

TULLYTOWN BOROUGH COUNCIL MEETING FEBRUARY 3, 2015

President Rick Adams called the meeting of the Tullytown Borough Council to order on Tuesday, February 3, 2015 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Joe Lovett, Sylvania Maglio, Dolly Hearth, and Earl Bierman who recently passed away. Also he advised there was a death in the Pirolli family so Matt Pirolli and Holly Kettler will not be present this evening.

Present at the meeting:

Mayor Cutchineal
Councilman Armstrong
Councilwoman Gahagan
Councilman Pirolli—absent due to family death
Councilwoman Kucher
Councilwoman Kettler—absent due to family death
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 advised that Council entered into executive session prior to the meeting to discuss two pending litigation matters—Fox vs. Tullytown Borough and Armstrong vs. Tullytown Borough. He also advised they discussed recent zoning hearing board appeal of River's Edge Funeral Home, and the appeals taken from 3 convictions under the new Main Street truck traffic restriction ordinance which have been appealed to Doylestown.

PUBLIC COMMENT

Rick Johnson, 347 Main Street, Tullytown, thanked Mayor and Council for their thank you letter to him for serving as Chief of Fire Company.

Elaine Franz, 320 Main Street, Tullytown, advised an incident which involved her granddaughter. Mrs. Franz commented that there is a problem with the alley near the Martino home in that no emergency personnel could get down the alley way to get to



her granddaughter because of parked cars from someone's business. Mayor Cutchineal commented that he thinks that is a "paper" street.

Mr. Sellers advised that we need to determine the character of that street—whether a "paper" street or alley which will then determine the ability of the Borough to do something. He added if it is something that the Borough has jurisdiction, we can take appropriate action with our Code Enforcement.

Mr. Armstrong made a motion to have Chief of Police or Code Enforcement Officer look into this matter. Mr. Czyzyk seconded the motion. All of Council was in favor of the motion; the motion carried.

Paris Collelo, 310 Main Street, Tullytown, asked questions about an article in a recent Courier Times newspaper about Stu Gelber. He commented that he feels there is a possibility that the Police Department was manipulated by someone who has a personal vendetta against Mr. Gelber and his family. Mr. Collelo also commented that he did contact the newspaper and spoke to the reporter who wrote this story who provided him with information.

Chris Shellenberger, 229 Kenwood Drive, South, asked the time frame on the new lights for the school zone. Mr. Major advised we are waiting on the Penndot Highway permits.

PRESENTATION BY MRS. KUCHER

Council and Mayor Cutchineal presented Nancy Conner with a commendation on her 30 years of service to the Borough.

MINUTES OF COUNCIL MEETINGS

JANUARY 6, 2015 COUNCIL MEETING

Mrs. Conner advised there are 2 corrections to the minutes; namely, under both conditional use hearings for SEPTA and Rushbrook, 228 Kenwood Dr, S, the transcripts will not be filed in the Borough as the minute's state, only the decisions will be filed. Ms. Gahagan also mentioned that she would like to add something to the minutes-- she commented on the McGrath presentation questioning Mr. McGrath why their road will empty onto Lakeside Drive.

A motion was made by Ms. Gahagan to accept the minutes of the January 6, 2015 meeting as amended. Mr. Armstrong seconded the motion.

The vote of Council was as follows:

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

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

JANUARY 12, 2015 COUNCIL MINUTES

Mr. Armstrong made a motion to approve the minutes of the January 12th special meeting as previously amended.

Mr. Armstrong withdrew his motion.

Mr. Armstrong made a motion to approve the minutes of the January 12, 2015 special meeting, seconded by Ms. Gahagan.

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

TREASURER'S REPORT

MONTHLY BILLS

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

The vote of Council was as follows:

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

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

RECONCILIATION STATEMENT

Mrs. Kucher made a motion to approve the Reconciliation statement for January, 2015, seconded by Mr. Armstrong.

The vote of Council was as follows:

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

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

COMMUNICATIONS

There were no communications for the month.

GENERAL BUSINESS

FEMA FLOODPLAIN ORDINANCE

Mr. Sellers advised that on September 16, 2014, new flood maps were adopted by FEMA. He advised that the new maps are going to be used to determine the risk of flooding and insurance coverage under the National Flood Insurance Program. He advised that every municipality must adopt a new floodplain ordinance in the form required by FEMA by March 16, 2015. He further advised the consequences for not adopting the ordinance include loss of flood insurance eligibility for local property owners and the Borough itself would not be able to apply for Federal flood disaster aid.

Mr. Sellers commented that a meeting was held here at the Borough Hall in December with local property owners affected as shown on the maps. He added the effect of the ordinance was discussed with the property owners. Mr. Sellers advised that a copy of the proposed ordinance has been available for review in the Borough Hall and on the Borough website. Mr. Sellers advised that the draft ordinance has been reviewed and is fully in compliance with the FEMA requirements. He advised that it also has been advertised as required by Pennsylvania law in the local newspaper and a copy has been provided to the Bucks County Law Library. Proof of publication has been furnished as well.

The public hearing was opened.

Joseph Shellenberger, 229 Kenwood Drive South, Levittown, asked what percentage of Tullytown has been affected. He thinks there is more area affected now than 20 years ago. Mr. Major doesn't have an actual percentage. He stated areas affected are the majority lies back in the industrial park, up into the Borough Hall area, some areas of Main Street, south of Fallsington Avenue. Mr. Shellenberger asked if any properties affected in the Levittown areas. Mr. Major advised there is not.

There were no other comments; therefore, the public hearing was closed.

Mrs. Kucher made a motion to adopt Ordinance #369, seconded by Mr. Czyzyk.

Mr. Armstrong asked Mr. Sellers what critical items they, as Council, should be looking at. Mr. Sellers stated this is a mandate—this is something FEMA has said that local municipalities must now adopt in a certain required form and if the municipality does not, the two consequences will be suffered.

The vote of Council was as follows:

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

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

PROJECT MANAGER DESIGNATION

Mr. Sellers advised that there are two major projects underway in the Borough; namely, the HVAC renovations and the Community Park project. He added to provide for better coordination and efficiency, the proposal is for the coordinator to be designated as a project manager with no additional compensation for each of these projects. Mr. Sellers advised that if Council wishes to proceed with that designation, it would require a motion for each project.

Mrs. Kucher made a motion for the designation of our Borough Coordinator as the project manager for the Community Park. Mr. Armstrong seconded the motion. Mr. Armstrong advised that Alison Smith is more than qualified—she is a civil engineer with vast experience particularly in the railroad industry and he understands she has a lot of “hands on” experience.

The vote of Council was as follows:

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

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

Mrs. Kucher made a motion for the designation of our Borough Coordinator for project manager for the Borough Hall HVAC renovations. Mr. Czyzyk seconded the motion.

The vote of Council was as follows:

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

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



ORDINANCE ON FIREARMS—AUTHORIZE SOLICITOR TO DRAFT REPEAL

Mr. Sellers explained that local municipalities in Pennsylvania who have enacted ordinances with respect to the regulation of firearms are no longer allowed to have those ordinances on the book without a challenge that is almost certain to occur. He advised that Governor Corbett signed a piece of legislation at the end of 2014 which became Act No. 2014-192. Mr. Sellers advised that the new law adds provisions regarding the Commonwealth of Pennsylvania having sole authority over the regulation of firearms. He explained that it takes away from local government the ability to regulate firearms on a local level. Mr. Sellers advised that with this new law, a person or organization who successfully challenges a municipality because it has such an ordinance on the books, will be able to recover the cost of prosecuting such an action that is claimed to be in violation of the new State law. He added that the practical effect of this is that local municipalities no longer will have the ability to regulate firearms on a local level and also that local municipalities must repeal anything they currently have on the books. Mr. Sellers advised that Tullytown Borough has such provision on the ordinances we currently have in force. He is requesting that Council authorize him to draft a repeal of the Ordinance Section 115-28 which appears to be in violation of the new state law.

Ms. Gahagan made a motion to draft a repeal of the Ordinance Section 115-28, seconded by Mr. Armstrong.

Mr. Armstrong commented that even prior to this most recent legislation, the legislature of Pennsylvania had sovereign jurisdiction over the carrying of firearms-at least for that portion of it.

Mayor Cutchineal asked when we adopted the original ordinance that we are repealing. Mr. Sellers advised he did not have that information in front of him but it is in the Code book itself.

The vote of Council was as follows:

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

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

CONSIDERATION—FIRE COMPANY CONTRIBUTION

Mrs. Kucher made a motion to make our contribution to the Fire Company of the \$110,000 that is budgeted for the year. Mr. Armstrong seconded the motion.

Mr. Rick Johnson advised that they usually receive \$111,000 as a contribution.

Mrs. Kucher amended the motion to make our contribution to the Fire Company in the amount of \$111,000, Mr. Armstrong amended his second.

Mayor Cutchineal commented that the Fire Company is out almost every weekend volunteering and raising money for their Company.

The vote of Council was as follows:

Mr. Armstrong—for

Ms. Gahagan—for

Mrs. Kucher—for

Mr. Czyzyk—for

Mr. Adams—for

The vote of Council was unanimous; the motion carried.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal had no report this month.

COORDINATOR'S REPORT

Mrs. Smith commented that she and our Borough Engineer met with Falls Township officials who have worked so well to get many of the houses that were designated in the floodplain in Falls Township out of the floodplain. She advised that they learned what they had done and received some good information. She added that they also learned that things they can do with the community whoever has to pay for flood insurance, will actually reduce the percentage they pay in flood insurance.

Mrs. Smith advised the building renovations did get started January 12th and are now ahead of schedule.

SOLICITOR'S REPORT

Mr. Sellers had no report for this evening.

ENGINEER'S REPORT

Mr. Major presented his report to Council. A copy of his report is enclosed with the minutes. Mr. Major advised they issued a third review letter on the SEPTA station improvements—the applicant has responded with some but not all of the requested information.

Regarding Rt. 13 improvements, Mr. Major advised the Penndot progress meetings are ongoing.

He added that St. Michael's school zone was discussed earlier during public comment.

Mr. Major advised that IMAC Systems has requested a final inspection to confirm compliance with the terms of their land development approval. He added that they are just waiting for the snow to dissipate so they can do that.

MISCELLANEOUS COUNCIL BUSINESS

Mrs. Conner advised that we do have some vacancies on the various committees—one on the Cable Advisory Board, a few on the Open Space Committee and a few on the Environmental Advisory Council. She mentioned that if anyone is interested in serving on any of these committees, to please contact her.

Mr. Armstrong advised that Mr. Dale Frazier, who started the G.O.A.L. has stage 4 cancer. Mr. Armstrong advised that there will be a pot luck dinner this Saturday at the Bristol Township Senior Center. Mr. Armstrong mentioned Mr. Frazier's accomplishments in Tullytown and in other municipalities in Bucks County.

ADJOURNMENT

There being no further business, a motion was made by Mr. Czyzyk 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 7:40 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary