

TULLYTOWN BOROUGH COUNCIL MEETING MAY 5, 2015

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, May 5, 2015 at 7:00 p.m.

Councilman Armstrong asked for a moment of silence for Bryan Flanagan who recently passed away.

Present at the meeting:

Mayor Cutchineal
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler (arrived a few minutes late)
Councilman Czyzyk
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 prior to the Council meeting in executive session to discuss pending litigation of Fox vs. Tullytown Borough.

PUBLIC COMMENT

Michele Gelber, 444 Main Street, Tullytown, advised that she and Jody Pendle are organizing a block/town yard sale on May 16th from 9 to 1. 10 spaces outside available for anyone who would like a table.

COUNCIL MINUTES

Mr. Pirolli made a motion to approve the minutes of the April 7, 2015 Council meeting, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Ms. Gahagan to approve the monthly bills, seconded by Mr. Pirolli. Mr. Pirolli questioned the cost of the two lawsuits to date. Mrs. Collings advised that for this month, Mr. Seller's invoice for Fox vs. Kucher and Tullytown Borough--\$870.00, Armstrong vs. Tullytown Borough--\$195.00 – total: \$1,065.00. She added the total to date is \$16, 701.00. Mrs. Kucher asked if the insurance company's solicitor has submitted any bills this month. Mrs. Collings advised she hasn't received any invoices at this time but added those bills have to be approved first by the insurance company.

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the April, 2015 Reconciliation Statement, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

COMMUNICATIONS

Mrs. Conner advised that we received two thank you letters for donations; Pennsbury LYFT and Bucks County Health Improvement Partnership.

GENERAL BUSINESS

CONDITIONAL USE APPROVAL-129 FALLSINGTON AVENUE

Mr. Sellers advised that this hearing is conditional use application of Vincent Maglio, 129 Fallsington Avenue, Tullytown, Pennsylvania. He added the applicant proposes a construction of a 30 x 24 foot garage to be 13 feet at the peak and will be larger than the 144 square foot maximum and 12 foot height allowable. He added that conditional use approval is required per Chapter 185 of the Tullytown Borough Zoning Ordinance.

Mr. Seller indicated that the applicant proposal of construction of a garage addition requires Council to review and find the standards of Section 1109 of the Zoning ordinance are met which includes the following:

1. The proposed garage is in accordance with the Borough community goals and objectives of the Zoning Ordinance;
2. the garage is in the best interest of the Borough and not contrary to the community and public welfare; and
3. the garage is suitable for the property in question and the existing character of the vicinity.

Mr. Sellers advised the applicant appeared before the Zoning Hearing Board and requested Variances from Section 185-24(a) and Section 185-26(b)(1) to permit construction of a free standing garage in the front yard setback. He added that the variances were granted with

the further condition that the nearest point of the new garage be located no closer than 17 feet from Fallsington Avenue.

Mr. Sellers indicated that the Borough Planning Commission has reviewed the application regarding suitability of the proposed conditional use. He added that the Planning Commission voted to recommend approval of the application by Council this evening.

Mr. Sellers advised that Council will hear testimony and take evidence—Council members will have the opportunity to ask questions and the public will have the opportunity to voice concerns. Mr. Sellers advised that record is being made of the proceedings by court stenographer. Mr. Sellers advised that proof of mailing to property owners of notice of this hearing has been provided and marked as Exhibit A, proof of publication of this hearing is marked as Exhibit B.

After proceedings, Mr. Pirolli made a motion to approve the conditional use application for 129 Fallsington Avenue, Tullytown, applicant-Vincent Maglio. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

GILMORE & ASSOCIATES EXPENDITURE

Mrs. Smith advised that a condition of our stormwater management is set by State legislation in that we have a public presentation by our stormwater management control. She added we are using Gilmore and Associates for our stormwater management responsibilities and we asked them to make a presentation this evening. She indicated the fee for this presentation is \$500.00.

For the record, Mrs. Kettler arrived at the meeting.

Mr. Pirolli made a motion to approve the \$500 expenditure of Gilmore & Associates to make the stormwater presentation this evening, seconded by Mr. Armstrong. All of Council was in favor of the motion; the motion carried.

STORMWATER MANAGEMENT—PRESENTATION

Ms. Samantha Brinker of Gilmore & Associates made a presentation to Council and the public. A copy of the power point presentation is included with the minutes.

PURCHASE FURNITURE FOR BOROUGH OFFICES

Mrs. Smith explained that the office furniture we are presently using is approximately 30 years old. Mrs. Smith recommended replacement of five (5) of the office desk setups with a total price of \$7,400.

Mrs. Kettler made a motion to purchase the furniture from National Business Furniture in the amount of \$7,400.00. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

CHANGE ORDERS-BOROUGH BUILDING-CONSIDERATION

Mrs. Smith is asking for approval of the change orders such as cutting through the concrete for computer cables, repairing items that we had not noticed which needed repairing such as the soffit where the plumbing had been installed which had to be ripped out in order to keep the plumbing functional. She added that the ADA ramps and the foyer entrance way were also a part of the change orders. Mrs. Smith added the total is \$25,650 which is 2.5% of the contract value which is an extremely good outcome on a contract. She indicated this will be the only change order requested and she recommends approval.

After discussion, a motion was made by Mrs. Kucher to approve the change order #1 for the Borough Hall renovation project for a total of \$25,650 in accordance with the general contractor's itemized proposal as of April 29, 2015. Mrs. Kettler seconded the motion; the motion carried.

MOVING EXPENSES—CONSIDERATION

Mrs. Smith advised she received pricing from the vendors to move back into the Borough building. She advised total cost is \$13, 075 but the individual vendors will have to be approved separately.

Mrs. Kettler made a motion to accept the proposal of Audio Visual in the amount of \$500 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Verizon PEG in the amount of \$500 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Comcast Communications and PEG in the amount of \$670 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of the computers in the amount of \$875 by Advanced Innovations & Solutions for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Elite Fire & Security for security in the amount of \$3,000 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Elite Fire & Security for the fire and theft alarm system in the amount of \$950 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Norstar for our telephone system in the amount of \$2,170 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Ricoh for our copier systems in the amount of \$400 for services associated with the move of operations back to Borough Hall. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to accept the proposal of Leo Movers for our move back to Borough Hall in the amount of \$4,000. Ms. Gahagan seconded the motion.

Mrs. Kucher asked if these movers will help the ladies with packing. Mrs. Smith advised that public works will help with packing.

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

SECURITY MONITORING CONTRACT

Mrs. Smith advised that we utilized a different company for our temporary facility; namely, Elite Fire & Alarm. She added they have proposed to continue monitoring at the renovated building for \$300 a year. Mrs. Smith advised that we currently spend \$690 for Meenan and asked for Council's authority to switch vendors.

Mrs. Kettler made a motion to approve the proposal of Elite Fire & Alarm in the amount of \$300 for alarm system instead of Meenan Security. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion; the motion carried.

MEMORIAL DAY EXPENSES

Mrs. Conner advised that we need approval of expenditure for the Memorial Day parade refreshments for Christina's Catering in the amount of \$1,852.50.

Mr. Pirolli made a motion to approve the expenditure for Christina's Catering in the amount of \$1,852.50. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Conner also advised that there is an expenditure to be approved for the band for the Memorial Day Parade. Mr. Rick Johnson clarified the cost of the band, Camden County Emerald Society Pipes & Drums Inc. for \$1,200.

Mr. Pirolli made a motion to approve the expenditure of Camden County Emerald Society Pipes & Drums Inc in the amount of \$1,200, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

BOROUGH PICNIC

Mr. Pirolli made a motion to approve the expenditure of One Tribe Party Band in the amount of \$600 for the Borough Picnic, seconded by Ms. Gahagan. All of Council was in favor of the motion.

Mrs. Smith discussed the matter of Team Unity which provides the games for the Borough picnic. She added that Council approved that expenditure at the last meeting. She indicated that Team Unity also included a rain date fee of \$1,155 which Council agreed NOT to pay. Subsequently, the agreement was sent to Council with a stipulation that if we cancel so many days prior to cancellation we still would be charged \$1,155.

After discussion, a motion was made by Mr. Pirolli to rescind entry into the contract with Team Unity, seconded by Mrs. Kucher. All of Council was in favor of the motion; the motion carried.

Chris Shellenberger, member of Park & Recreation Committee, advised that she will advise the expenditure of face painting for next month's meeting.

Mayor Cutchineal asked Mrs. Collings how their budget is for the Memorial Day events. Mrs. Collings advised they are still under budget at this time and she will email him a report.

INLET PROGRAM

Mrs. Smith advised that the Borough Engineer and public works department conducted an investigation of our inlets that have not been repaired. She advised Mr. Major has prepared and distributed a report to Council. She anticipates cost of approximately \$45,000 this year which is reimbursable through Liquid Fuels.

Mr. Major explained his report to Council stressing that Condition #1 needs immediate repair and going to Condition #4 which are inlets that need minor repair. Mrs. Smith commented

that some of the repairs will be done in-house by our public works and some will be done by contractor.

After discussion, a motion was made by Mr. Pirolli to authorize the engineer to draw up bid specs for the six (6) inlets on Fallsington Avenue and two (2) on Main Street, not to exceed 10 inlets. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO CABLE ADVISORY COMMITTEE

Mrs. Kettler made a motion to re-appoint Harry Wirebach to the Cable Advisory Committee for a 3-year term, seconded by Mr. Armstrong. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO ENVIRONMENTAL ADVISORY COUNCIL

Mr. Pirolli made a motion to re-appoint Chris Shellenberger to the Environmental Advisory Council, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

ONE APPOINTMENT TO ENVIRONMENTAL ADVISORY COUNCIL

Mrs. Conner advised that there are a few vacancies on the EAC and Spencer Malloy advised that he is interested in being appointed.

Mr. Pirolli made a motion to appoint Spencer Malloy to the Environmental Advisory Council, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

ADMINISTRATIVE POLICIES

Mrs. Smith advised that DCNR requires, as a part of grant application, a policy on both non-discrimination and sexual harassment policies for Borough employees.

After discussion, a motion was made by Mr. Pirolli to adopt Resolution #329, sexual harassment policy, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

A motion was made by Mr. Pirolli to adopt Resolution #330, non-discrimination policy, seconded by Mr. Czyzyk. All of Council was in favor of the motion; the motion carried.

9-11 RESPONDER MEMORIAL

Rick Johnson advised that the Committee agreed to utilize the property between the Borough parking lot and the Fire Company lot because of the safety aspects of not having to go across the street. He would like to get approval so they may proceed with this project.

Mrs. Smith commented that Council has to consider the donation of that piece of land which is little less than a tenth of an acre to the Memorial, the ability to obtain the permits without being charged a fee, the ability to get those permits being based on having engineering done, waiver of land development through our Planning Commission.

Mrs. Kettler commented that she thought we were going to talk about where the Memorial was going to be placed. She feels it will get lost in the area between the Borough and Fire Company. She added that she likes the "point" property. She is concerned with the ownership of the other property and the expense of re-deeding. Rick Johnson commented that he thinks the Borough owns 90% of the property between the Borough and Fire Company.

Mrs. Kucher advised that we don't have estimates on legal and engineering costs. She asked who the property would get re-deeded to whether the Borough or Fire Company or the Memorial.

Mr. Sellers advised it will have to be investigated and there will be costs such as legal costs, engineering costs, recording costs, etc.

Mr. George Maples advised he owns that "point" property. He commented that he presently has a surveyor to subdivide that property from the motel property. He added that he would be more than happy to pay for that survey in order to get the 9-11 Memorial on that corner and if it starts before September 11th of this year, he will personally donate \$5,000 towards the erection of the monument.

Mrs. Kettler commented that she thought this Memorial was going to be funded by donations not funded by the Borough. She commented that maybe our engineer and solicitor would be willing to make a donation.

Rick Johnson advised they are trying to do ground breaking September 11, 2015 and completion September 11, 2016.

Mrs. Smith advised that Seth Silverman is trained on EP Henry and asked if the public works could do some of the work during their normal work day.

Mrs. Kucher made a motion to authorize support for use of a parcel of .1 acre or less situated across from the Borough Hall at the intersection of Main Street and Bordentown Road for The 9-11 Responder Memorial. 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. Czyzyk—for
Mr. Adams—for

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

Mrs. Kettler made a motion to waive the land development and subdivision approvals for the 9-11 Memorial location. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion. (*corrected below)

Ms. Gahagan made a motion to waive any application or associated inspection fees with the land development process for this site. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to authorize the Borough Engineer to provide services in relation to the 9-11 Responder Memorial and the Borough Solicitor to assist in preparation of documents necessary for that purpose. Mr. Czyzyk seconded the motion.

Mrs. Kettler asked if the professionals will donate a portion of their fees. Mr. Major and Mr. Sellers both agreed that they would donate a portion of their fees.

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

Mr. Pirolli made a motion to authorize Public Works Department employees to perform construction activities at the site of the Memorial. Mr. Czyzyk seconded the motion.

Ms. Gahagan mentioned that they talked about having some volunteers. Mr. Sellers advised that doesn't foreclose that—the depth of the work will be determined still—it's just to allow the employees to perform activities.

All of council was in favor of the motion. The motion carried.

*A motion was made by Mr. Pirolli to correct the prior motion of waiver of land development and subdivision approvals. Mr. Pirolli made a motion to authorize waiver of land development only with respect to the 9-11 Memorial location. Mr. Czyzyk seconded the motion. All of council was in favor of the motion.

Mayor Cutchineal asked Rick Johnson if there was any progress on the steel girders from the Twin Towers. Rick Johnson advised he is waiting for response.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised the Memorial Day Services will be held on Saturday, May 23rd. He advised 9:00 a.m. at the Memorial at Fallsington Avenue moving to the Cemetery for services thereafter. He added the Parade will begin at noon that day. He announced our Grand Marshal is Nick Radyshevsky and the keynote speaker is Patrick Murphy. Mayor advised the concert in the park at 6:00 p.m. by WitzEnd.

Mayor Cutchineal congratulated former Tullytown Borough Police Officer Sean McClister who was honored Officer of the Year by Amtrak.

Mayor Cutchineal urged everyone to come out and vote on May 19th here at the temporary location, 578 Main Street.

BOROUGH COORDINATOR'S REPORT

Mrs. Smith advised the building renovations are going very well and advised we should move back by June 17th to the Borough Hall.

She advised we have been presented with the first bill for construction in the amount of \$350,000.

Mrs. Kucher made a motion to pay the first payment of our construction in the amount of \$350,000, seconded by Mrs. Kettler. All of Council was in favor of the motion. The motion carried.

Mrs. Smith discussed Canal's End Park. She added we received notification of the grant, had meeting with DCNR by telephone, they deemed the Borough fully prepared, and advised that our engineer is ready. Mrs. Smith added that we need to come up with footprint of the play areas, picnic, gazebo and bocce courts and they will finish our design and get our bid packages ready. She added that the Park and Recreation Committee has received presentations from two vendors for playground equipment. Mrs. Smith indicated that they are looking to go out to bid in August with a September start.

Mrs. Smith also advised that the Canal's End Phase II was the procurement of the piece of property between the baseball diamond and the canal. She added that DLC said they were okay with donating the property for \$1.00; however, after DLC looked further into it, they are not prepared to move forward with this. She added there are a couple other grants we can go for.

Regarding FEMA, Mrs. Smith advised that the new maps that have been proposed for Tullytown have been published—they are on our website. She urged residents to take a look at the maps and if they see any discrepancy, please contact the Borough. Mrs. Kucher suggested we put notation on our government channel also.

Mrs. Smith advised that we are going to be audited by FEMA for compliance of our Ordinance. She commented that people will be stricter with building applications for properties in the flood zone. She added that if vehicles aren't ready to be moved during a storm, it can't be parked on property.

Mrs. Smith commented that Park & Recreation Committee held the Annual Clean-Up Day and it was very successful.

Ms. Gahagan asked who named the park Canal's End Park. She added that Canal's End is in Bristol. She commented that it might not even be at the canal and won't hook up to the canal if we can't procure that land from DLC. She added that people from Bristol might be offended.

SOLICITOR'S REPORT

Mr. Sellers mentioned that he filed the initial legal actions against businesses delinquent with taxes. He added the next group will be the mercantile taxes. He added that hopefully by next month, some of these businesses will come into compliance.

ENGINEER'S REPORT

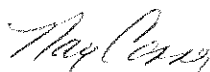
Mr. Adams thanked Mr. Major for giving a personal donation to the 9-11 Memorial. Mr. Major advised that his report has been covered previously in the meeting.

ADJOURNMENT

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

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary