

## **TULLYTOWN BOROUGH COUNCIL MEETING DECEMBER 1, 2015**

Vice President May Kucher called the meeting of the Tullytown Borough Council to order on Tuesday, December 1, 2015 at 7:00 p.m. in the absence of President Rick Adams.

Present at the meeting:

Mayor Cutchineal  
Councilman Armstrong—absent due to back problems  
Councilwoman Gahagan  
Councilman Pirolli  
Councilwoman Kucher  
Councilwoman Kettler  
Councilman Czyzyk—absent  
Councilman Adams absent due to illness

Also present:

Michael T. Sellers, Esq., Borough Solicitor  
William S. Major, P.L.S., Borough Engineer  
Alison Smith, Borough Coordinator  
Andrew Bunda, Sergeant, Police Department  
William Coyne, Spear Coyne & Co, Auditor  
Judy Collings, Borough Treasurer  
Nancy Conner, Borough Secretary

Mr. Sellers explained that Council met in executive session before the meeting this evening--which matter of discussion was status of legal actions taken for delinquent tax accounts.

### **PUBLIC COMMENT**

Paris Collello, 310 Main Street, Tullytown, discussed the police case against Stuart Gelber.

Karen Scott, 475 Main St, Tullytown, advised she has recently become a sales associate and would like to be here to serve the Borough.

Tina Grady, 585 Main Street, Tullytown, advised she is running the toy drive for children who lost parent or both parents to disease and addiction. She advised there is a box here at the Borough Hall and the Fire Company for donations.

## **COUNCIL MINUTES**

A motion was made by Mr. Pirolli to approve the minutes of the November 10, 2015 Council meeting, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

## **TREASURER'S REPORT**

### **MONTHLY BILLS**

Mrs. Collings advised that Chief Doyle included an additional bill for Watchguard Video for purchase of 3 cameras for the Police Department in the amount of \$2,421.00.

A motion was made by Mr. Pirolli to approve the invoice for Watchguard Video for three (3) body cameras for the Police Department. Ms. Gahagan seconded the motion.

Roll call vote was taken:

Ms. Gahagan--for

Mr. Pirolli--for

Mrs. Kettler--for

Mrs. Kucher--for

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

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

Mr. Pirolli asked Mrs. Collings the cost of the lawsuit. Mrs. Collings advised there is no change this month—total to date is \$30,882.08.

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 November, 2016, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

## **COMMUNICATIONS**

Mrs. Conner advised there were no communications for the month.

## **GENERAL BUSINESS**

### **ADOPTION OF 2016 FINAL BUDGET—CONSIDERATION**

Mr. Coyne advised the tentative budget was approved by Council at last month's meeting.

A motion was made by Mr. Pirolli to adopt the 2016 final budget, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.



#### **PUBLIC HEARING—2016 TAX LEVY ORDINANCE**

The public hearing was opened.

Mr. Sellers explained that with the adoption of the 2016 budget, the next matter is the adoption of the 2016 Tax Levy Ordinance. Mr. Sellers advised this was duly advertised as required by the Borough Code. He added proof of publication has been received.

The public hearing was opened. There were no comments or questions at that time. The public hearing was then closed.

A motion was made by Mr. Pirolli to adopt Ordinance #372, 2016 Tax Levy Ordinance, seconded by Ms. Gahagan. All of Council was in favor of the motion. The motion carried.

#### **PUBLIC HEARING—AMENDMENT TO CHAPTER 185 OF BOROUGH ZONING ORDINANCE WITH RESPECT TO SIGNS**

The public hearing was opened.

Mr. Sellers advised this is an ongoing controversy we are bringing to decision. He advised it started with decision of the U.S. Supreme Court in the case of Reed vs. Gibson. He explained that decision by the Supreme Court invalidated most sign ordinances throughout the United States. He stated that various municipalities in Bucks County have been faced with the need to make changes to comply with that decision. Mr. Sellers indicated that the Borough had a case going to trial in Philadelphia which was resolved. He added the one portion of the settlement of that case was that the Borough would make changes to our sign ordinance to comply with the decision of the Supreme Court.

There was no comment from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #373, Amendment to Chapter 185 of Borough Zoning Ordinance with respect to signs, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

#### **AUTHORIZE ADVERTISEMENT OF JANUARY 4, 2016 RE-ORGANIZATION MEETING /REGULAR MEETING**

Mr. Pirolli made a motion to advertise the Reorganization meeting and Council meeting for January 4, 2016, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried. Mrs. Conner advised that Judge Wagner will be swearing in the newly elected officials at 6:30 p.m. that evening.

**DONATION TO FALLS TOWNSHIP D.A.R.E. PROGRAM—CONSIDERATION**

Mr. Pirolli made a motion to table this matter for more information. Ms. Gahagan seconded the motion. All of Council was in favor of the motion; the motion carried.

**CHANGE OF PAYROLL COMPANY—DISCUSSION/CONSIDERATION**

Mrs. Collings explained the request for change in payroll companies. She indicated they are all comparable but she recommended Streamline as they are located in Bristol.

A motion was made by Mrs. Kettler, under the recommendation of Mrs. Collings, to go with Streamline for payroll services for 2016. Mr. Pirolli seconded the motion. All of Council was in favor of the motion; the motion carried.

**EMPLOYEE CHRISTMAS BONUS**

Mr. Pirolli made a motion to give employees \$300 Christmas bonus, seconded by Mrs. Kettler.

Roll call vote was taken:

Ms. Gahagan--for

Mr. Pirolli--for

Mrs. Kettler--for

Mrs. Kucher—for

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

**FEMA**

Mrs. Smith advised that we received our notification that the 90-day appeal period for the new FEMA maps started November 24, 2015. She advised we would like to hire a survey company to do elevations to check against the maps that are proposed. She commented that the initial surveys that we have done both individually around our property and that other property owners have done have found mistakes with the data that is in the maps. She advised this would be extremely helpful to us in arguing our case with FEMA about changing how they are portraying the layout. She added what they are showing is what we have not experienced—she believes there will be errors in the elevations that they are using to calculate where the flood would be.

Mr. Pirolli made the motion to hire Shaheed Smith Geospatial in the amount of \$1,200 to do the survey of elevations, seconded by Mrs. Kettler.



Roll Call vote was taken:

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kettler—for

Mrs. Kucher—for

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

For the record, Ms. Gahagan has left the meeting as she wasn't feeling well.

Mr. Sellers advised that with the loss of Ms. Gahagan, Council cannot take any action by vote as there is no quorum at this time.

## **COMMITTEE REPORTS**

There were no reports.

## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal wished all residents a happy healthy holiday season. He asked all to remember Council President, Rick Adams and Council Elect, Joe Shellenberger who are both in the hospital.

### **COORDINATOR'S REPORT**

Mrs. Smith presented the Coordinator's Report, a copy of which is filed with the minutes.

Mrs. Smith's report advised that we have received 4 (four) proposals for Borough Engineer for 2016. Mrs. Smith thanked Mr. William Major for serving the Borough so well.

### **SOLICITOR'S REPORT**

Mr. Sellers advised he had no report for the month.

### **ENGINEER'S REPORT**

Mr. Major advised that they have worked on the storm sewer inlets and have not heard about the PennDOT Highway Occupancy permits and he will follow up on that.

Regarding the SEPTA station, Mark Snyder, foreman of the Street Department has advised that the utility trench that SEPTA opened on Oxford Avenue hasn't been repaved and could be problematic with plowing during snow removal. Mr. Major advised they will be advising SEPTA's project manager this week so they may correct in a timely fashion.

Mr. Major advised that he attended a final punch list inspection of the northern end of the project which was conducted this afternoon. He added that several conditions were noted within the Borough limits which will be corrected prior to acceptance by Penndot.

Mr. Major advised that when his father founded their firm in 1952, his very first municipal client was the Borough of Tullytown as it was his last before his passing. Mr. Major advised that the Veterans' Memorial at the corner of Fallsington Avenue and Main Street was one of the final projects that he and his father collaborated on. Mr. Major thanked Council for their confidence and the opportunity to serve the Borough of Tullytown.

### **MISCELLANEOUS COUNCIL BUSINESS**

There was no miscellaneous Council business.

### **ADJOURNMENT**

There being no further business, Mrs. Kucher gaveled the meeting closed. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary

## **COORDINATOR'S REPORT**

**December 1st, 2015**

### **1. FEMA:**

- a. The information meeting is scheduled for tomorrow night at 7:00 here at the Borough Hall. The maps will be available, the upcoming process to appeal the map results will be discussed and property owners will be able to ask questions.
- b. It would be very beneficial to the Borough's ability to discuss issues concerning the map if we had additional survey information about the flood levels shown on the FEMA map. This would verify the information shown by FEMA that was derived from fly-over surveys. We would combine that with records of actual flood heights to insure that the maps are accurate. The cost would be:

### **2. PAVILION:**

- a. The public works department came through big time: using equipment from Seth Silverman they surveyed and dug the foundation base for the concrete. This saved the money necessary to add the additional columns for the particular pavilion design chosen.
- b. The foundation piers and pad were poured last week.
- c. **WE ARE SCHEDULED TO BUILD SATURDAY DECEMBER 5<sup>TH</sup>**

### **3. SEPTA:**

- a. We delivered our comments for the full permit November 17<sup>th</sup>, in record time, and are awaiting the response. Mike Sellers and I met with SEPTA's lawyer Tom Hecker and their Project Manager Alex Coll to go through the Borough's efforts and ability to move the project quickly. It was a very good meeting.
- b. The general permit for construction listing work that would generate \$37,000 in permit fees. We will use these to cover BIU's expenses and it should be more than sufficient. The total amount of work is higher, and would generate higher fees, but the norm is to make sure expenses are covered.

### **4. COMMUNITY PARK**

- a. Separate reviews by myself and the Borough Engineer revealed issues with the Penonni plan to date. I met with their engineer and the items will be addressed.
- b. One design decision was to eliminate the larger rain garden/water retention basin and replace it with an underground storm water collection system. This is an expensive construction and maintenance item, but it does provide more level land for concerts and games. We will have to decide which path to take and will set up a meeting with the Park and Rec Committee.

### **5. BOROUGH ENGINEER**

- a. We have received four proposals for the Borough Engineer's position and will set up interviews with the Streets and Buildings Committee to develop the recommendation for council for the January meeting.

### **6. INSURANCE**

- a. We met with our insurance provider to discuss the policies for next year; we are looking at minimal increases, a good part of that coming from the excellent workman's comp performance. We had no claims in 2014 and \$132. In 2015.



**7. CODE COMPLIANCE:**

- a. A number of code violations were issued in the floodplain areas for recreational vehicles and debris. We are working with owners to define what is expected.

**8. PECO :**

- a. We received the estimate from PECO to take over the street light poles, it would be \$76,400. This is the first information necessary to determine the benefits of taking over the ownership and maintenance. We are currently charged \$87,000 annually for the lease of the poles and the electricity used.