

TULLYTOWN BOROUGH COUNCIL MEETING JANUARY 8, 2013

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, January 8, 2013 at 7:00 p.m.

Present at the meeting:

Mayor Cutchineal-absent due to illness
Councilman Armstrong
Councilman Servis
Councilwoman Kucher
Councilwoman Gahagan-absent due to death in family
Councilman Pirolli
Councilman Czyzyk
Councilman Adams

Also present:

Michael T. Sellers, Esquire, Borough Solicitor
William Major, William G. Major Associates, Inc., Borough Engineer
Danielle Vacirca, Borough Treasurer
Nancy Conner, Borough Secretary

Officer Nate Aldsworth made a presentation to Borough resident, 13 year old Domenic Chrzanowski, who was the victim of a fraudulent act last year. Officer Aldsworth explained the incident and advised that Mayor, Sgt. Doyle and other officers purchased a Jersey and shipped it to Darren Daulton to have it signed. Officer Aldsworth presented the Darren Daulton Jersey and Photo signed by Darren Daulton. Officer Aldsworth also presented a baseball bat signed by Police Officers in the Borough.

PUBLIC COMMENT

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, has a letter from the 5th grade teachers regarding the D.A.R.E. program which she read to Council. A copy of that letter is enclosed with the minutes. Mrs. Chrzanowski also commented that she felt Mr. Armstrong's comments were hurtful- that this program is more than drugs and alcohol—teaches children self-esteem and who to turn to when situations arise.

Mr. Armstrong commented that he wasn't criticizing the program nor suggesting that we don't fund it. He suggested that we look at the program carefully and see if we need to augment it with some other education as well in lieu of some of the criticisms that have come down upon the program.

Mrs. Kucher commented that Mr. Armstrong stated that our money would do better to go to another program and use the money elsewhere. Mr. Armstrong stated that was not his intention—he felt it should be augmented.

Domenic Chrzanowski, 6 Stonybrook Drive, Levittown, 7th Grader at Pennwood School advised that he was a D.A.R.E. graduate from Walt Disney School. He advised his involvement and success with this program. He feels Tullytown Council should support and donate to the D.A.R.E. program.

Todd Pletnick, Police Lieutenant with Falls Twp, thanked Council for their support of the D.A.R.E. program.

Karen Moore, 16 Nectar Lane, Levittown, advised that her son Conner attended the D.A.R.E. program at Walt Disney School—felt the program was successful for her son.

Lisa Sumagallo, 39 Poplar Lane, president of Walt Disney PTO, commented that she also feels the D.A.R.E. program gives the children the knowledge and gives them support for peer pressure. She asked for Council's continued support.

Holly Kettler-Zone, 580 Main Street, Tullytown, commented that D.A.R.E. is wonderful program—not talking about a subject it doesn't make it go away. She stated that Mr. Armstrong is not in favor of D.A.R.E.

Mr. Armstrong advised that he voted for the D.A.R.E. donation.

APPROVAL OF COUNCIL MINUTES

Mr. Servis made a motion to approve the minutes of the December 4, 2012 meeting. Mrs. Kucher seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—abstain as he was not present at the meeting
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the monthly bills, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

RECONCILIATION STATEMENT

Mr. Czyzyk made a motion to approve the Reconciliation Statement for December, 2012, seconded by Mr. Pirolli. Roll call vote was taken:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

COMMUNICATIONS

Mrs. Conner advised a letter was received from Lois Robinson thanking Council for the property allocation check and discussed many other matters. Mrs. Conner advised that a copy of that letter was forwarded to Council.

Mrs. Conner advised she received a letter from Sandra Della-Croce regarding a donation to the Bristol Riverside Theatre. Mrs. Della-Croce was present to request donation of Council.

Mrs. Kucher made motion to donate \$250 to the Bristol Riverside Theater. Mr. Armstrong seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

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

GENERAL BUSINESS

CONSIDERATION REPLACEMENT TO VACANCY BOARD CHAIR

Mrs. Conner advised she received a letter of resignation from Cathy DePalo as chair.

Mr. Pirolli made a motion to accept the letter of resignation from Cathy DePalo, seconded by Mr. Czyzyk. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for

Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

Mrs. Kucher made a motion to appoint Linda Slemmer as Vacancy Board Chair for the term to expire January, 2014. Mr. Pirolli seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

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

CONSIDERATION—TOWNS AGAINST GRAFFITI DONATION

Mrs. Conner advised that Council received a letter requesting the donation; however, Tracy Timby, co-coordinator was not able to attend tonight's meeting.

Mr. Armstrong made a motion to donate \$1,500 to TAG as they do a wonderful job and are expedient as well. Mr. Czyzyk seconded the motion.

Mr. Servis asked if we budgeted this money. Ms. Vacirca advised that we have this under donations—we still have \$12,000 allocated. Mrs. Kucher asked Ms. Vacirca how much we donated last year to this program. Ms. Vacirca didn't know off-hand but will check on that.

The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

CONSIDERATION—ADOPTION OF RESOLUTION APPOINTING SPECIAL TAX COLLECTOR

Mr. Sellers explained the resolution to Council. After discussion, a motion was made by Mr. Pirolli to adopt Resolution #267 appointing the Special Tax Collector for the collection of occupational privilege tax, business privilege tax, amusement tax; namely, Esther Lefinski. Mr. Armstrong seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

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

CONSIDERATION—PURCHASE CHAIRS FOR COUNCIL MEETING ROOM

Mrs. Conner advised that she is still obtaining prices and samples of chairs—would like this to be tabled to next meeting.

Mr. Armstrong made a motion to table this matter, seconded by Mr. Servis. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

CONSIDERATION—ONE APPOINTMENT TO ZONING HEARING BOARD/ADOPTION OF RESOLUTION FOR APPOINTMENT

Mrs. Conner advised that Robert Gabriele's term needs to be consistent with calendar year—this term will now be a 5-year term.

Mr. Servis made a motion to appoint Robert Gabriele to the Zoning Hearing Board for a 5 year term by Resolution #268. Mr. Czyzyk seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

THREE (3) APPOINTMENTS TO PLANNING COMMISSION

Mr. Pirolli made a motion to re-appoint Wilhelmina Conca for a 4-year term, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

Mr. Pirolli made a motion to appoint Marcy Lowell to the Planning Commission for a 4-year term, seconded by Mr. Armstrong. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

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

Mrs. Kucher made a motion to appoint Nina Chrzanowski to the Planning Commission for a 4-year term, seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

APPOINTMENTS TO ENVIRONMENTAL ADVISORY BOARD

Mr. Czyzyk made a motion to appoint Nick Moran to the Environmental Advisory Board for a 3-year term, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

Mrs. Conner advised that Carol McCleary and Nina Chrzanowski both resigned from this Committee. Mrs. Conner stated that she advised Al Madeley, chair of EAC that there are 2 vacancies and she will also advertise on government channel and website.

Mr. Servis made a motion to table both appointments, seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—not present for vote
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

CONSIDERATION—AUTHORIZE ADVERTISEMENT OF PENSION ORDINANCE FOR NON-UNIFORMED EMPLOYEES

A motion was made by Mr. Pirolli to authorize advertising of the Pension Plan Ordinance to carry out the terms of the Non-Uniformed Employees Collective Bargaining Agreement. Mrs. Kucher seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

CONSIDERATION—ADOPTION OF RESOLUTION FALLS TWP/TULLYTOWN BOROUGH BOUNDARY LINE

Mr. Pirolli made a motion to adopt Resolution #269 a joint resolution of the Board of Supervisors of Falls Township and the Tullytown Borough Council to fix the Municipal Boundary Line. Mr. Czyzyk seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

CONSIDERATION—ONE APPOINTMENT TO CABLE ADVISORY BOARD

Mrs. Conner advised there is still a vacancy and there are no volunteers at this time. She indicated that she will ask reporter from the Courier Times to put something in newspaper regarding our vacancies in both the Cable Advisory Board and EAC.

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

CONSIDERATION—AWARD BID FOR POLICE DEPARTMENT STEPS CANOPY PROJECT

Mr. Major advised that bids were opened for this project and the low bidder's package did not include an executed contract with the Borough and as such is considered invalid. Mr. Major recommended that Council reject all bids and rebid this project.

Mr. Armstrong made a motion to reject all the bids and to rebid this project, seconded by Mr. Czyzyk. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

PUBLIC HEARING—AMENDMENT TO BOROUGH ORDINANCE CHAPTER 185—SIGNS

Mr. Pirolli made a motion to open the floor for Public Hearing, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—against
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—abstain as he isn't sure if it violates freedom of speech
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

Mr. Sellers advised this ordinance is with respect to temporary signs that are on the right of way along the roads and highways. He advised the amendment to the ordinance is changes to Chapter 185, zoning ordinance. Mr. Sellers stated that it puts in place a time frame for which ownership of signs cannot be readily identified from the face of the sign—they would be subject to removal at the discretion of the Borough. He added that where ownership can be determined from the face of the sign, the Borough is required under this amendment to provide 72 hours written notice for removal.

Mr. Sellers advised that PennDOT already prohibits these types of signs but enforcement is an issue due to the many state roads.

Mr. Sellers advised this is "content neutral" which means it is not directed at any particular sign owner or any particular group identified individual or anything like that—directed at temporary signs. He advised this amendment gives the municipality more power to take these down without waiting 30 days and issuing a written demand.

Mr. Sellers added that this amendment does not cover political signs—which are already authorized under Tullytown Borough ordinance as are 2 other categories of signs involving directional signs to exhibits, etc.—they are already allowed by Ordinance.

Mr. Pirolli commented that it really doesn't interfere with the freedom of speech. Mr. Sellers advised that is correct—it's called "content neutral"—not directed against any group, cause, etc.

Mr. Pirolli commented that he was told that the tullytownnews.com website has our executive session conversations on that website. Mr. Sellers advised he can't speak on that issue—just what the ordinance states. He said this ordinance is directed at all temporary signs.

Mr. Servis asked if there was a business in Levittown Shopping Center that wants to put a sign to advertise if on Shopping Center property is that acceptable? Mr. Sellers advised this ordinance is directed to temporary signs on rights of way. He added that rights of way go on private property by nature. He stated that all other signs which are on private property but outside the right of way are governed by the Zoning Ordinance—not this amendment.

Mrs. Kucher commented that if someone is putting up a sign on a commercial property, they have to have permit for that sign. Mr. Sellers advised the Zoning Ordinance covers that—we are only discussing temporary signs on right of way. He added that this amendment addresses dealing with those categories of temporary signs within the right of way that aren't allowed anywhere in our Borough Ordinance.

Joe Shellenberger, 229 Kenwood Drive, S. asked who would be enforcing this. Mr. Sellers advised the zoning officer would enforce—the Borough should be contacted. Mr. Shellenberger asked if a Council person can take a sign down. Mr. Sellers commented that if the sign is in violation—it's up to the zoning officer to decide who will help take down signs.

Mr. Czyzyk asked about yard sale signs being put up. Mr. Sellers advised that if it is not covered by other parts of the ordinance (he believes they are considered legitimate) then it comes down to whether or not it is in the right of way.

Bill Edwards, 364 Lakeside Drive, Levittown, asked if there are volunteers to take the signs down.

Mrs. Kucher commented that the point of this refers to signs that have no ownership on the face of the signs. She said St. Michael's Fair shows ownership on the signs so that is acceptable. Mrs. Kucher stated that this ordinance has nothing to do with anyone who is going to be honest and put their name and ownership on the sign.

Mr. Pirolli commented that discussion in executive session was put on that website. Mr. Armstrong asked for a point of order.

Mr. Servis stated that if the owner is stated on the sign, the Borough has 72 hours to go to the owner of the sign. He added that if there is no ownership on the sign, the Borough has the right to remove the sign within 72 hours.

Elaine Franz, 320 Main Street, Tullytown, commented that this is a total embarrassment. She also questioned the timing of removing the sign.

Mr. Czyzyk questioned the 72 hour timing of removal of signs. Mr. Sellers stated that its 3 days' notice—might not be until the 4th or 5th day if there is a holiday or weekend that it's taken down but can be taken down if the owner has not taken it down. Mr. Sellers advised it will be taken down in a reasonable fashion and it is up to the zoning officer.

Mr. Servis advised that the change is that now we have 30 days to remove signs and it will be amended to indicate we have 72 hours to remove temporary signs. Mr. Sellers advised that most importantly is that if there is no ownership on the signs, we can remove within 72 hours.

Mr. Armstrong commented that if someone wants to know who owns a domain name, they can just google the name and it will give information on who owns the site. Mrs. Kucher commented that this ordinance states that ownership has to be shown on the face of the sign that is posted.

Mrs. Kucher made a motion to adopt the Ordinance. Mrs. Kucher rescinded her motion.

Mr. Servis made a motion to close the floor for public hearing, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

Mrs. Kucher made a motion to adopt Ordinance #349 which amends Chapter 185 of the Borough Ordinances regarding signs. Mr. Pirolli seconded the motion.

Mr. Armstrong commented that the passage of this Ordinance could cause the Borough to end up in Federal Court.

The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—against
Mr. Servis—against
Mrs. Kucher—for
Mr. Czyzyk—against
Mr. Adams—for

The vote was 3 in favor, 3 against—tie vote.

Mr. Sellers advised that when the Mayor is not present and there is a tie vote, the matter must be tabled to a special meeting that is held within not less than 5 days nor more than 10 days as set by President of Council. He added that the Mayor must be given 5 days' notice of that meeting. Mr. Sellers stated that at that meeting it is the Mayor's duty to cast that deciding vote.

Mr. Adams set the date for the special meeting of Tuesday, January 15th at 7:00 p.m.

Mrs. Kucher commented that Mary Ann Gahagan is not present at tonight's meeting. She asked if Mary Ann Gahagan is present at that special meeting would she have the opportunity to vote or would it be up to the Mayor to break the tie. Mr. Sellers advised that the Code merely says that if there is a tie vote that meeting is held within 5 to 10 days and the Mayor must have notice of it and he will break the tie vote that night.

CONSIDERATION—APPOINT BOROUGH REPRESENTATIVE FOR RT. 13 RECONSTRUCTION PROJECT

Mr. Sellers advised that the Rt. 13 project has entered into the pre-construction phases. He stated that it's important that the Borough be represented in a way different from Mr. Armstrong's representation over the past many years. He added that this is in a technical area which requires expertise of a professional on behalf of the Borough to make sure that what has been requested of Tullytown Borough to Penndot is addressed.

Mrs. Kucher made a motion to appoint William Major's firm to represent the Borough for the Rt. 13 Reconstruction Project, seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—not present for that vote
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

CONSIDERATION—HOUSEHOLD HAZARDOUS WASTE PROGRAM MUNICIPAL COMMITMENT

Mrs. Conner explained this service that the County of Bucks provides and indicated that all municipalities help fund. She advised the annual commitment is \$264.06 for the next 4 years.

Mr. Pirolli made a motion to approve the Household Hazardous Waste Commitment Form and the cost of \$264.06 per year for 4 years. Mr. Servis seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—pass
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

CONSIDERATION—HIRE PART-TIME BOROUGH CLERK

Mrs. Kucher advised that Personnel Committee followed all rules given to them for this position such as this having to be a Union position prior to the hiring of our temporary clerk. She advised we had to post this notice of position in 2 different locations in the Borough, which they did. She added they were instructed to advertise for this position and they did so also. Mrs. Kucher indicated that we received a lot of applications—7 were from Borough residents—40 total.

Mrs. Kucher advised that we have had a person, Emily Butler, who has worked at this position and has done a fine job for 2 years. She added she was one of the first to apply. We received a letter of recommendation from Nancy Conner and the Coordinator commenting on the great job she has done. She felt it prudent to hire someone who already has this experience.

Mrs. Kucher made a motion to hire Emily Butler as a part-time clerk for the Borough of Tullytown, seconded by Mr. Pirolli.

Mr. Armstrong questioned why this was advertised in local newspaper when everyone on Council was in agreement that we would like to keep this same person doing the job—he understands that it had to be posted within the Union. He commented that almost 50 applicants hoping for employment wasted their time. Mr. Armstrong apologized for that.

Mrs. Kucher commented that we were advised by our attorney to advertise. She added this is not a waste because these resumes will stay on file in the event another position is available. She commented this was not intended to hurt anyone—they are just following the rules.

Mr. Armstrong asked Mr. Sellers what law required us to advertise. Mr. Sellers advised the position is one which doesn't appear to have a reason not to advertise. He added that it is up to the Borough if they want to accept any of those applications if they chose. Mr. Czyzyk asked

if there was an ordinance that said we have to advertise a job that is already filled. Mr. Sellers advised he understood that there was a vacancy and it was posted and appropriate for advertising.

Mrs. Kucher commented that when this position became available it was a temporary position—not a part of the Union. She added that the Union said this has to be a Union job due to the fact that it was a prior Union job. Mr. Armstrong asked Mr. Sellers what statute requires this advertising.

The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

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

CONSIDERATION—PURCHASE TRUCK FOR STREET DEPARTMENT

Mrs. Kucher advised that it was put into the budget an amount of \$76,000 for a dump truck for the road crew. She added that Mr. Snyder went out and got the bid which was within the amount budgeted and on the Co-Star list.

Mrs. Kucher made a motion to purchase the truck in the amount of \$75,933 from Winner Ford, seconded by Mr. Pirolli.

Mr. Servis commented that he is a member of the Streets and Building Committee and would have liked to have some input on this matter and check out other trucks that might be better suited for the Borough. He thought the specifications seemed a bit extensive.

Mr. Adams asked Mrs. Kucher that anything that involves Streets that she should include the other members. Mrs. Kucher indicated that the road crew approached her as chair of the committee and gave her the information which was on the Co-Stars list.

The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—against
Mr. Servis—against
Mrs. Kucher—for
Mr. Czyzyk—against
Mr. Adams—for

The vote was 3 in favor, 3 against—the vote.

CONSIDERATION—ONE APPOINTMENT TO LBCJMA/ADOPTION OF RESOLUTION FOR APPOINTMENT

Mrs. Kucher made motion to appoint Sandra Della-Croce to the LBCJMA, seconded by Mr. Pirolli.

Mr. Servis made motion to appoint Edmund Armstrong to the LBCJMA, who is a senior member now.

Mr. Sellers advised this has to be a single motion voted on one at a time.

The vote for appointment of Sandra Della-Croce was as follows:

Mr. Pirolli—for

Mr. Armstrong—against

Mr. Servis—against

Mrs. Kucher—for

Mr. Czyzyk—against

Mr. Adams—for

The vote was 3 in favor, 3 against—tie vote

Mr. Servis made a motion to appoint Edmund Armstrong to LBCJMA, seconded by Mr. Czyzyk.
The vote of Council was as follows:

Mr. Pirolli—against

Mr. Armstrong—for

Mrs. Kucher stopped the voting and commented that Mr. Armstrong can't vote for himself as it is a money gain to him. Mr. Armstrong said in actuality it is not the case. Mr. Armstrong commented that if you check the ordinance it does not pay the board members—only the officers get paid. Mr. Pirolli said he is still getting paid. Mr. Sellers commented that the issue is important to speak regarding the vote Mr. Armstrong is registering. Mr. Sellers advised that historically, the appointment to the Authority has been one that included an abstention by the person who was the subject of the motion and he believes that goes back about 15 to 20 years of the minutes he has researched. Mr. Sellers is concerned with changing precedent and not afraid to if there is good reason to do it. Mr. Sellers advised he is not prepared at this moment to say if Mr. Armstrong can or cannot vote. He commented that since there is a special meeting next Tuesday he would like to obtain clarification so he may advise Mr. Armstrong.

Mr. Sellers suggested that the person who made the motion withdraw the motion and allow him to advise on it and schedule it for the meeting next Tuesday night.

Mrs. Kucher asked Mr. Sellers that in the event they don't take back their motion and in the event there is a 3-3 vote, wouldn't the Mayor still have to break it.

Mrs. Kucher advised she is not rescinding her motion.

Mr. Servis—for
Mrs. Kucher—against
Mr. Czyzyk—for
Mr. Adams—against

The vote was 3 in favor, 3 against—tie vote.

Mr. Sellers advised that the first motion was a 3-3 tie. He added that motion would be the motion first listed for a vote at next week's meeting by the Mayor.

BOROUGH REPORTS

SOLICITOR'S REPORT

Mr. Sellers advised that the Galzerano case which is the Zoning Hearing Board appeal taken by the applicant from an adverse decision went to Doylestown. He added the lawyers in the case have completed the written portion and are now awaiting word from Judge Cepparulo if he will be scheduling oral argument.

ENGINEER'S REPORT

Mr. Major discussed the Rt. 13 Reconstruction Project. He advised that PennDOT had a construction meeting scheduled the first week in December—no one was advised from the Borough. He advised that Mrs. Conner has designated herself as point of contact which will eliminate this oversight in the future.

He added that the NPDES permit was issued by the Bucks County Conservation District for the pedestrian walkway relative to the canal towpath. He added they are moving forward with that project.

Mr. Major advised they met with Borough Coordinator 2 weeks ago regarding the HVAC renovations. He added that Sgt. Doyle has plans for spiral storage either in overhead mezzanine of police department or the library section of the building. He was also advised that there is need for separate locker room due to hiring of a female officer. Mr. Major advised they don't want to jump into these HVAC renovations when other issues have to be addressed also. He said there are some questions as to the integrity of the Borough Hall roof. Mr. Major advised that they compiled video inspection of the building which should be ready to present to the Building Committee sometime next week or so.

Joe Shellenberger, 229 Kenwood Drive, S., Levittown, advised he is a HVAC technician and has looked at this system. He asked why we are paying someone to look at the system when we can get recommendations for free. He commented that we can get each company look at the building and make recommendations.

Mr. Armstrong advised that he has been asked to do a redesign of the police side (which he has done) and has yet to sit down with Sgt. Doyle and the Mayor to review with him. Mr. Armstrong added that at that point they would have to check with architect to make sure that there are no barren walls. Mr. Major advised they have an architect on board for the HVAC system.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Kucher commented that when she made the motion to have Mr. Major's firm serve as representative for the Borough regarding the Rt. 13 Reconstruction Project, she wanted to discuss cost per hour. Mr. Major advised it would be for time and materials the rate he presently charges the Borough which is \$175.00 per hour.

Mr. Adams commented that he would like Council not to interrupt each other and would like them to speak loudly when making motions and seconds to motions.

A motion was then made by Mr. Czyzyk to table the matter of tie vote of the Amendment to Borough Ordinance, Chapter 185 with respect to signs to a special meeting on Tuesday, January 15, 2013 at 7:00 p.m. Mr. Pirolli seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion passed with a unanimous vote of Council.

A motion was then made by Mr. Czyzyk to table the matter of tie vote for the appointment of Sandra Della-Croce to the LBCJMA to a special meeting on Tuesday, January 15, 2013 at 7:00 p.m., seconded by Mr. Pirolli. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

A motion was made by Mr. Armstrong to table the matter of the tie vote for the appointment of Ed Armstrong to the LBCJMA to a special meeting on Tuesday, January 15, 2013 at 7:00 p.m. Mr. Servis seconded the motion. The vote of Council was as follows:

Mr. Pirolli—against*
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—against*
Mr. Czyzyk—for
Mr. Adams—against*

*Mr. Sellers advised that this is merely a formality—the Borough Code doesn't leave an option here—this is to table the matter so the Mayor can act. He would ask Council to consider that.

*Mr. Pirolli, Mrs. Kucher and Mr. Adams changed their vote on that motion to “for”. The motion carried with a unanimous vote of Council.

A motion was made by Mr. Pirolli to table the matter of the tie vote on the truck purchase to special meeting on Tuesday, January 15, 2013 at 7:00 p.m. Mr. Servis seconded the motion. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—for
Mr. Servis—for
Mrs. Kucher—for
Mr. Czyzyk—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

There being no further business, a motion was made by Mrs. Kucher to adjourn the meeting, seconded by Mr. Servis. The vote of Council was 5 in favor, 1 against (Mr. Czyzyk); the motion carried.

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary