

## **TULLYTOWN BOROUGH COUNCIL MEETING OCTOBER 4, 2016**

Vice President Joe Shellenberger called the meeting of the Tullytown Borough Council to order on Tuesday, October 4, 2016 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for his Aunt, Clara Weiss, Kenny Parr and the Borough's building inspector, Brian Thompson who recently passed away.

Present at the meeting:

Mayor Cutchineal

Councilwoman Grady—was absent due to illness

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilwoman Gahagan

Councilwoman Kucher—was absent due to illness

Councilman Shellenberger

Also present:

Michael T. Sellers, Esq., Borough Solicitor

Kurt Schroeder, Gilmore & Associates, Inc, Borough Engineer

Andrew Bunda, Sgt, Police Department

Alison Smith, Borough Coordinator

Judy Collings, Borough Treasurer

Nancy Conner, Borough Secretary

Mr. Ed Knittel of Pennsylvania State Association of Boroughs presented a plaque to Mayor Cutchineal and Council recognizing the 125<sup>th</sup> Anniversary of Tullytown Borough.

### **SOLICITOR'S REPORT ON EXECUTIVE SESSION**

Mr. Sellers advised Council met in executive session earlier before this meeting to discuss litigation currently pending in Armstrong et al vs. Borough of Tullytown and Borough of Tullytown vs. Rivers Edge, a legal claim matter not yet in litigation involving PECO and ongoing negotiations with the Non-Uniformed Employees collective bargaining agreement.

### **PUBLIC COMMENT**

There was no public comment.

## **COUNCIL MINUTES**

A motion was made by Mr. Pirolli to approve the minutes of the September 6, 2016 Council meeting, seconded by Mrs. Kettler. The motion carried with a unanimous vote of Council in favor.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mrs. Kettler made a motion to approve the monthly bills in the amount of \$34,439.18, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

### **RECONCILIATION STATEMENT**

A motion was made by Mr. Pirolli to approve the Reconciliation Statement for September, 2016, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner stated that she received an email from Mary Ann Gahagan advising that she will be resigning from the Environmental Advisory Council.

Mrs. Conner also indicated that she received an email from Karen and Aaron Cohen advising that they would like to be appointed to the Park & Recreation Committee. Mrs. Conner advised that will be an item under General Business.

Mrs. Conner read a letter addressed to the Borough from President Obama recognizing our Borough's 125<sup>th</sup> Anniversary.

## **GENERAL BUSINESS**

### **PRESENTATION—PLANNING STUDY**

Lynn Bush of the Bucks County Planning Commission was present to review with Council what the Bucks County Planning Commission has been doing during the last few years regarding planning and economic development. She has discussed with Borough Staff what the Planning Commission can do for the Borough.

### **AUTHORIZE SOLICITOR TO RE-DRAFT FLOODPLAIN ORDINANCE**

Mr. Sellers explained that the Borough was required to adopt a new Floodplain Ordinance as a condition for property owners to continue to be eligible for flood insurance. He advised that since then there has been a set of changes that has been indicated to the Borough that is required for the Borough to have its Ordinance remain compliant with FEMA and to have the property owners in the Borough eligible for flood insurance.



Mrs. Kettler asked if these are the mandates that FEMA has set forth. Mr. Sellers advised that yes it is what the Borough has been told is required—they are small requirements but still needed. Mrs. Smith said we are waiting for letter to come out—have not received it as yet.

Mrs. Kettler made a motion to authorize solicitor to provide provisions to the Floodplain Ordinance for advertising at the next Council meeting. Mr. Pirolli seconded the motion. All of Council was in favor of the motion; the motion carried.

#### **TWO APPOINTMENTS TO PARK & RECREATION COMMITTEE**

Mrs. Conner advised that both Karen and Aaron Cohen, Borough residents, are interested in being appointed to the Park & Recreation Committee.

Mrs. Kettler made a motion appoint Karen Cohen to the Park and Recreation Committee, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler made a motion to appoint Aaron Cohen to the Park & Recreation Committee, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

#### **RESOLUTION—BUCKS COUNTY 2016 HAZARD MITIGATION PLAN**

Mrs. Conner advised that the County recently adopted the 2016 Hazard Mitigation Plan. She added that in order for municipalities to be eligible for federal disaster assistance, they will need to also adopt the Plan. She advised that a Resolution has been prepared by the County for Council to adopt.

Mr. Pirolli made a motion to adopt Resolution #355, Bucks County 2016 Hazard Mitigation Plan, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

#### **CONTRACT WITH SUBURBAN LIGHTING REGARDING PECO OVERBILLING**

Mrs. Smith indicated that in the process of cataloging all the street lights that we have in Tullytown Borough, in order to purchase them from PECO, our consultants found that we are overpaying, and have been for a while, for 30 lights that don't exist and another 21 or so that exist on private property.

She added that we would like to move forward with PECO to get that resolved and we need the consultant to continue with this; namely, Suburban Lighting at \$70 per hour not to exceed \$3,000.

Mr. Pirolli made a motion to continue with Suburban Lighting at \$70 per hour, cost not to exceed \$3,000. Mrs. Slemmer seconded the motion.

Mr. Sellers advised that the amount which is over charged may exceed \$300,000 which is a significant overcharge which goes back many years.

The vote of Council was unanimous in favor of the motion; the motion carried.

#### **ADVERTISEMENT TRASH RFP--DISCUSSION**

Mrs. Smith advised she is working with the Finance Committee to frame a request for proposal (RFP) to go out to the public for handling our trash once Waste Management stops providing us with free trash removal which will occur in May, 2017. She commented that we want to get this out fairly soon because it involves purchasing equipment to give enough lead time and also gives us an idea on what the cost is going to be.

Mrs. Smith referred to Page 3 of the Coordinator's Report. She commented that the RFP states that the cost of dumping will be handled by the Borough and the rate that we are getting from Waste Management for that which was previously negotiated is about a 58% reduction from what the standard dumping fee is. She added the only way we can get that is by acting as a municipality—individual residents would not be able to access that much cheaper dumping fee.

Mrs. Smith advised that the agreement also states that trash will only be collected from residences that meet a certain definition: single family homes, duplexes, townhomes and condominiums. It does not include multiple units or commercial buildings.

She indicated that it states the duration of the very low rate to be 5 years and then 5 years at the lowest rate offered to any other municipality—only if we function as a single unit.

Mrs. Smith added it will include an equally low rate for yard waste—does not address a recyclable rate.

She commented that a service that uses automated pick-up with 95 gallon rolling carts is much cheaper than a service that keeps the existing trash containers that residents are using now. The advertisement will ask for bids on both options. She added that since the can is much larger, some municipalities have gone to once a week pick up.

A copy of the Coordinator's Report is attached to the minutes.

Mr. Pirolli questioned the idea of automated trash containers for the residences on Main Street due to cars parked along Main Street. Mrs. Smith commented that she has asked several times if they can handle it. Mrs. Slemmer commented that there are cars parked on both sides of the street—asked where will the residents put the trash cans. Mrs. Smith commented that Bristol Borough did not go with automated because it was so densely



packed that they weren't going to be able to get to the automated cans. She added that they believe they can handle it.

Mr. Sellers commented that we can't alter the contract—what is going to be picked up under the contract is strictly residential solid waste. He added that is the definition of what is subject to the much discounted dumping fee that the Borough will then be billed on a monthly basis. He added that it is a bit of a change for what the Borough is used to with free curb service with Waste Management.

Mrs. Smith advised she did not need a vote of Council—this was just a discussion to clarify the issue.

#### **TREES ON MAIN STREET--DISCUSSION**

Mrs. Smith advised that the survey was completed regarding the trees on Main Street. She added there were many discussions on how to handle them. Mrs. Smith indicated that the assessment showed that one tree was very dangerous and a letter was written to the property owner and he took the tree down. Mrs. Smith added that our Ordinance states that basically the property owners are responsible for the maintenance up to and including taking trees down of the trees in the right of way. She added the rest of trees fell into three other categories; namely, (1) in very poor condition and without being immediately addressed—they will reach the point that they will need to be taken down or (2) not in great condition—they will be slowly get to the point of needing to be taken down and (3) trees that are in good condition.

Mrs. Smith advised that we have ways to send information out—either sending letters or to do code violations. She added that they chose to send letters and if not addressed and the Borough has to step in, we will do so and subtract the cost from the property improvement allocation check. Mrs. Kettler advised that she agrees with this procedure.

#### **INVESTMENT PROPOSALS—AUTHORIZE ADVERTISEMENT**

Mrs. Smith advised that we received the two samples of RFP's from PLGIT and we combined them and added in sense of security and also Act 128 to be added. She added they were the two basic changes and will advertise on Pennbid.

Mr. Pirolli made a motion to advertise for proposals, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

#### **PLAYGROUND EQUIPMENT PURCHASE—CONSIDERATION**

Regarding the Community Park near Home Depot, Mrs. Smith advised that we are out to bid for the construction of the Park. She added there was a couple of items that were pulled out—one was the playground equipment as a separate purchase from what the grant can cover.

She advised that in the Coordinator's Report there is information and pictures that Council can review. She added that we have a certificate of safety from IPEMA (playground equipment association) basically certifying the safety of the Dome structure.

Ms. Gahagan asked what kind of mulch would be used. Mrs. Smith advised the same as the Borough Municipal Park.

Mrs. Kettler suggested the pictures of playground equipment can be put on the Borough website. She commented how exciting this is—she thinks the children will love it. Mrs. Smith advised that this purchase will be from a source that falls under the State statute as exempt from the normal bid requirements for the purchasing exceeding the State statutory amount.

Mr. Pirolli made a motion to purchase playground equipment from Kompan for a total amount of \$145,885.60. Mrs. Kettler seconded the motion. All of Council was in favor of the motion; the motion carried.

#### **UNITED CONCORDIA RENEWAL—CONSIDERATION**

Mrs. Smith advised this renewal for United Concordia is the dental and vision insurance—the rates are not going up.

Mrs. Kettler made a motion to direct the Borough Coordinator to renew the dental and vision insurance with United Concordia. Mr. Pirolli seconded the motion. The vote of Council was unanimous in favor; the motion carried.

#### **RESOLUTION—RELEASE OF FINAL MINOR SUBDIVISION PLANS**

Mr. Sellers explained that this is a minor subdivision application for a property that is now ready to have its plans signed and recorded in Doylestown. He added that as required by our ordinances and the Municipalities Planning Code, there are certain agreements that have to be done and financial security posted. He added that before that is accomplished a resolution must be adopted to authorize the release of the subdivision plans for recording and execution of the necessary agreements. Mr. Sellers noted for the record that there are two (2) members of Council that he has advised that they have a conflict of interest under the State Statute.

Mr. Pirolli advised he has a conflict of interest as he has a family relationship to the applicant and being partial ownership.

Mrs. Kettler advised that she has a family relationship to the applicant and the owner.



Mr. Sellers advised both members to register an abstention on this vote. He added there is a quorum of five (5) Council members here this evening so three (3) affirmative votes would be acceptable to take action.

Ms. Gahagan made a motion to adopt Resolution #356, authorizing a release of final minor subdivision plans for recording and execution of necessary agreements. Mrs. Slemmer seconded the motion.

Roll call vote was taken:

Mrs. Kettler—abstain

Mrs. Slemmer—for

Mr. Pirolli—abstain

Ms. Gahagan—for

Mr. Shellenberger—for

The vote was 3 in favor, 2 abstentions; the motion carried.

## **COMMITTEE REPORTS**

There were no Committee Reports.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor thanked everyone who participated in the 9-11 Candlelight Vigil. He added this year was the largest to date—feedback from the Community has been excellent. Mayor specifically thanked Mayor Harding from Yardley who was dynamic in his speech.

Mayor also announced that in the coming months, the Tullytown PBA, along with others, will be embarking on a project to paint street numbers on curbs throughout the Community. He added it is required by Ordinance and there are a number of houses that don't have them.

### **COORDINATOR'S REPORT**

Mrs. Smith advised that we went out to bid on the construction of the Community Park. She added that we would be awarding the bid at the November 1<sup>st</sup> meeting. She added construction would start November 15<sup>th</sup> and the project completion date of May 1<sup>st</sup> which could improve if the weather is mild.

Mrs. Smith advised that the Public Works Department will save us a big chunk of the work and will save the Borough approximately \$30,000.

Mrs. Smith also commented how wonderful the Borough picnic was this year. She had many people to thank. She especially thanked Lucisano Bros for the use of their property and Waste Management for purchasing the portable restrooms.

Regarding D & S Boats sidewalk issue, Mrs. Smith advised that we cited them because the sidewalks have been uprooted by the trees. She stated that D & S have taken the sidewalks out. She commented that there are some questions whether to put sidewalk in or pavers. Mrs. Smith will be discussing with Borough engineer and Solicitor on this matter.

Mrs. Smith advised that Evan Darroch, Eagle Scout, has completed the construction of two (2) picnic tables for the Borough Park. Mrs. Kettler commented that they are beautiful. Mrs. Smith added that they are beautiful and ADA compliant and have games on them.

Regarding SEPTA Train station, Mrs. Smith advised that construction on the Train Station was on hold for several weeks as there had been a number of issues with the design and subsequent change orders. She added a modified work schedule has begun this week.

Mrs. Smith also advised that regarding the Penndot Rt. 13 Completion, Gilmore & Associates will be sending a letter to PennDot with a punch list and what we need from them.

#### **SOLICITOR'S REPORT**

Mr. Sellers advised he had no further report for this evening.

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

Mr. Schroeder advised that Samantha Brinker of Gilmore will come in to discuss the NPDES MS4 requirements for stormwater management. He added DEP has come out with their new program for what we have to comply with in the next coming years. He added this coming year, we have to get a program together which will be cumbersome and expensive. He added this will impact the budget.

Mrs. Kettler commented that the DEP and EPA are the same agencies that continue to allow landfills sited on our drinking water. She commented that 200 more acres were just approved in Falls Township to use for landfill. Mrs. Kettler commented they put these mandates on us yet landfills are accepted.

#### **MISCELLANEOUS COUNCIL BUSINESS**

Mrs. Conner advised that the November meeting will be held on November 1<sup>st</sup> as Election Day will fall on November 8<sup>th</sup>.



Mrs. Kettler asked Mrs. Collings when the checks will be mailed out for the property improvement allocation. Mrs. Collings advised that the checks will be mailed out the week of October 20<sup>th</sup>.

### **ADJOURNMENT**

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

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary