

TULLYTOWN BOROUGH COUNCIL MEETING

MARCH 7, 2017

Vice President, Joe Shellenberger, called the meeting of the Tullytown Borough Council to order on Tuesday, March 7, 2017 at 7:00 p.m.

Mr. Shellenberger asked for a moment of silence for Council President, May Kucher, who recently passed away and for Beverly Passavanti who also recently passed away.

Present at the meeting:

Mayor Cutchineal—absent due to family emergency

Councilwoman Grady

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilwoman Gahagan

Councilman Shellenberger

Also present:

Michael T. Sellers, Esq., Borough Solicitor

Sean Nagy, Gilmore & Associates, Inc, Borough Engineer

Dan Doyle, Chief of Police

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers advised that Council met in executive session before this evening's Council meeting to discuss status of claim against PECO.

PUBLIC COMMENT

There was no public comment for the evening.

COUNCIL MINUTES

FEBRUARY 7, 2017 COUNCIL MEETING MINUTES

A motion was made by Mr. Pirolli to approve the minutes of the February 7, 2017 Council meeting, seconded by Mrs. Slemmer. All of Council was in favor of the motion. The motion carried.

TREASURER'S REPORT

MONTHLY BILLS

A motion was made by Mr. Pirolli to approve the monthly bills in the amount of \$64,643.19, seconded by Ms. Gahagan.

Mr. Pirolli asked the treasurer the total of the legal invoices for the Armstrong case. Mr. McPadden advised that the total to date is \$29,496.

Mr. McPadden also commented that the monthly bills were high this month because we purchased approximately \$16,000 for salt for the roads.

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 February, 2017, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

COMMUNICATIONS

Mrs. Conner advised that we received a letter of condolence from Pennsbury School District regarding the passing of May Kucher.

GENERAL BUSINESS

APPOINTMENT TO COUNCIL VACANCY

Mr. Sellers advised that there is a Council vacancy due to the passing of May Kucher. He stated that Pennsylvania State Law requires the vacancy to be filled by Council within 30 days of death. He added that Council may appoint a person via resolution.

The floor was opened for nominations.

Mr. Pirolli nominated MaryAnn Johnson.

Mr. Shellenberger asked if there were any other nominations. There were no further nominations; therefore the floor was closed.

The vote for MaryAnn Johnson was as follows:

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.

Ms. Gahagan made a motion to approve Resolution #368, appointing MaryAnn Johnson to Council, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

Judge Robert Wagner swore in the newly appointed Council person, MaryAnn Johnson. Mrs. Johnson was seated at dais and took part in the remainder of the Council meeting.

RECYCLING ORDINANCE—PUBLIC HEARING FOR AMENDMENT

Mr. Sellers advised the proposed ordinance was advertised as required by law and proof of publication has been provided.

Mr. Sellers advised this is an amendment to Ordinance #380 which established a recycling program. He added this has made some minor changes to the definition section of Ordinance #380 and authorizes specific recycling materials to be established by Borough Council resolution.

The public hearing was opened by Vice President Shellenberger. There was no comments or questions from the public or Council; therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #381, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

RECYCLING PROGRAM—RESOLUTION ADOPTION

Mr. Sellers advised this resolution establishes the nature of recyclable materials.

Mr. Pirolli made a motion to adopt Resolution #369, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

ST. MICHAEL'S FAIR—LARGE EVENT APPLICATION—CONSIDERATION

Mrs. Conner advised that St. Michael's Church presented a large event application for their annual Fair. She added that the Fire Marshal and Code Enforcement Officer have signed off on the application. Chief Doyle also advised that he will sign off on the application.

Mr. Pirolli made a motion to approve the large event application for St. Michael's Fair, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

PA 811 SAFE DIGGING MONTH APRIL 2017—RESOLUTION ADOPTION

Mrs. Conner advised that PA 811 information center has declared April 2017 as "PA Safe Digging Month" and they asked all municipalities to pass resolution supporting that.

Mr. Shellenberger commented that during his work, they do a lot of digging. He added that it's an excellent plan to dial 811 just to be sure.

Mr. Pirolli made a motion to adopt Resolution #370, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

MEMORIAL DAY PARADE EXPENSES—CONSIDERATION

Mrs. Conner advised the parade committee met and set up list of expenses totaling \$10,000. She commented that the committee does not have a vendor as yet for refreshments so that figure is an estimate—most of the other itemized expenses are set.

Mr. Pirolli made a motion to approve the Memorial Day parade expenses in amount not to exceed \$10,000 in accordance with the specific list of vendors submitted to Council. Mrs. Slemmer seconded the motion.

The vote of Council was as follows:

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

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

TULLYTOWN CANAL PARK EXPENSES—CONSIDERATION

Mr. Sellers advised the items involve five (5) separate items for purchase and the other is a change order. He added the items for purchase are as follows:

1. Proposal to purchase trees, stakes and gators (bags that hold water for newly planted trees)
2. Equipment
3. Pavers and sand

4. Benches
5. Trash cans

Mr. Sellers commented that the items fall below the \$10,000 threshold for obtaining separate quotes.

Mr. Pirolli made a motion to purchase trees, stakes and gators for the Tullytown Canal Park from Feeney's Wholesale Nursery for a total consideration of \$6,800. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to purchase equipment for the Tullytown Canal Park from Ransom Rentals for a total consideration of \$1,600. Mrs. Kettler seconded the motion. The motion passed with a unanimous vote of Council in favor.

Mr. Pirolli made a motion to purchase pavers and sand for the Tullytown Canal Park from Trenton Block for \$4,200, seconded by Mrs. Kettler. All of Council was in favor of the motion; the motion carried.

Mr. Pirolli made a motion to purchase benches for the Tullytown Canal Park from General Recreation for a total consideration of \$4,455.00. Mrs. Kettler seconded the motion.

Ms. Gahagan commented that last month Council discussed purchasing benches in an amount of \$17,000. Mr. Pirolli commented that going with the grant, the submitted benches that were approved by DCNR in the grant application, we have to use the same benches.

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

Mr. Pirolli made a motion to purchase trash cans for the Tullytown Canal Park from Belson Outdoors for a total consideration of \$5,880. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Sellers explained there is a change order #2 which needs separate motion. He stated the issue is that there are water lines to be installed for maintenance and for drinking fountain service.

Mr. Pirolli made a motion to approve change order #2 for the Tullytown Canal Park in the amount of \$9,678 for installation of water lines for maintenance and drinking fountain service. Mrs. Kettler seconded the motion.

Mr. Pirolli asked if there will be fire hydrants installed there. Mr. Sean Nagy of Gilmore advised the plan currently calls for water lines going to separate drinking fountains on opposite sides of the park but there is not an additional water line going to the far corner of the Park. This change order will be

for another 300 feet of water line to a flush mount hydrant which will be installed there and two (2) other flush mount hydrants next to the drinking fountain. Mrs. Slemmer asked if that is also being covered under the grant. Mr. Nagy was not certain but stated it is within the contingency.

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

INSURANCE PREMIUM RENEWALS—CONSIDERATION

Mr. Sellers advised the renewals were compared with other carriers for this year and EMC/AmeriHealth was recommended by Brown & Brown (Borough's broker) for a total premium of \$152,153. He added that it is a reduction of almost \$20,000 from last year.

Ms. Gahagan made a motion as recommended by the Borough's insurance broker, Brown and Brown to accept the package of comprehensive insurance coverages contained in the proposal of EMC/AmeriHealth for a total premium payable of \$152,153. Mrs. Grady seconded the motion. All of Council was in favor of the motion; the motion carried.

CLARKE MOSQUITO CONTRACT—CONSIDERATION

Mrs. Conner explained that Clarke Mosquito contract was before Council for approval. She commented that the cost for this year is \$2,400 which is the same price as previous years. Mrs. Slemmer asked if they will spray the new park. Mrs. Conner advised that would be separate.

Mr. Pirolli made a motion to approve Clarke Mosquito contract for 2,400, seconded by Mrs. Slemmer. All of Council was in favor of the motion; the motion carried.

DONATION—BCHIP—CONSIDERATION

Mrs. Conner advised that we received a request from Bucks County Health Insurance Partnership for a donation of \$3,000 this year. She added that BCHIP has helped some Tullytown residents this year—one in particular had a hip replacement which was mentioned through the media.

Mrs. Kettler made a motion that we consider a donation to BCHIP in the amount of \$3,000, seconded by Ms. Gahagan. All of Council was in favor of the motion; the motion carried.

TREE PERMIT APPLICATIONS—APPROVAL

Mr. Sellers advised that Council previously adopted an ordinance returning jurisdiction of street trees to Council. He added that approval of an application for property owners to remove and replace a tree needs to be approved by Council.

Mr. Pirolli made a motion to approve the tree permit application for permission to remove a shade tree. Mrs. Slemmer seconded the motion.

Mr. Pirolli asked Mr. Sellers once an application is completed how long would it take for approval. He mentioned that a property owner on Main Street has trees uprooting the sidewalk and going into the sewer. Mr. Sellers stated that should be fairly quick.

Mrs. Kettler commented that the property owner should not be required to replace the tree because on Main Street particularly there are too many trees—the street lights are not visible. She also mentioned that in the event such as this one property owner that the trees are uprooting the sidewalk, they should not be required to replace.

Mr. Sellers commented that the intent of the ordinance is to still try and keep shade trees within the Borough. However, as pointed out, if a property owner feels it is not practical to replace it, the Borough can provide relief by form of a waiver.

Mrs. Kettler stated that the “Affidavit could be removal and replacement with another paragraph stating they don’t wish to put a tree in and Council can make that decision.

Mr. Shellenberger asked why the property owner has to ask for permission to remove the tree. Mr. Sellers commented that the philosophy behind the ordinance is that the property owner shall replace the tree that was taken down. However, he added, there are circumstances that indicate that might not be a good idea.

Mr. Pirolli made a motion to approve the form of Request for Permission to Remove Shadetree with modifications directed by Council this evening and amend Affidavit to read Removal/Replacement Affidavit. Mrs. Slemmer seconded the motion. All of Council was in favor of the motion; the motion carried.

Mr. Sellers also advised that the Ordinance states that Council will set by resolution a fee for the application. He asked if Council wishes to set a fee or not.

Mr. Pirolli made a motion for property owner **NOT** to pay a fee, seconded by Mrs. Grady. All of Council was in favor of the motion; the motion carried.

COMMITTEE REPORTS

There were no Committee reports for the month.

BOROUGH REPORTS

MAYOR’S REPORT

The Proclamation for MADD will be tabled to April Council meeting when Mayor is present.

COORDINATOR'S REPORT

A copy of the Coordinator's report is attached to the minutes.

SOLICITOR'S REPORT

Mr. Sellers advised he had no further report for the evening.

ENGINEER'S REPORT

Mr. Sean Nagy of Gilmore Associates advised the Park construction is going well. He added that the contractor is ahead of schedule since the weather has been good. He indicated that they are working on getting the slabs together for some of the concrete structures and they are moving along.

MISCELLANEOUS COUNCIL BUSINESS

There was no miscellaneous Council business for the evening.

ADJOURNMENT

There being no further business, a motion was made by Mr. Pirolli 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 7:38 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary

COORDINATOR'S REPORT

March 7, 2017

1. TULLYTOWN CANAL PARK

a. PROGRESS:

- i. On time, on budget, and moving along. This month saw:
 1. DLC was quickly helpful in response to a request to connect the park waterline to DLC's 10" main and LBJMA pushed the permits through.
 2. The contractor had underbid the cost of the two structures, we worked with the vendor, who had supplied the materials for our two pavilions, and he brought his price down by \$7,000.00 (12%).
 3. Excellent weather which the contractor took full advantage of.
 4. Waste Management contributed the equipment and labor to remove the old Jersey barriers that were on the property.
 5. Waste Management also contributed the necessary compost.
 6. Worked with the playground equipment designer to fine tune the foundation locations.

b. AGENDA ITEM PUBLIC WORKS PROJECT MATERIALS - PURCHASE:

- i. Previously noted: our Public Works department is handling a number of components in order to save money: planting the trees, constructing a decorative paver entrance for the Kenwood side, installing the benches and trash cans, installing the curb stops for the parking lot. The budget is \$60,000.00.
- ii. **TREES:** We will plant 40 trees which will also need water bags, stakes and line, and equipment to install them. We solicited from vendors, five of whom responded to the whole list of trees provided.

FIRM	QUOTE FOR TREES ONLY
Feeney's	\$ 5,735
TCF	6,845
Plant Detectives	9,973
Dahms	10,115
Moon	11,020

The full price for Feeney's is \$ 6,792 when the items above are added (water and stakes). It is the recommended vendor,

- (iii) **TRASH CANS:** Eight trash cans are needed, the can in the original design does not have a cover which means that rain would collect in the liner which would be messy. Another design was chosen, 40 gallon with rain cover and side door access and quotes solicited:

COMPANY	QUOTE (ea)
Belson	\$ 735.
Park Catalog	\$ 999.
Highland Products	\$1,095.

- iv. **PAVERS:** There is a decorative paver circle at the entrance to the park from Kenwood Drive. We looked at materials for durability and looks as well as cost and availability. We went with the vendor who has provided good service in the past Trenton Block, the prices were competitive.
- v. **BENCHES:** We went with the bench that was identified in the Pennoni design (picture attached) which DCNR has approved. Two additional points:
1. They were installed at the Oxford Valley Mall when it was built. They are comfortable and still in very good shape.
 2. A similar style bench was found and Gilmore was asked to compare the specs. The results are attached, based on comfort and durability the original was selected.
- vi. **COSTS TO BUDGET:** There is a budget of \$60,000.00 for the materials and services needed to accomplish the work the Public Works department is responsible for.

Trees and support	\$ 6,792.
Tree removal	\$ 1,300.
Equipment	\$ 1,700.
Pavers and sand	\$ 4,200.
Benches	\$18,155.
Trash cans	\$ 5,880.
Curb stops	\$ 2,000.
Playground mulch	\$ 6,800.
TOTAL	\$50,180.

c. **AGENDA ITEM – CHANGE ORDER**

- i. There are a number of trees in the southwest corner of the park for which there is no easy access to water. There are 17 trees in the corner. Separately there are two water fountains near the other tree locations but no access to the water line for watering. We have a 500 gallon tank but the process during initial planting will be destructive to the contractor's work (he has asked that no equipment use paths once they

are paved until the finished product is accepted) and very time consuming after the park is finished. We asked the contractor for a price to run a water line to the corner location with a flush-mounted hydrant, and place another two, one at each water fountain.

- ii. Access to water will be appreciated at future sponsored events.
- iii. The contractor's provided price is **\$9,678.00** which is in line with what was originally quoted to install the first water lines.
- iv. While not estimated to be covered by the original Public Works budget, this change order would still fit in its budget. Separately there is sufficient money in the contingency fund.

2. INVESTMENT FUNDS

- a. A Request for Proposals (RFP) was advertised and, while over twenty qualified firms downloaded the information only three bids were received: UBS, PLIGIT, and Sterling (previously Valley Forge). UBS has since rescinded their bid.
- b. A lot of information was gathered by calling the firms that did not respond which helped guide the research and frame the questions, the next step was to meet with the two management firms as they represent us.
- c. The Finance Committee and borough administration met first with PLIGIT and then Sterling. The meeting with PLIGIT helped further inform the questions for Sterling whose results were not good this year.
- d. We are awaiting their response.

3. STREETLIGHTS

a. AS INFORMATION:

- i. A letter was sent to PECO President Craig Adams on February 17th asking for his assistance resolving the billing issues.
- ii. PECO responded by phone March 1, 2017 to say that they are working on reviewing their internal survey, but have yet to give a completion date.
- iii. We are continuing to deduct the value of the overbilling from each month's payment.

4. ROADS, PROPERTIES, AND RIGHTS OF WAY

a. AS INFORMATION:

- i. SEPTA is continuing to work on the signal pre-emption for emergency vehicles approaching the intersection of Route 13 and Fallsington Avenue. They had cut three trees down but that is not sufficient in the summer, currently there is no issue with the leaves down.

b. AS INFORMATION:

- i. Currently left turns from Route 13 into Home Depot and Haines Road can only be made on the green arrow, which then turns red while through traffic moves. In slow traffic periods, this can be frustrating as well as wasteful of idling gas. A request was made to explore with PennDOT making it possible to turn left on the solid green, proceeding cautiously. From PennDOT we learned that this is only done when there is a five

head signal which will only be installed where they believe the safety risk is minimal. They have indicated that they believe the opposing volume of traffic is too high.

c. **AS INFORMATION:**

- i. We received a complaint from a SEPTA passenger that crossing Route 13 to get to Levittown Parkway is a dangerous experience because drivers have turned the shoulder into a right turn on red lane and are not careful of pedestrians crossing. Gilmore will pursue further with PennDOT.

5. **EVENTS**

a. **AGENDA ITEM - MEMORIAL DAY PARADE:**

- i. Plans are progressing, contacting the bands and dignitaries. If all can make it the expected cost will be \$11,000.00

b. **PICNIC:**

- i. Advertisements for food and fireworks have gone out.