

TULLYTOWN BOROUGH COUNCIL MEETING NOVEMBER 11, 2014

Present at the meeting:

Mayor Cutchineal
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler
Councilman Czyzyk—absent as he was out of town
Councilman Adams

Also present:

Michael T. Sellers, Esq., Borough Solicitor
William S. Major, P.L.S., Borough Engineer
Alison Smith, Borough Coordinator
William Coyne, Spear, Coyne & Co. Ltd
Dan Doyle, Chief of Police
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

Mayor Cutchineal asked for a moment of silence for Judy Leyden, our Solicitor's mother, Isabel Sellers and Dorothy Vislosky who all recently passed away.

Mr. Sellers explained that Council met in executive session to discuss two pending litigation matters; namely, Fox vs. Kucher et al and Armstrong et al vs. Borough of Tullytown.

PUBLIC COMMENT

Nina Chrzanowski, 6 Stonybrook Drive, Levittown, asked Mr. Armstrong why his name is the first name on the writ against our police department and he wasn't even a candidate. He stated it is alphabetical. Mr. Armstrong also commented that last month he advised that this is a private matter.

Mrs. Chrzanowski commented that the residents are not happy with the signs that are being allowed to be placed. She asked Mr. Sellers if the owners are fined for disobeying the ordinance or can any resident put up a sign. She mentioned the signs against Mrs. Kucher, the tullytownnews.com signs. Mr. Sellers commented that any signs which are in violation of the sign ordinance is a code enforcement or zoning matter. She asked why these people aren't being fined. Mr. Sellers commented that if the ordinance allows fine that can be done. Mr. Sellers added that the Borough officials take the appropriate action and they can keep an assessment of what has been done and if it justifies a court action that can be done also. Mr. Sellers commented that it is the will of Council to say they want this pursued but initially



through code enforcement and zoning. Mrs. Chrzanowski commented that Council should do that or everyone will be putting up signs.

Mrs. Chrzanowski stated that last month when she mentioned the police catching a burglar in Lakeside, Mr. Czyzyk stated that it was their job. Mrs. Chrzanowski commented that the police do much more than their job. She added that they do a lot of volunteer work and gave examples and commented they also helped her son who was a victim of a scam. She again applauded our police department for getting involved with matters that are not their job.

Tina Grady, 585 Main Street, Tullytown, commented that last year she got help from a few Council and the police department making Christmas possible for two children. She added that this year she is teaming up with a local recovery house collecting toy donations for children of deceased parent or parents. She asked if a box could be put out front in lobby. Council all agreed.

Rich Altmiller, 33 Stonybrook Drive asked Mr. Sellers if it is legal to put out signs like tullytownnews.com whether or not it is election time. Mr. Sellers commented that he is avoiding answering that question because it is pending litigation in federal court. Mr. Sellers gave the historical position taken by the Borough which is that sign is among the classification of other signs which are in violation of those ordinances and are subject to being removed.

Mr. Altmiller stated that Mr. Armstrong who is a sitting Council member is suing this Borough and wasting their money and putting up signs for his agenda only. Mr. Altmiller asked Mr. Armstrong if he feels that is okay. Mr. Armstrong stated it is not his lawsuit—he doesn't have any problem with the signs—that is Mr. Fox.

SERGEANTS' PROMOTION TULLYTOWN POLICE DEPARTMENT

Mr. Sellers stated that previously Council advised the Borough Civil Service Commission of the opening of Sergeant in the police department. He advised that written and oral examinations were conducted after notice and the Commission by resolution dated October 29, 2014 has submitted a certified list of eligible candidates. Mr. Sellers advised that Council may, by resolution, appoint a candidate to fill the position.

Mr. Jim Powell, Chair of Civil Service Commission presented the resolution of the Civil Service Commission to Council. He advised that four officers took the test and the results are in the resolution.

Chief Doyle indicated that based on the resolution of the Civil Service Commission, he would like to recommend Andrew Bunda for position of sergeant.



Mrs. Kucher made a motion to appoint Andrew Bunda as Sergeant by Resolution #317. Mrs. Kettler seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mayor Cutchineal swore in Sergeant Bunda.

Mrs. Kucher advised that Sergeant Bunda initiated the town watch program which is not a part of his job and she is very proud he is our sergeant. Mayor Cutchineal congratulated our new sergeant and advised that we had 4 outstanding applicants.

Chief Doyle commented that he would like to add an additional sergeant to the police department. He indicated that from the certified list he recommends Phil Kulan.

Mr. Pirolli made a motion to appoint Phil Kulan as sergeant by Resolution #318. Mrs. Kucher seconded the motion.

Mr. Armstrong commented that he asked our solicitor how many sergeants we were hiring tonight and he was told one. He asked when was the last time this Borough has hired two sergeants?

Chief Doyle advised that many municipalities are adding additional sergeants to reduce the liability of claims due to supervision of employees. Chief Doyle commented that Morrisville Borough has a Chief and three corporals.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mayor Cutchineal swore in Sergeant Kulan.

Chief Doyle commented that the other two applicants, Nate Aldsworth and Ed Wallace have been very fine officers and have been with the Borough for many years. He advised he has a strong police department and he is proud.

APPROVAL OF COUNCIL MINUTES

Mrs. Kucher made a motion to approve the minutes of the October 7, 2014 Council meeting, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mr. Pirolli made a motion to approve the minutes of the October 28, 2014 Special Meeting and Work session, seconded by Ms. Gahagan.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

TREASURER'S REPORT

MONTHLY BILLS

Mrs. Kucher questioned the cost so far on the law case. Mrs. Collings advised that last month on the Fox vs Kucher there was nothing. The legal matter of Armstrong vs. Borough the cost was \$333.00 in the month of September. She advised that for the month of October for legal matter of Fox vs Kucher was \$333.00 and the matter of Armstrong vs. the Borough was \$1,695.00 which is in this month's billing that we will be paying.

Mr. Armstrong asked Mr. Sellers if these costs are picked up by the insurance company. Mr. Sellers advised there is a clear conflict. He added any questions referring to this case, he cannot answer. Mr. Armstrong commented that he is aware that the insurance attorneys are

handling this. Mrs. Kettler commented that Mr. Armstrong just slants information. Mr. Pirolli advised that the \$2,400 is Mike Sellers' fee and will increase. He added the deductible is \$25,000 for our insurance and the Borough is paying for the insurance.

A motion was made by Mr. Pirolli to approve the monthly bills, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for October, 2014, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

COMMUNICATIONS

Mrs. Conner advised that Council received two thank you letters from Simone and Bob Trice and Lois Robinson thanking Council for the property allocation checks.

GENERAL BUSINESS

PRESENTATION—PENNSBURY LYFT

Ms. Emily French of the LYFT program explained the youth program to Council. She extended an invitation to Council to attend the next LYFT coalition meeting at the Pennsbury School District Administration Building on Nov 19th from 7 to 9 p.m.

CONSIDERATION—APPROVAL 2015 PROPOSED BUDGET

Mr. Biff Coyne presented the budget to Council and explained the line items. A copy of the proposed budget will be attached to the minutes.

After presentation, Mrs. Kucher advised the finance committee has increased the line item for Coordinator salary, 401.110 to \$50,000.

Mr. Pirolli made a motion to adopt the proposed 2015 budget and authorize the publication of the required notice before a period of public inspection, such notice to also be given on the Borough website and government TV channel. Mrs. Kucher seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING 2009 NATIONAL ELECTRIC CODE
PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING 2009 INTERNATIONAL PLUMBING CODE
PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING 2009 INTERNATIONAL RESIDENTIAL CODE
PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING 2009 MECHANICAL CODE
Mr. Sellers advised that the next 4 items under General Business are the adoption of updated codes and suggested that Public Hearing be opened for all 4 proposed ordinances.

Mr. Pirolli made a motion to open the public hearing, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

There was no comment or questions of Council or the public.

Mr. Pirolli made a motion to close the public hearing, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to adopt Ordinance #361, the adoption of the 2009 National Electric Code, seconded by Mrs. Kucher.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mr. Pirolli made a motion to adopt Ordinance #362, the adoption of the 2009 International Plumbing Code, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mr. Pirolli made a motion to adopt Resolution #363, adopting 2009 International Residential Code, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

Mr. Pirolli made a motion to adopt Ordinance #364, adopting the 2009 Mechanical Code, seconded by Mr. Armstrong.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

CONSIDERATION—ST. MICHAEL'S SCHOOL D.A.R.E. GRADUATION DONATION OF \$500

Mrs. Conner advised that we received a letter from St. Michael's School requesting a donation of \$500 for their D.A.R.E. graduation.

Mrs. Kucher made a motion to give St. Michael's \$500 for their D.A.R.E. graduation program, seconded by Mrs. Kettler.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Adams—for

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

TULLYTOWN FIRE COMPANY UPDATE

Mr. Dale Mastrull, Deputy Chief of Tullytown Fire Company made presentation in the absence of Chief Johnson due to family emergency. Deputy Chief Mastrull thanked Council for the opportunity to report and thanked Council for their past and continued support.

He also advised that Rick Johnson wanted to advise Council that as of December, he will be stepping down as Chief and Dale Mastrull advised that he will be one of the candidates for the position of Chief and has asked Rick Johnson to run as his Deputy Chief.

COMMUNITY PARK – PLANNING DISCUSSION

Mr. Sellers advised that last year the Borough had no legal access to the community park from the shopping center nor was there a legal way for pedestrians to use it or legal ways for parked cars. He added that the importance of getting that access and getting the parking legally was a prerequisite to being able to actually use the park at any time in the future. He indicated that open space monies were available through the county open space program. Mr. Sellers advised we now have in place the pieces necessary to be able to access the park and to apply for grants. He also advised that everything is recorded in Doylestown necessary for us to proceed with development of this park.

Mrs. Smith advised that they have put together a working budget based on the plans drawn up a few years ago by Pennoni of just under \$900,000 to develop the entire park which would include play areas for kids, pavilions for picnic, gazebo, walking paths, lights, etc. She added that we have applied for 2 grants so far. She advised we received the open space grant for \$250,000 which will be able to get started with the grading, doing the walkways, parking, some of the initial ground work for kids play area and gazebo. Mrs. Smith further advised that we have applied for a grant from DCNR which wasn't approved as yet. She added she is meeting with DCNR next week to re-write the grant and apply in April of 2015. Mrs. Smith advised that we receive a lot of support from the Bucks County Planning Commission with DCNR. She advised that she will set up meetings with Council and Park &

Recreation Committee to review the original plans and to see where we want to go from here. Mrs. Smith added that a lot of the work will be done by our in-house forces.

FEMA ORDINANCE UPDATE

Mr. Sellers advised that all municipalities in order to have their residents qualify for flood insurance has to adopt a FEMA ordinance. He added that it is fairly complex—a lot of work has been done already by the engineer, solicitor, coordinator and zoning officer. He stated that they have a draft document of the ordinance which they believe fits the legal requirements for FEMA and if adopted by Council will fulfil the requirement of the Borough so as to be able to allow residents and businesses to purchase flood insurance going forward.

Mrs. Smith advised the issuance of new maps do include more properties then that were on the old maps. She indicated that most of the new properties are in commercial areas; however, our Borough Hall is also one of the new properties in the flood plain. She added that what the ordinance is aiming at is limiting any kind of development that would then need to be paid off by insurance if there was a flood. She advised they have drafted a letter to be sent out to property owners giving them some information as to what this ordinance does. Mrs. Smith commented that if anyone is looking to do any new construction or any substantive renovations then you will be required to follow very stringent construction standards.

Mrs. Smith added that the ability to get the FEMA insurance is based on this insurance—the FEMA insurance is much cheaper than if going privately. She commented that as a Borough we believe it is our duty to pass this ordinance.

After discussion, Mrs. Smith advised that we will need to have a public hearing to discuss this matter.

COMMITTEE REPORTS

There were no committee reports.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal thanked all our Veterans for their service. Ms. Gahagan thanked the Mayor for his service as well.

Mayor advised that there was a celebration at Christ the King Church. He added that Father Bernie celebrated 35 years as being ordained as a priest and the church itself celebrated their 140th anniversary. Mayor asked Mrs. Conner to send a letter to Father Bernie.

Mayor Cutchineal advised that our food basket drive is underway—donated foods can be dropped off at the Borough Hall or Fire House.

Mayor Cutchineal announced that the Season of Unity will be held on December 6th from 7 to 9 pm.

COORDINATOR'S REPORT

Mrs. Smith discussed the Season of Unity and mentioned that the Park & Rec Committee also want to have 10 vendors selling crafts etc. that evening. Mr. Sellers suggested Council approve that.

A motion was made by Mr. Armstrong to authorize use of the Borough Building by the Park & Rec Committee to conduct a Christmas party for children and to utilize 10 vendors who will be selling reasonable items for the children to purchase. Ms. Gahagan seconded the motion.

Mr. Pirolli asked if the vendors will give their proceeds to the Park & Rec Committee. Mrs. Smith advised that the vendors would keep their proceeds. A comment was made that the vendors should pay for their table space. Mrs. Kucher commented that the vendors probably won't be making much money.

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

Mrs. Smith advised that the Planning Commission met last night with SEPTA concerning the conditional use and the engineering review letters. She advised that many of the issues that the Borough had brought to SEPTA have been addressed by SEPTA. She added the last remaining large issues are the Rt. 13 intersection that we believe requires a light. She added the traffic engineer brought forth that the numbers used by SEPTA's engineer were default figures and not correct. She indicated that we are also working on the stormwater review. Mrs. Smith commented that the items that our engineers brought forth were validated and fixed by SEPTA. Mrs. Kucher commented that the parking spaces are a big issue with SEPTA train station.

Mrs. Smith advised the leaf collection season is underway and we are preparing for snow. She advised that Mark Snyder did his own engineering project—our snow shed was falling apart—he cleaned it, found epoxy paint and painted it to give us another 10 years for that shed.

Mrs. Smith also advised that the property allocation checks went out and commented that Judy Collings did a wonderful job with the help of Nancy Conner and Emily Butler.

Mrs. Smith advised that the special tax collector identified the delinquencies and they all received letters advising what was owed and the responses have been good.

SOLICITOR'S REPORT

Mr. Sellers advised he met with the special tax collector and discussed the delinquent accounts. He added that research was done on each of the delinquents and the response so far has been good.

Mr. Sellers discussed the Planning Commission meeting regarding SEPTA project for preliminary review and approval. He advised that is the initial stage where they look at everything and make a recommendation to Council. He added that Council still has the opportunity to express their concerns. Mr. Sellers indicated that the conditional use hearing was done last night regarding SEPTA. He added that this hearing was required under our zoning because SEPTA is putting together a number of parcels to be used for parking for the train station. He advised the Planning Commission did take action to recommend to grant conditional use approval to SEPTA and he suggested to Council President to list this item on the agenda for the December 2nd meeting.

ENGINEER'S REPORT

Mr. Major presented the engineer's report, a copy of which will be filed with the minutes.

Regarding the roof project, Mr. Major advised that Jim Miller Roofing has submitted their invoice, in accordance with the agreed contract amount, in the amount of \$59,500. He added there were no supplemental expenses.

A motion was made by Mr. Pirolli to authorize payment of \$59,500 to Jim Miller Roofing & Sheet Metal Inc, seconded by Mr. Armstrong.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Cahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Adams—for

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

Regarding the St. Michael's School Zone, Mr. Major advised that the remaining issue is for Council to decide if the concrete foundations will be constructed by Street Department personnel or an outside contractor. He indicated that the cost of an outside contractor would be approximately \$4,000, assuming that there are no subsurface obstructions that would require hand excavation.

Mr. Armstrong made a motion to use an outside contractor to do the work, seconded by Ms. Gahagan.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Adams—for

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

ADJOURNMENT

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

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary