

## **Tullytown Borough Council Meeting September 10, 2013**

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, September 10, 2013 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Bob Shellenberger who recently passed away.

Present at the meeting:

Mayor Cutchineal  
Councilman Armstrong was absent due to medical reasons  
Councilman Servis  
Councilwoman Kucher  
Councilwoman Gahagan  
Councilman Pirolli  
Councilman Czyzyk  
Councilman Adams

Also present:

Michael T. Sellers, Esquire, Borough Solicitor  
William S. Major, P.L.S., William G. Major Associates, Inc., Borough Engineer  
Judy Collings, Borough Treasurer  
Chief of Police, Daniel Doyle  
Nancy Conner, Borough Secretary

Mr. Sellers advised that Council met in executive session prior to tonight's meeting to discuss matter of litigation and the process involving the Chief of Police.

Mr. Adams commented that the picnic was fantastic—best we ever had including food and fireworks. He thanked the Park & Rec Board, Borough Employees, Mayor, Police Department and Fire Department.

### **PUBLIC COMMENT**

Joe Biancosino Downey commented on Bob Shellenberger. He also commented about Dan Doyle and endorsed him for position of Chief of Police.

Andy Warren, Middletown Township, commented on the position of Chief of Police and also endorsed Dan Doyle for that position.

## **APPROVAL OF COUNCIL MINUTES**

Mr. Servis made a motion to approve the minutes of the August 6, 2013 Council meeting, seconded by Ms. Gahagan. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Mr. Pirolli made a motion to approve the minutes of the August 20, 2013 Council work session, seconded by Mrs. Kucher. The vote of Council was as follows:

Mr. Pirolli—for

Mr. Servis—abstain as not present at that meeting

Mrs. Kucher—for

Mr. Czyzyk—abstain as not present at that meeting

Ms. Gahagan—for

Mr. Adams—for

The vote was 4 in favor, 2 abstentions; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mr. Servis questioned the invoice for Guidemark, \$1,930.50. Mrs. Collings advised that was the for the painted markings on Main Street.

Mrs. Kucher made a motion to approve the monthly bills, seconded by Mr. Czyzyk. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

### **RECONCILIATION STATEMENT**

Mr. Servis made a motion to approve the Reconciliation Statement for August, 2013, seconded by Mr. Pirolli. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

## **GENERAL BUSINESS**

### **CHIEF OF POLICE VACANCY**

Mr. Sellers commented that if Council wishes to promote within the department that process would be not as complicated. He advised that first Council should adopt a resolution by majority vote to appoint the candidate to that position for chief of police. Mr. Sellers added that a second resolution would need to be adopted which would direct the name of that appointee to the position of chief of police to the Tullytown Borough Civil Service Commission for examination and to confirm qualification. He added that if the Commission determined that the candidate was qualified, Civil Service Commission would report back to Council by its own

resolution and then Council would adopt a third resolution which would be to confirm civil service status of the appointee.

Mr. Sellers read a portion of the first proposed resolution for the record. A copy of that resolution will be attached to the minutes.

Mr. Pirolli made a motion to adopt Resolution #278, seconded by Mrs. Kucher. Mr. Servis asked if Mr. Pirolli would add the salary to his motion. Mr. Pirolli added the salary \$90,738.34 with annual increases. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Mr. Sellers read the second proposed resolution, a copy of which is filed with the minutes. Mr. Pirolli made a motion to adopt Resolution #279, seconded by Ms. Gahagan. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

Chief Doyle thanked Council for their vote this evening and advised he will serve them well.

#### **PUBLIC HEARING – PROPERTY IMPROVEMENT ALLOCATION ORDINANCE**

Mr. Sellers advised this proposed ordinance has been duly advertised and proof of publication in the hands of Borough Secretary.

Mr. Adams opened the public hearing. There were no comments from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #353, seconded by Mr. Servis. Roll call vote was taken. All of Council was in favor of the motion. The motion carried.

#### **CONSIDERATION—WINTER TRAFFIC SERVICES AGREEMENT**

Mrs. Conner explained the agreement which is reimbursement from Penndot for snow removal of State owned roads in the Borough in the amount of \$3,107.01.

Mr. Pirolli made a motion to accept the winter traffic services agreement, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion.

#### **OPEN BIDS/AWARD BID 2009 CROWN VICTORIA**

Mrs. Conner advised we received three bids. She added that we advertised for a minimum bid of \$7,000. Mrs. Conner opened the bids and read aloud as follows:

1. Grace Quality Used Cars - \$4,565 – 10% deposit enclosed
2. Chicago Motors - \$3,707 – 10% deposit enclosed
3. John Kazoroski - \$7,200 – 10% deposit enclosed

Mr. Pirolli made a motion to adopt Resolution #280 awarding bid of \$7,200 to John Kazoroski. Mr. Czyzyk seconded the motion. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

#### **OPEN BIDS/AWARD BID F550 2000 DUMP TRUCK**

Mrs. Conner advised that when advertised a minimum bid of \$10,500 was indicated in the advertisement. Mrs. Conner read the bids aloud as follows:

1. Auto Wholesalers - \$14,567 – 10% deposit enclosed
2. Forever Green - \$11,579 – 10% deposit enclosed

Mr. Pirolli made a motion to adopt Resolution #281 awarding bid of \$14,567 to Auto Wholesalers. Mr. Czyzyk seconded the motion. The motion carried with a unanimous vote of Council in favor.

#### **DISCUSSION—TREE REMOVAL KENWOOD DRIVE PROPERTY (MERZ)**

Chief Doyle advised that he has obtained several quotes in reference to removal and topping of trees. He stated the first option was George's Tree Service for complete removal of \$1,500 to be split by both parties.

Chief Doyle explained that the second option is giving Mr. Merz permission to work with the street department to rent a boom lift for the week to be split between the parties.

Chief Doyle also asked our solicitor on his opinion of the two options. Mr. Sellers said that it was determined to be joint responsibility with the homeowner. He advised that the second option there are liability issues with street department and Mr. Merz doing the work. Mr. Sellers stated that boundary trees are the joint responsibility of both parties—nothing can be done with them unless both parties agree. Mr. Sellers advised Council to go with first option if Mr. Merz is agreeable.

Mr. Bob Merz commented that first option is too expensive. He added that regarding the second option, he has homeowners insurance if there would be an issue. He added he is very familiar with the work from past work experience.

Mr. Servis suggested that Council pay \$1,000 and Mr. Merz pay \$500. He added that he is too concerned with our liability issues as Mr. Sellers pointed out earlier and feels it is worth it for the Borough to pay more than half our share of this expense.

Mr. Sellers commented it is up to Council if they wish to make that offer. Mr. Sellers advised that Mr. Merz can contact Mr. Doyle to let him know if he agrees with that offer at a later date.

**CONSIDERATION—SALE OF BOROUGH PERSONAL PROPERTY BY MUNICIBID**

Mr. Sellers explained the concept of Municibid and the proposed resolution. Mr. Servis made a motion to adopt Resolution #282, seconded by Mr. Pirolli. Roll call vote was taken with a unanimous vote of Council in favor of the motion.

Joe Shellenberger, 229 Kenwood Drive S, Levittown, asked if Council still has to advertise in the newspaper. Mr. Sellers commented that it is best if Council also advertises in the newspaper in addition to the on-line process.

**CONSIDERATION—ONE APPOINTMENT TO SHADE TREE COMMISSION**

Mrs. Conner advised that there is a vacancy on the Shade Tree Commission. Mrs. Conner advised there is a tree tenders seminar beginning this week in Middletown Township if anyone is interested. She added the other two members of the Shade Tree Commission will be attending that seminar. Mr. Adams advised that since no one is interested at this time, this matter will be tabled until the next meeting.

**CONSIDERATION—RELEASE OF PERFORMANCE BOND FOR DLC**

Mr. Sellers advised this matter is an outstanding bond to secure performance by the developer of the Levittown Town Center specifically for matters involving erosion control at the shopping center which was put in place in 2007 in the face amount of \$200,000 and reduced in 2011 to \$20,000. He advised the work in the view of the engineer is complete and the developer requested the release and return of that bond.

Ms. Gahagan made a motion to adopt Resolution #283, seconded by Mr. Pirolli. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

**CONSIDERATION—AGREEMENT WITH WIRELESS COMPANY FOR LAPTOPS**

Mrs. Conner advised that the laptops are ready for Council but wireless devices are needed. She advised that she obtained quotes from AT&T in the amount of \$384.00 per month and Verizon in the amount of \$399.00 per month for 10 devices. Mrs. Conner advised that Verizon is a better plan as it is unlimited plan. She also advised that she sent both quotes to our IT representative who also agreed that Verizon is the better plan.

Mr. Pirolli made a motion to enter into a contract for wireless services with Verizon with a monthly cost of \$399.90, seconded by Mr. Czyzyk. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

Mr. Servis commented that Holly Kettler-Zone will be on Council as of January, 2014 so he suggested that the new laptop be given to her instead of to him. Mr. Servis made a motion to give the laptop to Holly Kettler-Zone early and he will keep the Ipad, seconded by Mr. Czyzyk. Mr. Pirolli asked if he could vote on that matter since Holly Kettler-Zone is his sister. Mr. Sellers

saw no problem with Mr. Pirolli voting. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal congratulated Chief Priore on his retirement and congratulated Chief Dan Doyle on his appointment and commented that he knows Dan will continue to do a great job.

Mayor advised that on Wednesday, September 11<sup>th</sup>, the 9-11 Vigil will be held at the Tullytown Fire Company at 7:00 p.m.

Mayor also commented on the excellent job on the Borough picnic this year.

### **SOLICITOR'S REPORT**

Mr. Sellers updated Council on the Galzerano matter. He advised that we are currently in the process of briefing the matter; at the end of September the matter will be listed for an oral matter before the Court in Harrisburg.

Mr. Sellers commented that the Borough has to have an emergency management coordinator for many reasons including reimbursement from FEMA.

Ms. Gahagan made a motion to appoint Chief Dan Doyle as emergency management coordinator, seconded by Mr. Pirolli. Roll call vote was taken. All of Council was in favor of the motion; the motion carried.

### **ENGINEER'S REPORT**

Mr. Major read the Engineer's Report, a copy of which is filed with the minutes. Mr. Major first discussed IMAC land development. He commented that it is his opinion that the building inspector should be inspecting the building itself and the engineer should be looking at site improvements such as driveways, pavings, items of that nature. He asked Council for their guidance on this matter.

Mr. Sellers suggested that this be put in writing for the next meeting to be adopted. Mr. Servis made a motion to direct Mr. Major to draft a document with the help of the solicitor which would detail his recommendation for adoption by Council at its next meeting. Mr. Pirolli seconded the motion. The motion carried with a unanimous vote of Council.

Mr. Major also discussed the storm inlet repairs. Mr. Servis mentioned that Penndot has been up and down Main Street marking some areas and suggested that Mr. Major check that out.

Joe Biancosino Downey commented that they are Penndot's roads and feels they should be taking care of that. Mr. Major advised that those roads are the Borough's responsibility; if

Penndot is going to take care of that it would be fine. Mr. Servis made a motion to send the inlets out to bid requested by the engineer, seconded by Mr. Czyzyk. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Mr. Major advised that Inlet #53 on Main Street near D & S Boats has about 3 feet of standing water almost up to the Baker property. He stated the backup is caused by overgrowth and feels it should be re-graded—they will do a field survey. Mr. Sellers indicated that a written agreement is necessary for that project and he will construct agreement to have access and cover the liability issues.

Mr. Servis made a motion to have solicitor and engineer work together to get the proper legal. Mr. Sellers clarified the motion. Mr. Servis withdrew his motion.

Mr. Servis then made a motion to authorize the engineer to develop a plan for the work to be done on the property of D & S Boats for re-grading of an existing swale and to work with the road crew to accomplish that work in a timely fashion. Mr. Czyzyk seconded the motion.

Mrs. Kucher asked that since this is private property what the liability will be for this work that our road crew will be doing. She added that we wouldn't let our road crew do the tree job with Mr. Merz. Mr. Servis said that this is our problem and needs to be repaired. Mr. Sellers said in this case there is an impact with the Borough's storm water system versus the boundary line tree issue with Mr. Merz.

The vote of Council was as follows:

Mr. Pirolli—for

Mr. Servis—for

Mrs. Kucher—against

Mr. Czyzyk—not present for vote

Ms. Gahagan—for

Mr. Adams—for

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

Mr. Servis made a motion to authorize the solicitor to work with the engineer to prepare a legal document necessary for the Borough's protection and to satisfy the concerns of the landowner. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

Mr. Pirolli—for

Mr. Servis—for

Mrs. Kucher—against

Mr. Czyzyk—not present for vote

Ms. Gahagan—for  
Mr. Adams—for

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

Mr. Major also discussed the Police Department roof extension. After discussion, a motion was made by Mr. Servis that the handrails will be decided by the engineer not to exceed the price that was already determined in the safest way. Mr. Pirolli seconded the motion.

Mrs. Kucher asked if they will see pictures. Mr. Major stated that they are thinking of leaving that railing in and put a completely different hand railing for the steps and be done with the matter and take the middle section out.

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

Jim Chase, 633 Main Street, Tullytown, mentioned that in front of Lois Robinson's property there is a low spot that has been patched. He added that in most times there is a sink hole and asked if this can be checked. Mr. Servis commented that the State has been there and made some markings.

Mr. Major advised that John Feher Construction has submitted invoice of 80% of project. Mr. Major advised the invoice is in the amount of \$48,775.20 and he asked that Council approve that invoice.

Mr. Servis made a motion that under the engineer's recommendation, Council authorize payment of invoice of John Feher Construction in the amount of \$48,775.20. Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

Mr. Pirolli—abstain as he does business with that company  
Mr. Servis—for  
Mrs. Kucher—for  
Mr. Czyzyk—for  
Ms. Gahagan—for  
Mr. Adams—for

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

Mr. Joe Shellenberger advised that AVCO Supply is currently looking over the plans for HVAC System and he will discuss next meeting.



Mr. Shellenberger also advised that plans for the park have been drawn up several times by the engineers and asked why we are making so much of a change.

Mrs. Kucher commented that we brought it back to solicitor's attention that with the many activities, the parking situation would not cover those activities so it might be prudent to limit the organized sport activities. Mr. Shellenberger commented that we should check with Mr. Ifshin as he one time said that after the shopping center was built, any excess property back there would be donated back to the Borough.

Mrs. Kucher made a motion to authorize the solicitor to look into the legal access for Kenwood Drive North and the Home Depot end. Mr. Pirolli seconded the motion. Roll call vote was taken with a unanimous vote of Council in favor of the motion. The motion carried.

Chris Shellenberger, 229 Kenwood Drive, S, Levittown, asked what the status is of moving the flashing light from Taco Bell. Mr. Major advised the cost to move the light is approximately a quarter of a million dollars. Chief Doyle commented that the police department has sent officers on detail to slow the traffic down. Mr. Servis agreed that police presence is the best deterrent.

Jim Chase, 633 Main Street, Tullytown, mentioned that Rt. 13 northbound was never repaired; there is a big black top bump. Mr. Chase also commented that when you come off of Rt. 13 crossing 13 North there is a huge bump across the road. Mr. Major advised he will look into that.

#### **COORDINATOR'S REPORT**

Chief Doyle advised the Safety Committee has been working very well together. They have been meeting regularly and we have been 10 months injury free.

Chief Doyle also discussed 388 Main Street that the property has not been kept. He met with Code Enforcement and Solicitor to rectify the situation and have advised the treasurer to hold back on the property allocation check until the matter is resolved.

Chief Doyle was approached by people inquiring if the public works was going to plow Spencer Drive for snow removal. Mr. Servis advised that is a private street. Mr. Pirolli commented that someone mentioned that since the Borough owns the 2 lots at the end of the street they thought the Borough would plow it.

Mr. Adams suggested this be tabled until the next meeting.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Mr. Adams asked if the matter of Beth Pirolli and Robert Campanaro properties have been looked into. Mr. Sellers advised that he believes that this was discussed and he brought a report

back to council. He advised he will locate the report. Joe Biancosino Downey also commented on that property. Mrs. Kucher commented that she spoke with Brian Thompson, building inspector, who advised that they went to Court. She commented that he never received a permit for that heavy curtain and she feels it should be taken down. Mr. Sellers advised he will review his prior memorandum and this can be discussed at the next meeting if Council wishes. Mr. Adams advised this will be placed on next month's agenda.

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

The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Conner".

Nancy Conner  
Borough Secretary