

TULLYTOWN BOROUGH COUNCIL MEETING NOVEMBER 1, 2016

President May Kucher called the meeting of the Tullytown Borough Council to order on Tuesday, November 1, 2016 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Ed Gilmore who recently passed away.

Present at the meeting:

Mayor Cutchineal
Councilwoman Grady
Councilwoman Kettler
Councilwoman Slemmer
Councilman Pirolli
Councilwoman Gahagan
Councilman Shellenberger
Councilwoman Kucher

Also present:

Michael T. Sellers, Esq., Borough Solicitor
Sean Nagy, Gilmore & Associates, Inc, Borough Engineer
Daniel Doyle, Chief, Police Department
Alison Smith, Borough Coordinator
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers advised that Council met in executive session before tonight's meeting to discuss 1. Status of litigation of Armstrong vs Tullytown Borough, 2. Status of litigation of Tullytown Borough vs Rivers Edge Funeral Chapel, 3. Claim by the Borough against PECO, 4. Tentative contract with the non-uniformed employees of the Borough, and 5. A personnel matter.

PUBLIC COMMENT

There were no comments from the public.

COUNCIL MINUTES

A motion was made by Mrs. Kettler to approve the minutes of the October 4, 2016 Council meeting, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Mr. Pirolli to approve the Monthly Bills in the amount of \$25,602.12, seconded by Mrs. Kettler. 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 October, 2016, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

COMMUNICATIONS

Mrs. Conner advised that Council received a letter from Robert and Simone Trice thanking Council for the property allocation gift.

GENERAL BUSINESS

PENNSYLVANIA ENVIRONMENTAL COUNCIL—CANAL STUDY PRESENTATION

Mr. Tony Spagnoli of Pennsylvania Environmental Council advised he was here about a year ago asking Council to sign resolution for the Pennsylvania Environmental Council to apply for a PECO Green Region Grant on behalf of Tullytown Borough. Mr. Spagnoli advised that the Borough was awarded the grant and the PEC has been managing that grant for the last year.

Mr. Spagnoli advised that \$10,000 grant was matched by the William Penn Foundation for the purpose of studying the trail gap along the D & L Canal Trail within Tullytown Borough near the intersection of Rt. 13 and Levittown Parkway.

Mr. Spagnoli presented a slide show. After presentation questions were raised by Council and the public.

Jim Chase, 633 Main St, Tullytown, commented that he thought the Delaware canal should have water in it. He added that it's a ditch filled with weeds. He added that if they can't keep water in the Canal, he can't see sense in spending money on the trail. He commented they aren't taking care of anything they have done in Tullytown.

Mr. Spagnoli advised the water is a huge issue. He indicated that the Friends of the Delaware Canal just completed a vision study and the 1st priority was to get the Canal watered again.

Mr. Spagnoli added that the Canal down here has been neglected. He also stated that was the issue at the Shopping Center.

Ms. Gahagan commented that DLC put the shale over the walking trail as a favor and thought the Park would maintain it.

Mrs. Smith commented that a representative from the Park Maintenance Area was present and a lot of discussion revolved around the fact that its time to start paying attention to the lower end of the Canal. Mrs. Smith added that this will be part of the East Coast Greenway Trail. Mr. Spagnoli added they are working on 6 gaps—hoping to have it all resolved within 5 years. It will make it more accessible—with more users would justify maintenance.

Ms. Gahagan commented that the Upper County is beautiful—she sees people walking the Canal there but she never sees the Canal here used for anything and she has lived here 62 years.

Mrs. Smith commented that the having the partners together is a plus—they are the funding partners.

Mr. Spagnoli advised that a few years ago they opened up the Rt. 13 underpass just north of our Town and he commented that during the ribbon cutting he was surprised to see the people utilizing it.

Mr. Pirolli commented that between the Shopping Center and Haines Road, many people are fearful of walking it because they can't be seen from the highway. They thought maybe trimming trees would make it more visible. Mr. Spagnoli advised he will bring that up with Parks and Maintenance.

Mrs. Kettler commented that if it is more aesthetically pleasing people may be more apt to use the trail. She added that we will be constructing our park over there.

Ms. Gahagan commented that it might be prudent to invite Council to some of the meetings as they live right here.

2018 MS4 PERMIT REQUIREMENTS—PRESENTATION

Ms. Samantha Brinker of Gilmore Associates made a slide presentation to explain the permit requirements to Council. A copy of the slide presentation is attached with the minutes. Mr. Pirolli asked Ms. Brinker where DEP thinks the money is coming from. Ms. Brinker advised that the municipalities will have to take on that expense. She advised that every municipality is required to complete an annual report and submit a Notice of Intent by September 16, 2017 unless they are granted a waiver.

Mrs. Kettler asked why the one cost is so expensive. Ms. Brinker commented that is if the Borough would do a stream bank stabilization project—that would be the cost to design and construct—it just an approximate number.

Mrs. Kettler asked what the base cost would be. Ms. Brinker advised \$30,000 plus the Notice of Intent which costs \$500 plus the \$5,000 expense for the current permit that is due at the end of year 5.

Ms. Brinker advised that Gilmore & Associates will determine a pollutant reduction plan on behalf of Tullytown Borough and will get input from the Borough on what avenue they want to proceed to complete this plan and propose what they want to do in the next 5 years to meet that reduction.

Mrs. Kettler commented that it looks like we don't have a choice than to do this plan and then we discover ways to fix it and then we have to bear that cost as well. Ms. Brinker agreed. Ms. Brinker commented that the DEP has already determined that the Martin's Creek is impaired and they have put this general permit regulation out and it is up to the municipality to comply with it. Mrs. Kettler commented that Martin's Creek also runs through Falls Township. Ms. Brinker commented that Falls Township will have to implement their own project.

Mrs. Slemmer asked why the Borough should pay if it's being contaminated from the other municipalities. Ms. Brinker commented that she agrees but unfortunately DEP determines that within Tullytown Borough the Creek is impaired and they put this mandate on.

Mrs. Kettler commented that it seems like a huge undertaking and it seems that it is forced on us so to speak by agencies that really, in her opinion, don't care about us. Ms. Brinker mentioned that DEP should have grant programs available or funding mechanisms to assist.

Ms. Gahagan asked if there were grants available. Ms. Brinker commented that there are some grants out there through some other organizations.

Jim Chase, 633 Main Street, Tullytown, commented about the sedimentation problem. He said they should clean out the creek.

Mrs. Smith commented that this is 10% of our sedimentation which for a small area may be a small amount—we might be able to get away with street sweeping.

Mr. Shellenberger asked what if they find out that it's not the bank that's causing the sediment—that it's from other sources. He asked if we would have to dredge it. Ms. Brinker advised she would have to look into that. Mr. Shellenberger commented that he doesn't

think it's the erosion of the bank causing the sediment—it's just years of sediment coming down and collects there.

Rich Hart, 50 Stream Lane, Levittown, asked how many changes are made with the storm drains. He commented that the Army Corps of Engineers were willing to take on restoration. He asked if Army Corps can do that project. He thinks we should focus on that.

Mrs. Smith commented that she understood there are 3 different methods that we can use to calculate what the 10% equals. She added that a piece of it might be percentage of pervious to impervious surface. She added we do have a map to where the inlets are but not everything on the piping—a bigger part of it is how to meet these calculation requirements.

AMENDMENT TO FLOODPLAIN ORDINANCE—AUTHORIZE ADVERTISEMENT

Mr. Sellers explained that in February 2015, Council adopted Ordinance #369 as required to implement our responsibility under the Pennsylvania Flood Management Act of 1978. He added the Ordinance was to meet Federal requirements as administered by FEMA. Mr. Sellers added that since that Ordinance was adopted, there have been fine tunings of the Ordinance. He added there are small set of changes which basically make the requirements of that ordinance more restrictive. Mr. Sellers indicated that the Borough has no discretion or option to choose not to implement this change.

Mr. Shellenberger made a motion to authorize the advertisement for the amendments to the Floodplain Ordinance. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

AMENDMENT TO SOLID WASTE DISPOSAL ORDINANCE—AUTHORIZE SOLICITOR TO REDRAFT

Mr. Sellers advised that Chapter 146 relates to solid waste. He stated that with Waste Management no longer providing free curb service for trash and recycle, after May, 2017 of the closing of the landfill, Tullytown Borough will assume that responsibility. Mr. Sellers advised that Council will have to update its Ordinances.

Mr. Pirolli made a motion to authorize the solicitor to update Chapter 146, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

RECYCLING ORDINANCE—AUTHORIZE SOLICITOR TO DRAFT

Mr. Sellers advised we have requirements for Recycling Ordinance which is not met—there is an absence in the Tullytown Borough Code of Ordinances. He added this needs to be in place as the curb service pick up will cease by Waste Management.

Mr. Pirolli made a motion to authorize the solicitor to draft a Recycling Ordinance, seconded by Mrs. Kettler. The motion carried with a unanimous vote of Council in favor.

COMMUNITY PARK—AWARD BID

Mrs. Smith distributed spread sheet to Council with list of bidders. She commented that when we first went out to bid, the bid came in about \$200,000 higher which was attributed for the most part to the site work being miscalculated by the original design engineer.

She added the good news is that this cost from the low bid contractor is coming in for everything—we have held out the pavilions and the lighting thinking we wouldn't have enough money and this price allows us to do everything. She further advised that Gilmore Associates has done its due diligence around the contractor and found that they have done similar projects with no complaints. She recommended to award the full bid price to James R. Kenney Excavating and Paving in the amount of \$796,358.40.

Mrs. Kettler made a motion to award bid to James R. Kenney Excavating and Paving in the amount of \$796,358.40, seconded by Mrs. Grady.

Mr. Sellers asked if Mrs. Kettler and Mrs. Grady would withdraw their motion and re-phrase as follows:

Motion to accept the bid as low bidder and award the contract for the Community Park to James R. Kenney Excavating and Paving Inc for a total contract price of \$796,358.40 for all items under the base bid not including any reduction from the deduct bid items.

Mrs. Kettler agreed to that motion. Mrs. Grady agreed to second that motion.

Mrs. Kucher asked if these deductions listed such as the gazebo and pavilion – if we deduct them and have them done by the people that did the ones we have, the price will only be \$614,000 with this contractor we just awarded to. Mrs. Smith advised that is correct.

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

LEVITTOWN-FAIRLESS HILLS RESCUE SQUAD REQUEST FOR DONATION

Mrs. Conner advised we received an email from Joel Rutkowski asking for the squad's yearly donation.

Mrs. Kucher commented that 2 years ago we donated \$10,000 to the Rescue Squad and she felt that was a lot of money compared to the size of our Borough. She added that last year our donation was \$5,000 to the squad. She commented that many people in this town are

members of the Levittown- Fairless Hills rescue squad. She said in prior years if you are a member their by-laws stated that they would reduce or cover the cost of the transport.

Mrs. Kucher commented that she read in their laws now that they state they may deduct. She said she was transported by the Rescue Squad and given a bill of \$1,000. She added \$500 was deducted from Medicare and the Squad sent her a bill for the balance of the amount she had to pay.

She feels \$5,000 is way too much to give them for the size of our town and since they have changed their rules—it states they *may* give you a deduction.

Ms. Gahagan commented that when her husband was transported there were no deductions—insurance covered it. Mrs. Kucher suggested Council lower their donation.

Jim Chase, 633 Main St Tullytown, asked if anyone else gets requests for donations from Bucks County Rescue Squad. He added that he still receives their request every year. Mr. Chase suggested that if Council wants to give a donation, make it contingent that they accept what goes to them then the residents don't have to pay.

Chief Doyle commented that Levittown-Fairless Hills rescue squad has provided a boatload of money for the Police Department—they send tactical medics to assist the Police Department for no charge—also when we have a high risk warrant.

Mrs. Kettler asked if they would come in to a meeting and address these concerns. She added that if she dials 911, she would like them to show up. Chief Doyle advised that he will contact the representative of the rescue squad.

Mr. Pirolli made a motion to table this and have representative be present at the December meeting. Mr. Shellenberger seconded the motion.

Mrs. Kettler commented that if anyone has questions give them to the Chief so he can give them some preparation as to what exactly we are looking to find out.

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

HIRING OF TWO (2) PART-TIME POLICE OFFICERS

Chief Doyle advised they need to hire 2 additional police officers; namely, Frank C. Leonhardt IV and Ismael Ramos, Jr. Chief Doyle advised that Frank Leonhardt is a U.S. Navy Veteran and a graduate of the Police Academy. He also advised that Ismael Ramos is a Tullytown Borough resident who works full-time as deputy sheriff for the Bucks County Sheriff's

Department. He added that Mr. Ramos is already Pennsylvania State certified with experience and will be on the streets fairly quickly.

Mr. Pirolli made a motion to hire Frank C. Leonhardt, IV contingent upon successful completion of final checks—medical exams, psychological exams, etc. to get MPOEC certified. Mrs. Slemmer seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to hire Ismael Ramos, Jr., contingent upon successful completion of final checks—medical exams, psychological exams, etc. to get MPOEC certified. Mrs. Grady seconded the motion.

Ms. Gahagan asked if Mr. Ramos would be leaving Bucks County Sheriff's Office. Chief Doyle advised that Mr. Ramos will maintain his position as deputy sheriff but will work part-time for Tullytown Borough. He added that Mr. Ramos will leave Yardley Borough where he currently is a part-time police officer.

RESOLUTION—DESTRUCTION OF POLICE RECORDS

Chief Doyle explained that the Police Department has some records they would like to dispose.

Mr. Pirolli made a motion to adopt Resolution #357, destruction of certain police records. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

RESOLUTION—SALE OF POLICE VEHICLE TO PENNDEL BOROUGH

Chief Doyle explained that the Borough has a 2013 Ford Interceptor with a little over 96,000 miles on it. He added that Pennel Borough looked at the vehicle and is interested in it. Chief added that the vehicle will be sold "as is" with no warranties in the amount of \$4,500.

Mr. Pirolli made a motion to adopt Resolution #358, sale of police vehicle to Pennel Borough for \$4,500. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

NON-UNIFORMED EMPLOYEES' CBA—CONSIDERATION/RESOLUTION

Mr. Sellers advised that Council members have the proposed collective bargaining agreement with Tullytown Borough employees Union Local 1598 American Federation of State, County and Municipal Employees District Council 88 AFL-CIO. He indicated that this is a proposal which came about through negotiations by the designated members of Council for that purpose. He added that Council had a chance to review this in advance of this evening's meeting and to discuss it in executive session.

Mr. Pirolli made a motion adopt Resolution #359 for the non-uniformed employees' collective bargaining agreement. Mrs. Slemmer seconded the motion.

The vote of Council was in favor:

Mrs. Grady—aye

Mrs. Kettler—for

Mrs. Slemmer—aye

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

Mrs. Kucher—for

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

2017 PRELIMINARY BUDGET—CONSIDER APPROVAL/AUTHORIZE ADVERTISING

Mrs. Collings presented the proposed budget to Council and discussed highlights of increases to be made for 2017 year. Mrs. Collings advised the total difference between the expenses and the income is \$6,755,600. She added it will be taken from the Borough investment fund. Mrs. Collings advised there is presently a balance of \$42,916,154 in the investment fund after the 2016 property allocation gift checks were dispersed on October 20, 2016.

Ms. Gahagan questioned the difference in the property improvement allocation amount from last year to this year. She said the budget shows \$3,786,000 but in 2017 is \$3,828,000 and asked why the increase. Mrs. Collings advised that last year there were vacant properties that have since been purchased. She added this fluctuates from year to year.

Mrs. Kettler asked if the budgeted amount for solid waste contracted trash removal is for only half the year. Mrs. Smith advised that is a full year amount. Mrs. Kettler also asked if the street light cost will change as well. Mrs. Smith advised that we took out the \$12,000 for the overpayment per month. She indicated the street light purchase is just an outright purchase so that would be the same.

Mrs. Smith advised she has some changes to be made to the 2017 proposed budget as follows:

State Aid:

State Aid Actual 2015 to reflect that \$100,000 received DCNR Grant and State Aid Actual 2015 to reflect that \$10,000 received from PECO Green Region Grant

Parks:

454.724 – increased from \$287,000 to \$387,000

Create new line item under Engineering to add \$31,000 for 2018 Storm Water General Permit

Capital Improvement Fund will be changed from \$468,500 to \$493,500 with the following changes:

409.373 Building Pavilion reduced from \$50,000 to \$.00

454.700 New Park Construction Cost increased from 158,000 to \$198,358.40

454.720 increased from \$30,000 to \$65,000

454.372 decreased from \$1,500 to \$1,142.

Total increased from \$468,500 to \$493,500

Mrs. Collings advised Engineering Expenses will total \$165,000 which includes the \$31,000.

Mrs. Collings further advised that the \$6,911.660 will be taken from the investment funds in 2017.

Mr. Shellenberger made a motion to accept the changes to the 2017 drafted budget as discussed and specified tonight. Mr. Pirolli seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to adopt the proposed 2017 budget and advertise notice as required by law. Mr. Shellenberger seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Shellenberger made a motion to authorize advertisement of the 2017 Tax Levy Ordinance as required by law. Mr. Pirolli seconded the motion. All of Council was in favor of the motion; the motion carried.

COMMITTEE REPORTS

PERSONNEL COMMITTEE

Mrs. Slemmer advised that she received a letter from Judy Collings, Borough Treasurer, who advised she will be resigning as of November 15, 2016.

Mrs. Grady made a motion to accept the resignation of Judy Collings, seconded by Mr. Pirolli. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to advertise for position of Borough treasurer, seconded by Mr. Shellenberger.

Ms. Gahagan asked if we will be advertising with the same qualification—including degree etc. Mrs. Kucher advised that is correct.

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

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised that Halloween was celebrated last night with no incidents. He commented the police officers were out on bikes giving out glow sticks – it was a good night for all.

Mayor Cutchineal advised that next Tuesday, November 8th is Election Day. He indicated the polls will be open from 7 am to 8 pm. Mrs. Kucher commented for all to get out to vote—very important.

Mayor also advised that the clocks get turned back Saturday night.

COORDINATOR'S REPORT

Mrs. Smith commented that Council needs to agree on a name for the new park being constructed. Mrs. Smith suggested that we do a ground breaking ceremony and invite DCNR and Bucks County Planning as our funding partners as well as the others but we need to do that fairly quickly.

After discussion and suggestions, Mr. Pirolli made a motion to name the park Tullytown Canal Park. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

Mrs. Kettler asked Mrs. Smith where we are with the RFP's for investment firms. Mrs. Smith advised she is using Gilmore Associates to put it up on PennBid so we should be ready to go out to bid next week.

SOLICITOR'S REPORT

Mr. Sellers advised he had nothing further for this evening.

ENGINEER'S REPORT

No report

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Grady advised that she runs the “children without parents” toy drive for children who lost a parent or both parents to disease and addition. She added that heroin is a growing epidemic and every day babies lose their moms and dads.

Mrs. Grady advised that last year they supplied 47 children with brand new bikes, hats, scarfs, gloves. She added that Tullytown Police officers, Chief Doyle and Alison Smith purchased coats. Mrs. Grady advised that a gentlemen in Morrisville who donates bikes has started assembling this year. Mrs. Conner advised that she will post on our Borough website and government channel.

Ms. Gahagan discussed the daffodils put up along the canal walk along the shopping center were planted by volunteers—a group called Making Bucks Beautiful”. Ms. Gahagan advised that plantings are being delivered this week and asking for more volunteers. She asked if this could be put on the website also.

Ms. Gahagan also mentioned that Habitat for Humanity has a program called “A Brush With Kindness” which is helping seniors with repairs for housing etc.

Mrs. Conner advised that we are having trouble with the microphones for the tables on the floor in Council meeting room—with tables being moved for different events the wiring has been damaged. She advised that she is in the process of obtaining quotes for 2 wireless microphones. Council agreed that Mrs. Conner obtain 3 quotes.

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 9:02 pm.

Respectfully submitted,



Nancy Conner
Borough Secretary