

## TULLYTOWN BOROUGH COUNCIL MEETING MARCH 6, 2018

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

Present at the meeting:

Mayor Cutchineal

Councilwoman Chrzanowski

Councilwoman Kettler

Councilwoman Slemmer

Councilman Pirolli

Councilman Shellenberger

Councilwoman Johnson

Councilwoman Gahagan

Also present:

Thomas J. Walsh, Borough Solicitor

Elora Das, Kurt Schroeder, Gilmore & Associates Inc., Borough Engineer

Daniel Doyle, Chief of Police

Joe McPadden, Borough Treasurer

Nancy Conner, Borough Secretary

Ms. Gahagan advised that Council met in executive session prior to the meeting to discuss a few personnel issues.

Ms. Gahagan read a letter of resignation of Michael Sellers, Borough Solicitor.

Mrs. Kettler made a motion to accept the resignation of Michael Sellers, seconded by Mrs. Chrzanowski.

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

Mrs. Kettler nominated Thomas Joseph Walsh as Borough Solicitor. Mrs. Chrzanowski seconded the nomination.

Vote of Council was taken with a unanimous vote in favor of appointing Thomas Joseph Walsh as Borough Solicitor.

## **PUBLIC COMMENT**

There was no public comment for the evening.

## **COUNCIL MINUTES**

Mr. Pirolli made a motion to approve the minutes of the February 6, 2018 Council meeting, seconded by Mrs. Kettler.

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 \$48,384.93. Mr. Shellenberger seconded the motion.

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 February 2018, seconded by Mr. Shellenberger.

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

## **COMMUNICATIONS**

Mrs. Conner advised she had no communications for the month.

## **GENERAL BUSINESS**

### **ST. MIKE'S PROPOSED DEVELOPMENT UPDATE**

Ed Murphy, Esq, advised he is filling in for Tom Hecker while he recovers from his illness. He advised he has been working with John McGrath and Tom Hecker to assist John McGrath in moving the plans for St. Mike's project forward.

He advised that Mr. McGrath has made a number of revisions to the plan since the summer and the purpose tonight is to highlight the changes that have been made so Council can move forward with adopting the necessary ordinance to make that plan a reality.

Mr. Murphy advised they prepared a draft of the Transit Oriented Development (TOD) Ordinance and shared with staff last December but has not done much to move forward. He added they will be happy to work with Borough staff and engineer.

Mr. McGrath advised this project is very unique—there are 2 segments—the senior housing apartments which will have its own clubhouse, pool, exercise areas and will have the townhouses which also has its own clubhouse, pool, soccer field, basketball court. He added there will be a lot of improvements in the area—this will be a great fit.

Mr. McGrath advised they changed the layout about 5 times. The senior housing will be called the Landings at St. Michael's—the townhouses will be named St. Michael's Court. He explained some of the changes illustrated on the visual which he provided.

Mrs. Kettler advised that Council was told there is a meeting at the Borough Hall this Friday with the professionals so hopefully that will answer the many questions we have.

Mr. McGrath advised this is an environmental site and they had to be involved with the RDA who is the conduit for helping cleaning up the environmental problems of the site.

He added they did the Bristol Borough site which was the first brownfield that was ever converted to residential standard by DEP.

Mrs. Kettler asked Mr. McGrath what phase they are in with the environmental part of this project. Mr. McGrath advised that as far as environmental, his environmental staff is here tonight. He added they are doing an evaluation to develop a work plan to go to the RDA and DEP to strategize on how to clean it up and make it to the Act 2 residential standard as they did in Bristol.

Mayor Cutchineal asked Mr. McGrath which of his other developments this one will be similar to if Council wanted to view. Mr. McGrath commented this development may be similar to St. James Court in Langhorne and also St. Joes in Fairless Hills.

Mrs. Kettler asked if the St. Michael's Church and School will remain. Mr. McGrath advised the church will remain and they have the option on the school.

Ms. Gahagan commented there might be more children attending St. Mike's School.

Mr. Shellenberger asked Mr. McGrath if he talked to Penndot about possibly breaking into Rt. 13. He added his traffic department contacted Penndot—and that he is being upfront with Council and thinks this may be difficult to do because of the amount of cars this development will generate.

Ms. Gahagan asked if anyone from the public has any questions.

Diane Beri, 286 Lakeside Drive, Levittown, asked if the development is age restricted. She was advised that the apartments are senior housing—the townhouses are not age restricted.

Mrs. Chrzanowski thanked Mr. McGrath for coming to the meeting to talk to the public.

Mr. Schroeder of Gilmore & Associates, commented that Council has already heard a little bit about the TOD ordinance that will be developed. He added the environmental work is already in progress—that is the focus of the meeting on Friday. Mr. Schroeder advised this is a very complex project. He added that Gilmore & Associates will be reviewing the TOD and the environmental also. He added there are a lot of questions and concerns about how you build this. He further added there is the environmental side to this project and there is the geotechnical side as well. Mr. Schroeder commented there are a lot of professionals working on this from the McGrath side as well as the Borough side with the Borough solicitor. He added that DEP and RDA are both involved and have a lot of experts involved—Gilmore has expert staff that is reviewing this environmentally from all perspectives.

#### **FIRE PREVENTION ORDINANCE—PUBLIC HEARING ON AMENDMENT**

Mr. Walsh advised that the proposed ordinance was advertised in the Bucks County Courier Times and was filed with the Bucks County Law Library.

Ms. Gahagan opened the floor for public hearing.

Mr. Walsh advised the basis of the ordinance is reconfirming and reestablishing the office of the fire marshal and replacing some of the languages for fire prevention permits and inspections and the length of time they are valid from the date of that.

There were no comments from the public or Council.

Mr. Pirolli made a motion to close the public hearing, seconded by Mr. Shellenberger. All of Council was in favor of the motion; the motion carried.

Mrs. Chrzanowski made a motion to adopt Ordinance #387, seconded by Mrs. Johnson. The vote of Council was unanimous; the motion carried.

#### **FIRE MARSHAL—RESOLUTION TO APPOINT**

Mrs. Chrzanowski made a motion to adopt Resolution #389, seconded by Mrs. Johnson. All of Council was in favor of the motion; the motion carried.

For the record, Mr. Walsh indicated that the resolution is to appoint Bob Jones as Tullytown Borough Fire Marshal serving at the pleasure of Council and setting his compensation to \$6,063.72 a year and will serve from year to year until his resignation or replacement.

### **648 POND STREET—MINOR SUBDIVISION—CONSIDERATION**

Mr. Walsh advised this is before Council to approve the minor subdivision for the Distressed Home Rescue to submit application for minor subdivision of TMP #46-12-46 also known as 648 Pond Street, Tullytown, into 2 residential lots.

Mr. James Dougherty, principal owner of Distressed Home Rescue, was present at the meeting to answer any questions.

Mr. Pirolli made a motion to adopt Resolution #390 and to grant preliminary and final subdivision approval for the applicant, Distressed Home Rescue, LLC., subject to the Bucks County Planning Commission review letter of January 17, 2018, and the review letter of Gilmore and Associates, dated January 23, 2018; and further with a grant of the following waivers from the Tullytown Borough Subdivision and Land Development Ordinance:

1. SALDO Section 505.C(3), from the requirement to show all existing features within 400' of the property;
2. SALDO Section 604.B, from the requirement to provide any future right-of-way for Pond Street;
3. SALDO Section 611.B(1) and (11) from the requirement to provide a sidewalk along Pond Street frontage;
4. SALDO Section 505.A(1), from the requirement to have the plan scale at 1" equals 10' instead of 1" equals 50' or 100';
5. SALDO Section 604.B, from the requirement to widen Pond Street to 26' wide in front of the property;
6. SALDO Section 617.A(1), from the requirement to provide 1500 sq. ft. of recreation land.

Mrs. Johnson seconded the motion.

Mrs. Kettler asked what the owner is doing with the property. Mr. Dougherty advised there is an existing farmhouse from the mid 1800's that sits on the far right side of the current lot. He advised they are cutting the lot in half and planning to develop the vacant building lot (Lot 2). There is the existing building on Lot 1 and one new building on Lot 2 for a single family home.

Mr. Schroeder advised there is going to be a new driveway off of Pond Street to serve the new home will be adjacent to the existing home that will remain.

Mr. Dougherty added that the existing home will be staying—will be a “lipstick” rehab—no construction being done there.

Mrs. Kettler asked Mr. Dougherty if the homes will be for sale or will he be renting. Mr. Dougherty advised they will be for sale.

The vote of Council was unanimous; the motion carried.

#### **AUTHORIZE SALE OF BOROUGH TRUCK—CONSIDERATION**

Chief Doyle advised that back in 2013, Council adopted a resolution allowing the Borough to use “Municibid” to sell vehicles and surplus equipment that we don’t use anymore. Chief Doyle is asking Council to authorize the sale of the Borough F550, asking for a minimum bid of \$25,000.

Mrs. Kettler made a motion to authorize placement of the Ford F550 Borough truck for sale on “Municibid” site in accordance with the procedure of Resolution #282 asking for a minimum bid of \$25,000. Miss Slemmer seconded the motion.

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

#### **PURCHASE BUCKET FOR FRONT END LOADER**

Chief Doyle advised that administration obtained 3 telephonic quotes—the lowest quote was \$3,150 with Reading Tractor and Equipment.

Mr. Pirolli made a motion to purchase bucket for Borough front end loader from Reading Tractor & Equipment in the amount of \$3,150. Mrs. Johnson seconded the motion.

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

#### **QUOTATION UNITED SITE SERVICES (PORTABLE TOILETS FOR BOROUGH PICNIC)-CONSIDERATION**

Mrs. Conner advised that we received quotation from United Site Services for the portable toilets for Borough picnic this year in the amount of \$2,098.00. She added a 50% deposit is needed to hold this price.

Mr. Pirolli made a motion to pay a deposit of \$1,049.40 to United Site Services for the portable toilets for the Borough Picnic. Mrs. Johnson seconded the motion.

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

#### **PARK REGULATIONS—AMENDMENT TO ORDINANCE/AUTHORIZE SOLICITOR TO DRAFT**

Chief Doyle advised that there has been some discussion on the Tullytown Canal Park with new regulations. He advised that the Council Park & Recreation Committee suggested that an amendment to the ordinance be made to establish the hours of operation of the

Tullytown Canal Park from dusk to dawn and to allow for extended use of other Government sponsored events.

Mrs. Johnson made a motion to authorize the solicitor to draft an amendment to the existing ordinance which sets hours of operation for the Tullytown Canal Park from dusk to dawn and allows for the extended use of other Government sponsored events.

Mrs. Chrzanowski asked the solicitor if the Council Park & Recreation Committee can draft the proposed ordinance and then have solicitor review. Mr. Walsh advised that is correct. He added that he will make sure the ordinance is legal and adoptable—he can write it from scratch or do the finishing work. Mr. Pirolli seconded the motion.

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

#### **FOOD TRUCKS ---AMEND ORDINANCE/AUTHORIZE SOLICITOR TO DRAFT**

Miss Slemmer made a motion to table this matter, seconded by Mrs. Chrzanowski.

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

#### **COMMITTEE REPORTS**

Miss Slemmer advised that the Finance Committee met with Peter Place of the auditing firm, Lopez, Teodosio & Larkin, LLC.

Miss Slemmer made a motion to hire the auditing firm of Lopez, Teodosio & Larkin, LLC from Langhorne, PA, for the years 2017, 2018, 2019 with a cost of \$9,500 per year upon approval of the engagement letter. She advised this will save us almost \$30,000 in the 3 years. Mr. Shellenberger seconded the motion.

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

Regarding the position of the Borough Coordinator, Miss Slemmer made a motion to have the salary decreased-her rate of pay from \$50.00 per hour to \$32.00 per hour, this is a part-time position, the hours are from 10:30 am to 4:30 pm Monday through Friday, hours are not to exceed 30 hours per week, or the threshold that would qualify her for any full-time benefits such as health care, vacation, retirement plan benefits, etc., no comp time with this position, effective Wednesday, March 7, 2018. Mrs. Chrzanowski seconded the motion.

The majority of Council was in favor of the motion—Mr. Shellenberger was against the decrease in pay. The motion carried.

Tullytown Canal Park from dusk to dawn and to allow for extended use of other Government sponsored events.

Mrs. Johnson made a motion to authorize the solicitor to draft an amendment to the existing ordinance which sets hours of operation for the Tullytown Canal Park from dawn to dusk and allows for the extended use of other Government sponsored events.

Mrs. Chrzanowski asked the solicitor if the Council Park & Recreation Committee can draft the proposed ordinance and then have solicitor review. Mr. Walsh advised that is correct. He added that he will make sure the ordinance is legal and adoptable—he can write it from scratch or do the finishing work. Mr. Pirolli seconded the motion.

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

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## **BOROUGH REPORTS**

### **MAYOR'S REPORT**

Mayor Cutchineal advised that the next Memorial Day Parade meeting will be held Tuesday, March 13<sup>th</sup> at 5:30 pm. He advised that so far we received commitment from Pennsbury Marching band.

Mayor Cutchineal advised that in lieu of the upcoming storm on Wednesday, we issued a Declaration. Chief Doyle added that the declaration is in effect tomorrow starting 6 am through Thursday, 6 am unless earlier rescinded and that includes parking restrictions on Borough streets. Mayor Cutchineal advised that is so our Borough road crew can do their job. Mr. Shellenberger asked if that includes boats. Chief Doyle advised that includes all vehicles.

Mrs. Kettler asked if that includes all streets or just Main Street? Chief Doyle advised the Borough ordinance states when a snow emergency is declared all Borough streets are considered.

Mayor also advised that Wednesday night the fire police will be sworn in—weather permitting.

### **CHIEF'S REPORT**

Chief Doyle advised that on April 14<sup>th</sup> the annual Clean Up Day will be held—he commented that are looking for any volunteers—all are welcomed.

Chief Doyle reminded residents that emergency management messages will be placed on our social media accounts: twitter and facebook. He added there is also a link on our facebook page that if you wish to receive community notifications through the county, you can register for an account there. Chief also advised there is excellent information on [www.ready.gov](http://www.ready.gov) for residents on how to prepare for emergencies.

### **COORDINATOR'S REPORT**

The Coordinator's Report was distributed to Council previously, a copy of which is enclosed with the minutes.

### **SOLICITOR'S REPORT**

Mr. Walsh had no report for the evening.

### **ENGINEER'S REPORT**

Mr. Schroeder welcomed Mr. Walsh, new solicitor, and added that he has a great reputation. He commented that he had the opportunity to work with Mr. Walsh before and look forward to working with him in Tullytown.

## **MISCELLANEOUS COUNCIL BUSINESS**

Mrs. Kettler made a motion that regarding the meeting on Friday with professionals for the McGrath project we do not need the Borough coordinator or solicitor to attend that meeting. Miss Slemmer seconded the motion.

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

## **ADJOURNMENT**

There being no further business, a motion was made by Mrs. Johnson to adjourn the meeting, seconded by Miss Slemmer. The meeting was adjourned at 7:38 p.m.

Respectfully submitted,



Nancy Conner  
Borough Secretary