

## **TULLYTOWN BOROUGH COUNCIL MEETING**

### **MARCH 4, 2014**

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, March 4, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Geri Rush Thompson of Waste Management, Joe Parto, Jack Sheridan, Sherman Smickley, and Anna Folweiler who recently passed away.

Present at the meeting:

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

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
William S. Major, P.L.S., Borough Engineer  
Alison Smith, Borough Coordinator  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

Solicitor, Michael Sellers advised the public that Council met in executive session to discuss two matters of litigation; namely, appeal of Louis Galzerano and notice of claim of Joseph Williams.

Rick Johnson, Chief of Tullytown Fire Company, presented a plaque (letter to Ben Jarnutkowski) for his kind services for the emergency personnel for the 12 hours they were working on an emergency situation in Lakeside.

Rich Hart, 50 Stream Lane, Levittown, commended the road crew on the outstanding job with all the storms. He advised that tax bills were distributed, please call him if anyone has any questions.

Chief Rick Johnson, Tullytown Fire Company, advised that the Fire Company is holding a fund raiser for Russell Butch Helsley, Jr. at Westaby Hall on April 26<sup>th</sup>. He advised he has an alpha one disease.

Mr. Sellers briefly discussed the procedures on motions for the public, for the record and minutes to be taken. He advised that a motion requires a second before any further discussion-- if no second, the motion fails, no further discussion. If there is a motion made, he suggested to please wait a moment to make the second and after discussion. He added that when vote is taken—aye or nay spoken by each Council member without any further debate or discussion.

### **APPROVAL OF COUNCIL MINUTES**

Mrs. Kucher made a motion to approve the minutes of February 4, 2014 Council meeting. Mr. Czyzyk seconded the motion. The vote of Council was as follows:

Mr. Armstrong—abstain as he attended viewing that evening  
Ms. Gahagan—for  
Mr. Pirolli—for  
Mrs. Kucher—for  
Mrs. Kettler—for  
Mr. Czyzyk—for  
Mr. Adams—aye

The vote was 6 in favor, 1 abstention; the motion carried.

### **TREASURER'S REPORT**

#### **MONTHLY BILLS**

Mrs. Collings, Borough Treasurer, advised that there was a correction on the invoice for Weber-Gallagher—the amount was .00 on the unpaid bill list and corrected to \$2,500.

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

The vote of Council was as follows:

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

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

### **RECONCILIATION STATEMENT**

Mr. Pirolli made a motion to approve the Reconciliation Statement for February, 2014, 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. Czyzyk—for  
Mr. Adams—aye

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

## **COMMUNICATIONS**

Mrs. Conner advised that Council received a thank you letter from the Levittown Rescue Squad for the donation they received last month.

She also advised that Commissioner Robert Loughery sent a letter requesting a few minutes to address Council at one of our meetings.

Mr. Armstrong made a motion to extend the invitation to Commissioner Loughery, seconded by Ms. Gahagan.

The vote of Council was as follows:

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

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

Mrs. Conner also advised that Cathy Giorgio of the BCHIP sent email requesting a \$3,000 donation. Mrs. Conner advised that she will place on agenda for consideration at next month's meeting.

After discussion, Ms. Gahagan commented this Clinic is for people who have no insurance and is worthwhile and she made a motion to give the \$3,000 donation to BCHIP. Mr. Armstrong seconded the motion.

Mrs. Kettler commented that this is a really great program. She advised she has personally had contact with them in the past. She advised they treat working people who do not have health insurance and they solicit all kinds of physicians who offer their care for free.

Mayor Cutchineal commented that there are a number of Tullytown residents who benefit from this program.



The vote of Council was as follows:

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

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

## **GENERAL BUSINESS**

### **CONSIDERATION—AWARD BID HVAC SYSTEM**

Mr. Major advised the three bids received as follows:

- (1) TEC Construction Services, LLC, Warminster, PA -- \$1,414,725.00
- (2) Eastern Construction, Wrightstown, NJ -- \$1,364,694.00
- (3) CC Construction Services d/b/a Boyle Construction, Allentown, PA -- \$1,138,700.00.

Mrs. Smith, Borough Coordinator, suggested that Council table this award. She advised that we are putting together the costs that the Borough will encounter to support the HVAC renovations and she isn't in a position to give those costs at this time. Mr. Smith further advised that we have received information from the low bidder that the engineer would like to consider further.

Mr. Pirolli made motion to table awarding of the bid until the March 18<sup>th</sup> Council meeting, Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

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

Mr. Armstrong commented that he feels the general contractors will sub out the HVAC work and mark it up accordingly. Mr. Major advised that is all included already. Mr. Armstrong suggested that we go out for two prime bids; one for the HVAC work and let a general contractor handle all the other. Mr. Major advised that it is all tied together. Mr. Armstrong advised he is aware of that but he is concerned that general contractors marking up their subcontractors. Mr. Major advised he is not prepared to discuss this tonight.

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

**PRESENTATION BY OPEN SPACE COMMITTEE CHAIR**

Mrs. Smith, Borough Coordinator, advised that the Open Space Committee meeting is scheduled for this coming Monday evening for them to make a recommendation by consensus. She asked that this presentation be tabled until the March 18<sup>th</sup> meeting.

Mr. Pirolli made a motion to table that presentation, seconded by Mrs. Kucher.

The vote of Council was as follows:

Mr. Armstrong—aye

Ms. Gahagan—aye

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—aye

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

**APPROVAL—WALT DISNEY SCHOOL D.A.R.E. GRADUATION DONATION \$500**

Mrs. Conner advised that we received a letter from Laurie Ruffing, principal of Walt Disney School requesting \$500 donation for their D.A.R.E. graduation.

A motion was made by Mr. Pirolli to donate \$500 to DARE graduation program at Walt Disney School, second by Mr. Armstrong.

The vote of Council was as follows:

Mr. Armstrong—aye

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—aye

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

**AUTHORIZATION—ADVERTISEMENT OF SPECIFICATIONS FOR FOOD FOR BOROUGH PICNIC**

Mrs. Conner advised that Rob Unrath, Chair of Park & Rec reviewed the specs and advised there are no changes from last year.

Mr. Pirolli made a motion to advertise the specs for food for the Borough picnic, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion; the motion carried.



**AUTHORIZATION—ADVERTISEMENT OF SPECIFICATIONS FOR FUNNEL CAKES**

Mrs. Conner advised that Rob Unrath reviewed the specs and advised there is one change; namely, the size of the funnel cakes is indicated in the specifications as 8" in diameter.

Mr. Pirolli made a motion to advertise the specifications for funnel cakes for the Borough picnic. Mr. Czyzyk seconded the motion. Roll call vote was taken—all of Council was in favor of the motion. The motion carried.

**AUTHORIZATION—ADVERTISEMENT OF SPECIFICATIONS FOR FIRE WORKS FOR BOROUGH PICNIC**

Mrs. Conner advised that Rob Unrath of Park & Rec reviewed and advised the specs will remain the same as last year.

Mr. Pirolli made a motion to advertise the fireworks specs for Borough picnic, seconded by Mr. Armstrong.

Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

**ADOPTION OF RESOLUTION #291 UPDATING EMERGENCY MANAGEMENT PLAN**

A motion was made by Mr. Pirolli to adopt Resolution #291, updating Emergency Management Plan, seconded by Ms. Gahagan.

The vote of Council was as follows:

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

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

**ONE APPOINTMENT TO ZONING HEARING BOARD ALTERNATE BY RESOLUTION #292**

Mrs. Conner advised that Diane Beri of Lakeside was interested in that appointment.

Mr. Pirolli made a motion to appoint Diane Beri as alternate to the Zoning Hearing Board, by Resolution #292. Mrs. Kucher seconded the motion.

The vote of Council was as follows:

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

The motion passed with a unanimous vote in favor of the motion.

#### **AUTHORIZATION—ADVERTISEMENT OF AMENDMENTS TO TRUCK ORDINANCE**

Mr. Sellers advised the amendments are to Section 170-22 of the Borough Ordinance which refers to restrictions on traffic on Main Street. He added the purpose of the ordinance is to provide a mechanism to restrict heavy thru traffic of trucks which operate on a 24-hour basis.

Mr. Czyzyk made a motion to authorize advertisement of the proposed ordinance amending the truck traffic ordinance, Section 170-22. Mrs. Kettler seconded the motion.

The vote of Council was as follows:

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

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

#### **CONSIDERATION—HIRING PART-TIME POLICE OFFICER**

Mayor Cutchineal advised that the Chief would benefit with an additional part-time police officer. Mayor Cutchineal introduced Dan Hartman and advised that Dan has a BS in criminal justice and completed his Act 120 schooling at Temple and completed an internship here in Tullytown a year ago. Mayor Cutchineal advised Dan would be a great asset to the Police Department.

Mrs. Kettler made a motion to hire Daniel Hartman for a part-time position with Tullytown Police Department. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

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

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

#### **AUTHORIZE AUCTION SALE ON MUNICIBID**

Mr. Sellers advised that Council previously passed a resolution to put in place an auction process with Municibid for the sale of personal property.

A motion was made by Mr. Pirolli to authorize the sale of Borough surplus personal property in the nature of a 2001 Ford Crown Victoria Vin number ending in 7981 through the on-line auction of Municibid with a minimum bid set at \$1,000 and with Council to consider the acceptance of a winning bid at its next scheduled meeting after the auction results are available. Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

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

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

#### **ADOPTION OF RESOLUTION#293 HONORING RALPH DIGUISEPPE**

Mayor Cutchineal read the resolution to Council and the public.

A motion was then made by Mr. Armstrong to approve Resolution #293, honoring Ralph DiGuiseppe, seconded by Mrs. Kettler.

The vote of Council was as follows:

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



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

**ADOPTION OF RESOLUTION #294 SUPPORTING HOUSE BILL 1297 – RADAR BILL**

Mr. Sellers advised this House Bill which is pending support of legislation, would allow radar use by local police. He added that historically in Pennsylvania this has been reserved for the State police with certain steps by political subdivisions to be used also by local police departments. He added the purpose of this resolution is to show support by the Borough of Tullytown.

Ms. Gahagan made a motion to adopt Resolution #294 supporting House Bill 1297 – Radar Bill, seconded by Mr. Pirolli.

The vote of Council was as follows:

Mr. Armstrong—nay

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—aye

The vote was 6 in favor; 1 against. The motion carried.

Ms. Gahagan asked Mr. Sellers if he would send a copy of that resolution to Mr. Santasiero's office.

**DISCUSSION—KENWOOD DRIVE/TULLYTOWN BOROUGH TREE REMOVAL**

Mrs. Smith advised that Mr. Robert Merz addressed Council this past summer regarding a “boundary tree” which sits between his line and Borough property. Mr. Merz advised Mrs. Smith that a portion of the tree had fallen and damaged his neighbor's fence which Mr. Merz had paid \$400 to repair. Mrs. Smith advised that since that time, another branch had fallen from that tree causing almost the same damage. She added that it appears the tree is fully dying.

Mrs. Smith asked Council to consider having the tree taken down at a price not to exceed \$1,500 while Mr. Merz pay for the repair of his neighbor's fence for the second time which would result in \$800 cost over both times versus our \$1,500 to take the tree down. Mrs. Smith advised that Mr. Merz is on disability and previously not been willing to pay out the price of taking the tree down but has been providing service in kind in terms of repairing the fence. Mrs. Smith advised she is still obtaining pricing on the tree removal.

Ms. Gahagan made a motion to remove the tree at a price not to exceed \$1,500.

Mrs. Kucher advised we did make Mr. Merz an offer to take the tree down originally but Mr. Merz did not agree—he didn't want to pay for half the cost—he wanted the Borough to incur the cost along with 3 other trees. Mrs. Kucher added that since he did not agree—part of the tree now damaged the fence.

Mr. Pirolli asked Mr. Sellers how we handle this situation. Mr. Pirolli commented that we both share the tree and asked Mr. Sellers if we can have the tree taken down. Mr. Sellers advised that the Borough can do this. He added that it all depends on how Council wants to handle this. Mr. Sellers advised that he will frame the motion if anyone wishes to make it.

Ms. Gahagan advised she would like to make that motion.

Mrs. Kettler advised she would like to discuss this further.

Ms. Gahagan withdrew her motion.

Mrs. Kettler commented that she is not that familiar with this situation. She understands that the gentleman was offered to make a deal to jointly remove the tree and share the expenses, he refused it and then more damage was done. She added he has financial problems and can't afford it.

Mrs. Smith advised that Mr. Merz offered to split the cost of renting a lift and he would use his labor to take the trees down which appears to be a liability issue. She added he was trying to make an effort to meet the Borough at some point to get the tree down. Mrs. Smith advised that Mr. Merz pointed out that since he is on disability he can't afford the cost and would supply his labor.

Ms. Kucher advised she would like us to obtain more bids and wants Mr. Merz to share the cost of removing the tree.

Mrs. Kettler suggested the Borough splitting the cost of the first \$400 to repair the neighbor's fence. She added that he waited and the second damage to the neighbor's fence should be incurred by Mr. Merz. Mrs. Kettler also suggested getting a cost for removing the tree and the Borough and Mr. Merz split the cost. She added that we need further negotiation before we proceed.

Mrs. Kucher made a motion to table this matter until we receive further information, seconded Mrs. Kettler.

Mr. Pirolli asked Mrs. Smith if we can obtain more bids by the next meeting. Mrs. Smith advised that she will obtain more bids.



The vote of Council was as follows:

Mr. Armstrong—nay

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—aye

The vote was 6 in favor, 1 against; the motion carried.

## **COMMITTEE REPORTS**

There were no Committee Reports for this month.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal advised the Annual Community Clean Up day is scheduled for Saturday, May 10<sup>th</sup> at 9 am and encouraged all residents to participate.

Mayor also discussed that many residents have commented on the recent article published by the Courier Times on heroin use in Bucks County. He commented that we are not immune to that problem in our community. He advised that Chief Doyle and he are in the process of putting together a program to be broadcast on our local government channel to help our parents recognize warning signs and perhaps offer some of our younger people lifelines.

He also advised that daylight savings time begins this Sunday.

### **COORDINATOR'S REPORT**

Mrs. Smith advised that this has been a busy 3 weeks. She advised that the Public Works and Police Department have received commendations from PECO and Bucks County's emergency management team for exceptional performance. She advised we are slightly over budget with our salt.

Mrs. Smith also advised that much time has been spent on the work the Borough will be responsible for to support the HVAC contract. She added that she also spent a great deal of time preparing the preliminary information to apply for two grants to develop recreation space in the Borough.

### **SOLICITOR'S REPORT**

Mr. Sellers advised that we currently have a single open records officer for the Borough that is traditionally been the coordinator's job. He mentioned that the coordinator and Chief of Police are making a request that the duties of the open records officer be divided between the administrative side and the police side of the Borough. Mr. Sellers further advised that this change would be done by way of an ordinance amendment.



Mr. Pirolli made a motion to authorize the solicitor to draft the necessary ordinance amendment to Section 30-2 to divide the open records officer position between those two. Ms. Gahagan seconded that motion.

The vote of Council was as follows:

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

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

Mr. Sellers advised that at the last meeting, Council authorized purchase of vehicle which should be memorialized by resolution.

Mr. Pirolli made a motion to adopt Resolution #295, second by Mrs. Kucher.

The vote of Council was as follows:

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

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

#### **ENGINEER'S REPORT**

Mr. Major read his report; a copy will be attached to the minutes.

Regarding the Storm sewer inlet repairs, Mr. Major indicated that an inlet on River Road has to be repaired. He advised that he verbally conveyed scope of work involved to repair this inlet to G.E. Poli, Inc.

A motion was made by Mr. Pirolli to pay \$3,600 to G. E. Poli, Inc., seconded by Mrs. Kucher.

The vote of Council was as follows:

Mr. Armstrong—aye

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—aye

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

Mr. Major also suggested that Council reconsider re-inspecting all of the remaining inlets.

Rich Altmiller, 33 Stonybrook Drive, Levittown, commented that Mr. Major just looked at these inlets a few months ago. Mr. Major advised that the inspections started on April 23<sup>rd</sup> and were completed on June 5<sup>th</sup>.

Mr. Altmiller asked what the inlet was rated that failed completely. Mr. Major advised that it was rated as requiring substantial repair. Mr. Major advised that it was not determined at that time that it needed immediate attention—it was the next level down.

Mr. Altmiller advised that they can't fix ones now because of the weather and going back to re-inspect ones that actually are going to need work, he feels we are just spending more money doing re-inspections. Mr. Altmiller commented that he thinks we should wait because of the weather.

Regarding the police department roof extension project, Mr. Major advised that the borough coordinator has instructed the contractor to install the handrail on March 14<sup>th</sup>. Mrs. Smith advised that the contractor has found an epoxy that is good for installation down to 35 degrees. She added that if the weather drops below 35 or even close to it, we will not proceed.

Mr. Major also reported on the Rt. 13 improvements. He added that today, they were advised that this cannot be dealt with by the construction division which is handling the Rt. 13 project. He added that they were advised to take it to District 6. He added that the coordinator and he can draft a letter that will spell out the issue and pass it along to Bristol Township and the Borough and get them also to sign it.

#### MISCELLANEOUS COUNCIL BUSINESS

Mr. Pirolli advised that Fallsington Avenue has many potholes and asked if our coordinator, Mrs. Smith could send a letter to PennDOT.

Mr. Major advised that when they came before Council requesting that the storm inlets be put out to bid, he specifically asked for the 8 inlets that need immediate repair as well as the other inlets on Fallsington Avenue that require repairs. He commented that if we are going

to ask Penndot to repave Fallsington Avenue, we need to get our infrastructure together beforehand.

Mrs. Smith advised that she will take Mr. Major's suggestion, contact Penndot and get the information needed.

Mrs. Kettler asked Mr. Major if he is going to re-inspect. Mr. Major advised that he has not been authorized by Council to do so. She added that if we just inspected them, why don't we make the list and then if we decide to go out to bid—go that way. She commented that through the years, she sees Council do things 3 or 4 times and end up paying much more.

Mr. Major advised that based on this winter, it accelerated the deterioration more so than we would normally have. He advised that there are 29 "condition 2" inlets out of 91 total inlets. She asked if the cost of each to repair is \$3,600. Mr. Major advised that may be less. He added the "condition 1" were in imminent danger of collapse.

Mr. Major advised that they are recommending that he and public works personnel look at them within the next month to see if they deteriorated to the point where they pose a threat.

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

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary