

TULLYTOWN BOROUGH COUNCIL MEETING DECEMBER 2, 2014

President Adams called the meeting of the Tullytown Borough Council to order on Tuesday, December 2, 2014 at 7:00 p.m.

Present at the meeting:

Mayor Cutchineal
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli
Councilwoman Kucher
Councilwoman Kettler
Councilman Czyzyk
Councilman Adams

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
Judy Collings, Borough Treasurer
Nancy Conner, Borough Secretary

Mr. Sellers explained that Council, during executive session prior to Council meeting, discussed two (2) pending litigations; namely, Fox vs. Kucher et al and Armstrong et al vs. Borough of Tullytown.

PUBLIC COMMENT

Nina Chrzanowski, 6 Stonybrook Drive, commented that the signs were up again on Thanksgiving Day and asked if anything is being done. Mr. Armstrong commented the sign has been removed. She commented this is bullying. Mrs. Kettler asked who put the sign up. Mrs. Chrzanowski commented that she has an idea who put it up. Mrs. Smith advised that our code enforcement officer removed the sign as well as the owner of DLC.

Mr. Sellers advised that generally the Borough takes the position that all signs that are in violation of the ordinance will be addressed. He added that it doesn't automatically mean that fines will be levied or action filed but they remain options going forward.



Tina Grady, 585 Main Street, Tullytown, advised that she is organizing a toy drive. She advised that they will picking up the toys on December 12th.

APPROVAL OF COUNCIL MINUTES

Mrs. Kettler made a motion to approve the minutes of the November 11, 2014 Council meeting, seconded by Mr. Pirolli.

The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Czyzyk—abstain as he was unable to attend meeting
Mr. Adams—for

The motion carried with a majority of Council in favor of the motion.

TREASURER'S REPORT

MONTHLY BILLS

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

Mr. Pirolli questioned the treasurer regarding the cost of legal bills for the lawsuits. Mrs. Collings advised that the totals to date: for Fox vs. Kucher - \$948 and for Armstrong vs. Borough - \$2,523. Mr. Pirolli asked if we received invoices from our insurance carrier. Mrs. Collings advised that she has not received as yet.

The vote of Council was as follows:

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

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

RECONCILIATION STATEMENT

A motion was made by Mr. Pirolli to approve the Reconciliation Statement for November, 2014, 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. Czyzyk—for

Mr. Adams—for

COMMUNICATIONS

Mrs. Conner read a letter from LYFT thanking Council for the opportunity to speak at the last Council meeting and advised that they are seeking donations for their organization.

GENERAL BUSINESS

COMMUNITY PARK DCNR GRANT STATUS

Mrs. Smith read letter from DCNR congratulating Tullytown Borough on their grant award of \$387,000. A copy of that letter will be attached to the minutes.

CONSIDERATION—CONDITIONAL USE APPLICATION—SEPTA

Mr. Sellers advised that there is one item that has prevented this hearing from going forward such as posting of the property. He spoke with SEPTA's lawyers who agreed that this is a technicality. He asked Council to schedule this hearing for business meeting in January.

PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING INTERNATIONAL BUILDING CODE 2009

PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING INTERNATIONAL EXISTING BUILDING CODE 2009

PUBLIC HEARING—PROPOSED ORDINANCE ADOPTING INTERNATIONAL FIRE CODE 2009

The public hearing was opened for comment.

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

Mr. Armstrong made a motion to adopt Ordinance #365, adopting the 2009 edition of the International Building Code, seconded by Mr. Czyzyk.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—for

Mrs. Kucher—for



Mrs. Kettler—for
Mr. Czyzyk—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 Ordinance #366, adopting the 2009 edition of the International Existing Building 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. Czyzyk—for
Mr. Adams—for

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

Ms. Gahagan made a motion to adopt Ordinance #367, adopting the 2009 edition of the International Fire 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. Czyzyk—for
Mr. Adams—for

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

CONSIDERATION—2015 FINAL BUDGET

Mrs. Collings advised that she made the changes to the budget regarding the salary for borough coordinator.

Mr. Adams opened the floor for public hearing. Rich Hart, 50 Stream Lane, Levittown, commented that the increase for Alison Smith is warranted and added that she is doing a fabulous job and suggested that Council change her title to manager. Mrs. Smith questioned

her salary in the budget. Mrs. Kucher advised that she asked about that and was advised that this change could be done internally.

Mr. Pirolli made a motion to adopt the 2015 final budget. 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. Czyzyk—for
Mr. Adams—for

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

PUBLIC HEARING—PROPOSED 2015 TAX LEVY ORDINANCE

Mr. Sellers advised the proposed tax levy ordinance has been advertised and prepared for adoption this evening.

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

Mrs. Kucher made a motion to adopt Ordinance #368, 2015 Tax Levy Ordinance, seconded by Mr. Pirolli.

The vote of Council was as follows:

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

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

ONE APPOINTMENT TO PARK & RECREATION COMMITTEE

Mrs. Conner advised that Joy Pipito's term expires December, 2014 (5-year term) and Ms. Pipito expressed interest in being re-appointed. Mr. Pirolli made a motion to appoint Joy Pipito for a 5-year term. Mr. Czyzyk 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. Czyzyk—for
Mr. Adams—for

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

RESOLUTION—PA INTERGOVERNMENTAL COOPERATION LAW

Mr. Sellers explained the resolution which was passed in 2003 to authorize the Borough Police Department's participation in a multi-agency SWAT team which now requires updating for the Police Department to participate.

Mr. Pirolli made a motion to adopt resolution #319 to authorize the continued participation of the Borough Police Department in the Intergovernmental Cooperation Law which would be the SWAT team. 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. Czyzyk—for
Mr. Adams—for

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

CONSIDERATION—AWARD OF CONTRACT BOROUGH HALL HVAC RENOVATIONS

Mrs. Smith explained the past history of bids received and project requirements to Council. She did advise that regarding the present bids, because we were trying to keep it under a certain budget, we split the work into two (2) groups. She indicated that Group A was the work that was absolutely essential that we get done such as general construction, HVAC, lighting, ceilings, generators, ADA compliant entrance, additional small pieces of work, interior restoration and painting, roof truss repair, cleaning and painting the eaves and siding, security and alarms. She advised that if that bid came in low enough we would do the second batch of work which was Group B which included fiber glass insulation in the attic, inspection of vaulted ceilings and possible blown in insulation, ADA modification for the bathrooms, floors, attic access, attic

exhaust fans and the gutters. She added that the third element was the insulation in the ceilings—we don't know what kind of insulation is up there—we may not need to do anything.

Mr. Major advised the two (2) qualified bids as follows:

- 1) Quality Services Plus, Inc., Levittown, PA
Group A - \$965,800.00
Group B - \$ 93,400.00
Total Lump Sum Bid - \$1,059,200.00
Supplement for Blown-in Insulation if required - \$3,100.00

Bid included cashier's check in the amount of \$110,000.00 in lieu of the bid bond, an executed non-collusion affidavit and listed the proposed subcontractors and the bidder's work history of equivalent projects of similar sizes.

- 2) Premier Builders, Inc.
Group A - \$980,000.00
Group B - \$ 80,000.00
Total Lump Sum Bid - \$1,060,000.00
Supplement for Blown-in Insulation if required - \$4,000.00

Bid included a certified bid bond in the amount of \$172,500.00, an executed non-collusion affidavit, a list of the proposed sub-contractors and a bidder's work history of equivalent projects of similar size and scope.

Mr. Major commented that the difference between the two bids is \$800.00

Mrs. Kucher made a motion to award the bid to Quality Service Plus Inc for the total amount of \$1,059,200.00. 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. Czyzyk—for
- Mr. Adams—for

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

CONSIDERATION—APPROVAL OF CHRISTMAS BONUSES FOR BOROUGH EMPLOYEES

Mrs. Kucher made a motion to give all employees \$300 Christmas bonus, seconded by Mr. Pirolli. Mr. Czyzyk asked if we could make the bonus \$400.



The vote of Council was as follows:

Mr. Armstrong—for
Ms. Gahagan—abstain as she is an employee
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Czyzyk—for
Mr. Adams—for

The majority of Council voted in favor of the motion; the motion carried.

COMMITTEE REPORTS

There were no committee reports.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor advised that Chief Doyle looking into the feasibility of purchasing body cameras for our police officers. Mayor Cutchineal commented that President Obama is allocating \$75 million in grant monies for that.

Mayor advised that Chief Doyle asked Council to hire Daniel Quinn as part-time police officer. Mr. Pirolli made a motion to hire Daniel Quinn as part time officer, seconded by Mr. Czyzyk.

Mrs. Kettler asked how a sitting Council person who is suing the Police Department can second a motion to hire a part-time police officer. Mrs. Kucher advised that she has no problem with Mr. Quinn but she commented that Council has asked in the past that they would like to meet the police officers they hire. Mrs. Kettler commented that would put the potential hired officer in an awkward position if they aren't hired. Mr. Pirolli suggested the newly hired officer be present at the next meeting.

The vote of Council was as follows:

Mr. Armstrong—against, as he doesn't know anything about this individual
Ms. Gahagan—for
Mr. Pirolli—for
Mrs. Kucher—for
Mrs. Kettler—for
Mr. Czyzyk—for
Mr. Adams—for

The vote was 6 in favor, 1 against; the motion carried.

Mayor also discussed the Season of Unity being held this Saturday and advised that the Police Department and Fire Company are holding food drives so people can drop off food at the Season of Unity.

Mayor also congratulated the Pennsbury Football team who are in the States.

Mayor Cutchineal wished a Merry Christmas and Happy Holidays to all from all of Council and Mayor.

Fire Chief Rick Johnson announced that the Fire Company is holding Santa Run on Saturday, December 20th starting 3:30 p.m. at Macintosh Regency, Kenwood, Stonybrook, Pinewood, Lakeside, Creek Village Apartments and end at old Tullytown. He added they will be collecting food for the needy families. Chief Johnson stated that they aren't collecting toys but if anyone donates toys the Fire Company will give to Tina Grady for her drive.

Tina Grady clarified the Toy Drive she is organizing. She advised there are 25 children currently in Lower Bucks who lost a parent from disease and/or addiction. She added there are 4 from Tullytown.

Chris Shellenberger advised that the Season of Unity will be held on Saturday, December 6th from 7 to 9 p.m. She advised they will have a few crafters to sell their wares, games and crafts for the children.

COORDINATOR'S REPORT

Mrs. Smith presented the Coordinator's Report, a copy of which is enclosed with the minutes. Regarding the SEPTA issue, she discussed that on the road coming from Fallsington Avenue to the parking lot will become a private drive owned by SEPTA which means for us that the way to make a left hand turn onto Rt. 13 is off of Fallsington Avenue in that intersection. She added we have just presented SEPTA with our traffic engineer's analysis based on that which calls even more strongly for the traffic signal on southbound Rt. 13 and they are taking it under advisement.

Regarding the floodplain ordinance which Mrs. Smith reported on, Mrs. Kettler asked if the residents affected will be receiving letters. Mrs. Smith advised they will be notified.

Mrs. Kucher commented that our Borough building is in the floodplain so if we do not adopt this ordinance, any damage occurred from flooding, we will not be able to obtain assistance from FEMA as a municipality and as individuals.

Mr. Armstrong asked Mrs. Smith to send him a list of the individuals involved with this and their titles as he is working with another agency.

SOLICITOR'S REPORT

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

ENGINEER'S REPORT

Mr. Major presented the Engineer's Report, a copy of which is enclosed with the minutes.

Regarding the St. Michael's School Zone, Mr. Major advised that in accordance with Council's instructions, they requested quotes from three (3) concrete contractors for the construction of the foundations based upon the design criteria. He further advised that to date, only one of the firms has responded. He added they are of the opinion that the remaining firms should be considered as being unresponsive, providing the Solicitor concurs with this assessment. Mr. Sellers concurred with that assessment. Mr. Major recommended that Council award the contract to John Feher Concrete Construction LLC in the amount of \$4,000.00 subject to a supplemental charge of \$75.00 per hour per man should underground utility obstructions require hand excavation.

Ms. Gahagan made motion to award contract to John Feher Concrete Construction LLC in the amount of \$4,000.00 subject to a supplemental charge of \$75.00 per hour per man should underground utility obstructions require hand excavation. Mr. Armstrong seconded the motion.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mr. Pirolli—abstain as he has done business with that company in the past

Mrs. Kucher—for

Mrs. Kettler—for

Mr. Czyzyk—for

Mr. Adams—for

The vote was 6 in favor, 1 abstention; the motion carried.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Kettler made a motion to have borough coordinator explore our current investment asset companies and possibly look to other companies to do business with so we can do better with our money. 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. Czyzyk—for
Mr. Adams—for

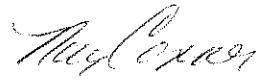
All of Council was in favor of the motion; the motion carried.

ADJOURNMENT

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

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary

