

TULLYTOWN BOROUGH COUNCIL MEETING

JULY 11, 2017

President Joe Shellenberger called the meeting of the Tullytown Borough Council to order on Tuesday, July 11, 2017 at 7:00 p.m.

Present at the meeting:

Mayor Cutchineal

Councilwoman Grady—absent due to emergency

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilwoman Gahagan

Councilwoman Johnson

Councilman Shellenberger

Also present:

Michael T. Sellers, Esq., Borough Solicitor

Kurt Schroeder, Gilmore & Associates, Inc, Borough Engineer

Alison Smith, Borough Coordinator

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers explained that Council met in executive session before this evening's meeting to discuss matters of status on pending litigation on Armstrong et al vs. Borough of Tullytown Borough and the status of business tax delinquency litigation.

PUBLIC COMMENT

Rich Hart, 50 Stream Lane, Levittown, thanked everyone for his years of him being tax representative. He advised the new tax bills have been mailed out.

Mr. Hart commented about the landfill closing. He also commented that we need to curtail the gift check to the residents as there are no more funds from the landfill. He added that if we keep spending we will be bankrupt. He added that Council endorsed the community plan.

Mike Hammar, 233 Kenwood Drive So, Levittown, has received many compliments on the new community park—he added the playground is being utilized—always packed. He thanked everyone who put an effort into this to make it happen.

COUNCIL MINUTES

Mrs. Johnson made a motion to approve the June 6, 2017 Council meeting minutes, seconded by Mr. Pirolli. 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 payment of the monthly bills in the amount of \$57,027.25, seconded by Mrs. Kettler.

Mr. Pirolli asked our treasurer what the cost was on the Armstrong lawsuit. Mr. McPadden advised that the total cost of the lawsuit at this time is \$39,179.69.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

RECONCILIATION STATEMENT

Mr. Pirolli made a motion to approve the Reconciliation Statement for June, 2017, seconded by Ms. Gahagan.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger--for

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

COMMUNICATIONS

Mrs. Conner advised that Faithe Longo Earnest resigned from the Environmental Advisory Council (EAC) as she moved out of the Borough.

Before general business, Mr. Shellenberger advised that one item had to be addressed by Council. Mrs. Smith advised that our health insurance for our employees is set by contract

and was set up in the past with a high deductible in order to save money with an account to pay for all other expenses out of pocket.

She advised that we have one Employee #1166 who needs that account replenished for himself for \$12,600. She added that she checked and this is on the IRS list of approved medical procedures.

Mr. Pirolli made a motion to increase the account for Employee #1166 in the amount of \$12,600. Mrs. Johnson seconded the motion.

The vote Council was as follows:

Mrs. Kettler—for

Miss 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.

GENERAL BUSINESS

ST. MIKES—MCGRATH DEVELOPMENT

Mr. Tom Hecker, attorney for Mr. John McGrath gave update to Council on their future development of the McGrath Homes at St. Michael's Church property. He advised the last public meeting was in basement of St. Mikes Church for the public and some Council members attended. He added that Langdon Engineering was also present to discuss.

Mr. Hecker advised that Mr. McGrath engaged with a second engineering firm, Lancor Engineering, for preparation of the site plan. He added that Mr. McGrath has entered into cooperation agreement with Bucks County Redevelopment Authority. Mr. Hecker also advised that there is grant monies available.

Mr. Hecker further advised that Langdon will be on site in the next 2 weeks to begin the drilling phase—regarding the environmental issue of the property.

Mr. Hecker asked Council, on behalf of John McGrath, to authorize Mike Sellers, Borough Solicitor, to begin working with Mr. Hecker at his client's expense.

Ms. Gahagan asked if DEP will be involved when they are drilling. Mr. Hecker advised they have received grant money and all of the findings will be submitted—it will be public record so DEP will be aware of what they find, if they find anything. Mr. Hecker advised that if necessary there will be a remediation plan which then DEP will be on site.

Mrs. Kettler asked how much grant money they will receive from the Redevelopment Authority. Mr. Hecker advised there are 2 grants available—the first part is up to \$200,000 for assessment which is on an 80/20 match. He added that if that money is expended for the assessment, they have the ability to request some additional funds up to that \$200,000 level.

Mrs. Kettler asked what are the strings attached with the Redevelopment Authority—is there housing criteria, etc. Mr. Hecker answered there are no strings attached.

Mr. McGrath explained the concept and elevations of the development —designs were shown to Council at the meeting. Mr. Hecker stated that these designs could change.

Mr. Shellenberger asked Mr. McGrath if he has spoken to Penndot regarding Rt. 13. He added it might be a tough task but they will look into it. Mr. Hecker advised the traffic consultant is Traffic Planning and Design which has extensive experience with Penndot.

Mayor Cutchineal asked if it is going to be safe to do the environmental testing. Mr. Hecker commented that they have been told it is safe to do the testing.

Mr. Hecker commented that they can't build under the current zoning. He added this will require an amendment to the zoning ordinance for the combination of mixed residential use in this area.

Mrs. Kettler commented that she appreciates that they are not going to re-invent the wheel.

Ms. Gahagan asked if the environmental testing will be taken care of first. Mr. Hecker advised that they have to run them parallel. She feels that we should wait to see if the environmental issue is addressed.

Mr. Sellers advised this process is a very long one—the environmental issue will sort itself out in the near future. He added that if there is an impact it may be much less than the bulk of the project.

Mr. Sellers commented that planning has been centered on train stations that have been redeveloped like this then cause the municipality to look at the surrounding area and project forward into the future what would be the appropriate use for different parts of the Borough with the train station in operation in future years. He added that in light of this project—the Borough not look just at the St. Mike's location but also look at the surrounding locations because there may be parcels in the future which would fit into an overall plan for this area.

Ms. Gahagan made a motion for the solicitor to work with Council for Mr. McGrath on planning for this project. Mrs. Johnson seconded the motion. All of Council was in favor of the motion; the motion carried.

Rich Hart, 50 Stream Lane, Levittown, commented we need to look at aspects of traffic flow since it will have the junction at Levittown parkway.

AMENDMENTS TO PARK RENTAL POLICY

Mrs. Conner advised that Mrs. Smith asked for this matter to be tabled until August meeting.

MS4 POLLUTANT REDUCTION PLAN—AUTHORIZE ADVERTISEMENT

Mr. Sellers advised this is a legal requirement of the MS4 pollutant reduction plan which has to do with the Borough's obligation to submit a plan as required by PADEP to take steps and show what steps are going to be taken to reduce contamination flowing via stormwater discharges into Martin's Creek.

A motion was made by Mr. Pirolli to advertise the public hearing for the MS4 pollutant reduction plan. Mrs. Kettler seconded the motion. All of Council was in favor of the motion; the motion carried.

PUBLIC HEARING—RESCIND ORDINANCE STANDING COUNCIL COMMITTEES

Mr. Sellers explained that there has been an ordinance that puts into legal form the composition and existence of the committees of Council. Under the Borough Code, the president of Council designates the committees and individual members of Council to serve on those committees which has been done by ordinance which makes it a legal requirement. He added that in many municipalities, this is not a legal requirement—the committees can be formed at the discretion of the Council president. Mr. Sellers added this ordinance repeals Section 9-4 in its entirety and allows Council president to designate committees as he/she sees fit and to then appointment members to it.

Mr. Shellenberger opened the public hearing.

Mr. Shellenberger advised he brought this up as he learned of this at a conference with PSAB. This will allow the Council President to be able to make committees as he wishes. There were no comments from the public, therefore, the public hearing was closed.

Mr. Pirolli made a motion to adopt Ordinance #384, seconded by Mrs. Johnson. The motion carried with a unanimous vote of Council in favor.

BOROUGH PICNIC EXPENSES—CONSIDERATION

Mrs. Conner advised Council of the expenses for the Borough picnic to be approved.

Mrs. Kettler made a motion to approve expenses for the Borough Picnic for the following vendors:

One Tribe Band--\$700 .00

Creative Face Painting--\$750.00

Pony Express--\$3,450.00

Airheads--\$700. 00

Mr. Pirolli seconded the motion.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

BUCKS COUNTY TOUR OF HONOR—CONSIDER DONATION

Mrs. Conner advised that the County has asked for donations to transport the Veterans. She added that Parx Casino does cover many expenses but they still need more. Mrs. Conner advised the Borough donated \$100 last year.

Mr. Pirolli made a motion to donate \$100 to the Bucks County Tour of Honor, seconded by Ms. Gahagan.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

COMMITTEE REPORTS

Mrs. Johnson advised that the Tullytown Fire Company and Levittown Rescue Squad are hosting a seminar on Fentanyl and “grey death” Wednesday evening 7:00 pm. She added the public is welcome to attend.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal announced the winners for the patriotic homes displayed at the Memorial Day Parade: 1st place: Laura Luna on Main Street and 2nd place: Matt DiSantos house also on Main Street.

Mayor Cutchineal also advised the 9-11 Vigil will be held on Monday, September 11th. He added the speakers so far: Pennsbury Superintendent Dr. William Gretzula; Bucks County Consumer Protection Director, Mike Bannan; Falls Township supervisor, Bob Harvey; and Alison Smith, Tullytown Borough Coordinator. He advised Men of Harmony will also be performing.

CHIEF'S REPORT

No Report

COORDINATOR'S REPORT

Mrs. Conner advised that Alison Smith provided copies of the Coordinator's report to Council. Mrs. Conner advised that Mrs. Smith asked if Council would approve a few expenditures.

Mrs. Conner advised that a quote was obtained for portable toilets for the Tullytown Canal Park—cost annual contract is \$3,156.00 with United Site Services.

Mrs. Kettler asked that we obtain other quotations to compare pricing. Mrs. Conner will advise Mrs. Smith.

Mrs. Conner advised that Mrs. Smith recommended purchasing 8 picnic tables for the Tullytown Canal Park in the amount of \$5,192.00 which was under the Co-Stars bid. The vendor is Kay Park Recreation. Mrs. Kettler made a motion to purchase the picnic tables in the amount of \$5,192.00 payable to Kay Park Recreation. Miss Slemmer seconded the motion.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

Mrs. Conner advised regarding purchasing grills for the new park, Mrs. Smith suggested purchasing 3 charcoal grills from Titan Manufacturing & Distributing in the amount of \$480.

Ms. Gahagan asked if they will be fixed in the ground. Mrs. Conner advised she saw a picture and they look similar to what is in the Borough Park—they should be fixed into the ground.

Mrs. Kettler made a motion to purchase 3 charcoal grills in the amount of \$480 to Titan Manufacturing & Distributing. Mr. Pirolli seconded the motion.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

Regarding the permanent sign for the Kenwood entrance to the Park, Mrs. Conner advised the cost would be \$450 payable to Big House Products.

Mrs. Kettler made a motion to award that contract to the State prisoner facility named Big House Products in the amount of \$450 to purchase sign for Kenwood entrance into the Park. Mr. Pirolli seconded the motion.

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The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

Mrs. Conner advised that Mrs. Smith suggested purchasing 2 signs for the Bocce Court at the Tullytown Canal Park which explains the rules of the game in the amount of \$59.50 payable to Minuteman Press.

Mr. Pirolli made a motion to purchase 2 signs for the Bocce courts in the amount of \$59.50 payable to Minuteman Press. Ms. Gahagan seconded the motion.

The vote of Council was as follows:

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Ms. Gahagan—for

Mrs. Johnson—for

Mr. Shellenberger—for

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

SOLICITOR'S REPORT

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

ENGINEER'S REPORT

Mr. Schroeder advised he has no report.

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

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Nancy Conner
Borough Secretary