

TULLYTOWN BOROUGH COUNCIL MEETING FEBRUARY 6, 2018

Mary Ann Gahagan called the meeting of the Tullytown Borough Council to order on Tuesday, February 6, 2018 at 7:00 p.m.

Mayor Cutchineal asked for a moment of silence for Theresa Codispoti who passed away recently.

Present at the meeting:

Mayor Cutchineal
Councilwoman Chrzanowski
Councilwoman Kettler
Councilwoman Slemmer
Councilman Pirolli
Councilman Shellenberger
Councilwoman Johnson
Councilwoman Gahagan

Also present:

Michael T. Sellers, Esquire, Borough Solicitor
Alison Smith, Borough Coordinator
Elora Das, Kurt Schroeder, Gilmore & Associates Inc., Borough Engineer
Joe McPadden, Borough Treasurer
Nancy Conner, Borough Secretary

SOLICITOR'S REPORT ON EXECUTIVE SESSION

Mr. Sellers advised that Council met in executive session after the last public meeting on January 2, 2018 in which Council discussed the status of business tax litigation He added that the second executive session was held this evening before this meeting with 3 subject matters discussed; namely, (1) police personnel matter; (2) business tax litigation collection efforts and (3) liability question involving Pennsylvania Act 2

PUBLIC COMMENT

There was no public comment for the evening.

COUNCIL MINUTES

Mr. Shellenberger made a motion to approve the minutes of the January 2, 2018 Re-Organization and Council meetings, seconded by Mr. Pirolli.

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

TREASURER'S REPORT

MONTHLY BILLS

Mr. Pirolli made a motion to pay the monthly bills in the amount in \$51,002.94. Mrs. Johnson seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—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 January 2018, seconded by Mr. Shellenberger.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—for

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

COMMUNICATIONS

Mrs. Conner advised that Council received a letter of resignation from Esther Lelinski, special tax collector, resigning, effective February 2, 2018.

Mrs. Chrzanowski made a motion to accept the letter of resignation of Esther Lelinski, seconded by Miss Slemmer.

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

Mrs. Kettler made a motion to direct Joe McPadden to serve as our special tax collector in the interim until we find a suitable candidate for that job. Mrs. Johnson seconded the motion.

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

Mrs. Kettler made a motion to adopt Resolution #387, appointing special tax collector for the collection of taxes authorized by the Tullytown Code and that person is Joe McPadden. Miss Slemmer seconded the motion.

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

GENERAL BUSINESS

PRESENTATION—BUCKS COUNTY PLANNING COMMISSION

Evan Stone, Lisa Wolff and David Zipf of the Bucks County Planning Commission were present this evening.

Mr. Stone advised that the MEDI program was started by the County Commissioners as a way for the Bucks County Planning Commission staff to get into our local communities to help them plan for future development and long term economic viability and sustainability in all our constituent municipalities.

He added that the Planning Commission tonight will discuss some possibilities for the Borough relative to a particular development proposal that may be coming before the Borough. It might help in giving some education and understand some different alternatives—how the Borough may plan for the community.

Mr. David Zipf made the presentation, a copy of which will be attached to the minutes.

WAWA—CONSIDER PRELIMINARY/FINAL LAND DEVELOPMENT

Mr. Sellers advised that the application of Provco Pinegood Levittown LLC, property located at 225 Levittown Parkway in the shopping center zoning district, approximately 1.4 acres is before Council this evening for preliminary and final land development.

Mr. Sellers advised there are full access driveways on Levittown Parkway and Kenwood Drive adjacent to the Levittown Town Center.

Mr. Sellers added that the applicant proposes a 4,736 square foot WAWA food market and gas station. Proposed are to be 12 pumps classified as retail shop use under the zoning ordinance with a non-residential accessory use for a fueling canopy, both of which are permitted by right in the shopping center district. Full access driveways will continue on Levittown Parkway and Kenwood Drive. He further added that aside from parking, landscaping and lighting, the applicant has stormwater management facilities which will be addressed by an underground infiltration retention basin. Mr. Sellers noted for the record that the Bucks County Planning Commission reviewed this application and related materials and issued a letter of December 1, 2017. He added that Gilmore & Associates, Borough Engineer, conducted its own set of reviews, the recent being December 1, 2017. Mr. Sellers indicated that the Tullytown Borough Planning Commission, at its meeting of December 11, 2017, had a presentation by the applicant at which time the applicant requested a recommendation of the Planning Commission to this Council for preliminary and final land development approval. The Planning Commission did make that recommendation to Council.

Mr. Sellers advised it is before the Council this evening for purposes of consideration of preliminary and final land development approval, with conditions as recommended by the Planning Commission.

Julie Von Spreckelsen with the law firm of Eastburn & Grey, was representing the applicant, Provco Pinegood Levittown LLC, which has recently become the owner of the property of 225 Levittown Parkway.

Ms. Von Spreckelsen noted that the applicant is requesting preliminary and final land development approval this evening as well as the grant of 12 waivers that are outlined in the Gilmore letter.

Mr. Schroeder of Gilmore & Associates noted for the record that there is also a review letter from Gilmore & Associates of January 30, 2018. Ms. Von Spreckelsen mentioned that with regard to the 2nd review letter of Gilmore & Associates, dated, January 30, 2018, they will comply with all, with one clarification to paragraph 9.b.VI of that letter which relates to milling and overlay. They are clarifying that the extent of the milling and overlay will be along the property frontage. Mr. Schroeder advised that in discussions with the applicant and their team, the request from the Borough was to complete milling overlay from Levittown Parkway to the end of the shopping center – Provco asked that instead of doing the full length only do what's along the frontage of their building up to the internal intersection with the shopping center. Mr. Schroeder advised they also discussed the Borough's desire to install upgraded flashers for the school and as part of the land development we have requested, and they have graciously provided, an easement to accommodate the location for that facility would get installed. He added the scope of that

work is to ultimately install 2 pedestal mounted flashers and remove the existing overhead flashers that exist. They also agreed to install the devices that the Borough already owned.

Mr. Shellenberger asked that since they are only going to do the front of their property, is there anyway, in conjunction with their project, that the entire street be paved if Council decides on paying for that cost. Ms. Von Spreckelsen advised that is agreeable.

Ms. Von Spreckelsen commented they are providing a number of road improvements which are outlined in the Gilmore letter, paragraph 9 on page 5.

Ms. Von Spreckelsen added that with regard to the Borough Planning Commission recommendations—they had 6 recommended conditions of approval--#5 was that the trash pick-up be after 8 am and they were hoping to have it after 6 am. Council advised they had no problem with that.

Ms. Von Spreckelsen also discussed a few other items that were proposed that the applicant will be complying with.

Mr. Shellenberger questioned the traffic flow and lanes and asked if anything is drastically going to change. Ms. Von Spreckelsen indicated the lanes as shown on drawings posted in meeting room. Mrs. Smith advised that all of the streets and buildings recommendations are in the letter and they advised they will comply. Mr. Schroeder added that should the Borough vote to approve preliminary and final land development this evening, one of the conditions is going to Penndot and Penndot ultimately has the final say on the signal and intersection improvements. He does not foresee it as being an issue.

Mr. Pirolli made a motion to grant preliminary/final approval for the land development application of Provco Pinegood Levittown LLC, conditioned on the following:

1. Compliance with the review letter of Gilmore and Associates dated January 30, 2018.
2. Compliance with the review letter of Bucks County Planning Commission dated December 7, 2017.

Council grants waivers from the Subdivision and Land Development Ordinance requirements as follows:

1. Section 153-400.D from the requirement for a separate submission of a preliminary and final plan.
2. Section 153-503.A.(1) from the requirement for plans to be drawn at a scale of 1" to 50' to 1" to 100' for a preliminary plan.

3. Section 153-504.A.(1) from the requirement for plans to be drawn at a scale of 1 inch to 50 feet or 1 inch to 100 feet for a final plan.
4. Section 153-503.C.(3) from the requirement that all existing features be shown within 400 feet of the property line for a preliminary plan.
5. Section 153-504.C.(3) from the requirement that all existing features be shown within 400 feet of the property line for a final plan.
6. Section 153-613.F from the requirement of 15 feet of open space provided between the curb line of any uncovered parking area and the outside wall of the nearest building.
7. Section 153-613.M from the requirement that all parking areas be set back from the future right of way line provided in the Zoning Ordinance, or at least 5 feet, whichever is greater.
8. Section 153-613.O from the requirement that parking spaces be set back at least 5 feet from the property line.
9. Section 153-615.A from the requirement for street trees for each 50 feet of frontage along Levittown Parkway in addition to other requirements.
10. Section 153-615.C.(1) from the requirement for edges of two trees for every 10 parking spaces within parking lots.
11. Section 153-616.D.(8) from the requirement for edges of slopes to be a minimum of 5 feet from property lines and to not endanger adjoining property or streets.
12. Section 153-703.C.(2)(e) from the requirement that all existing and proposed utilities be shown within 50 feet of the property line for a drainage plan.

Approval is further conditioned on:

The traffic recommendations as detailed in the review letter of Gilmore & Associates dated January 30, 2018.

Trash pick-up from the retail location to be no earlier than 6:00 a.m.

An easement for school flashers on the Levittown Parkway and installation of the flasher units by the applicant as supplied by the Borough;

Sound buffering on the project side of the property which abuts the Stonybrook section of Levittown, acceptable to the Borough;

Applicant will provide adequate guarantees by way of a financial security agreement in a form satisfactory to the Borough;

Applicant being able to obtain and serve all necessary agreements with the public agency supplying water and sewer services, and otherwise guarantee the availability of public water and sewer;

Applicant will comply with the Borough Engineer's recommendations for storm water best management practices and execute an operation and maintenance agreement with Borough of Tullytown covering all storm water facilities and BMPs that are to be privately owned, in a form acceptable to the Borough Solicitor;

Applicant will obtain all necessary approvals, reviews, and permits as required from any outside authority, including but not limited to the Bucks County Planning Commission, Bucks County Conservation District, PADEP, LBCJMA, Tullytown Borough Fire Marshal and PennDOT.

Mr. Sellers asked if counsel for applicant is in agreement with those conditions and the grant of those waivers.

Ms. Von Spreckelsen commented that with clarification that she made tonight regarding the Gilmore review letter on the milling and overlay and with the clarifications she made with the Bucks County letter. Mr. Sellers commented those are noted. He added the item with respect to the overlay we just spoke of—he feels that can be handled by way of correspondence documenting that agreement between the engineers. Ms. Von Spreckelsen commented that is acceptable.

Mrs. Johnson seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—for

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

Mr. Pirolli made a motion to adopt Resolution #386, seconded by Mrs. Chrzanowski.

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

AUTHORIZE ADVERTISEMENT OF SPECIFICATIONS FOR BOROUGH PICNIC

Mrs. Johnson explained that we will be advertising for bids for Borough Picnic to be held on Saturday, September 8th, rain date, Sunday, September 9th for food portion, funnel cakes and fireworks.

Mrs. Johnson then made a motion to authorize the advertising of specifications for the food, funnel cakes and fireworks for Borough picnic, seconded by Mr. Pirolli.

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

Mrs. Johnson added that the Park & Rec Committee decided to change up the menu having just hamburgers, hot dogs, watermelon, chips and drinks this year.

POLICE DEPARTMENT DUTY MANUAL—CONSIDERATION

Mr. Sellers advised that he did review the manual for purposes of legal compliance. He added that the draft is acceptable in all respects.

Mr. Pirolli made a motion to approve the Tullytown Borough Police Department Duty Manual as proposed. Mrs. Johnson seconded the motion.

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

MUNICIPAL FUELING—APPROVE NEW ACCOUNT

Ms. Gahagan indicated that the previous fueling location is changing which requires moving to a new location and establishing a new account that would be WAWA going forward.

Mr. Pirolli made a motion to ratify WAWA as the new fueling location for Borough vehicles and a new account established for that purpose. Mrs. Chrzanowski seconded the motion.

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

DISCUSSION—TAX COLLECTION

That matter was discussed earlier in the meeting.

RESOLUTION—PROCLAIMING April 2018 AS “PA 811 SAFE DIGGING MONTH”

Mrs. Smith advised that this is an opportunity to let people know that 811 is the number to call before you dig. She added that most people think about it for industrial or commercial purposes but it is just as important for residential if putting in fence poles, etc.

A motion was made by Mr. Pirolli to adopt Resolution #388, proclaiming April 2018 as “PA 811 Safe Digging Month”, seconded by Miss Slemmer.

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

INSURANCE RENEWALS—CONSIDERATION

Mrs. Smith advised this is for all renewals—except health insurance. She commented that in general they only increased by 2% and advised Council has one option. She indicated that currently the police liability has a deductible of \$25,000. Council has an option of paying \$907 annually which would reduce it to \$20,000; pay \$951 annually which would reduce the deductible to \$15,000. Mrs. Smith advised she discussed with Chief Doyle and he doesn't think this is a necessary expense.

Mrs. Smith commented since no one seems interested in that, the premium is \$200,110 for the insurance renewals.

Mrs. Kettler commented that there is an increase of almost \$50,000. Mrs. Smith advised that all the other policies are up approximately 2%; the worker's comp is up about 54% and that is because of all the injuries. She added the company we have presently would not quote so Brown and Brown found another private company (Brick Street Insurance) that would provide a quote but we would have to have a "light duty".

Mr. McPadden suggested that the Borough self-insure for Worker's Compensation. He felt it would be more cost effective. Mrs. Kettler commented about the medical costs covered in addition to their salaries. Mrs. Kettler commented that if someone is hurt terribly we would be hit with that cost. Mr. McPadden commented that catastrophic insurance can be purchased. He has done that with other companies and has been worth it.

Mr. Shellenberger commented that his company has a company manage their self-insurance but they have a certain level where catastrophic takes over. He added that it has saved their company millions of dollars.

Mr. Pirolli made the motion to approve the insurance renewals for \$200,110. Mrs. Chrzanowski seconded the motion.

Miss Slemmer commented that we are still going to research for self-insurance. Council agreed that we will look into this self-insurance.

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

COMMITTEE REPORTS

FIRE COMMITTEE

Mrs. Chrzanowski advised that the Fire Committee met to review the fire prevention ordinance. They are recommending that Council authorize amending the fire prevention

ordinance to show the creation of position of fire marshal and to amend the term of the permit to show re-inspections to be done every 2 years.

Mr. Sellers commented that the Fire Committee suggested to tighten up the re-inspection time frame and also to provide an option, at least in the draft, to have a company be able to provide a certificate of insurance which would satisfy the requirements which would otherwise be met with an inspection by the fire marshal and lastly to clean up the fire code, Chapter 83, by specifically authorizing the position of the fire marshal. He added the intention is to have these changes be authorized to be done by the solicitor and provided fairly quickly and then advertise for the March Council meeting.

Mrs. Chrzanowski made a motion to authorize the solicitor to immediately draft an amendment to Chapter 83 of the Tullytown Borough Code with respect to re-inspections; the option to obtain a certificate of insurance and to otherwise formally authorize the fire marshal position. Mrs. Kettler seconded the motion.

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

Mrs. Chrzanowski made a motion to authorize the advertisement of the amendments to Chapter 83 of the Tullytown Borough Code. Mrs. Kettler seconded the motion.

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

Mrs. Chrzanowski also made a motion to make a donation to the Tullytown Fire Company in the amount of \$111,000. Mr. Shellenberger seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—for

Mrs. Johnson—for

Ms. Gahagan—for

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

STREETS & BUILDING COMMITTEE

Mr. Shellenberger advised that the Streets & Buildings Committee met on January 17, 2018 with reference to WAWA. He advised that a lot of their recommendations were approved with the plan.

He also mentioned that regarding Chapter 170 that deals with “no parking” zones there are several inaccuracies such as wrong addresses. Mr. Shellenberger advised that the Chief of Police, Public Works foreman and the coordinator went through the ordinances and rode around the Borough and compiled a more realistic street list.

Mr. Shellenberger made a motion to authorize the solicitor to draft a new ordinance for advertising to correct several inaccuracies in Chapter 170 that deals with “no parking” zones. Mrs. Johnson seconded the motion.

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

FINANCE COMMITTEE

Miss Slemmer advised that the Finance Committee met and discussed the issues with tax collection, etc.

Miss Slemmer made a motion to direct Mr. McPadden to explore hiring a tax attorney, possibly 3 candidates, obtaining an hourly rate and have recommendations at our March Council meeting. Mrs. Kettler seconded the motion.

Miss Slemmer made a motion to direct Joe McPadden and Mike Sidoti, our current tax collector, to organize and outline all tax lists and their proper collection procedures for review by this tax attorney. Mrs. Kettler seconded the motion.

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

Miss Slemmer made a motion to authorize Joe McPadden to look into new auditors. Mrs. Kettler seconded the motion.

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

Miss Slemmer made a motion for the part-time police officers and crossing guards to be paid the increase at the same percentage as the union police officers for the year 2018—the percentage being 2 ½ %. Mr. Shellenberger seconded the motion.

Mr. Shellenberger then withdrew his second as this is a conflict of interest as his wife is crossing guard.

Mr. Pirolli seconded the motion.

Roll call vote was taken:

Mrs. Chrzanowski—for

Mrs. Kettler—for

Miss Slemmer—for

Mr. Pirolli—for

Mr. Shellenberger—abstain as his wife is a crossing guard

Mrs. Johnson—abstain as her husband is a crossing guard

Ms. Cahagan—abstain as she is a crossing guard

The vote is 4 in favor, 3 abstentions; the motion carried.

BOROUGH REPORTS

MAYOR'S REPORT

Mayor Cutchineal advised that Chief Doyle received an email from SEPTA to advise the commuters that the Levittown Tullytown Train Station and Bristol station will be closed on Thursday, February 8th.

He advised that the Memorial Day Parade Committee will meet next Tuesday, February 13th at 4:30 here at the Borough Hall.

Mayor also congratulated the Philadelphia Eagles, world champions!!!

CHIEF'S REPORT

No Report

COORDINATOR'S REPORT

Mrs. Smith distributed the Coordinator's Report, a copy of which is enclosed with the minutes. She elaborated on some of the items mentioned in her report.

SOLICITOR'S REPORT

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

ENGINEER'S REPORT

Mr. Schroeder advised he had no report and thanked Council for re-appointing their firm. He added it has been a pleasure to serve Council and appreciate the relationship to do so.

MISCELLANEOUS COUNCIL BUSINESS

There was no miscellaneous council business at this time.

ADJOURNMENT

There being no further business, a motion was made by Mrs. Johnson to adjourn the meeting, seconded by Mrs. Slemmer. The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Conner".

Nancy Conner
Borough Secretary