

TULLYTOWN BOROUGH COUNCIL MEETING

APRIL 1, 2014

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, April 1, 2014 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Clint Purcell and Stanford Roberts 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
Dan Doyle, Chief of Police
Nancy Conner, Borough Secretary

PUBLIC COMMENT

There was no public comment this evening.

APPROVAL OF COUNCIL MINUTES

A motion was made by Mrs. Kettler to accept the minutes of March 4, 2014 meeting, seconded by Mr. Pirolli.

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—for

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

A motion was made by Mrs. Kettler to accept the minutes of March 18, 2014 meeting, seconded 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—abstain
Mr. Adams—for

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

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the monthly bills, seconded by Mr. Czyzyk.

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—for

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for March, 2014, seconded 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 carried with a unanimous vote of Council in favor of the motion.

COMMUNICATIONS

Mrs. Conner advised that the Bucks County Planning Commission distributed the Household Hazardous Waste Collection and Electronic Recycling Program information. She did indicate that the first Electronic Recycling is this Saturday, April 5th at Harry S Truman High School in Bristol Township. Mrs. Conner added that she will get this information on the Government TV channel and website also.

GENERAL BUSINESS

OPEN BIDS/AWARD BID—FOOD PORTION OF BOROUGH PICNIC

Mrs. Conner advised we received 4 bids for the food portion of Borough picnic. She added that this was advertised twice in the Bucks County Courier Times.

Mrs. Conner opened the bids and read aloud as follows:

- (1) Harvest Specialty Catering, New Brunswick, NJ -- \$11,220.
- (2) Billy D's BBQ & Catering, LLC -- \$9,250.
- (3) Christina's Catering, West Chester, PA -- \$9,350.
- (4) Cheryl Panzitta Catering, Levittown, PA -- \$10,049.

Mrs. Kucher made a motion to reject all the bids and re-advertise. She asked Mr. Sellers if we have to re-advertise. Mr. Sellers advised that it is not required to go out to bid to begin with so if Council chooses to reject the bids, they don't have to legally advertise – telephonic bids can be obtained. Mr. Sellers added that if Council goes with the public bid process, they would have to accept the lowest responsible bidder.

Mr. Armstrong had a question on the motion. He asked what the budget was for the picnic and asked why we would want to reject all bids.

Mrs. Kucher amended her motion to reject all bids and go through the telephonic bid process. Mrs. Kettler seconded the motion.

Mrs. Kucher advised she doesn't know the budgeted amount off hand but she advised that one year one of the caterers lost the bid by \$100 difference and they had a lot more complaints about the company who did get the bid for \$100 less. She added that she prefers that we do the telephonic bids.

Mr. Armstrong asked if we had a problem with the low bidder. Mrs. Kucher advised that we received many complaints.

Mr. Pirolli asked Mr. Sellers if it is the lowest responsible bidder. Mr. Sellers advised that in the public bid process we would have to accept the lowest responsible bidder.

Mr. Pirolli commented that usually someone from the Park & Rec Board would ask to have samples of food for comparison.

George Panzitta of Cheryl Panzitta Catering, commented that the bidding is not giving you the best. He added that by subjecting to the lowest responsible bidder, you are driving down the quality of what you receive. He added that it is important to have sampling before a decision is made.

The vote of Council was as follows:

Mr. Armstrong—nay as he has not heard any complaints about the low bidder.

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.

OPEN BIDS/AWARD BID – FUNNEL CAKES FOR BOROUGH PICNIC

Mrs. Conner advised we only received one bid for funnel cakes. She added there is no return address on envelope so she doesn't know who the bidder is at this time.

Mr. Pirolli asked the solicitor if we can do the telephonic bid process for the funnel cakes also. Mr. Sellers advised that Council may do that. He suggested that if Council goes to telephonic quotes, they should reject the bid.

Mr. Pirolli made a motion to reject the bid, seconded by Mr. Czyzyk.

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—for

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

Mrs. Kucher commented that it is really important that we are specific in requiring 2 lines. Mrs. Conner advised that is indicated in the specifications and also it is indicated the size of the funnel cakes in the specs.

Mr. Pirolli made a motion to telephonically solicit the bids, 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—for

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

OPEN BIDS/AWARD BID – FIREWORKS FOR BOROUGH PICNIC

Mrs. Conner advised that we only received one bid for the fireworks.

Mr. Czyzyk made a motion to rebid that also, seconded by Mrs. Kucher.

After clarification of the motion by Mr. Sellers, Mr. Czyzyk withdrew his motion; Mrs. Kucher withdrew her second to the motion.

Mr. Czyzyk made a motion to reject the single bid, seconded by Mr. Pirolli.

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 vote of Council was unanimous; the motion carried.

Mrs. Kucher made a motion that we have a telephonic bid process for the fireworks for the Borough Picnic, seconded by Mr. Czyzyk.

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.

PUBLIC HEARING—AMENDMENT TO TRUCK ORDINANCE, TULLYTOWN CODE SECTION 170-22

Mr. Sellers advised this proposed ordinance has been duly advertised in accordance with state law. He explained the proposed ordinance to Council. Mr. Sellers advised this is addressing the safety concerns of the traffic. For the record, Mr. Sellers indicated that these vehicles do not have destinations nor do they originate within Tullytown Borough. He added that the ordinance is intended to allow the focus of law enforcement efforts on the constant heavy users on Main Street and not the occasional truck that goes through the Borough. Mr. Sellers advised that provisions are made in the ordinance for trucks that have business in the Borough or are associated with a Borough business or residence.

Public Hearing was opened for comment.

There were no comments from the public. Mr. Armstrong commented that this proposed ordinance should be based on a gross vehicle weight. He added that he can think of a number of vehicles that we wouldn't have an issue with that would be excluded by the word "passenger car". Mr. Sellers commented that the way the ordinance is worded is the manner that these type enactments are done which is by inclusion—certain things are said to be allowable and beyond that they are not. He added that is to try and capture the broadest segment of truck traffic that maybe subject to this type of restriction.

Mr. Sellers advised that a separate portion of state law allows municipalities to regulate based on weight which refers to damages on the roadways. He added that this particular ordinance refers to the flow of truck traffic as a matter of public safety as to size and weight of trucks which directly impact the structural integrity of roadway and/or bridge.

Mr. Armstrong commented that he is concerned that someone driving through Main Street with a van (which is not a passenger car) being cited and fined and he feels that is not the intent of anyone on Council. He feels the ordinance is too broad.

Mr. Sellers commented that this is the type preferred language for this type public safety ordinance—doesn't get into weights. Mr. Sellers added that the intent is to regulate a very specific problem with heavy trucks.

Ms. Gahagan asked if any signs will be posted. Chief Doyle advised that once the ordinance is enacted, we will place signs up notifying trucks coming into and going out of the Borough of the ordinance. Chief Doyle also advised that the police department will not be targeting vans and F150 pick-up trucks. He will ensure that will not occur.

Mr. Pirolli advised the purpose of this proposed ordinance is due to trucks clipping mirrors off of cars and speeding through town. Mr. Pirolli commented that he would like to give our police department some credit that they are not going to write up van and pick-up truck drivers.

Mr. Armstrong suggested that we be more specific in the ordinance defining a passenger vehicle or look into defining weights of vehicles—we don't want large trucks coming through this town creating issues.

Mrs. Kucher made a motion to amend the truck ordinance, Tullytown Code Section 170-22, Ordinance #355. Mrs. Kettler seconded the motion.

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—for

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

PUBLIC HEARING—POLICE PENSION ORDINANCE REPEALING KILLED IN SERVICE BENEFIT

Mr. Sellers explained that an amendment is needed to our police pension ordinance to conform with Act 51. He explained that Act 51 provided that there was a removal of a municipal obligation to provide a killed in service benefit from Act 600 and instead created a similar benefit under the emergency law enforcement personnel death benefits act which has the Commonwealth general fund provide the monthly 100% final salary killed in service benefit to a surviving spouse or defined dependents. Mr. Sellers further advised that the collective bargaining agreement has since been re-negotiated with this change.

Public Hearing was opened for comment.

There was no comment from the public; therefore the public hearing was closed.

A motion was made by Mr. Pirolli to adopt Ordinance #356, amending the police pension ordinance repealing killed in service benefit. Ms. Gahagan 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.

PUBLIC HEARING—AMENDMENT TO ORDINANCE FOR OPEN RECORDS OFFICER

Mr. Sellers advised that this ordinance divides the duties of the open records officer between the administrative side of the Borough and the Police side. Mr. Sellers added that if this ordinance is adopted, we would then notify Harrisburg that we have two open records officers for response for Borough matters.

Public Hearing was opened for comment.

There were no comments from the public; therefore the public hearing was closed.

Mrs. Kettler asked if these officers can act for the other in case of absence. Mr. Sellers advised that if the open records officer is not available, the “time clock” would not start until actually received by the open records officer. Mrs. Kettler commented that if one of the open records officer was not available for a lengthy amount of time could the other officer act in their behalf. Mr. Sellers advised that in that event, the other open records officer could respond on behalf of the Borough.

Mrs. Kucher asked if both open records officer will be combining the requests. Mr. Sellers advised that it is separating the records request as both officers are more familiar with requests for their own departments.

Mr. Armstrong asked if we could place language in the ordinance that makes it clear that in the absence of the one individual, the other can handle this function. Mr. Sellers suggested this could be worked out between both the open records officers for extraordinary issues.

Ms. Gahagan suggested that if one of the open records officer is out for duration, Council could appoint someone in their place. She added that Council can vote on this proposed ordinance and if we need to re-designate someone in the future we can do so.

Public Hearing was open for comment.

There was no comment from the public; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #357, 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.

AUTHORIZE ENGINEER TO REVISE SPECIFICATIONS FOR HVAC PROJECT

Mrs. Smith advised they are continuing to put numbers together and methods for controlling costs. She asked Council to table for this meeting and they will bring a recommendation at the May meeting.

Mrs. Kettler made a motion to table this matter until the May meeting, seconded by Mr. Czyzyk.

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 BUCKS COUNTY DEPARTMENT OF HEALTH TO TREAT BOROUGH AREAS FOR PREVENTION OF WEST NILE VIRUS

Mrs. Smith advised this is an activity the County undertakes every year. It is only aimed for the West Nile Virus carrying mosquito. She added we will do additional spraying for other mosquitos.

Ms. Gahagan made a motion to authorize the Bucks County Department of Health to treat the Borough areas for prevention of West Nile Virus. Mr. Armstrong 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--\$1,500 DONATION TO TAG (TOWNS AGAINST GRAFFITI)

Mrs. Conner advised we received a letter from TAG requesting a donation of \$1,500. She added that she checked the budget and it has been budgeted for that amount.

Mr. Pirolli made a motion to make a donation of \$1,500 to TAG (Towns Against Graffiti), seconded 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

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

DISCUSSION—DCNR GRANT APPLICATION

Mrs. Smith advised that DCNR offers grants annually—average grant is between \$300,000 and \$500,000. She added the grants do require a dollar for dollar match from the community. She further added that we are targeting this at the ball fields but the property is not considered a match. Mrs. Smith indicated that the monies received from other grants such as the open space grant that we are applying for from the County can be a match for the DCNR grant. Mrs. Smith added that labor and materials from public works and volunteer labor and materials also can be considered part of the match.

Mrs. Smith further advised that a resolution from Council is necessary in order to put an application in for the grant. She added that we are waiting for Pennoni, the previous engineer for this project, to send sealed drawings and construction estimates which they say they will submit to the Borough. Mrs. Smith further added that the due date is April 16th. She also mentioned that we may need some help from Mr. Sellers to obtain those drawings from Pennoni. Mrs. Smith asked if Council would approve the grant application to DCNR.

Mrs. Kucher commented that Council has already paid for the drawings and estimates from Pennoni. Mrs. Smith confirmed that.

Mrs. Kucher made a motion to authorize coordinator to make application to DCNR, seconded by Ms. Gahagan.

Mr. Sellers explained that the actual document required showing the Borough's interest in applying is a form resolution which is part of the application. He explained the motion to Council.

Mrs. Kucher withdrew her motion; Ms. Gahagan withdrew her motion.

Mrs. Kucher made a motion to adopt Resolution #297 to authorize application to DCNR for a grant. Ms. Gahagan 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.

COMMITTEE REPORTS

Personnel matter was discussed and will be discussed in house.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal announced our grand marshal for this year's Memorial Day parade, Rich Hart who is a Vietnam Veteran.

Mayor Cutchineal also announced that we will be having the Daisy Jug Band for the concert in the park.

Mayor also discussed the heroin awareness program. He advised that District Attorney Heckler also announced a County Wide crackdown that we are very supportive of.

Mayor Cutchineal also mentioned the Park & Recreation committee is holding the pictures with the Easter Bunny on Saturday, April 12th from 1 to 2 pm.

Mr. Adams asked Mayor Cutchineal who picked the Daisy Jug Band. Mayor advised the entire committee voted on it.

COORDINATOR'S REPORT

Mrs. Smith advised she already has discussed the grant applications; namely, Open Space grant and DCNR grant. She added there is also a Transportation and Community Development initiative for planning and engineering studies for projects that will improve the economic health and quality of life in communities. She advised we can submit more than one proposal. Mrs. Smith added that some areas to be considered are growth around the SEPTA station or along the old Rt. 13 corridor or on Main Street. She further advised the grants average \$60,000 and need a 25% match. Mrs. Smith added the next step is to meet with the Planning Committee.

Mrs. Smith mentioned that plans to improve the SEPTA station are being finalized—SEPTA closed on the William Penn Bank last week and preliminary construction will start in the fall

with the bulk to occur in 2015. She added there will be high level platforms, a new tunnel, some traffic changes and a new station.

Mrs. Smith advised that work on the inlets will begin when it is consistently warm enough. She added that residents will be notified in advance of the work.

Mrs. Smith also advised that we met with our insurance carrier to review risk factors. She added that we have started to document our safety practices and will be formalizing some of our maintenance standards—one of the first will be for inlet repair. Mrs. Smith commented that the insurance carrier was impressed with the improvement of our safety statistics over the past few years and will provide additional free training to keep the improvements going.

Mrs. Smith indicated that we are continuing to develop the projected costs for the HVAC and building project and cost control measures. She advised that we are continuing cost reduction efforts meeting with two vendors each of whom can reduce our phone costs by \$200 per month.

Mrs. Kucher questioned the instruction for our public works. Mrs. Smith advised that PennDOT will teach our public works employees about flagging and traffic control as well as basic road maintenance.

SOLICITOR'S REPORT

Mr. Sellers advised he has nothing further this evening.

ENGINEER'S REPORT

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

Regarding the standards for future inlet repairs, a motion was made by Mr. Armstrong to allow the engineer to come up with specifications for repair of stormwater inlets. Mr. Czyzyk seconded the motion.

Mrs. Smith advised she asked Mr. Major to expend 5 hours' time translating the PennDOT construction standards into maintenance standards for our public works employees and work with the contractor.

Mrs. Kettler asked if the 5 hours will be a part of the motion. Mr. Armstrong advised he will add that to the motion "not to exceed 5 hours of labor". Mr. Major advised that he really doesn't know how much time this is going to take—they have never developed standards before for this but we are going to start with 5 hours. Mrs. Smith advised they will try their best to keep this to 5 hours but if they need more, it will come before Council next month. She added that this will help contain our costs both for the public works and the contractor doing the work.

Mrs. Kettler asked if there are “standard” standards that we can follow. Mrs. Smith advised there are existing construction standards that PennDOT has. She added the specifications that were put out to the contractor for this repair were fairly generic. Mrs. Smith advised that for our own employees this is a new process. She added part of this is so we do the job right but it also helps us when we inspect contractors doing work for us.

The motion on the floor was made by Mr. Armstrong to allow the engineer to come up with specifications for repair of stormwater inlets not to exceed 5 hours, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Armstrong—aye
Ms. Gahagan—not present for the vote
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.

Regarding the police department roof extension, Mr. Major suggested that Council authorize payment of \$13,693.80 to John Feher Concrete Construction, LLC, the contractor.

Mr. Armstrong made a motion to pay John Feher Concrete Construction, LLC \$13,693.80, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Armstrong—aye
Ms. Gahagan—not present for vote
Mr. Pirolli—abstain as he has done business with this contractor in the past
Mrs. Kucher—for
Mrs. Kettler—against
Mr. Czyzyk—for
Mr. Adams—aye

The vote was 4 in favor, 1 against, 1 abstention; the motion carried.

Regarding the Borough school zones, Mrs. Kettler asked if it is typical that municipalities incur the cost of school zone signs. Mr. Major advised that we have incurred for both St. Mikes and Walt Disney. She suggested that she would like the answer before Council authorizes.

Mr. Pirolli made a motion to table this matter, seconded by Mr. Czyzyk.

The vote of Council is 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 of the motion.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Kucher asked about the easements for the Kenwood Drive and Community Park. Mr. Sellers advised that he spoke with counsel for DLC, Mr. Sowerbutts, and hopes that it will be on the May agenda for action.

Mrs. Kucher also questioned the Falls/Tullytown Borough boundary line issue. Mr. Sellers advised we are waiting for a final decree from the court. Mr. Sellers advised we will then finish with Falls Township the placement of the boundaries and filing of the record plan to fix for all time the new line in the Recorder of Deeds office.

Mrs. Kucher asked if there has been any discussion on the difference of amount of money when this is finalized. Mr. Sellers advised that Waste Management will not do these calculations until the final agreement is in and the Court is signed off on it.

Ms. Kucher also asked about the status of the Galzerano matter. Mr. Sellers advised it is still in the hands of the Court. He added that no decision has been filed as yet.

Mrs. Kucher discussed the matter of Committees making expenditures without Council approval. Mr. Sellers advised that the Borough Code states that Council has to approve expenditures of Committees. He added that the budget is not the authority to spend—it has to come before Council to be approved. Mrs. Kucher suggested that this information be forwarded to committee members.

Mrs. Smith commented that we are working on language that would allow Council to approve ahead of time but still give flexibility to the Committees to work efficiently when they go to hire. She added that it is similar to the way the seminars, etc. are handled.

Mr. Adams welcomed Fire Chief, Rick Johnson, back and wished him a speedy recovery.

There being no further business, a motion was made by Mr. Pirolli to adjourn the meeting, seconded by Mr. Czyzyk.

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary