

TULLYTOWN BOROUGH COUNCIL MEETING MAY 7, 2013

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, May 07, 2013 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Bob Snyder and Joe Kucher who recently passed away.

Present at the meeting:

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

Also present:

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

PUBLIC COMMENT

Jim Chase, 633 Main St, Tullytown, commented about people walking their dogs up to the cemetery---people aren't cleaning up. He asked if the Borough can post signs up there.

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, commented that she has been on the Tools for Schools Committee for 4 years helping build this playground which she indicated is a very important project to her. She thanked Council, Police Department, Acting Chief Doyle, the Fire Department and the Fire Police for their help in this event. She advised that Mr. Czyzyk approached a police barricade which was set up before the run for the safety of 61 runners. She came before Council to get approval which was granted unanimously. She commented that Mr. Czyzyk disregarded our Fire police and demanded to be let through. She added that he caused a scene forcing the fire police to let him through the drive during the race which put the runners at risk. She also commented that Mr. Czyzyk threatened to shut down the event next year.

Mr. Czyzyk commented that he did not threaten to shut down the program next year. He said that this will not happen again. He commented that they will have to leave an exit for the people to get in and out of the section. He added that people couldn't get to church---he just had to go 100 yards to get to his street and had perishable foods for his mother. He said he

didn't abuse any power—he asked if they could do that and he said that never again will they block off the whole section. Mr. Czyzyk stated that Mr. Edwards also complained about the fact that he couldn't get out of his section.

Mrs. Chrzanowski advised that the public was made aware, it was in the paper and he approved the event. She stated that the road was closed for 35 minutes.

Mayor Cutchineal said the police report validates the viewpoint of Nina Chrzanowski of what occurred. Mayor Cutchineal said that a few months ago he threatened Danielle that she was going to be fired and told her that Dan Doyle was going to be fired. He called Sandi during working hours and threatened her that he was running for Mayor; called Emily Butler and demanded the private phone number of our zoning officer and said he is going to be Mayor so she better give it to him. He added that he threatened Sil Damiani, senior volunteer fire police at the Walt Disney Run. Mayor commented that Mr. Czyzyk can do what he wants on his website against the Mayor for that office but he should leave the employees alone.

Bill Edwards, 364 Lakeside Drive, Levittown, advised he spoke to no one about the barricades—he went to church—he went to breakfast and he had no problem and he complained to no one. Mr. Czyzyk apologized to Mr. Edwards as he thought Mr. Servis mentioned that to him. Mr. Servis advised he did not say that Mr. Edwards complained.

Holly Kettler, 580 Main Street, Tullytown, commented that she hopes the residents watch the meeting and pay attention to who they are voting for. She advised that Election Day is May 21st Tuesday. She advised that she is running for Council. Mrs. Kettler advised this is nothing new—there has been harassment of her sister, Beth Pirolli and firing of her sister.

Rich Altmiller, 33 Stonybrook Drive, Levittown, advised that Ed Armstrong took pictures of him when he was in the middle of a marriage breakup. He asked Mr. Armstrong what part he played in the Committee of 15. Mr. Armstrong advised he is not familiar with the Committee of 15 but he did take pictures of Mr. Altmiller when he claimed to be a Tullytown resident and was living in Middletown Township. Mr. Altmiller asked if Mr. Czyzyk sued Mr. Armstrong for liable and slander. Mr. Czyzyk said he didn't remember if it was for liable but he did sue him. Mr. Altmiller asked what the outcome of the lawsuit was. Mr. Czyzyk advised he is not getting into that—it has nothing to do with this meeting—it has to do with politics. Mr. Altmiller asked Mayor if there are currently any open investigations at the DA's office. Mayor said there are a few—one with the police ramp but he can't discuss that publicly. Mr. Altmiller also commented that Mr. Czyzyk said the Borough Hall was a disaster and said it should be ripped down and another one built—Mr. Altmiller said Nick Moran was the engineer. Mr. Altmiller asked Mr. Sellers if George Fox issued fake subpoena in the Beth Pirolli situation. Mr. Sellers advised that there were none found. Mr. Altmiller also advised that George Fox was arrested for allegedly not paying support and he asked how he could get a job at the prothonotary's office. Mr. Sellers advised Mr. Altmiller would have to ask the prothonotary or the County of Bucks.

Mr. Armstrong commented that this lawsuit between him and Mr. Czyzyk was about 10 years ago. He advised they put something during election saying that Edward T. Czyzyk engaged in

certain criminal activity and later found out that it was his father or another resident with the same name which caused Mr. Czyzyk to sue Frank Carroll. He advised they apologized to Mr. Czyzyk later and that was resolved.

Ron Lazeration, 1000 Easy Street, Tullytown, advised he is running for tax collector and looking forward to meeting the residents prior to Election Day.

Chris Shellenberger, 229 Kenwood Drive, S., Levittown, advised that Clean-up Day is this Saturday May 11th from 9-1. She advised flyers were being distributed and it is on Government channel. Mr. Armstrong asked if registration is necessary as he and Mr. Fox will be attending. Mayor Cutchineal advised that Tullytown PBA has donated Phillies tickets for a game this summer trying to encourage kids 14 and under to participate in Clean-up Day.

APPROVAL OF COUNCIL MINUTES

Mr. Armstrong made a motion to approve the minutes of the April 2, 2013 Council meeting, 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
Ms. Gahagan—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

Mr. Pirolli made a motion to approve the minutes of the special meeting of April 15, 2013, seconded by Ms. Gahagan. The vote of Council was as follows:

Mr. Pirolli—for
Mr. Armstrong—abstain as he was not present
Mr. Servis—abstain
Mrs. Kucher—for
Mr. Czyzyk—abstain
Ms. Gahagan—for
Mr. Adams—for

The vote was 4 in favor, 3 abstentions; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to approve the monthly bills, 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
Ms. Gahagan—for
Mr. Adams—for

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

RECONCILIATION STATEMENT

Mr. Armstrong made a motion to approve the Reconciliation Statement for April, 2013, 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
Ms. Gahagan—for
Mr. Adams—for

The motion carried with a unanimous vote of Council.

COMMUNICATIONS

Mrs. Conner read a thank you note from the Snyder family.

GENERAL BUSINESS

PENNSBURY LYFT COMMENDATION AND PRESENTATION

Mr. Tim Philpot, director of community impact for United Way of Bucks County and the project director for the LYFT prevention coalition for the 4 municipalities that make up the Pennsbury School District was present. He advised that LYFT is designed to help achieve the goals of the United Way which are to improve education, access to good health, sustainable income and wage.

Mr. Philpot presented a commendation to the Mayor for Acting Chief Doyle and Council as Tullytown is the first in the 4 municipalities to establish a permanent prescription drug drop off box which greatly increases the public's ability to get rid of prescription medication safely as

opposed to waiting for the take back days only held twice a year. Mayor Cutchineal accepted the certificate.

TRUMARK FINANCIAL – WAIVER OF LAND DEVELOPMENT

Mr. Sellers advised this application has been filed for the installation of an ATM machine on an existing commercial location in the Levittown Town Center. He added this is a relatively minor addition to the existing operation and the matter is before Council on a request for a waiver from the customary land development process. Mr. Sellers advised that the Borough Engineer, Zoning Officer and Solicitor have no objection to the request by the applicant for this minor project.

Mr. Pirolli made a motion to waive the land development requirements for the application of TruMark Financial. Mr. Armstrong seconded the motion.

Chris Shellenberger, 229 Kenwood Drive, South, advised there is already an ATM put in. Mr. Sellers advised that also came to his attention this past week but this is a formality and still has to be done in accordance with the MPC. Mr. Sellers explained there was probably some misunderstanding as to what was required because it was an existing operation.

The vote of Council was as follows:

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

The motion carried with a unanimous vote of Council.

IMAC LAND DEVELOPMENT REQUEST FOR EXTENSION

Mr. Sellers advised the current expiration deadline for action would be May 12, 2013. He added that the applicant under the Municipalities Planning Code and the Borough Ordinance may give extension on its own motion as they did by letter of April 30, 2013.

Mr. Servis made the motion to give the extension. Mr. Sellers advised that action is not required—he is just stating for the record that an extension has been given.

Mr. Servis withdrew his motion.

ONE APPOINTMENT TO THE ENVIRONMENTAL ADVISORY COUNCIL

Mrs. Conner advised there is one vacancy on the EAC -- Mike Hammar is interested in serving on this Committee which is a 3-year term.

Mr. Servis made a motion to appoint Mike Hammar 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.

PURCHASE CHAIRS FOR MEETING ROOM

Mrs. Kucher advised that many chairs were checked into for the meeting room for the public. She advised that a few samples of the chair that was decided upon are in the meeting room. She advised the cost of \$59.99 each-- they come with lifetime warranty. Mrs. Kucher advised that if ordering 75 chairs the cost would be \$4,499.25.

Mrs. Kucher made a motion to purchase 75 chairs in the amount of \$4,499.25 seconded by Ms. Gahagan. Mr. Armstrong advised that other than fading, have there been any chairs broken. Mr. Mark Snyder advised that there are many chairs that the backs are broken and it would be better off to replace them. Mrs. Kucher advised that many of the chairs are stained which is unsanitary—the new chairs would be easier to clean.

The vote of Council was as follows:

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

The motion carried with a unanimous vote of Council.

CONSIDERATION—APPROVAL OF EXPENSE FOR REVISED ZONING MANUALS, SALDO

Mrs. Conner advised that she did not receive the estimate as yet from our publishers, General Code, so we will table this matter until next month's meeting.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised the Memorial Day Services will be held on Saturday, May 25th at the monument at Main and Fallsington Avenue at 9:00 a.m. followed by services at the cemetery at 9:30. He added the annual parade will begin at noon. Mayor advised there will be a concert in the park at 6:00 p.m.

Mayor congratulated Tim Damiani, Joann and Ashley Mazzocchi for completing the Broad Street Run.

SOLICITOR'S REPORT

Mr. Sellers advised that in reviewing the minutes of the February 5, 2013 Council meeting there was one item which involved the sally port for the police department. He added that one of the

motions had involved the waiver of customary fees and inspection fees associated with land development along with some other things. He feels there needs to be clarity on the action taken by Council to explicitly waive the land development requirements which were intended with that motion.

Mr. Pirolli made a motion to confirm the waiver of land development requirements for the Borough as applicant for the construction of the police department sally port. Mrs. Kucher seconded the motion. All of Council was in favor of the motion; the motion carried.

ENGINEER'S REPORT

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

Regarding the PD roof extension project, Mr. Major advised the existing handrail does not meet the current international building code. He asked Council if they want the handrail replaced in its entirety or have the section along the steps fabricated to code and specified in the plans. Mr. Major advised the cost of modifying the existing railing to meet code would be an extra \$700 or to fabricate a whole new railing system so it matches would cost an additional \$4,300.

After discussion, a motion was made by Mr. Armstrong to spend the \$700 to modify the existing railing to meet code, 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
Ms. Gahagan—for
Mr. Adams—for

The vote of Council was unanimous; the motion carried.

Mr. Major continued reading his report regarding Rt. 13 project.

Rich Altmiller, 33 Stonybrook Drive, Levittown commented that traffic at Rt. 13 and the Parkway is just horrendous especially at rush hour. Mr. Major advised he will ask Penndot if they can rework the traffic light timing.

Mr. Pirolli commented that coming from the train station, the light is even shorter and it should be made a little longer and the one lane is left hand turn only. He suggested maybe they could make it straight and left. Mr. Major stated that unfortunately it takes weeks for Penndot to make these changes.

Bill Edwards, 364 Lakeside Drive, Levittown, commented that nothing was done with the timing from train station back to Lakeside drive—he added that it is really bad there. He also

commented that cars are going the wrong way because they made the wrong turn and coming head on to cars coming down the bridge.

Mark Snyder, road crew foreman, asked if we can we petition Penndot now to make the left turn lane a straight or left turn at that jug handle so they can set the all the time limits. Mr. Armstrong commented that he understood we are permitted for that lane to be left or straight unless it changed for the construction. Mr. Armstrong advised he spoke to their engineer regarding the lack of pedestrian crossing.

Butch Helsley, 361 Wood St, Tullytown, volunteer fireman with the Borough, advised that the preemption lights do not work underneath the bridge. He added they need to aim it towards the bridge. Mr. Major asked Mr. Helsley to see him after the meeting to discuss.

MISCELLANEOUS COUNCIL BUSINESS

Ed Armstrong advised that he attended TAG meeting last week and learned that the Bucks County Redevelopment Authority has cut TAG's budget by \$100,000 which might end the program. He commented that TAG has been very effective in removing graffiti. They asked if Council could contact the Redevelopment Authority to see if they can allot more money for the TAG program.

Mr. Rich Altmiller asked how many times a year does TAG clean up property in the Borough. Mr. Armstrong commented about 8 different times this past year. Mr. Altmiller asked what the Borough has donated. Mr. Armstrong advised TAG is not asking the Borough for additional money, only to ask Redevelopment Authority to increase their funding.

Mr. Armstrong made a motion to request the Committee on the Bucks County Redevelopment Authority to increase funding for the TAG program, seconded by Ms. Gahagan. The vote of Council was as follows:

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

The motion carried with a unanimous vote of Council.

Mrs. Kucher made a motion to adopt the Ordinance that our solicitor has prepared previously, when we didn't have a full Council, about the signs. Mr. Pirolli seconded the motion.

Mr. Sellers explained that the process for acting on that still falls under the requirement for enacting an ordinance amendment which involves advertising. He advised the process has to start all over again.

Mrs. Kucher withdrew her motion. Mr. Pirolli withdrew his second to the motion.

Mrs. Kucher made a motion to authorize the advertising of the amendments to the sign ordinance with respect to temporary signs. Mr. Pirolli seconded the motion.

Mr. Servis said was this voted down previously.

The vote of Council was as follows:

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

The vote was 4 in favor, 3 against; the motion carried.

Mrs. Kucher discussed the issue of fences in the Borough. She feels that people who have already paid for permit and had fence put up and later in years if they want to replace fence, they should not be charged for permit again. She added that we want the residents to maintain their property.

Mrs. Kucher made a motion to meet with Zoning Officer to discuss the way of charging of permits. Mr. Armstrong seconded the motion.

Mr. Sellers advised that Sally Bellaspica, Zoning Officer, could provide something in writing.

Mrs. Kucher withdrew her motion; Mr. Armstrong withdrew his second.

Mrs. Kucher advised that she will set up a meeting with Zoning Officer to discuss.

Mrs. Kucher wants the people to know that a lot of signs are placed that are illegal—permits were not given—they are basically full of lies. She commented that she has never said “the heck with Tullytown and their taxpayers”. She said that is a lie.

Mr. Armstrong advised that last month a request was made for the park fees to be waived for goal for June 22, and 23. Mr. Armstrong advised that GOAL has moved over 800 tires from Home Depot ramp, cleaned out the Kenwood ditch, has planted 350 trees along Martin’s Creek and Tullytown Park. He added GOAL is having a 2 day event to clean the shores and area around Franklin Cove and adjacent areas of Delaware River along Pennsylvania and New Jersey side. He added that on the evening of June 22nd they are having speakers on ecological subjects.

Mr. Armstrong made a motion to waive the fees for GOAL to rent the Park on June 22nd and June 23rd, seconded by Ms. Gahagan.

Mr. Servis asked what the fee is to rent the park. Mrs. Conner advised the fee is \$60.00.

The vote of Council was as follows:

Mr. Pirolli—for

Mr. Armstrong—for

Mr. Servis—for

Mrs. Kucher—against

Mr. Czyzyk—for

Ms. Gahagan—for

Mr. Adams—for

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

Mr. Adams asked Mrs. Conner to read a letter from Beth Pirolli of April 18, 2013. Mrs. Conner read the letter, a copy of which will be filed with the minutes. Mr. Armstrong commented this should be a civil matter. Mrs. Kucher asked what a fire curtain is.

Mr. Richard Altmiller, 33 Stonybrook Drive, Levittown advised that a fire curtain is basically a roll up door that if there is a fire in the kitchen there is a safety that it will drop and come flying down. He said if a child is under it—that child will die. He advised the tavern is right next door to Beth Pirolli and the curtain lies over her property.

Ms. Gahagan asked Mr. Altmiller if the curtains can be put on other side of his property. Mr. Altmiller said no because they should be on the kitchen side—he said they could be put on the inside of his building but Mr. Campanaro refuses to do it.

Mr. Pirolli says there are stickers that say could cause injury or death. Mr. Adams advised that we should have someone go over to inspect.

Jim Chase, 633 Main Street, Tullytown, commented that the problem is not just talking about safety—the primary thing is the fact that Tullytown issued a permit saying its legal for Robert to install a system ovetop of Beth Pirolli's property—it shouldn't have been allowed. He feels that Tullytown Borough has to fix it.

Mr. Sellers stated that we have to have the paperwork pulled and plans pulled---to see if it was installed properly. He added that the zoning officer and code enforcement officer should review the situation and report back to Council.

Holly Kettler Zone, 580 Main Street hopes this will been taken care of quickly---and thinks she has notified the Borough many times.

Mr. Armstrong asked Mrs. Conner to read the letter from Wilhelmina Conca. Mrs. Conner read the letter aloud. A copy of this letter will be filed with the minutes. Mr. Armstrong asked if Ms. Bellaspica gave a report. Mrs. Conner advised she has not received anything at this time.

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

The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Conner".

Nancy Conner
Borough Secretary