

**TULLYTOWN BOROUGH COUNCIL  
SPECIAL MEETING  
TUESDAY, NOVEMBER 29, 2016**

The special meeting of Tullytown Borough Council was called to order by Vice President Shellenberger on Tuesday, November 29, 2016 at 7:00 p.m.

**Present at the meeting:**

Mayor Cutchineal  
Councilwoman Grady  
Councilwoman Kettler  
Councilwoman Slemmer  
Councilman Pirolli  
Councilwoman Gahagan  
Councilman Shellenberger  
Councilwoman Kucher was absent due to illness

**Also present:**

Michael T. Sellers, Esq., Borough Solicitor  
Alison Smith, Borough Coordinator  
Nancy Conner, Borough Secretary

**SOLICITOR'S REPORT ON EXECUTIVE SESSION**

Mr. Sellers advised that Council met prior to this evening's meeting in executive session to discuss several items 1) Pending litigation in the matter of Rivers Edge Funeral Chapel vs. Borough of Tullytown, 2) a personnel matter 3) status of tax collection litigation efforts and 4) contract negotiations with Waste Management for a disposal agreement.

**PUBLIC COMMENT**

There was no comment from the public.

**HIRING OF BOROUGH TREASURER—CONSIDERATION/RESOLUTION**

Mrs. Slemmer made a motion to approve Resolution #360 which provides that the position of Treasurer to be filled upon the resignation of current Treasurer, Judy Collings, by the appointment of Mr. Joseph McPadden with a yearly salary of \$43,351.00, without benefits as a part-time position with a maximum of 30 hours per week. The appointment would be

conditioned upon the successful completion of a background investigation and the clearance for a bond to be given as required by the Borough Code in a minimum amount of \$1,000,000. Mrs. Grady seconded the motion.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—aye

Mr. Shellenberger—for

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

## **WASTE MANAGEMENT DISPOSAL AGREEMENT—CONSIDER APPROVAL**

Mr. Sellers advised that he distributed his memorandum which has attached the proposed municipal solid waste disposal agreement between the Borough of Tullytown and Waste Management.

Mr. Sellers further advised that Waste Management has given notice that its current landfill operations in Tullytown Borough will cease at the end of May 2017. Consequently the Borough will no longer have free trash pick-up or disposal so the Borough will have to make arrangements for both collection and for disposal. He stated that collection is being addressed currently as a request for proposal has been made and bids forthcoming.

Mr. Sellers advised the disposal is separate. He added that the Borough will be responsible for dumping fees after May 31, 2017. Mr. Sellers stated that prior Council has included in their host agreement with Waste Management and Waste Management has graciously agreed to provide for disposal after closure of the landfill at a reduced amount and for a guaranteed reserved capacity for a period of years.

Mr. Sellers indicated that this agreement plans for where our trash goes after May 31, 2017. He added the term of the agreement is from June 1, 2017 through May 31, 2032.

Mr. Pirolli made a motion to adopt Resolution #361, approval of the Solid Waste Disposal Agreement, seconded by Kettler. All of Council was in favor of the motion; the motion carried.



## **TWO APPOINTMENTS TO ENVIRONMENTAL ADVISORY COUNCIL AND CORRECTION OF EXPIRATION DATES**

Mrs. Conner advised that expiration dates needed to be changed for the two present members to coincide with the Borough Ordinance. She added the terms must expire the first Monday in January following the member's term.

Mr. Pirolli made a motion to amend the term of Faithe Longo-Earnest to January 6, 2020, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to amend the expiration date of Mike Hammar to January 6, 2020, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Also, Mrs. Conner advised that there are 2 people interested in being appointed to the Environmental Advisory Council. Mrs. Conner advised that the next 2 appointments' terms have to be a 2-year and 1-year so the terms may stagger according to our Ordinance.

### **1) Rachel Clark**

Mr. Pirolli made a motion to appoint Rachel Clark to the Environmental Advisory Council for a 2-year term to expire January 7, 2019. Ms. Gahagan seconded the motion. The motion carried with a unanimous vote of Council in favor.

### **2) Nicole McHugh**

Mr. Pirolli made the motion to appoint Nicole McHugh to the Environmental Advisory Council for a 1-year term to expire January 1, 2018. Mrs. Slemmer seconded the motion. All of Council was in favor of the motion; the motion carried.

## **D.A.R.E. DONATION—CONSIDERATION**

Mr. Pirolli commented that we have been notified by the D.A.R.E. representatives of their request for donation. Mr. Pirolli added that we have not donated to them for 2 years and there is money allocated in the budget for that purpose.

Mr. Pirolli made a motion to donate \$4,000 to the D.A.R.E. Program, seconded by Mrs. Kettler. The motion passed with a unanimous vote of Council in favor.

## **HIRE ENGINEER FOR PARK OVERSIGHT—CONSIDERATION**

Mrs. Smith advised that we will table this matter.

## **ANNUAL MAINTENANCE FEE—GENERAL CODE (BORO ORDINANCES)—CONSIDERATION**

Mrs. Conner advised that General Code published our Borough Code of Ordinances and updates during the year.

She added this maintenance agreement expense is for the ECode360 which is the Code of Ordinances on the website. She advised the amount of the expense is \$1,195.00 for General Code annual maintenance.

Mr. Pirolli made a motion to approve the expense of annual maintenance agreement for General Code in the amount of \$1,195.00. Mrs. Kettler seconded the motion. All of Council was in favor of the motion; the motion carried.

## **PURCHASE 2 WIRELESS MICROPHONES FOR MEETING ROOM—CONSIDERATION**

Mrs. Conner advised that she approached 6 companies for quotes—2 companies advised they don't do installation; 1 company advised they don't sell that same brand equipment, 2 companies did not respond. She advised the quote she did receive was from Whitaker Brothers in Bristol who initially installed this system back in 1992. She added that we have had very little problems with the system in all these years and the few issues we had, Whittaker Brothers repaired at no charge. She advised the quote for 2 wireless microphones is \$2,980.00 including installation.

Mr. Pirolli made a motion to approve the purchase of 2 wireless microphones to Whitaker Brothers North, Inc. in the amount of \$2,980.00. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

## **OTHER BUSINESS**

Mrs. Grady advised that they had a meeting with Levittown-Fairless Hills Rescue Squad. She added that Joel Rutkowski, Chief Operations of Lev-FH Squad, Mary Ann Gahagan, Joe Shellenberger and she were all present during the meeting.



Mrs. Grady advised they reviewed all the paperwork which nothing has changed. She commented they asked Joel Rutkowski about other donations made to the Rescue Squad and he advised that all municipalities donate according to millage. Mrs. Grady added that according to our millage, we should be donating \$12,500.

Mrs. Grady advised that in past years the Borough donated \$10,000 but have since dropped that donation to \$5,000.

She added that the Tullytown Borough residents who do not have insurance, there is an outstanding balance for Lev-Fairless Hills Squad of \$242,000 that they have to “eat”. She stated that not all insurance companies pay the set fees that are required.

Mrs. Slemmer asked what happened before that when a resident would make a donation to the Squad, the fees are waived. Mrs. Grady advised not all the fees are waived—only some of the fees are waived.

Mrs. Grady made a motion to donate \$5,000 to the Levittown-Fairless Hills Rescue Squad, seconded by Mr. Pirolli.

Roll call vote was taken:

Mrs. Grady—for  
Mrs. Kettler—for  
Mrs. Slemmer—for  
Mr. Pirolli—for  
Ms. Gahagan—for  
Mr. Shellenberger--for

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

Mrs. Grady commented that this past year she had a crisis with her son and the Rescue Squad came out. She advised that she received an astronomical invoice and she contacted the Rescue Squad and contacted Joel Rutkowski. She advised he took care of the matter because she had insurance and she shouldn't have to pay it. She added that if anyone has a problem with an invoice they receive from the Rescue Squad, she has Joel's phone number and he would gladly help solve their issue.

Ms. Gahagan suggested that we put Joel's name and phone number on the Borough website.

Mrs. Slemmer added that there people living on a fixed income and he might be able to help waive the fees.

Mrs. Kettler also commented that people don't realize that just because you get a bill that you have to pay it without questioning. She added that sometimes they will accept what the insurance will give them or you can make arrangements for payment.

Mr. Sellers advised that Council discussed the one matter in pending litigation and now would be the time, if Council chooses, to give the Solicitor direction on any further appealing that matter.

Mr. Pirolli made a motion to authorize further appeal to the Pennsylvania Supreme Court from Commonwealth Court in the matter of River's Edge Funeral Chapel vs. the Borough of Tullytown. Mrs. Kettler seconded the motion.

Roll call vote was taken:

Mrs. Grady—for

Mrs. Kettler—for

Mrs. Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mr. Shellenberger—for

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

## ADJOURNMENT

There being no further business, a motion was made by Mrs. Kettler 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 7:26 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary