

**TULLYTOWN BOROUGH REORGANIZATION MEETING  
AND COUNCIL MEETING  
MONDAY, JANUARY 6, 2014**

The Honorable Judge Robert Wagner, Jr. swore in the newly elected officials; namely: Mayor David Cutchineal, Councilman Rick Adams, Councilwoman Mary Ann Gahagan, Councilwoman Holly Kettler, Councilman Matt Pirolli and Tax Collector Richard Hart at 7:00 p.m. on January 6, 2014.

Mayor Cutchineal called the Reorganization and regular meeting of the Tullytown Borough Council to order immediately after the officials were sworn in.

Present at the meeting:

Mayor Cutchineal  
Councilman Armstrong  
Councilwoman Kettler  
Councilwoman Kucher  
Councilman Adams  
Councilwoman Gahagan  
Councilman Pirolli  
Councilman Czyzyk--absent

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
William S. Major, P.L.S., Borough Engineer  
Judy Collings, Borough Treasurer  
Daniel Doyle, Chief of Police/Borough Coordinator  
Nancy Conner, Borough Secretary

**NOMINATION AND ELECTION OF PRESIDENT**

Mayor Cutchineal asked for nominations for Council President.

Mr. Pirolli made a motion for Rick Adams for President of Council, seconded by Mr. Armstrong.

There were no other nominations; therefore, Mr. Pirolli made a motion to close the floor for nominations, seconded by Mrs. Kucher. All of Council was in favor of the motion.

The vote on motion of Rick Adams for President of Council was as follows:

Mr. Pirolli—for  
Mr. Armstrong—for

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

The vote was 5 in favor, 1 abstention; the motion carried.

### **NOMINATION AND ELECTION OF VICE PRESIDENT**

Mayor Cutchineal asked for nominations and election of Vice President of Council. He opened the floor for nominations.

Mr. Pirolli nominated May Kucher, seconded by Mrs. Kettler.

There were no other nominations; therefore, Mr. Pirolli made a motion to close the floor for nominations, seconded by Mr. Armstrong. All of Council was in favor of the motion; the motion carried.

The vote for May Kucher for Vice President of Council was as follows:

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

The vote was 5 in favor, 1 abstention; the motion carried.

### **NOMINATION AND ELECTION OF PRESIDENT PRO TEM**

Mr. Adams then asked for a nomination and election of President Pro Tem.

Mrs. Kucher made a motion to nominate Mrs. Kettler, seconded by Mr. Armstrong. There were no other nominations for President Pro Tem; the floor was closed.

The vote of Council on Election of President Pro Tem was as follows:

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

The vote was 5 in favor, 1 abstention; the motion carried.

## **OTHER APPOINTMENTS**

### **SOLICITOR APPOINTMENT**

Mr. Pirolli made a motion to appoint Michael T. Sellers as solicitor with the same term as he is currently employed. Mrs. Kucher seconded the motion.

The vote of Council was as follows:

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

The motion carried with a unanimous vote of Council.

### **ENGINEER APPOINTMENT**

Mr. Pirolli made a motion to appoint William G. Major Associates as engineer with the same term as he is currently employed, seconded by Mrs. Gahagan.

The vote of Council was as follows:

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

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

### **APPOINTMENT OF VACANCY BOARD CHAIR**

Mrs. Kucher nominated Linda Slemmer, seconded by Mrs. Kettler. There were no other nominations.

The vote of Council for Linda Slemmer as Chair of Vacancy Board was as follows:

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

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

## **AUTHORIZE SECRETARY TO ADVERTISE 2014 COUNCIL MEETINGS AND PLANNING COMMISSION MEETINGS**

Mr. Pirolli made a motion to authorize the secretary to advertise meetings noting that all Council meetings will be scheduled for the 1<sup>st</sup> Tuesday of the month with the exception of the November meeting due to Election Day. Mrs. Kettler seconded the motion.

The vote of Council was as follows:

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

## **CITIZEN & POLICE ACADEMY AWARDS**

Mayor Cutchineal congratulated the citizens police academy class of 2013. He thanked the instructors; namely: The Honorable Judge Robert Wagner and Bucks County Courier Times reporter, George Mattar. Mayor Cutchineal presented the awards to: Diane Elrath, Michele Powell, James Powell, Debbie Lembesis, and Melissa Jones.

## **PUBLIC COMMENT**

Tina Grady, 585 Main Street, Tullytown, thanked Matt Pirolli and Chief Doyle who both helped in getting signs for her son, Evan.

## **APPROVAL OF COUNCIL MINUTES**

December 3, 2013 Council Meeting

Mr. Pirolli made a motion to approve the minutes of the December 3, 2013 Council meeting, seconded by Mr. Armstrong.

The vote of Council was as follows:

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

The vote of Council was 5 in favor, 1 abstention; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

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

The vote of Council was as follows:

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

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

### **RECONCILIATION STATEMENT**

Mr. Pirolli made a motion to approve the December, 2013 Reconciliation Statement, seconded by Ms. Gahagan.

The vote of Council was as follows:

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

The motion carried with a unanimous vote of Council.

### **COMMUNICATIONS**

Mrs. Conner advised that the Tullytown Fire Company thanked Council for the extra \$9,000 for their budget this year.

She also advised that we received 2 resignations; namely, Al Madeley for the Environmental Advisory Council and from Robert Kay as alternate on the Zoning Hearing Board.

Mr. Pirolli made a motion to accept the resignation of Al Madeley, seconded by Ms. Gahagan.

The vote of Council was as follows:

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

Ms. Gahagan—for  
Mr. Adams—for

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

Mr. Pirolli made a motion to accept the resignation of Robert Kay as the Zoning Hearing Board alternate, seconded by Mrs. Kettler.

The vote of Council was as follows:

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

The vote of Council was unanimous; the motion carried.

## **GENERAL BUSINESS**

### **ONE APPOINTMENT TO ZONING HEARING BOARD**

Mr. Pirolli made a motion to appoint Ron Lazeration to Zoning Hearing Board by Resolution #288, seconded by Mrs. Kucher. The motion carried with a unanimous vote of Council in favor.

### **ONE APPOINTMENT FOR ALTERNATE ON ZONING HEARING BOARD**

Mrs. Conner advised that there is a vacancy as Robert Kay resigned. She added that if Council wishes she can advertise on government channel and website.

Mr. Pirolli made a motion to table this appointment, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

### **TWO APPOINTMENTS TO PLANNING COMMISSION**

Mr. Pirolli made a motion to re-appoint Philip Antolino to the Planning Commission for a 4-year term, seconded by Mrs. Gahagan. The motion carried with a unanimous vote of Council in favor of the motion.

Mr. Pirolli made a motion to re-appoint Sandra Della-Croce to the Planning Commission for a 4-year term, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

### **THREE APPOINTMENTS TO ENVIRONMENTAL ADVISORY COUNCIL**

Mrs. Kucher made a motion to re-appoint Mary Ann Gahagan to the Environmental Advisory Council for a 3-year term, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to re-appoint Hal Lefcourt to the Environmental Advisory Council for a 3-year term, seconded by Ms. Gahagan. The motion carried with a unanimous vote of Council in favor.

### **APPROVAL OF PROCEDURES FOR WORKERS' COMPENSATION CLAIMS**

Mrs. Kucher made a motion to adopt the workers' compensation procedure to be filed by our workers' compensation claims employee, seconded by Mr. Pirolli. The motion carried with a majority vote of Council—Mr. Armstrong against as he advised that he did not receive a copy of the procedure.

### **APPOINTMENT TO LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY**

Mrs. Kucher nominated Rich Altmiller, via Resolution #289, to the Lower Bucks County Joint Municipal Authority for a 5-year term, seconded by Mrs. Kettler.

The vote of Council was as follows:

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

The vote was 5 in favor, 1 against; the motion carried.

### **COMMITTEE REPORTS**

#### **FINANCE COMMITTEE:**

Mrs. Kucher advised she would like to put a procedure in place for Council expenditures without authorization from anyone. She added that there should be a procedure in place for a seminar that a Council person wants to attend.

Mrs. Kucher made a motion to authorize the solicitor to work with the Finance Committee to create a written policy with respect to expenditures on behalf of individual Council members. Mrs. Kettler seconded the motion.

Mayor Cutchineal commented that there may be some verbiage in the Borough Code pertaining to that.

The vote was 5 in favor, 1 against(Ms. Gahagan); the motion carried.

Rich Hart, 50 Stream Lane, Levittown, member of the Borough Planning Commission, advised that 3 members of the Planning Commission attended a seminar regarding Planning procedures and questioned if that was acceptable.

Mr. Sellers advised that there are specific provisions for Planning Commission members to do that which is covered under another statute. He added that kind of training is specifically authorized as long as it is budgeted, which it is.

## **BOROUGH COMMITTEES**

### **MAYOR'S REPORT**

Mayor will be contacting Veteran's Committee for Memorial Day Parade in May—he added if anyone is interested to contact any of the members of the Committee.

### **ENGINEER'S REPORT**

Mr. Major read the Engineer's report, a copy of which is enclosed with minutes.

### **SOLICITOR'S REPORT**

Mr. Sellers updated Council on the Galzerano matter regarding the crematorium case. He stated that he will advise Council of the decision when received from the court.

Mr. Sellers also discussed the PA Supreme Court decision on Act 13—the fracking law that was challenged in the ability of the Commonwealth to take away the power of local zoning from local government such as boroughs. He advised that the Supreme Court most recently invalidated that portion of Act 13 along with other decisions involving that. He added that Tullytown Borough voted to support the challenge of the laws and advised that it was successful.

Mr. Adams asked Mr. Sellers to clarify the discussion of procedures for Council members attending seminars. Mr. Sellers commented that the concern is that Council will be aware of what each Council member is doing and to have some sort of pre-approval in place if it's an extraordinary expense. Mr. Sellers advised that there are certain activities that the Borough's Associations have such as dinners etc. and any policy would anticipate that those activities would probably have a standard submission because they are customary—he feels it is probably the exception to what is being addressed here.

Mrs. Kucher asked Mr. Sellers about the Falls-Tullytown Boundary line issue. Mr. Sellers advised we are waiting for the final decree from the Court and it will be complete. He added that the next step is the record plan which is the formal documents that put this line on the record in Doylestown.



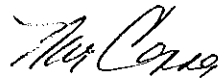
## MISCELLANEOUS COUNCIL BUSINESS

Mr. Adams commented that some residents are confused on the amount of money that the Fire Company is receiving. He thinks they were adding Fire Marshal salary, and other items which is not the fact. He added that the Fire Company received \$123,834.

Mr. Adams thanked Bryan Servis for his work that he has done as Councilman. He also thanked Mrs. Conner and Mrs. Collings for their work during the year.

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Ms. Gahagan. The motion carried with a unanimous vote of Council in favor of the motion. The meeting was adjourned at 7:48 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary