council authorized the contract of Cintas Uniform be terminated. He added that the employees will now fall under the contractual provisions of their collective bargaining agreement where they received a stipend for uniforms.

3. TAX DELINQUENCIES

Mr. Sellers advised that letters went out to delinquent businesses—those who do not fully comply we will be filing against them in a matter of days in Judge Wagner's Court.

ENGINEER'S REPORT

Mr. Major read his report, a copy of which is enclosed.

Regarding the inlet cleaning program, Mrs. Kettler asked if we have enough manpower to do both projects—cleaning the inlets and repair. Mr. Major advised that they have vacuum cleaners where they suck all the debris out. Mr. Adams asked if there is a screen to keep the debris out. Mr. Major advised there are silt screens but they don't work—end up with surface flooding.

Mrs. Kucher asked that regarding the inlets that require immediate attention, does Council need to take action. Mrs. Smith advised they are putting together the cost of the program and will bring to Council at another time.

MISCELLANEOUS COUNCIL BUSINESS

Rick Adams, on behalf of Council, thanked the Park & Rec Board for the great job they did for the children at Easter.

Chris Shellenberger, 229 Kenwood Drive South, Levittown, commented that the Park & Rec Committee will be holding Clean Up Day on Saturday, April 25th from 9 am to 1 pm. She advised they will be serving refreshments afterwards.

Mr. Armstrong advised that there will also be a clean up this Saturday, April 11th at the Delaware Canal. He advised they will be meeting at the closed Sonic near Home Depot.

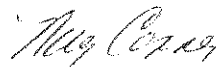
Mr. Major advised they will be starting on inlets almost immediately.

ADJOURNMENT

There being no further business, Mr. Pirolli 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 8:35 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary